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The Lexicon Has Become a Fortress: The United States Supreme Court's Use of Dictionaries

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The Lexicon Has Become a Fortress: The United States Supreme Court's Use of Dictionaries

SAMUEL A. THUMMA† AND JEFFREY L. KIRCHMEIER††

[I]t is one of the surest indexes of a mature and developed jurisprudence not to make a fortress out of the dictionary; but to remember that statutes always have some purpose or object to accomplish, whose sympathetic and imaginative discovery is the surest guide to their meaning.¹

"When I use a word," Humpty Dumpty said in rather a scornful tone, "it means just what I choose it to mean—neither more nor less."²

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1. *Cabell v. Markham*, 148 F.2d 737, 739 (2d Cir.) (L. Hand, J.), *aff'd*, 326 U.S. 404 (1945).

2. LEWIS CARROLL, *Through the Looking Glass*, in *THE COMPLETE WORKS OF LEWIS CARROLL* 214 (Mod. Lib. ed., 1936).

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INTRODUCTION

For nearly 170 years, the United States Supreme Court has referred to a variety of different dictionaries for a variety of different reasons.³ Dictionaries have been used in constru-

3. Beyond the Supreme Court, the meanings of specific words have been important throughout the history of the United States, such as the words chosen in the Declaration of Independence or the Constitution. Perhaps the most recent example of the importance of words involves the impeachment of President William J. Clinton. During his impeachment proceedings, several dictionaries were used in arguments about the meaning of the phrase “sexual rela-

ing statutory,⁴ constitutional⁵ and common law⁶ phrases and twice used to define even the phrase "common law."⁷ The Court has used dictionaries to define terms appearing in lower court rulings⁸ and contract language,⁹ to construe "common knowledge,"¹⁰ to interpret criminal statutes,¹¹ to define "gerrymander"¹² and "attorney,"¹³ to trace the evolution of a

tions" as used by President Clinton in sworn testimony. See *Testing of a President; 3 Little Words, I Have Sinned, Plus 184 Pages in Clinton's Defense*, N.Y. TIMES, Dec. 9, 1998, at A27. Further, the definitions of other terms were at issue during President Clinton's impeachment. See *Nation Sees Combative President's Testimony*, SAN FRANCISCO EXAMINER, Sept. 21, 1998, at A1 ("Clinton replied, 'It depends on what the meaning of the word "is" is.'"). Interestingly, long before President Clinton questioned the meaning of the word "is" in his grand jury testimony, Supreme Court Justices turned to dictionaries to define such everyday words as "any," "in," "no," "of" and "or." See *Brogan v. United States*, 118 S. Ct. 805, 808 (1998) (defining "no"); *United States v. Gonzales*, 520 U.S. 1, 5 (1997) (defining "any"); *Dunn v. Commodity Futures Trading Comm'n*, 516 U.S. 465, 470 (1997) (Souter, J., dissenting) (defining "in"); *Hawaiian Airlines, Inc. v. Norris*, 512 U.S. 246, 255 (1994) (defining "or"); *Honig v. Doe*, 484 U.S. 305, 334-35 (1988) (Scalia, J., dissenting) (defining "or"); *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 182 (1970) (Douglas, J., dissenting in part) (defining "of").

4. See, e.g., *Sullivan v. Stroop*, 496 U.S. 478, 482-83 (1990) (construing "child support" in 42 U.S.C. § 602(a)(8)(A)(vi)); *Davis v. United States*, 495 U.S. 472, 478-84 (1990) (construing "use" in 26 U.S.C. § 170(c)); *Mallard v. United States Dist. Ct. for the S. Dist. of Iowa*, 490 U.S. 296, 301-02 (1989) (construing "request" in 28 U.S.C. § 1915(d)); see also James L. Weis, Comment, *Jurisprudence by Webster's: The Role of the Dictionary in Legal Thought*, 39 MERCER L. REV. 961, 964-66 (1988).

5. See, e.g., *California v. Hodari D.*, 499 U.S. 621, 622-23 (1991) (construing "seizure" as used in Amendment IV of the U.S. Constitution); *Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc.*, 492 U.S. 257, 264-65 & n.6 (1989) (construing "fines" as used in the Excessive Fines Clause of Amendment VIII of the U.S. Constitution); *Kring v. State*, 107 U.S. 221, 227 (1883) (construing "ex post facto" as used in Article I, Section 10 of the U.S. Constitution).

6. See, e.g., *Bateman Eichler, Hill Richards, Inc. v. Berner*, 472 U.S. 299, 306 & n.11 (1985) (construing legal maxim *in pari delicto potior est conditio defendentis*); *United States v. Turley*, 352 U.S. 407, 411 (1957) (using dictionary to find that "'stolen' (or 'stealing') has no accepted common-law meaning").

7. *Oregon ex rel. State Land Bd. v. Corvallis Sand & Gravel Co.*, 429 U.S. 363, 380 n.8 (1977); *Western Union Tel. Co. v. Call Publ'g Co.*, 181 U.S. 92, 102 (1901).

8. See, e.g., *State Farm Mut. Auto. Ins. Co. v. Coughran*, 303 U.S. 485, 491 (1938) (construing "operate" as used by the trial court).

9. *Washington Publ'g Co. v. Pearson*, 306 U.S. 30, 47 & nn.10 & 11 (1939) (Black, J., dissenting) (construing "condition precedent" and "condition subsequent").

10. *Stewart v. United States*, 316 U.S. 354, 362 n.6 (1942).

11. See, e.g., *Muscarello v. United States*, 118 S. Ct. 1911 (1998) (construing "uses or carries a firearm" in 18 U.S.C. § 924(c)(1)).

12. *Davis v. Bandemer*, 478 U.S. 109, 164 n.3 (1986) (Powell, J., concurring in

word¹⁴ and to demonstrate that the use of "commas at the end of [a] series . . . is discretionary."¹⁵

The Court has used dictionaries to define the "ordinary meaning" of a word,¹⁶ to show that a word is not vague,¹⁷ to show that a word is vague,¹⁸ to show that a word can have a variety of meanings,¹⁹ to show that a word cannot be defined²⁰ and to show that a word may properly be used in a particular manner.²¹ The Court has even heard several cases addressing the dictionary itself.²²

part and dissenting in part).

13. *Kay v. Ehrler*, 499 U.S. 432, 435-36 n.6 (1991).

14. *See Saint Francis College v. Al-Khazraji*, 481 U.S. 604, 610-11 (1987) (discussing expansion of word "race" in 19th and 20th centuries).

15. *United States v. Bass*, 404 U.S. 336, 340 n.6 (1971).

16. *See, e.g., Estate of Cowart v. Nicklos Drilling Co.*, 505 U.S. 469, 477 (1992) (discussing "normal meaning" of "entitlement"); *Wisconsin Dep't of Revenue v. William Wrigley, Jr., Co.*, 505 U.S. 214, 222-23 (1992) (discussing how "solicitation" and "solicit" are "commonly understood"); *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 383-84 (1992) (discussing "ordinary meaning" of "relating to"); *Chapman v. United States*, 500 U.S. 453, 460-63 (1991) (discussing "ordinary meaning" of "mixture"); *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 153-54 (1989) (discussing "ordinary meaning" of "compilation").

17. *See Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 501 n.18 (1982) (construing "roach" as used in drug paraphernalia ordinance); *United States v. Vuitch*, 402 U.S. 62, 72 (1971) (construing "health" as used in provision criminalizing certain abortion procedures).

18. *See Baggett v. Bullitt*, 377 U.S. 360, 371-73 & n.9 (1964) (finding "institution" used in loyalty oath was vague); *Lanzetta v. New Jersey*, 306 U.S. 451 (1939) (finding "gang" used in criminal statute was vague).

19. *See, e.g., Meese v. Keene*, 481 U.S. 465, 477-78 nn. 10 & 11 (1987) ("Standard reference works include both broad, neutral definitions of the word 'propaganda' that are consistent with the way the word is defined in this statute, and also the narrower, pejorative definition.") (footnotes omitted); *United States v. Cook*, 384 U.S. 257, 261 n.5 (1966) (discussing "narrow" and "broad" definitions of "firm"); *Yates v. United States*, 354 U.S. 298, 305-06 & n.7 (1957) ("Dictionary definitions [of 'organize'] are of little help . . . as . . . the term is susceptible of both meanings attributed to it by the parties here.").

20. *See Smith v. Wade*, 461 U.S. 30, 64 n.3 (1983) (Rehnquist, J., dissenting).

21. *See Gregory v. Ashcroft*, 501 U.S. 452, 481-82 (1991) (White, J., concurring in part, dissenting in part and concurring in judgment); *Montgomery Ward & Co. v. Duncan*, 311 U.S. 243, 251 & n.10 (1940).

22. *See, e.g., G. & C. Merriam Co. v. Saalfeld*, 241 U.S. 22 (1916) (addressing jurisdiction of district court to make and enforce a final decree *in personam* concerning unfair competition in the business of publishing and selling dictionaries); *G. & C. Merriam Co. v. Syndicate Publ'g Co.*, 237 U.S. 618 (1915) (affirming the dismissal of a bill for want of jurisdiction in a suit to restrain the use of the name "Webster" as applied to English language dictionaries); *United Dictionary Co. v. G. & C. Merriam Co.*, 208 U.S. 260 (1908) (holding that an American copyright is not lost by publishing and selling a work abroad without inserting the required notice of copyright).

Although many of the cases relying on the dictionary are relatively obscure, some are cornerstones in the foundation of American jurisprudence. For example, in the realm of the separation of powers there is *INS v. Chadha*,²³ in the political question arena there is *Nixon v. United States*,²⁴ from the First Amendment context comes *Hustler Magazine v. Falwell*,²⁵ *FCC v. Pacifica Foundation*²⁶ and *Miller v. California*,²⁷ from reproductive freedom jurisprudence there is *Webster v. Reproductive Health Services*,²⁸ *Roe v. Wade*²⁹ and *United States v. Vuitch*,³⁰ in the tax area there is *Eisner v. Macomber*,³¹ and in the context of personal jurisdiction there is *Pennoyer v. Neff*.³²

Notwithstanding this widespread use, the Court has never really addressed the proper role of the dictionary in the formulation and guidance of American jurisprudence. The few rules that have been established on this subject largely have been ignored or obfuscated over time. The increase in the number of legal publications and sources and in legislative history over the past several decades might suggest that the Court would resort less and less to dictionary definitions. In fact, however, just the opposite has occurred. For example, from 1950 to 1959, the Court relied on a dictionary in eleven opinions to construe eighteen phrases.³³ In contrast, during the 1997-1998 Supreme Court term alone, the Court relied on dictionaries to interpret twenty-seven terms in seventeen different opinions.³⁴

23. 462 U.S. 919, 925 n.2 (1983) (construing term "veto" as used in Article I, Section 7 of the U.S. Constitution).

24. 506 U.S. 224, 231-33 (1993) (construing "sole" and "pardon" as used in Article II, Section 2, Clause 1 of the U.S. Constitution).

25. 485 U.S. 46, 53-56 (1988) (construing "caricature").

26. 438 U.S. 726, 740 n.14 (1978) (construing "indecent").

27. 413 U.S. 15, 20 n.2 (1973) (construing "obscene" and "pornography").

28. 492 U.S. 490, 515 n.13 (1989) (Rehnquist, J., judgment and plurality opinion) (construing "necessary").

29. 410 U.S. 113, 132 & n.20, 159, 160 & n.59 (1973) (construing "quickenings," "embryo," "fetus" and "viable").

30. 402 U.S. 62, 71-72 (1971) (construing "health"); see also *Planned Parenthood v. Casey*, 505 U.S. 833, 953-55 (1992) (Rehnquist, C.J., concurring in judgment in part and dissenting in part) (construing "stare decisis"); *Colautti v. Franklin*, 439 U.S. 379, 402 (1979) (White, J., dissenting) (construing "potential" in defining "viability" as used in *Roe v. Wade*).

31. 252 U.S. 189, 207 (1920) (construing "income").

32. 95 U.S. 714, 721 (1877) (construing "editor").

33. See *infra* note 178.

34. See *infra* note 182.

This Article explores the Supreme Court's historical use of the dictionary through the 1997-1998 Court term, analyzes the usefulness of the dictionary as a legal resource and proposes a framework for the proper role of dictionaries in the American legal system.³⁵ The Article begins with an overview of the historical origins of general usage and law dictionaries written in English. This overview looks at dictionaries both abroad and in the United States,³⁶ and highlights certain conflicts within the lexicographical field.³⁷ The Article then discusses the origin of the Court's use of the dictionary and early cases where the Court relied on a dictionary as a substantive source.³⁸ Examining the Court's historical use of the dictionary, the Article then focuses on how frequently the dictionary is used, which Justices frequently have relied on the dictionary, and those dictionaries cited most often by the Court.³⁹

In addressing the difficulties of relying on a dictionary, the Article discusses the Court's general approach to using dictionaries—from selecting a word to be defined to selecting a specific definition—and the problems inherent in that approach.⁴⁰ The Article goes on to address subject matter areas where the Court has relied on dictionaries and the problems that arise in relying on the dictionary in those specific areas.⁴¹

The Article then analyzes the Court's use of the dictionary and discusses why the dictionary cannot represent the end point for the Court's analytic process in defining

35. "Only a few articles have addressed the Court's use of dictionaries." Note, *Looking It Up: Dictionaries and Statutory Interpretation*, 107 HARV. L. REV. 1437, 1437 n.5 (1994) (citing authority); see also Ellen P. Aprill, *The Law of the Word: Dictionary Shopping in the Supreme Court*, 30 ARIZ. ST. L.J. 275 (1998) (focusing on the use of dictionaries in statutory construction). Although these articles have noted the Court's increasing reliance upon dictionaries, they do not describe that increase in the following contexts: the Court's historical use of dictionaries, the terms the Court has defined, the dictionaries relied upon by the Court or the individual Justices' reliance on dictionaries throughout the Court's history.

36. See *infra* Part I. The use of dictionaries by the Court, however, has not been limited to English dictionaries. See Appendix C. Indeed, the first dictionary cited by the Court was a French dictionary used to define a French term. See *infra* notes 138-41 and accompanying text.

37. See *infra* Part I.C.

38. See *infra* Part II.A and B.

39. See *infra* Part II.C, D and E.

40. See *infra* Part III.

41. See *infra* Part IV.

terms.⁴² The Article concludes that, although the dictionary can provide guidance as to what a term or phrase *can* mean, sources other than the dictionary are better aids to the process of determining what a term or phrase *does* mean. Those sources, when appropriate, include context, history, case law, legislative purpose and scientific sources.⁴³ Thus, in American legal jurisprudence, the dictionary can help the Court to begin the definitional process, but it cannot be the end point in determining meaning.

I. A BRIEF HISTORY OF THE DICTIONARY

*Every other author may aspire to praise; the lexicographer can only hope to escape reproach*⁴⁴

A. General Usage Dictionaries

Perhaps not surprisingly, English language dictionaries originated in England. Although the early precursors of English dictionaries trace back to the seventh or eighth century,⁴⁵ the first monolingual English dictionary appeared centuries later. Robert Cawdrey's *A Table Alphabetical of Hard Words*, published in 1604, is generally acknowledged as the first monolingual English dictionary.⁴⁶ Cawdrey's work was published more than a century after the first English publication produced on a printing press.⁴⁷ Although noteworthy as a first effort, Cawdrey's work was brief and not particularly accurate. *A Table Alphabetical* contained

42. See *infra* Part V.

43. See *infra* Conclusion.

44. SAMUEL JOHNSON, *Preface to* DICTIONARY OF THE ENGLISH LANGUAGE 3 (1775) [hereinafter SAMUEL JOHNSON].

45. See MORTON BENSON ET AL., *LEXICOGRAPHIC DESCRIPTION OF ENGLISH* 2 (1986).

46. See JOSEPH HAROLD FRIEND, *THE DEVELOPMENT OF AMERICAN LEXICOGRAPHY 1798-1864*, at 25-26 (1967); HOWARD JACKSON, *WORDS AND THEIR MEANING* 113 (1988); BENSON ET AL., *supra* note 45, at 3; DAVID CRYSTAL, *THE ENGLISH LANGUAGE* 203-04 (1988).

47. *Recuyell of the Historyes of Troy* was printed by William Caxton in 1475 and has been called the first English language publication printed after Johann Gutenberg's invention of the printing press. See BILL BRYSON, *THE MOTHER TONGUE: ENGLISH AND HOW IT GOT THAT WAY* 126-27 (1990); see also BENSON ET AL., *supra* note 45, at 2.

less than 3000 entries⁴⁸ and was approximately 100 pages long. Cawdrey's dictionary "was a fairly sloppy enterprise. It gave the definition of aberration twice and failed to alphabetize correctly on other words."⁴⁹ It was, however, a start.

Although numerous other dictionaries surfaced in the 120 years following Cawdrey's ground-breaking work, the next watershed event did not occur until 1721 when Nathaniel Bailey published the *Universal Etymological English Dictionary*.⁵⁰ Bailey's work was "[t]he first dictionary to aim for anything like comprehensiveness"⁵¹ Curiously, although Bailey's dictionary came before other more famous dictionaries and contained more entries than many of its successors, his work never received the credit that perhaps it was due.⁵² Instead, Dr. Samuel Johnson is given credit for publishing the "first great English dictionary."⁵³

Characteristic of most early dictionaries, Johnson's *Dictionary of the English Language*, published in 1755, predominantly was the work of the author himself.⁵⁴ Johnson, however, appears to have been a curious candidate to be the father of the English dictionary.

Blind in one eye, corpulent, incompletely educated, by all accounts coarse in manner, he was an obscure scribbler from an impoverished provincial background when he was given a contract by the London publisher Robert Dodsley to compile a dictionary of English.⁵⁵

Johnson's *Dictionary of the English Language* defined approximately 43,000 words and contained 114,000 supporting quotations.⁵⁶ This was a mammoth task, causing Dr. Johnson to note in defining the word "dull" that "[t]o make

48. See BENSON ET AL., *supra* note 45, at 3.

49. BRYSON, *supra* note 47, at 152.

50. See BENSON ET AL., *supra* note 45, at 3.

51. BRYSON, *supra* note 47, at 152.

52. *See id.*

53. RONALD L. GOLDFARB & JAMES C. RAYMOND, CLEAR UNDERSTANDINGS: A GUIDE TO LEGAL WRITING 36 (1982); *see also* Philip B. Gove, *Introduction, The Dictionary's Function*, in *THE ROLE OF THE DICTIONARY* 6 (Philip B. Gove ed., 1967); BENSON ET AL., *supra* note 45, at 3-4.

54. *See* BRYSON, *supra* note 47, at 152. For a description of the evolution of Dr. Samuel Johnson's dictionary *see* ALLEN REDDICK, *THE MAKING OF JOHNSON'S DICTIONARY 1746-1773* (1990).

55. BRYSON, *supra* note 47, at 152.

56. *See id.* at 154.

dictionaries is dull work."⁵⁷ Although certainly not flawless,⁵⁸ it served as a foundation for all other English dictionaries.⁵⁹ It would be decades after Johnson's 1755 work before a dictionary printed in the United States would surface.

The first American English dictionary was published by Samuel Johnson, Jr.⁶⁰ Unrelated to England's Dr. Johnson,⁶¹ Samuel Johnson, Jr. was a Connecticut schoolmaster who published *A School Dictionary* in 1798.⁶² Although containing just 4100 entries,⁶³ this work was to be the foundation of American English dictionaries. In 1800, Mr. Johnson collaborated with Reverend John Elliott and published *A Selected, Pronouncing and Accented Dictionary*.⁶⁴ Although at least four other dictionaries came after Mr. Johnson's works and

57. SAMUEL JOHNSON, *supra* note 44, at 159. "Lexicographer" was defined as: "A writer of dictionaries, a harmless drudge." *Id.* at 233.

58. [Dr. Johnson] professed a preference for what he conceived to be Saxon spellings for words like *music*, *critic* and *prosaic*, and thus spelled them with a final *k*, when in fact they were all borrowed from Latin. He was given to flights of editorializing, as when he defined a *patron* as one "who supports with insolence, and is paid with flattery" or *oats* as a grain that sustained horses in England and people in Scotland. His etymologies, according to Baugh and Cable, were "often ludicrous" and his proofreading sometimes strikingly careless. He defined a *garret* as a "room on the highest floor in the house" and a *cockloft* as "the room over the garret." Elsewhere, he gave identical definitions to *leeward* and *windward*, even though they are quite obviously opposites.

BRYSON, *supra* note 47, at 153. When the dictionary was published, Dr. Johnson was prepared for criticism.

It is the fate of those who toil at the lower employments of life . . . to be exposed to censure, without hope of praise; to be disgraced by miscarriage, or punished for neglect. . . . Among these unhappy mortals is the writer of dictionaries. . . . Every other author may aspire to praise; the lexicographer can only hope to escape reproach.

SAMUEL JOHNSON, *supra* note 44, at 3.

59. See generally BRYSON, *supra* note 47, at 154 ("his *Dictionary of the English Language* . . . is a masterpiece, one of the landmarks of English literature"). Johnson's work has been cited as "first touch of sheer genius to English lexicography." Albert H. Markwardt, *Dictionaries and the English Language*, in *THE ROLE OF THE DICTIONARY* 32 (Philip B. Gove ed., 1967).

60. See FRIEND, *supra* note 46, at 9.

61. See BENSON ET AL., *supra* note 45, at 6.

62. See FRIEND, *supra* note 46, at 9. This work came ten years after the first dictionary printed in the United States, which was a version of a British dictionary—William Perry's *Only Sure Guide to the English Tongue*. See BENSON ET AL., *supra* note 45, at 6.

63. See FRIEND, *supra* note 46, at 10.

64. See *id.* at 10-11; see also BENSON ET AL., *supra* note 45, at 6.

before those of Noah Webster,⁶⁵ Johnson's *Accented Dictionary* is known as the "second American forerunner" to Noah Webster.⁶⁶

Webster's first work appeared in the early 1780s,⁶⁷ whereas his first widely accepted publication appeared in 1788.⁶⁸ Webster's first true dictionary was the *Compendious Dictionary of the English Language*, which was published in 1806⁶⁹ and was not particularly well received.⁷⁰ This lack of acceptance may be attributable in part to "Websterian spellings," which reflected Webster's own personal view of how words should be spelled.⁷¹ Unusual spellings were not the only idiosyncrasy that made Noah Webster a somewhat unlikely leader in American lexicographical history.

Noah Webster (1758-1843) was by all accounts a severe, correct, humorless, religious, temperate man who was not easy to like, even by other severe, religious, temperate, humorless people. A provincial schoolteacher and not-very-successful lawyer from Hartford, he was short, pale, smug, and boastful. . . . It is a wonder that anyone paid any attention to him at all. Often they didn't.⁷²

65. These four dictionaries were: DANIEL JAUDON ET AL., AN ENGLISH ORTHOGRAPHICAL EXPOSITOR (1804); WILLIAM WOODBRIDGE, A KEY TO THE ENGLISH LANGUAGE, OR A SPELLING, PARSING, DERIVATIVE, AND DEFINING DICTIONARY (1801); HENRY PRIEST, THE YOUNG LADIES' POCKET COMPANION (1801) and CALEB ALEXANDER, THE COLUMBIAN DICTIONARY OF THE ENGLISH LANGUAGE (1800). See FRIEND, *supra* note 46, at 12-13.

66. FRIEND, *supra* note 46, at 10; see also BENSON ET AL., *supra* note 45, at 6.

67. "A *Grammatical Institute of the English Language*—consisting of three books: a grammar, a reader and a speller—appeared between 1783 and 1785." BRYSON, *supra* note 47, at 155.

68. See THE AMERICAN SPELLING BOOK (1788). With respect to *The American Spelling Book*, one author has noted:

This volume (later called the *Elementary Spelling Book*) went through so many editions and sold so many copies that historians appear to have lost track. But it seems safe to say that there were at least 300 editions between 1788 and 1829 and that by the end of the nineteenth century it had sold more than sixty million copies

BRYSON, *supra* note 47, at 155.

69. See BRYSON, *supra* note 47, at 156.

70. See FRIEND, *supra* note 46, at 22-23. As a result, even though there were several American English Dictionaries by 1806, for the first quarter of the nineteenth century, England's Dr. Johnson had "if not a monopoly, something comfortably close to one, on both sides of the Atlantic." *Id.* at 23.

71. For example, the 1806 *Compendious* included "porpress" instead of "porpoise," "cag" and "kag" as alternatives for "keg," and "ieland" and "iland" as alternatives for "island." See *id.* at 22.

72. BRYSON, *supra* note 47, at 154, 157.

Webster also was, at times, a strenuous pursuer of causes. He lobbied Congress to make simplified spelling a legal requirement, which could have "turn[ed] America into the only country in history where deviant spelling would be a punishable offense."⁷³ Furthermore, Webster apparently "was more accustomed to deprecating the work of others than to questioning his own."⁷⁴ In addition, he may have taken credit for coining words that had existed for centuries and for learning that he did not possess.⁷⁵ "It is hard to find anyone saying a good word about him."⁷⁶

Following Webster's 1806 dictionary, there were no particularly significant American English dictionaries published until Webster's *American Dictionary of the English Language* arrived in 1828.⁷⁷ This is the "main book with which [Webster] is associated in the popular mind"⁷⁸ Although the critical reviews of this 1828 dictionary varied greatly,⁷⁹ it was the most complete dictionary of its time,

73. *Id.* at 129. Webster also "wrote impassioned letters to congressmen, dabbled in politics, proffered unwanted advice to presidents, led his church choir, lectured to large audiences, helped found Amherst College, and produced a sanitized version of the Bible . . ." *Id.* at 157; see also JACKSON, *supra* note 46, at 117 (discussing Webster's attempts to introduce spelling reforms). He proposed to "regularize" spelling in *A Collection of Essays and Fugitive Writings*. See RONALD A. WELLS, *DICTIONARIES AND THE AUTHORITARIAN TRADITION* 59 (1973). Such regularizations included "waz" for "was," "breth" for "breath," "wurd" for "word," "tung" for "tongue," and "reezon" for "reason." See *id.* "This proposal was publicly derided, however, even by Webster's friends, and he abandoned the scheme. 'Reezon' could not carry the day." *Id.* at 59-60.

74. FRIEND, *supra* note 46, at 14. Indeed, in what is known as a "war of the dictionaries," Webster accused a former associate, Joseph E. Worcester, of plagiarism in the 1830s. See BENSON ET AL., *supra* note 45, at 8; see also FRIEND, *supra* note 46, at 83 ("[Webster's] fear [of Worcester] . . . precipitated the dictionary war"). Even after Webster's death, the Merriam Company published a pamphlet entitled *A Gross Literary Fraud Detected*, charging that the version of Worcester's *Universal and Critical Dictionary*—published in England—improperly failed to give credit to Webster. See WELLS, *supra* note 73, at 68.

75. See BRYSON, *supra* note 47, at 154-55.

76. *Id.* at 155.

77. See FRIEND, *supra* note 46, at 22; BRYSON, *supra* note 47, at 155.

78. BRYSON, *supra* note 47, at 155.

79. With respect to the 1828 landmark effort, "opinion over the years has ranged from uncritical praise to full damnation." FRIEND, *supra* note 46, at 35; see also BENSON ET AL., *supra* note 45, at 7 (noting that the dictionary was "generally well received both in the United States and in Great Britain" but had "obvious weaknesses"). As was the case with his 1806 work, part of the criticism may be attributable to Webster's idiosyncratic approach to language. For example, "Webster accepted a number of clearly ungrammatical usages, among them 'it is me,' 'we was,' and 'them horses.'" BRYSON, *supra* note 47, at 157.

containing approximately 70,000 entries and definitions that "were models of clarity and conciseness."⁸⁰

After Webster's death in 1843, Charles and George Merriam purchased the rights to his dictionaries,⁸¹ and, in 1847, published the first Merriam-Webster dictionary.⁸² Since that time, the Merriam-Webster dictionaries have been updated periodically and new editions have been published. More recently, Merriam-Webster dictionaries have proceeded on two parallel courses: *Webster's New International Dictionary* and *Webster's New Collegiate Dictionary*.

In England, nearly sixty years after Webster's 1828 landmark, a small paperback called *The New English Dictionary on Historical Principles* appeared in 1884.⁸³ This book purported to contain all English words between "A" and "ant" and represented the first volume of what would become the *Oxford English Dictionary*.⁸⁴ Called the "most masterly and ambitious philological exercise ever undertaken,"⁸⁵ the first edition of the *Oxford English Dictionary* was completed in 1933 and contained more than 400,000 entries supported by nearly two million citations.⁸⁶ In 1989, a second edition of the *Oxford English Dictionary* was published, spanning twenty volumes and containing more than 600,000 entries and 2.4 million supporting citations,⁸⁷ quite a leap from the 3000 entries in Cawdrey's *A Table Alphabetical of Hard Words* published nearly 400 years earlier. These dictionaries provide the foundation for many of today's general usage dictionaries.⁸⁸

80. BRYSON, *supra* note 47, at 157.

81. *See id.*

82. *See id.*

83. *See id.* at 158.

84. *See id.* at 158-59; BENSON ET AL., *supra* note 45, at 5.

85. BRYSON, *supra* note 47, at 158. For an intriguing tale of the relationship and correspondence between a chief editor of the *Oxford English Dictionary* and a prolific volunteer contributor to that work see SIMON WINCHESTER, *THE PROFESSOR AND THE MADMAN* (1998).

86. *See* BRYSON, *supra* note 47, at 159-60.

87. *See id.* at 160.

88. *See* April, *supra* note 35, at 286 ("Commercial dictionaries build on the work of their predecessors"); *see also id.* at 286-92 (discussing sources of definitions in general usage dictionaries).

B. *Law Dictionaries*

The law dictionary actually preceded the English general usage dictionary by more than seventy-five years. The first law dictionary has been traced to John Rastell's *Expositiones Terminorum Legum Anglorum* published in 1527.⁸⁹ That work contained 208 entries (mostly in Latin and French) and had a short English preface.⁹⁰ Approximately forty years later, a translation of Rastell's *Expositiones* became the first law dictionary to be published in English.⁹¹

A more scholarly English law dictionary arrived in 1607 in the form of John Cowell's *The Interpreter*.⁹² Unlike Rastell, who was a practitioner, Cowell was a Cambridge civil law professor.⁹³ Unfortunately for Cowell, however, this work was published in the midst of the struggle between English civil law and common law.⁹⁴ As a result, *The Interpreter* was severely criticized by Sir Edward Coke and suppressed by King James.⁹⁵ To Cowell's credit, however, the dictionary later was revived and many of Cowell's entries were used in subsequent law dictionaries.⁹⁶

Thomas Blount followed Cowell in 1670 with his *Nomolexikon*,⁹⁷ also called *A Law-Dictionary*, and Giles Jacob's *New Law Dictionary* followed that in 1729.⁹⁸ Jacob's *New Law Dictionary* was an impressive work and has been characterized as "a quick substitute for a legal education."⁹⁹ It was a good deal more expansive than its predecessors, perhaps in part to make a "more impressive product in a sharply competitive market."¹⁰⁰ After Jacob's dictionary came *A New and Complete Law-Dictionary*,¹⁰¹ a two-volume work authored by Timothy Cunningham that was published in the

89. See David Mellinkoff, *The Myth of Precision and the Law Dictionary*, 31 UCLA L. REV. 423, 426 (1983).

90. See *id.* at 426.

91. See *id.* at 426-27.

92. See *id.* at 427. Legal terms were first added to general English dictionaries in the first part of the seventeenth century. See FRIEND, *supra* note 46, at 26.

93. See Mellinkoff, *supra* note 89, at 427.

94. See *id.*

95. See *id.* at 427-28.

96. See *id.* at 428.

97. See *id.*

98. See *id.*

99. *Id.* at 429.

100. *Id.*

101. T. CUNNINGHAM, *A NEW AND COMPLETE LAW-DICTIONARY* (2 vols., London 1764-1765).

mid-1760s.¹⁰²

In the early United States, law dictionaries from England "held the field."¹⁰³ That changed, however, in 1839 when John Bouvier published two volumes clumsily titled *A Law Dictionary Adapted to the Constitution and Laws of the United States of America, and the Several States of the American Union*.¹⁰⁴ Bouvier published this first American law dictionary in part because of the "difficulties . . . [he] experienced on his admission to the bar"¹⁰⁵ and in part because of his dissatisfaction with law dictionaries "written for another country."¹⁰⁶ In the preface, Bouvier explained,

[M]ost of the matter in the English law dictionaries will be found to have been written while the feudal law was in its full vigor, and not fitted to the present times, nor calculated from present use, even in England. And there is a great portion which, though useful to an English lawyer, is almost useless to the American student. What, for example, have we to do with those laws of Great Britain which relate to the person of their king, their nobility, their clergy, their navy, their army; with their game laws; their local statutes, such as regulate their banks, their canals, their exchequer, their marriages, their births, their burials, their beer and ale houses, and a variety of similar subjects?¹⁰⁷

Bouvier's dictionary went through several editions over time, expanding in scope and coverage, and for many years was the pinnacle of American law dictionaries.¹⁰⁸ In 1891, however, Henry Campbell Black first published *Black's Law Dictionary*.¹⁰⁹ As with Bouvier, Black recognized that there were differences between English and American law that should be reflected in an American law dictionary.¹¹⁰ In pre-

102. See Mellinkoff, *supra* note 89, at 429. This brief history of English law dictionaries is not comprehensive. For a more comprehensive discussion see, for example, 1 BOUVIER, *Preface to A LAW DICTIONARY ADAPTED TO THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA, AND THE SEVERAL STATES OF THE AMERICAN UNION* (1839) [hereinafter 1 BOUVIER].

103. See Mellinkoff, *supra* note 89, at 429.

104. See *id.* at 430, 442 n.27.

105. 1 BOUVIER, *supra* note 102, at v.

106. *Id.*

107. *Id.* at v-vi.

108. See Mellinkoff, *supra* note 89, at 434.

109. See *Preface to BLACK'S LAW DICTIONARY* at vi (2d ed. 1910).

110. See *id.* at v (referring to "maxims used in American and English law . . . necessary to be understood by . . . the student of . . . comparative jurisprudence").

paring his dictionary, Black freely acknowledged that he had relied on other law dictionaries and treatises.¹¹¹ Specifically, with regard to “modern English and American law,” Black admitted consulting Bouvier’s work.¹¹² Black also acknowledged that his first dictionary contained many entries for “which the definition had to be written entirely *de novo*,” apparently without any source.¹¹³

Over time, *Black’s Law Dictionary* has progressed through several editions and the current version is the sixth edition, first published in 1990.¹¹⁴ Although there are other American law dictionaries,¹¹⁵ *Black’s Law Dictionary*, and to a lesser extent *Ballentine’s Law Dictionary*, are now the dominant American law dictionaries.¹¹⁶ Each is limited to one volume and each contains approximately 30,000 entries.¹¹⁷

Law dictionaries, however, are not the only subject matter dictionaries. Indeed, there are countless subject matter dictionaries addressing disciplines such as music,¹¹⁸ religion,¹¹⁹ photography,¹²⁰ accountancy¹²¹ and car building.¹²² Although dictionaries—general usage, law and other subject matter dictionaries—have evolved and grown over the centuries, this evolution has not been without conflict and controversy. One noteworthy controversy that has affected the Supreme Court’s dictionary analysis began with events that occurred nearly forty years ago.

111. *See id.* at vi.

112. *Id.*

113. *Id.*

114. *See* Aprill, *supra* note 35, at 307-10 (providing a discussion of the publication process of *Black’s Law Dictionary*); *see also id.* at 307 (“Only when a new edition of *Black’s Law Dictionary* is to be prepared does the staff at West Publishing Company undertake new research”).

115. *See, e.g.,* BALLENTINE’S LAW DICTIONARY (3d ed. 1969); CYCLOPEDIA OF LAW DICTIONARY (3d ed. 1940).

116. *See* Mellinkoff, *supra* note 89, at 434.

117. *See id.*

118. *See generally* THE NEW GROVE DICTIONARY OF MUSIC & MUSICIANS (Stanley Sadie ed., 1980).

119. *See generally* ENCYCLOPEDIA OF RELIGION (1979).

120. *See generally* ENCYCLOPEDIA OF PHOTOGRAPHY (1896).

121. *See generally* A DICTIONARY FOR ACCOUNTANTS (1952).

122. *See generally* THE CAR-BUILDER’S DICTIONARY (1879).

C. *The Prescriptive-Descriptive Dictionary Debate*

From the time that Dr. Johnson published his *Dictionary of the English Language* in 1755 until the early 1960s, general usage dictionaries for the most part were characterized as being "prescriptive."¹²³ A prescriptive dictionary "establish[es] what is *right* in meaning and pronunciation"¹²⁴ and treats the entries in a dictionary as representing the "proper" way to use English, rather than representing how language actually is being used. As one lexicographer put it: "Dictionaries had always assumed that their editors were better able to make decisions about usage than their readers were. If they weren't, what were they doing editing dictionaries?"¹²⁵ Notwithstanding any subjectivity or evolution in determining the "proper" manner to use a term or phrase, the prescriptive school of thought relies heavily on the editors of dictionaries to define and publish the proper meaning and usage of the terms.

The opposite end of the spectrum from the prescriptive approach is the "descriptive" school of thought. A descriptive dictionary "strives to describe a language in its present state, without getting into judgments of what's 'correct.'"¹²⁶ The editors of a descriptive dictionary describe how a word is being used and, unlike their prescriptive counterparts, do not decide how a word should be used.

In 1961, Merriam-Webster first published *Webster's Third New International Dictionary*. Unlike Webster's predecessors and most other previous dictionaries, *Webster's Third* was comparatively descriptive.¹²⁷ In defense of this change, the editor-in-chief of *Webster's Third* declared that "the dictionary's purpose was to report the language, not to prescribe what belonged in it."¹²⁸ Much of the literary world,

123. Sometimes such dictionaries are referred to as "normative." See SIDNEY I. LANDAU, *DICTIONARIES THE ART AND CRAFT OF LEXICOGRAPHY* 205 (1984).

124. *Webster's Way Out Dictionary*, BUS. WK., Sept. 16, 1961, at 89 (emphasis added), reprinted in *DICTIONARIES AND THAT DICTIONARY* 57 (James Sledd & Wilma R. Ebbitt eds., 1962).

125. LANDAU, *supra* note 123, at 204-05.

126. *Webster's Way Out Dictionary*, *supra* note 124, at 57 (stating that this dictionary was based on "theories" of "a new science, linguistics").

127. See LANDAU, *supra* note 123, at 205, 207.

128. Norman E. Isaacs, *And Now, the War on Words*, THE LOUISVILLE TIMES, Oct. 18, 1961, reprinted in *DICTIONARIES AND THAT DICTIONARY* 79 (James Sledd & Wilma R. Ebbitt eds., 1962). Distinct from this controversy surrounding general dictionaries, modern law dictionaries have been described as painfully descrip-

however, was not convinced.

The *New York Times*, at least for a time, refused to call *Webster's Third* a dictionary, instead referring to it as a "word book."¹²⁹ The descriptive approach was deemed "disastrous" because "it serves to reinforce the notion that good English is whatever is popular."¹³⁰ Dozens of critical reviews quickly surfaced, and at least one book was written about the heated prescriptive versus descriptive controversy created by *Webster's Third*,¹³¹ a controversy alarmingly described as a "war."¹³² This "war" has not escaped the Court's attention. For example, in 1994, Justice Scalia used the controversy over the descriptive approach of *Webster's Third* to disregard a definition from that dictionary.¹³³

Today, most contemporary dictionaries are characterized as descriptive rather than prescriptive.¹³⁴ Yet, even modern descriptive dictionaries do not fully reflect society's usage of words. "As a result of constant change and growth in language, dictionaries are out of date by the time they are published. . . . Because of the inevitable time delay between collection of citations and publication of a dictionary, dictionaries must lag behind current use of the language."¹³⁵ Furthermore, in light of space, cost and other limitations, most dictionaries are not comprehensive and do not purport to in-

tive. Indeed, law dictionaries have been criticized as "empty[ing] a bagful of definitions, without any suggestion that one definition is more equal than any other." Mellinkoff, *supra* note 89, at 436.

129. *Webster's New Word Book*, N.Y. TIMES, Oct. 12, 1961, reprinted in DICTIONARIES AND THAT DICTIONARY 78 (James Sledd & Wilma R. Ebbitt eds., 1962).

130. *Id.*

131. See DICTIONARIES AND THAT DICTIONARY (James Sledd & Wilma R. Ebbitt eds., 1962). "That Dictionary," of course, was *Webster's Third*. This book contains more than 60 reviews and critiques of *Webster's Third*. See *id.*

132. RONALD A. WELLS, DICTIONARIES AND THE AUTHORITARIAN TRADITION A STUDY IN ENGLISH USAGE AND LEXICOGRAPHY 74-86 (1973).

133. In *MCI Telecomm. Corp. v. American Tel. and Tel. Co.*, 512 U.S. 218, 227-28 (1994), Justice Scalia disregarded a definition of "modify" from *Webster's Third* in interpreting a statute. He noted that the dictionary definition was out of step with other dictionaries and noted that upon publication *Webster's Third* "was widely criticized for its portrayal of common error as proper usage." *Id.* at 228 n.3 (citing Wilson Follett, *Sabotage in Springfield*, 209 ATLANTIC 73 (Jan. 1962); Jacques Barzun, *What Is a Dictionary?*, 32 THE AMERICAN SCHOLAR 176, 181 (Spring 1963); Dwight Macdonald, *The String Untuned*, 38 THE NEW YORKER 130, 156-57 (Mar. 1962)).

134. See generally Aprill, *supra* note 35, at 283-85.

135. *Id.* at 287; see also *id.* at 292.

clude all possible definitions.¹³⁶

Putting aside the arguments of whether the prescriptive or descriptive approach to lexicography is the better approach, this debate brings into focus the problem of judicial reliance on dictionaries. If the Court uses a prescriptive dictionary to define a term, there is no assurance that the relevant individuals (be it the parties to a contract, the legislators enacting a law, judges or individuals trying to comply with the law) used that term in the manner set forth by the prescriptive dictionary. On the other hand, if the Court uses a descriptive dictionary, there is no assurance that the relevant individuals used the term as specified by one of many competing definitions. The dictionary, whether descriptive or prescriptive, cannot resolve these issues. Unfortunately, the Court's historical use of dictionaries does little to delineate the appropriate analysis.

II. THE COURT'S HISTORICAL USE OF DICTIONARIES

*[Dictionaries are] the last resort of the baffled judge.*¹³⁷

A. *The Beginning*

Three cases, decided over a period of thirty-five years, provide the background for the United States Supreme Court's use of the dictionary. In 1830, the Court first relied on a dictionary to define a term. In *Patapsco Insurance Co. v. Coulter*,¹³⁸ the Court found that all English and American authorities agreed that "fraud must be a constituent of the act of barratry."¹³⁹ The Court added that

it is worthy of particular notice, that writers on maritime law of the first respectability (I think Emerigon, gives six in number) in explaining the marine sense of the word barratry, use the French word "prevariquez," which can only be translated into "acting without due fidelity to their owners." The best French dictionary we have, renders it by "agir contre les devoirs de son charge," acting contrary to the duties of his undertaking, and "trahir la cause ou l'interest des personnes qu'on est obligé de defendre," to

136. See generally *id.* at 293-97.

137. *Jordan v. De George*, 341 U.S. 223, 234 (1951) (Jackson, J., dissenting).

138. 28 U.S. 222 (1830).

139. *Id.* at 230.

betray the cause or interest of those whom we are bound to protect.¹⁴⁰

Thus, the Court vaguely referred to the first dictionary that it relied on as “[t]he best French dictionary we have” and essentially used that dictionary to translate a phrase.¹⁴¹

A Justice next turned to a dictionary nearly two decades later. In 1849, in *Smith v. Turner*,¹⁴² the Court determined whether a New York law exacting an arrival fee for boat passengers was an unconstitutional regulation of foreign commerce.¹⁴³ A majority of the Court, in several fractionated opinions, held that the arrival fee was unconstitutional.¹⁴⁴ Justice Daniel dissented, finding that the New York law was not an impermissible regulation of commerce.¹⁴⁵

Commerce, from *con* and *merx*, which Vossius derives from the Hebrew, to divide a part of his own for a part of another’s, to exchange, to bargain and sell, to trade or traffic, to have intercourse for purposes of traffic. *Merchand*, or *merchant*, from *merx* or *mercis*, contracted from *mercis*, is by some derived from *mercari*, by others from the Greek . . . *pars, quia res per partes venditur*. To *merchand*, to by, to trade to traffic.¹⁴⁶

In support of these definitions, Justice Daniel relied on *Richardson’s Dictionary*.¹⁴⁷

The dictionary next surfaced in Supreme Court jurisprudence in 1863.¹⁴⁸ In *Insurance Companies. v. Wright*, the Court interpreted two insurance policies that “professed to insure Wright against loss on one-fourth of five thousand bags of coffee, to be shipped on board of ‘good vessel or vessels’ from Rio de Janeiro to any port in the United

140. *Id.*

141. *Id.*

142. 48 U.S. 283 (1849).

143. *See id.* at 392-94.

144. *See id.* at 393 (opinion of McLean, J.); *id.* at 410 (opinion of Wayne, J.); *id.* at 452 (opinion of Catron, J.); *id.* (Grier, J., concurring with opinion of Catron, J.); *id.* at 452-55 (opinion of McKinley, J.).

145. *See id.* at 500-01 (Daniel, J., dissenting).

146. *Id.* at 501 n.1 (Daniel, J., dissenting) (emphasis added).

147. *See id.*

148. *See Insurance Cos. v. Wright*, 68 U.S. 456 (1863). This decision represented the second time that the Court had considered this case. *See id.* at 459 (citing to *The Orient Mut. Ins. Co. v. Wright*, 64 U.S. 401 (1859)). The 1859 opinion contained no citation to a dictionary. *See The Orient Mutual Ins. Co. v. Wright*, 64 U.S. 401 (1859).

States.”¹⁴⁹ In dispute was the meaning of the contractual term “good vessel or vessels.”¹⁵⁰

The Court relied on the dictionary to distinguish the vessel rating system in England from the system used in the United States.¹⁵¹ Citing *McCulloch's Commercial Dictionary*, the Court noted that a British insurance syndicate used “a mode of rating entirely different from any adopted in the United States.”¹⁵² More specifically, the British syndicate had a rating system whereas the United States did not, or at least the British system was “not generally adopted as yet [in the United States].”¹⁵³ The Court affirmed the lower court's opinion,¹⁵⁴ thereby allowing Wright to import coffee without fear of being uninsured. These three apparently innocuous cases, decided between 1830 and 1863, represent the genesis of the Court's use of the dictionary to define terms.

B. *Judicial Notice as Support for the Court's Use of Dictionaries*

Judicial notice is the principal historical justification for the Court's use of dictionaries as a substantive source.¹⁵⁵ However, the Court's early cases merely cited the dictionary and did so without referring to the concept of judicial notice. In fact, the Court cited to a dictionary in twenty-five opinions over the course of more than fifty years before it even began to discuss whether or when it was proper to cite a dictionary. Thus, for several decades, the Court cited the dictionary as a substantive source on an ad hoc basis without any discussion of the propriety of using the dictionary.

The evolution of the Court's few analytical guidelines for using a dictionary appears to have started in 1875. In *Brown v. Piper*,¹⁵⁶ the Court in dicta stated that judicial notice is appropriate for “the meaning of words in the vernacular language.”¹⁵⁷ More specifically, the Court observed that

149. *Insurance Cos.*, 68 U.S. at 457.

150. *Id.* at 457-58.

151. *Id.* at 472-73.

152. *Id.* at 473.

153. *Id.* at 473.

154. *Id.* at 476.

155. See Weis, *supra* note 4, at 963.

156. 91 U.S. 37 (1875).

157. *Id.* at 42.

"[c]ourts will take notice of whatever is generally known within the limits of their jurisdiction; and, if the judge's memory is at fault, he may refresh it by resorting to any means for that purpose which he may deem safe and proper."¹⁵⁸

The Court first squarely addressed the issue of when it was appropriate to rely on the dictionary in *Marvel v. Merritt*.¹⁵⁹ After concluding that a tariff provision was "not technical,"¹⁶⁰ the Court cited to *Webster's Dictionary* to define "mineral," "ore" and "mine," finding that those terms were "words of common speech, and, as such, their interpretation is within the judicial knowledge, and therefore a matter of law."¹⁶¹ In *Nix v. Hedden*,¹⁶² another tariff case, the Court again found that the relevant statutory language had not acquired a technical or trade meaning.¹⁶³ Accordingly, the word "tomato"

must receive [its] ordinary meaning. Of that meaning the court is bound to take judicial notice, as it does in regard to all words in our own tongue; and upon such a question dictionaries are admitted, not as evidence, but only as aids to the memory and understanding of the court.¹⁶⁴

158. *Id.* at 42. The specific issue decided in *Brown* was whether an injunction should have been issued to prevent the infringement of a patent for a device used to freeze fish. *Id.* at 38. The quoted language appeared in the midst of a discussion of the state of the art of artificial freezing, a discussion that was made necessary because the pleadings and filings were "silent as to the ice-cream freezer." *Id.* at 43. The Court apparently took judicial notice "that Lord Bacon applied snow to poultry to preserve it. He said the process succeeded 'excellently well.' The experiment was made in his old age, imprudently, and brought on his last illness." *Id.* at 44. In the end, the Court found that the patent relied upon by plaintiff was invalid and thus remanded the case and directed the lower court to dismiss the claim. *Id.*

159. 116 U.S. 11 (1885).

160. *Id.* at 12.

161. *Id.*

162. 149 U.S. 304 (1893).

163. *Id.* at 306.

164. *Id.* at 306-07 (citing authority). *Nix* decided whether, for purposes of a tariff provision, tomatoes were fruits or vegetables. *Id.* at 306. After acknowledging a controversy over the issue, the Court ultimately found that tomatoes were vegetables. *Id.* at 307. Although discussed as a seminal dictionary case and representing a refinement in the dictionary citation rules, see Weis, *supra* note 4, at 963-66, the *Nix* opinion does not cite to any specific dictionary, *Nix*, 149 U.S. at 306-07. The parties in *Nix*, however, cited to a variety of dictionaries to define a variety of terms. *Id.* at 305-06.

Thus, *Nix* extended the *Brown* analysis to include dictionaries as permissible aids to refresh the Court's memory and to enhance the Court's understanding. Moreover, *Nix* apparently eradicated *Brown's* "safe and proper" restriction, whatever that limitation may have meant.

In *Werk v. Parker*,¹⁶⁵ a patent case involving the novelty of "an oil-press mat or cloth" to extract cotton-seed oil,¹⁶⁶ the Court firmly approved the circuit court's reliance on a dictionary in defining the state of the art: "We deem it clear, beyond question, that the court was justified in taking judicial notice of facts that appeared so abundantly from standard works accessible in every considerable library."¹⁶⁷ Thus, by 1920, the Court had decided that taking judicial notice of dictionary definitions unquestionably was proper. Unfortunately, the Court's approach to the dictionary, although sometimes stated differently, has neither changed nor evolved much in the decades following *Werk*.¹⁶⁸ The Court has, however, come to rely on dictionaries more and more frequently, particularly during the past thirty years.

C. Frequency

Although the Court relied on dictionaries only three times prior to 1864, in the 1860s, the Court cited dictionaries in seven opinions in the course of defining nine terms.¹⁶⁹ In the 1870s, the Court cited dictionaries in ten opinions to

165. 249 U.S. 130 (1919).

166. *Id.* at 130.

167. *Id.* at 132-33 (citing cases).

168. At present, the Federal Rules of Evidence provide that "the only evidence rule on the subject of judicial notice . . . deals only with judicial notice of 'adjudicative' facts. No rule deals with judicial notice of 'legislative facts.'" Fed. R. Evid. 201(a) advisory committee's note. Under this analysis, courts may use dictionaries to determine "the facts of the case," not facts relevant "to legal reasoning and the lawmaking process, whether in the formulation of a legal principle or in the enactment of a legislative body." *Id.* (citing KENNETH CULP DAVIS, A SYSTEM OF JUDICIAL NOTICE BASED ON FAIRNESS AND CONVENIENCE IN PERSPECTIVES OF LAW 69, 73 (1964)).

169. See *Pacific Ins. Co. v. Soule*, 74 U.S. 433, 445 & n.18 (1868) (defining "duty"); *Gordon v. United States*, 74 U.S. 188, 194 & n.7 (1868) (defining "arbitrator"); *Christmas v. Russell*, 72 U.S. 290, 300 & n.12 (1866) (defining "limitation"); *Ex Parte Garland*, 71 U.S. 333, 387, 392-93 (1866) (Miller, J., dissenting) (defining "attainder" and "punish"); *Bank for Sav. v. Collector*, 70 U.S. 495, 512-13 & nn.7, 8 (1865) (defining "banks of deposit" and "banks for savings"); *Steamship Co. v. Joliffe*, 69 U.S. 450, 461-62 & n.12 (1864) (defining "pilots"); *Insurance Cos. v. Wright*, 68 U.S. 456, 473 & n.13 (defining "rating").

define thirteen terms,¹⁷⁰ while in the 1880s, the Court cited dictionaries in seven opinions to define eleven terms.¹⁷¹

In the 1890s, the Court cited dictionaries in eighteen opinions to define twenty-five terms¹⁷² and, during the next decade, the Court relied on dictionaries in twenty-one opinions to define twenty-six terms.¹⁷³ The Court's use of diction-

170. See *Arthur v. Moller*, 97 U.S. 365, 367-68 (1878) (defining "lithograph" and "to print"); *Schumacher v. Cornell*, 96 U.S. 549, 554 (1877) (defining "wrench"); *Pennyroyer v. Neff*, 95 U.S. 714, 721 (1877) (defining "editor"), *overruled in part by Shaffer v. Heitner*, 433 U.S. 186 (1977); *Inman S.S. Co. v. Tinker*, 94 U.S. 238, 243 (1876) (defining "tonnage"); *Decatur Bank v. St. Louis Bank*, 88 U.S. 294, 299 n.2 (1874) (defining "cattle"); *Loan Ass'n v. Topeka*, 87 U.S. 655, 664 (1874) (defining "tax"); *Case of the Sewing Mach. Cos.*, 85 U.S. 553, 585 n.28 (1873) (defining "suit"); *Lapeyre v. United States*, 84 U.S. 191, 195 n.8 & 195-96 n.9 (1872) (defining "proclamation"); *Oulton v. Savings Inst.*, 84 U.S. 109, 118-19 n.14 (1872) (defining "banks"); *Legal Tender Cases*, 79 U.S. 457, 584, 601 n.150 (1870) (Chase, C.J., dissenting) (defining "coining," "money" and "pound Troy").

171. See *Town of Enfield v. Jordan*, 119 U.S. 680, 684-85 (1887) (defining "town" and "village"); *Ferguson v. Arthur*, 117 U.S. 482, 487 (1886) (defining "proprietary" and "proprietor"); *Marvel v. Merritt*, 116 U.S. 11, 12 (1885) (defining "mine," "mineral" and "ore"); *Cooper Mfg. Co. v. Ferguson*, 113 U.S. 727, 734-35 (1885) (defining "to carry on"); *Cochrane v. Badische Anilin & Soda Fabrik*, 111 U.S. 293, 299 (1884) (defining "alizarin"); *Kring v. Missouri*, 107 U.S. 221, 227 (1883) (defining "ex post facto"), *overruled by Collins v. Youngblood*, 497 U.S. 37 (1990); *Railroad Co. v. Mississippi*, 102 U.S. 135, 143-44 (1880) (Miller, J., dissenting) (defining "suit").

172. See *Keck v. United States*, 172 U.S. 434, 461-62 (1899) (Brown, J., dissenting) (defining "smuggler," "smugglers," "smuggling" and "to smuggle"); *United States v. Klumpp*, 169 U.S. 209, 212 (1898) (defining "worsted"); *United States v. Laws*, 163 U.S. 258, 266 (1896) (defining "profession"); *Singer Mfg. Co. v. June Mfg. Co.*, 163 U.S. 169, 186 (1896) (defining "abandonment"); *Reagan v. United States*, 157 U.S. 301, 303 (1895) (defining "felony"); *Cochran v. United States*, 157 U.S. 286, 296 (1895) (defining "liable"); *Seeberger v. Wright & Lawther Oil & Lead Mfg. Co.*, 157 U.S. 183, 185 (1895) (defining "draft" and "draught"); *Emert v. Missouri*, 156 U.S. 296, 306 (1895) (defining "hawkers"); *Ernhardt v. Steinhardt*, 153 U.S. 177, 182 (1894) (defining "absinthe"); *The Britannia*, 153 U.S. 130, 148 (1894) (Brown, J., dissenting) (defining "course"); *Bogle v. Magone*, 152 U.S. 623, 626 (1894) (defining "sauce"); *Sarlls v. United States*, 152 U.S. 570, 572 (1894) (defining "ardent spirits," "malt liquor," "spirituous" and "spirituous liquors"); *The Main v. Williams*, 152 U.S. 122, 130 (1894) (defining "freight"); *United States v. Rodgers*, 150 U.S. 249, 270 (1893) (Gray, J., dissenting) (defining "high seas"); *Magone v. Heller*, 150 U.S. 70, 74 (1893) (defining "expressly"); *United States v. Patterson*, 150 U.S. 65, 68 (1893) (defining "hearing"); *Hollender v. Magone*, 149 U.S. 586, 588-89 (1893) (defining "liquors"); *Horner v. United States*, 147 U.S. 449, 458-59 (1893) (defining "lottery").

173. See *Wilder v. Inter-Island Steam Navigation Co.*, 211 U.S. 239, 246 (1908) (defining "arrestment"); *American Tobacco Co. v. Werckmeister*, 207 U.S. 284, 290-91 (1907) (defining "copyright"); *Hodges v. United States*, 203 U.S. 1, 7 (1906) (defining "slavery," "slave" and "servitude"); *Burton v. United States*, 202

aries abated slightly during the next two decades. From 1910 to 1919, the Court relied on dictionaries in eight opinions to define thirteen terms,¹⁷⁴ while from 1920 to 1929, the Court relied on dictionaries in ten opinions to define twelve terms.¹⁷⁵

In both the 1930s¹⁷⁶ and the 1940s,¹⁷⁷ the Court relied on

U.S. 344, 371 (1906) (defining "interested"); *id.* at 396 (Brewer, J., dissenting) (defining "interest"); *Vicksburg v. Vicksburg Waterworks Co.*, 202 U.S. 453, 470-71 (1906) (defining "exclusive"); *Serralles v. Esbri*, 200 U.S. 103, 111 (1906) (defining "centavo"); *United States v. Ju Toy*, 198 U.S. 253, 269-70 (1905) (Brewer, J., dissenting) (defining "banishment"); *Clyatt v. United States*, 197 U.S. 207, 219 (1905) (defining "return"); *Keppel v. Tiffin Sav. Bank*, 197 U.S. 356, 362 (1905) (defining "surrender"); *id.* at 383 (Day, J., dissenting) (defining "surrender"); *Hackfeld & Co. v. United States*, 197 U.S. 442, 448-49 (1905) (defining "neglect"); *Houghton v. Payne*, 194 U.S. 88, 96 (1904) (defining "magazines" and "periodical"); *United States ex rel. Turner v. Williams*, 194 U.S. 279, 292-93 (1904) (defining "anarchist" and "anarchy"); *Martin v. Steamship Southwark*, 191 U.S. 1, 8 (1903) (defining "seaworthiness"); *Northern Pac. Ry. Co. v. Soderberg*, 188 U.S. 526, 536-37 (1903) (defining "metals," "mines" and "minerals"); *Board of Dirs. of the Chicago Theological Seminary v. Illinois ex rel. Raymond*, 188 U.S. 662, 673 (1903) (defining "belonging"); *Fidelity & Deposit Co. v. Courtney*, 186 U.S. 342, 346 (1902) (defining "immediate"); *Patton v. Brady*, 184 U.S. 608, 617-18 (1902) (defining "excise"); *Wilson Bros. v. Nelson*, 183 U.S. 191, 212 (1901) (Shiras, J., dissenting) (defining "act"); *Western Union Tel. Co. v. Call Publ'g Co.*, 181 U.S. 92, 102 (1901) (defining "common law").

174. See *Chelentis v. Luckenbach S.S. Co.*, 247 U.S. 372, 384 (1918) (defining "right" and "remedy"); *Lamar v. United States*, 241 U.S. 103, 113 (1916) (defining "legislative officer," "legislative officers," "office" and "officer"); *Mallinckrodt Chemical Workers v. Missouri ex rel. Jones*, 238 U.S. 41, 53 (1915) (defining "trust"); *Rocca v. Thompson*, 223 U.S. 317, 329 (1912) (defining "intervene"); *Baglin v. Cusenier Co.*, 221 U.S. 580, 598 (1911) (defining "abandonment"); *Montello Salt Co. v. Utah*, 221 U.S. 452, 464-65 (1911) (defining "include"); *Standard Paint Co. v. Trinidad Asphalt Mfg. Co.*, 220 U.S. 446, 454-55 (1911) (defining "rubberoid" and "oid"); *Toxaway Hotel Co. v. J.L. Smathers & Co.*, 216 U.S. 439, 448 (1910) (defining "mercantile").

175. See *John P. King Mfg. Co. v. City Council of Augusta*, 277 U.S. 100, 102-03 (1928) (defining "statute"); *Deal v. United States*, 274 U.S. 277, 283 (1927) (defining "depredation" and "robbery"); *O'Hara v. Luckenbach S.S. Co.*, 269 U.S. 364, 371 (1926) (defining "watch"); *Gitlow v. New York*, 268 U.S. 652, 665 (1925) (defining "advocacy"); *Banco Mexicano de Comercio e Industria v. Deutsche Bank*, 263 U.S. 591, 601 (1924) (defining "with reference to"); *United States v. Merriam*, 263 U.S. 179, 184 (1923) (defining "legacy") (quoting *Orton v. Orton*, 42 N.Y. 486 (1867)); *United States v. Bhagat Singh Thind*, 261 U.S. 204, 211 & n.1 (1923) (defining "caucasian"); *Rhode Island v. Palmer*, 253 U.S. 350, 396-97 n.2, 398 (1920) (McKenna, J., dissenting) (defining "concurrent" and "concurrent jurisdiction"); *Eisner v. Macomber*, 252 U.S. 189, 206-07 (1920) (defining "income"); *Ash Sheep Co. v. United States*, 252 U.S. 159, 169 (1920) (defining "cattle").

176. See *Honolulu Oil Corp. v. Halliburton*, 306 U.S. 550, 552 & n.4 (1939) (defining "packer"); *Lanzetta v. New Jersey*, 306 U.S. 451, 454-55 & n.3 (1939)

dictionaries in seventeen opinions to define twenty-three terms. The 1950s yielded eleven opinions using dictionaries to define twenty-one terms¹⁷⁸ and the 1960s had sixteen

(defining "gang"); *Washingtonian Publ'g Co. v. Pearson*, 306 U.S. 30, 47 & n.10-11 (1939) (Black, J., dissenting) (defining "condition precedent" and "condition subsequent"); *Polk Co. v. Glover*, 305 U.S. 5, 17 & n.13 (1938) (Black, J., dissenting) (defining "arbitrary," "capricious," "harsh," "unjust" and "unreasonable"); *Coverdale v. Arkansas-Louisiana Pipe Line Co.*, 303 U.S. 604, 607 n.1 (1938) (defining "prime mover"); *New Negro Alliance v. Sanitary Grocery*, 303 U.S. 552, 564 n.1 (1938) (McReynolds, J., dissenting) (defining "dispute"); *State Farm Mut. Auto. Ins. Co v. Coughran*, 303 U.S. 485, 491 (1938) (defining "operate"); *United States v. Wurts*, 303 U.S. 414, 417 (1938) (defining "refund"); *United States v. Raynor*, 302 U.S. 540, 549 n.14 (1938) (defining "counterfeit"); *Smyth v. United States*, 302 U.S. 329, 365 n.1 (1937) (McReynolds, J., dissenting) (defining "redeem"); *White v. Aronson*, 302 U.S. 16, 17 nn.2, 3 (1937) (defining "game" and "puzzle"); *Old Colony Trust Co. v. Commissioner*, 301 U.S. 379, 383 n.3 (1937) (defining "pursuant to"); *United States v. Giles*, 300 U.S. 41, 48 (1937) (defining "make"); *Paramount Publix Corp. v. American Tri-Ergon Corp.*, 294 U.S. 464, 471 & n.1 (1935) (defining "combination printing"); *United States v. Dubilier Condenser Corp.*, 289 U.S. 178, 186 & n.6 (1933) (defining "monopoly"); *McCaughn v. Hershey Chocolate Co.*, 283 U.S. 488, 491 (1931) (defining "candy"); *American Fruit Growers Inc. v. Brogdex Co.*, 283 U.S. 1, 11 (1931) (defining "manufacture").

177. *See Spiegel's Estate v. Commissioner*, 335 U.S. 701, 729 n.12 (1949) (Burton, J., dissenting) (defining "intended"); *Lichter v. United States*, 334 U.S. 742, 786 n.37 (1948) (defining "excessive"); *Crane v. Commissioner*, 331 U.S. 1, 6 nn.14, 15 (1947) (defining "equity" and "property"); *American Stevedores, Inc. v. Porello*, 330 U.S. 446, 450 n.6 (1947) (defining "damage" and "damages"); *Board of Governors of Fed. Reserve Sys. v. Agnew*, 329 U.S. 441, 446 (1947) (defining "primarily"); *United States v. Carmack*, 329 U.S. 230, 243-44 n.14 (1947) (defining "arbitrary" and "capricious"); *Cleveland v. United States*, 329 U.S. 14, 17 nn.3, 4 (1946) (defining "debauchery" and "prostitution"); *Fishgold v. Sullivan Drydock & Repair Corp.*, 328 U.S. 275, 286 n.10, 287 n.11 (1946) (defining "discharge" and "lay-off"); *Roland Elec. Co. v. Walling*, 326 U.S. 657, 673 (1946) (defining "retail"); *Keegan v. United States*, 325 U.S. 478, 501-02 n.1 (1945) (Stone, C.J., dissenting) (defining "evade"); *United States v. Beach*, 324 U.S. 193, 197 n.2 (1945) (Murphy, J., dissenting) (defining "white slave"); *Western Union Tel. Co. v. Lenroot*, 323 U.S. 490, 512 (1945) (Murphy, J., dissenting) (defining "ship"); *Tennessee Coal, Iron & R.R. Co. v. Muscoda Local No. 123*, 321 U.S. 590, 598 n.11 (1944) (defining "employ" and "work"); *Stewart v. United States*, 316 U.S. 354, 362 n.6 (1942) (defining "islands"); *Exhibit Supply Co. v. Ace Patents Corp.*, 315 U.S. 126, 134 (1942) (defining "embed"); *Helvering v. Hammel*, 311 U.S. 504, 507 (1941) (defining "sale"); *Montgomery Ward & Co. v. Duncan*, 311 U.S. 243, 251 n.10 (1940) (defining "alternative").

178. *See Beilan v. Board of Public Educ.*, 357 U.S. 399, 407 (1958) (construing "incompetency" (quoting *Horosko v. Mt. Pleasant Sch. Dist.*, 6 A.2d 866, 868, 869-70 (1939)); *Colony, Inc. v. Commissioner*, 357 U.S. 28, 32 (1958) (construing "omit"); *Roth v. United States*, 354 U.S. 476, 487 n.20 (1957) (construing "pruriency" and "prurient"); *Yates v. United States*, 354 U.S. 298, 305-07 & n.7 (1957) (construing "organize"); *United States v. Turley*, 352 U.S. 407, 411-13 & n.8 (1957) (construing "steal," "stolen" and "theft"); *Ullmann v. United States*, 350

opinions using dictionaries to define twenty-three terms.¹⁷⁹ Since that time, the Court's use of dictionaries as a substantive source has expanded dramatically.

In the 1970s, the Court turned to dictionaries in forty opinions to define fifty terms.¹⁸⁰ In the 1980s, the Court

U.S. 422, 453 n.* (1956) (Douglas, J., dissenting) (construing "traîner sur la claie"); *Shields v. Atlantic Coast Line R.R. Co.*, 350 U.S. 318, 326 n.2 (1956) (Reed, J., dissenting) (construing "running board"); *Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495, 520 n.28, 524 nn.43-44, 525 nn.45-47, 526 n.48, 527 n.49, 534, 535-39 & app. (1952) (Frankfurter, J., concurring in judgment) (construing "blasphemy," "blasphemer," "sacrilege," "sacrilegious," "profane," "prophaneness" and "to profane"); *Palmer v. Ashe*, 342 U.S. 134, 140 n.* (1952) (Minton, J., dissenting) (construing "imbecile"); *Jordan v. De George*, 341 U.S. 223, 234 n.7 (1951) (Jackson, J., dissenting) (construing "moral turpitude" and "turpitude"); *Johnson v. Eisentrager*, 339 U.S. 763, 778 n.10 (1950) (construing "habeas corpus").

179. *See Sniadach v. Family Fin. Corp.*, 395 U.S. 337, 348 (1969) (Black, J., dissenting) (defining "garnishment"); *Daniel v. Paul*, 395 U.S. 298, 306 n.7 (1969) (defining "entertainment"); *United States v. An Article of Drug . . . Bacto-Unidisk . . .*, 394 U.S. 784, 800 n.20 (1969) (defining "drug"); *United States v. Donruss Co.*, 393 U.S. 297, 311 n.2 (1969) (Harlan, J., concurring in part and dissenting in part) (defining "intention"); *Cheng Fan Kwok v. INS*, 392 U.S. 206, 218 n.* (1968) (White, J., dissenting) (defining "pursuant"); *United States v. Cook*, 384 U.S. 257, 261 n.5 (1966) (defining "firm"); *United States v. Standard Oil Co.*, 384 U.S. 224, 234 (1966) (Harlan, J., dissenting) (defining "refuse matter"); *United States v. Seeger*, 380 U.S. 163, 174 & n.2 (1965) (defining "supreme being" and "theism"); *Bell v. Maryland*, 378 U.S. 226, 297 n.17 (1964) (Goldberg, J., concurring) (defining "victualling house"); *Baggett v. Bullitt*, 377 U.S. 360, 371 n.9 (1964) (defining "institution"); *Jacobellis v. Ohio*, 378 U.S. 184, 193 n.9 (1964) (Brennan, J., judgment and plurality opinion) (defining "community"); *Manual Enters., Inc. v. Day*, 370 U.S. 478, 483 n.4 (1962) (Harlan, J., judgment and plurality opinion) (defining "filthy," "indecent," "lewd," "obscene" and "vile"); *Cafeteria & Restaurant Workers Union Local 473 v. McElroy*, 367 U.S. 886, 892 n.6 (1961) (defining "tradesman"); *Jarecki v. G.D. Searle & Co.*, 367 U.S. 303, 308 n.3 (1961) (defining "discovers" and "invents"); *Massey Motors, Inc. v. United States*, 364 U.S. 92, 106 n.7 (1960) (defining "salvage value" and "useful life"); *United States v. Mersky*, 361 U.S. 431, 445 (1960) (Frankfurter, dissenting) (defining "statute").

180. *See P.C. Pfeiffer Co. v. Ford*, 444 U.S. 69, 77 n.7 (1979) (defining "including"); *Sandstrom v. Montana*, 442 U.S. 510, 517, 521 n.11 (1979) (defining "presume" and "intent"); *Reiter v. Sonotone Corp.*, 442 U.S. 330, 338 (1979) (defining "property"); *Bell v. Wolfish*, 441 U.S. 520, 581 n.9 (1979) (Stevens, J., dissenting) (defining "prison"); *Japan Line, Ltd. v. County of Los Angeles*, 441 U.S. 434, 442 (1979) (defining "mobilia sequuntur personum"); *Addington v. Texas*, 441 U.S. 418, 432 n.9 (1979) (defining "unequivocal"); *Dalia v. United States*, 441 U.S. 238, 240 n.2 (1979) (defining "covert"); *Herbert v. Lando*, 441 U.S. 153, 199 n.1 (1979) (Stewart, J., dissenting) (defining "malice"); *National Muffler Dealers Ass'n, Inc. v. United States*, 440 U.S. 472, 480 n.10 (1979) (defining "board of trade" and "chamber of commerce"); *Group Life & Health Ins. Co. v. Royal Drug Co.*, 440 U.S. 205, 211 (1979) (defining "insurance"); *Colautti v. Franklin*, 439 U.S. 379, 402 (1979) (White, J., dissenting) (defining "potential"); *FCC v. Pacifica Found.*, 438 U.S. 726, 740 n.14 (1978) (defining "indecent"); *St.*

relied on dictionaries nearly 100 times to define nearly 125 terms.¹⁸¹ In the 1990s, the Court has continued to increase its

Paul Fire & Marine Ins. Co. v. Barry, 438 U.S. 531, 541 n.11 (1978) (defining "boycott"); NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 243 n.* (1978) (Stevens, J., concurring) (defining "interference"); Andrus v. Charlestone Stone Prods. Co., 436 U.S. 604, 610 (1978) (defining "minerals") (quoting Northern Pacific Ry. v. Soderberg, 188 U.S. 526, 530 (1903)); California v. Southland Royalty Co., 436 U.S. 519, 527 (1978) (defining "dedicate"); United States v. Ramsey, 431 U.S. 606, 629-30 n.5 (1977) (Stevens, J., dissenting) (defining "envelope"); Ingraham v. Wright, 430 U.S. 651, 657 n.9 (1977) (defining "hematoma"); Oregon *ex rel.* State Land Bd. v. Corvallis Sand & Gravel Co., 429 U.S. 363, 380 n.8 (1977) (defining "common law") (quoting Western Union Tel. Co. v. Call Publ'g Co., 181 U.S. 92, 102 (1901)); Ernst & Ernst v. Hochfelder, 425 U.S. 185, 199 nn.20 & 21 (1975) (defining "contrivance," "contrive," "device" and "manipulate"); Alamo Land & Cattle Co. v. Arizona, 424 U.S. 295, 312 (1975) (White, J., dissenting) (defining "encumbrance"); United States v. Watson, 423 U.S. 411, 438 n.3 (1975) (Marshall, J., dissenting) (defining "nunnery"); Schick v. Reed, 419 U.S. 256, 273 n.8 (1974) (Marshall, J., dissenting) (defining "commutation" and "pardon"); Old Dominion Branch No. 496 v. Austin, 418 U.S. 264, 283 (1974) (defining "scab"); Corning Glass Works v. Brennan, 417 U.S. 188, 201 & n.21 (1974) (defining "working conditions"); Huddleston v. United States, 415 U.S. 814, 820 (1974) (defining "acquire"); Lewis v. City of New Orleans, 415 U.S. 130, 132 (1974) (defining "opprobrious") (quoting Gooding v. Wilson, 405 U.S. 518, 525 (1972)); Miller v. California, 413 U.S. 15, 20 n.2 (1973) (defining "obscene" and "pornography"); BPOE Lodge No. 2043 v. Ingraham, 411 U.S. 924, 926 (1973) (Douglas, J., dissenting from dismissal for lack of substantial federal question) (defining "ethnic"); Roe v. Wade, 410 U.S. 113, 132 & n.20, 159, 160 & n.59 (1973) (defining "quickenening," "embryo," "fetus" and "viable"); Grayned v. City of Rockford, 408 U.S. 104, 112 n.16 (1972) (defining "diversion"); Shadwick v. City of Tampa, 407 U.S. 345, 349 n.7 (1972) (defining "magistrate"); Evansville-Vanderburgh Airport Auth. v. Delta Airlines, Inc., 405 U.S. 707, 710 n.1 (1972) (defining "emplane"); Gooding v. Wilson, 405 U.S. 518, 525 (1972) (defining "abusive" and "opprobrious"); McKeiver v. Pennsylvania, 403 U.S. 528, 571 (1971) (Harlan, J., concurring in judgment) (defining "peer"); United States v. Vuitch, 402 U.S. 62, 72 (1971) (defining "health"); Welsh v. United States, 398 U.S. 333, 351-52 & n.5 (1970) (Harlan, J., concurring in result) (defining "religion"); Adickes v. S.H. Kress & Co., 398 U.S. 144, 182 (1970) (Douglas, J., dissenting in part) (defining "of"); *id.* at 211 (Brennan, J., concurring in part and dissenting in part) (defining "color").

181. See John Doe Agency v. John Doe Corp., 493 U.S. 146, 153 (1989) (defining "compilation"); Breininger v. Sheet Metal Workers Int'l Ass'n Local Union No. 6, 493 U.S. 67, 97 (1989) (Stevens, J., concurring in part and dissenting in part) (defining "discipline"); County of Allegheny v. ACLU, 492 U.S. 573, 648-49 & n.5 (1989) (Stevens, J., concurring in part and dissenting in part) (defining "religion" and "respect"); Webster v. Reproductive Health Servs., 492 U.S. 490, 515 n.13 (1989) (Rehnquist, C.J., judgment and plurality opinion) (defining "necessary"); Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc., 492 U.S. 257, 265 nn.6 & 7, 268 n.10 (1989) (defining "fines for offenses" and "damages"); *id.* at 297 (O'Connor, J., concurring in part and dissenting in part) (defining "damages" and "fine"); H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 238 (1989) (defining "pattern"); Ward v. Rock Against Racism, 491 U.S. 781,

810 (1989) (Marshall, J., dissenting) (defining "tonality"); *Will v. Michigan Dep't of State Police*, 491 U.S. 58, 69 n.9 (1989) (defining "body politic" and "public corporation"); *id.* at 78-80 (Brennan, J., dissenting) (defining "bodies politic and corporate," "body politic," "body politic or corporate" and "corporation sole"); *Sullivan v. Hudson*, 490 U.S. 877, 894 (1989) (White, J., dissenting) (defining "civil action"); *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 366 n.6 (1989) (defining "salmonid"); *Chan v. Korean Air Lines, Ltd.*, 490 U.S. 122, 128 (1989) (defining "irregularity"); *Mallard v. United States Dist. Ct. for the S. Dist. of Iowa*, 490 U.S. 296, 301 (1989) (defining "request"); *Department of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 763-64 n.16 (1989) (defining "private"); *Beech Aircraft Corp. v. Rainey*, 488 U.S. 153, 163-64 (1988) (defining "finding of fact"); *Pittston Coal Group v. Sebben*, 488 U.S. 105, 113 (defining "criteria"); *id.* at 134 n.7 (Stevens, J., dissenting) (defining "criterion"); *United States v. Kozminski*, 487 U.S. 931, 962-63 & n.9 (1988) (Brennan, J., concurring) (defining "servitude"); *Bowen v. Massachusetts*, 487 U.S. 879, 913-14 (1988) (Scalia, J., dissenting) (defining "damages"); *Morrison v. Olson*, 487 U.S. 654, 719 (1988) (Scalia, J., dissenting) (defining "inferiour"); *Pierce v. Underwood*, 487 U.S. 552, 564 (1988) (defining "substantial"); *id.* at 576, 577 (Brennan, J., concurring in part and concurring in judgment) (defining "substantial" and "reasonable"); *Frisby v. Schultz*, 487 U.S. 474, 482 (1988) (defining "picketing"); *Doe v. United States*, 487 U.S. 201, 221 n.2 (1988) (Stevens, J., dissenting) (defining "witness"); *Volkswagenwerk Aktiengesellschaft v. Schlunk*, 486 U.S. 694, 700 (1988) (defining "service of process"); *McCoy v. Wisconsin Court of Appeals*, 486 U.S. 429, 450 (1988) (Brennan, J., dissenting) (defining "amicus curiae"); *K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 298-99 (1988) (Brennan, J., concurring in part and dissenting in part) (defining "owner" and "ownership"); *id.* at 324 n.2 (Scalia, J., concurring in part and dissenting in part) (defining "oven"); *McLaughlin v. Richland Shoe Co.*, 486 U.S. 128, 137 (1988) (Marshall, J., dissenting) (defining "willful"); *EEOC v. Commercial Office Prods. Co.*, 486 U.S. 107, 115 (1988) (defining "terminate" and "termination"); *Kungys v. United States*, 485 U.S. 759, 786 (1988) (Stevens, J., concurring in judgment) (defining "material"); *Regents of Univ. of California v. Public Employment Relations Bd.*, 485 U.S. 589, 598 (1988) (defining "compensation"); *id.* at 610 & n.4 (Stevens, J., dissenting) (defining "good will"); *Lyng v. Northwest Indian Cemetery Protective Ass'n*, 485 U.S. 439, 468 n.4 (1988) (Brennan, J., dissenting) (defining "prohibit"); *K Mart Corp. v. Cartier, Inc.*, 485 U.S. 176, 184 (1988) (defining "embargo"); *id.* at 192 (Scalia, J., dissenting) (defining "embargo"); *Hustler Magazine v. Falwell*, 485 U.S. 46, 54-55 (1988) (defining "caricature"); *Phillips Petroleum Co. v. Mississippi*, 484 U.S. 469, 476-77 n.6 (1988) (defining "tidelands"); *Honig v. Doe*, 484 U.S. 305, 334-35 (1988) (Scalia, J., dissenting) (defining "likely" and "or"); *McNally v. United States*, 483 U.S. 350, 370-71 (1987) (Stevens, J., dissenting) (defining "defraud"); *Edwards v. Aguillard*, 482 U.S. 578, 598-99 (1987) (Powell, J., concurring) (defining "creation" and "evolution"); *City of Houston v. Hill*, 482 U.S. 451, 479 & n.6 (1987) (Powell, J., concurring in judgment in part and dissenting in part) (defining "challenge"); *Meese v. Keene*, 481 U.S. 465, 477-78 n.11 (1987) (defining "propaganda"); *Saint Francis College v. Al-Khazraji*, 481 U.S. 604, 610-11 (1987) (defining "race"); *Montana v. Hall*, 481 U.S. 400, 409 n.17 (1987) (Marshall, J., dissenting) (defining "per curiam"); *Lukhard v. Reed*, 481 U.S. 368, 374 (1987) (Scalia, J., judgment of Court and opinion) (defining "income"); *United States v. John Doe, Inc. I*, 481 U.S. 102, 109 n.4 (1987) (defining "disclose"); *INS v. Cardoza-Fonseca*, 480 U.S. 421, 431 n.11 (1987) (defining "fear") (quoting *Matter of Acosta*, Interim Decision No.

2986, at 14 (Mar. 1, 1985)); *Randall v. Loftsgaarden*, 478 U.S. 647, 673 (1986) (Brennan, J., dissenting) (defining "income"); *United States v. James*, 478 U.S. 597, 605 n.6 (1986) (defining "damages"); *id.* at 615 (Stevens, J., dissenting) (defining "damage" and "damages"); *Library of Congress v. Shaw*, 478 U.S. 310, 315 n.2 (1986) (defining "interest"); *Davis v. Bandemer*, 478 U.S. 109, 164 n.3 (1986) (Powell, J., concurring in part and dissenting in part) (defining "gerrymander"); *Henderson v. United States*, 476 U.S. 321, 335 (1986) (White, J., dissenting) (defining "prompt"); *Davis v. Ciralo*, 476 U.S. 207, 221 & n.6 (1986) (Powell, J., dissenting) (defining "curtilage"); *Pembaur v. City of Cincinnati*, 475 U.S. 469, 481 n.9 (1986) (defining "policy"); *id.* at 499-500 (Powell, J., dissenting) (defining "policy"); *Carchman v. Nash*, 473 U.S. 716, 745 (1985) (Brennan, J., dissenting) (defining "complaint"); *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 496, 500 n.10 (1985) (defining "pruriency," "prurient" and "lust") (quoting *Roth v. United States*, 354 U.S. 476, 487 n.20 (1957)); *Bateman Eichler, Hill Richards, Inc. v. Berner*, 472 U.S. 299, 306-07 & n.11 (1985) (defining "in pari delicto potior est conditio defendentis"); *Wallace v. Jaffree*, 472 U.S. 38, 106 (1985) (Rehnquist, J., dissenting) (defining "establishment"); *Schreiber v. Burlington Northern, Inc.*, 472 U.S. 1, 7 & n.5 (1985) (defining "manipulation"); *City of Oklahoma City v. Tuttle*, 471 U.S. 808, 823 n.6 (1985) (Rehnquist, J., judgment of Court and opinion) (defining "policy"); *Zauderer v. Office of Disciplinary Counsel of Sup. Ct. of Ohio*, 471 U.S. 626, 630 n.2 (1985) (defining "intrauterine device"); *California v. Carney*, 471 U.S. 386, 406 n.20 (1985) (Stevens, J., dissenting) (defining "automobile," "camper," and "motor home"); *Air France v. Saks*, 470 U.S. 392, 399-400 n.3 (1985) (defining "accident"); *Luce v. United States*, 469 U.S. 38, 40 n.2 (1984) (defining "in limine"); *Securities Indus. Ass'n v. Board of Governors of Fed. Reserve Sys.*, 468 U.S. 137, 165-66 (1984) (O'Connor, J., dissenting) (defining "note"); *United States v. Rodgers*, 466 U.S. 475, 480 (1984) (defining "jurisdiction"); *Daily Income Fund, Inc. v. Fox*, 464 U.S. 523, 529 n.4 (1984) (defining "derivative suit"); *Russello v. United States*, 464 U.S. 16, 21 (1983) (defining "interest"); *Ruckelshaus v. Sierra Club*, 463 U.S. 680, 683 (1983) (defining "appropriate"); *Shaw v. Delta Air Lines, Inc.*, 463 U.S. 85, 97 n.16 (1983) (defining "relate"); *Oregon v. Bradshaw*, 462 U.S. 1039, 1045 (1983) (Rehnquist, J., judgment of Court and opinion) (defining "initiated"); *INS v. Chadha*, 462 U.S. 919, 925 n.2 (1983) (defining "veto"); *Philko Aviation, Inc. v. Shackel*, 462 U.S. 406, 411 (1983) (defining "conveyance"); *American Paper Inst., Inc. v. American Elec. Power Serv. Corp.*, 461 U.S. 402, 421 (1983) (defining "exempt"); *United States v. Grace*, 461 U.S. 171, 188 n.* (1983) (Stevens, J., concurring in part and dissenting in part) (defining "movement"); *Smith v. Wade*, 461 U.S. 30, 60 n.3, 62 n.4, 85 (1983) (Rehnquist, J., dissenting) (defining "lewdly," "wanton," "wantonly," "malice," "recklessness" and "redress"); *Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez*, 458 U.S. 592, 600 & n.8 (1982) (defining "parens patriae"); *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 501 n.18, 503 n.20 (1982) (defining "roach," "design" and "head"); *Jewett v. Commissioner*, 455 U.S. 305, 323 (1982) (Blackmun, J., dissenting) (defining "disclaimer"); *American Textile Mfrs. Inst., Inc. v. Donovan*, 452 U.S. 490, 508-09 (1981) (defining "feasible"); *County of Washington v. Gunther*, 452 U.S. 161, 169 & n.9 (1981) (defining "authorize"); *id.* at 198 n.10 (Rehnquist, J., dissenting) (defining "authorized"); *Parratt v. Taylor*, 451 U.S. 527, 549 n.4 (1981) (Powell, J., concurring in result) (defining "deprive"); *Rosewell v. LaSalle Nat'l Bank*, 450 U.S. 503, 516 (1981) (defining "efficient," "plain," "remedy" and "speedy"); *id.* at 532 n.4 (1981) (Stevens, J., dissenting) (defining "efficient" and "remedy");

reliance on dictionaries to define terms. From 1990 through the 1997-1998 term, the Court cited dictionaries in nearly 180 opinions to define more than 220 terms.¹⁸² Projecting

Steadman v. SEC, 450 U.S. 91, 98 n.16 (1981) (defining "substantial"); Industrial Union Dep't v. American Petroleum Inst., 448 U.S. 607, 719 (1980) (Marshall, J., dissenting) (defining "feasible"); Aaron v. SEC, 446 U.S. 680, 696 n.13 (1980) (defining "artifice," "device" and "scheme"); Godfrey v. Georgia, 446 U.S. 420, 442 (1980) (Burger, C.J., dissenting) (defining "hideous"); United States v. Louisiana, 446 U.S. 253, 264 (1980) (defining "impound"); Whalen v. United States, 445 U.S. 684, 708-09 (1980) (Rehnquist, J., dissenting) (defining "lesser offense"); United States v. Euge, 444 U.S. 707, 720 n.2 (1980) (Brennan, J., dissenting) (defining "testimony"); California Brewers Ass'n v. Bryant, 444 U.S. 598, 605 n.12, 606 n.15 (1980) (defining "seniority" and "system"); *id.* at 612-13 nn.3, 4 (Marshall, J., dissenting) (defining "seniority").

182. See Clinton v. City of New York, 118 S. Ct. 2091, 2098 n.13 (1998) (defining "person"); National Endowment for the Arts v. Finley, 118 S. Ct. 2168, 2180-81 (1998) (Scalia, J. concurring) (defining "ensure"); *id.* at 2189 (Souter, J., dissenting) (defining "consider," "consideration" and "take into consideration"); Bragdon v. Abbott, 118 S. Ct. 2196, 2215 (U.S. 1998) (Rehnquist, C.J., concurring in part and dissenting in part) (defining "major"); United States v. Bajakajian, 118 S. Ct. 2028, 2034, 2036 & n.9, 2037 (1998) (defining "remedial action," "instrumentality" and "excessive"); Pennsylvania Dep't of Corrections v. Yeskey, 118 S. Ct. 1952, 1955 (1998) (defining "eligible" and "participate"); Muscarello v. United States, 118 S. Ct. 1911, 1914, 1915 (1998) (defining "carry" and "carry arms or weapons"); *id.* at 1921 nn.2, 5 (Ginsburg, J., dissenting) (defining "carry," "carry arms or weapons" and "carries a firearm"); United States v. Bestfoods, 118 S. Ct. 1876, 1887 (1998) (defining "operate"); AVCO Corp. v. United Auto., Aerospace & Agric. Implement Workers, 118 S. Ct. 1626, 1629 (1998) (Scalia, J., opinion of the Court) (defining "for"); Stewart v. Martinez-Villareal, 118 S. Ct. 1618, 1624 (1998) (Thomas, J., dissenting) (defining "application" and "present"); Feltner v. Columbia Pictures Television, Inc., 118 S. Ct. 1279, 1288 (1998) (Scalia, J., concurring) (defining "court"); Cohen v. De la Cruz, 118 S. Ct. 1212, 1217 (1998) (defining "debt for"); Kawaauhau v. Geiger, 118 S. Ct. 974, 977 n.7 (1998) (defining "willful"); Allentown Mack Sales & Serv., Inc. v. NLRB, 118 S. Ct. 818, 823 (1998) (defining "doubt" and "objective"); Brogan v. United States, 118 S. Ct. 805, 808 (1998) (defining "no"); Foster v. Love, 118 S. Ct. 464, 467 (1997) (defining "election"); City of Boerne v. P.F. Flores, 117 S. Ct. 2157, 2173, 2174 n.1 (1997) (Scalia, J., concurring in part) (defining "peace" and "licentious"); McMillian v. Monroe County, Alabama, 520 U.S. 781, 794 (1997) (defining "sheriff"); United States v. LaBonte, 520 U.S. 751, 757 (1997) (defining "maximum"); Camps Newfound/Owatonna, Inc. v. Town of Harrison, 520 U.S. 564, 637-38 & n. 20 (1997) (Thomas, J., dissenting) (defining "impost" and "duty"); Commissioner v. Estate of Hubert, 520 U.S. 93, 118 (1997) (O'Connor, J., concurring) (defining "substantial"); *id.* at 128 (Scalia, J., dissenting) (defining "material"); United States v. Gonzales, 520 U.S. 1, 5 (1997) (defining "any"); Dunn v. Commodity Futures Trading Comm'n, 519 U.S. 465, 470 (1997) (Souter, J., dissenting) (defining "in"); Auer v. Robbins, 519 U.S. 452, 461 (1997) (defining "subject to"); Robinson v. Shell Oil Co., 519 U.S. 337, 342 (1997) (defining "employed"); Ingalls Shipbuilding, Inc. v. Department of Labor, 519 U.S. 248, 255 (1997) (defining "entitled"); Walters v. Metropolitan Educ. Enters., Inc., 519 U.S. 202, 207 (1997) (defining "have"); O'Gilvie v. United States, 519 U.S. 79, 83 (1996) (defining "on

account of"); *Melendez v. United States*, 518 U.S. 120, 126 & n.4 (1996) (defining "motion"); *Smiley v. Citibank*, 517 U.S. 735, 745 (1996) (defining "interest" and "rate"); *Henderson v. United States*, 517 U.S. 654, 680 (1996) (Thomas, J., dissenting) (defining "forthwith"); 44 *Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 491 & n.4 (1996) (defining "temperance"); *Meghrig v. KFC Western, Inc.*, 516 U.S. 479, 485 (1996) (defining "imminent"); *Morse v. Republican Party of Virginia*, 517 U.S. 186, 254 (1996) (Thomas, J., dissenting) (defining "state"); *Barnett Bank of Marion County v. Nelson*, 517 U.S. 25, 38 (1996) (defining "specifically"); *Varity Corp. v. Howe*, 516 U.S. 489, 529 (1996) (Thomas, J., dissenting) (defining "administer"); *Things Remembered, Inc. v. Petrarca*, 516 U.S. 124, 133 (1995) (Ginsburg, J., concurring) (defining "equitable"); *Fulton Corp. v. Faulkner*, 516 U.S. 325, 337 (1996) (defining "price/earnings ratio"); *NLRB v. Town & Country Elec., Inc.*, 516 U.S. 85, 90 (1995) (defining "employee"); *Rutledge v. United States*, 517 U.S. 292, 299 n.10 (1996) (defining "concert"); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 836 (1995) (defining "promote" and "manifest"); *id.* at 872 n.1 (Souter, J., dissenting) (defining "seminary"); *Capitol Square Rev. & Advisory Bd. v. Pinette*, 515 U.S. 753, 763 (1995) (defining "endorsement"); *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687, 697 (1995) (defining "harm"); *id.* at 710 (O'Connor, J., concurring) (defining "injure"); *id.* at 718, 732-33 (Scalia, J., dissenting) (defining "take," "harm" and "proximate"); *United States v. Aguilar*, 515 U.S. 593, 610-11, 616 (1995) (Scalia, J., concurring in part and dissenting in part) (defining "endeavors" and "corruptly"); *Gutierrez de Martinez v. Lamagno*, 515 U.S. 417, 432-33 n.9 (1995) (defining "shall"); *id.* at 439 (Souter, J., dissenting) (defining "shall"); *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 857 n.7 (1995) (Thomas, J., dissenting) (defining "Congress"); *Hubbard v. United States*, 514 U.S. 695, 700 (1995) (defining "shows"); *Kansas v. Colorado*, 514 U.S. 673, 687 (1995) (defining "doctrine of laches"); *United States v. Lopez*, 514 U.S. 549, 585-86 (1995) (Thomas, J., concurring) (defining "commerce"); *Heintz v. Jenkins*, 514 U.S. 291, 294 (1995) (defining "collect debt"); *Curtiss-Wright Corp. v. Schoonejongen*, 514 U.S. 73, 80 (1995) (defining "procedure"); *Gustafson v. Alloyd Co., Inc.*, 513 U.S. 561, 575-76 (1995) (defining "prospectus"); *Milwaukee Brewery Workers' Pension Plan v. Schlitz Brewing Co.*, 513 U.S. 414, 426 (1995) (defining "amortization plan"); *Allied-Bruce Terminix Co., Inc. v. Dobson*, 513 U.S. 265, 273-74 (1995) (defining "involving"); *Nationsbank of N. Carolina v. Variable Annuity Life Ins. Co.*, 513 U.S. 251, 264 (1995) (defining "insurance"); *Asgrow Seed Co. v. Winterboer*, 513 U.S. 179, 187 (1995) (defining "market"); *Bailey v. United States*, 516 U.S. 137, 145 (1995) (defining "use"); *Brown v. Gardner*, 513 U.S. 115, 117 (1994) (defining "injury"); *Federal Election Comm'n v. NRA Political Victory Fund*, 513 U.S. 88, 93 (1994) (defining "appeal"); *Williamson v. United States*, 512 U.S. 594, 599 (1994) (defining "statement"); *Hawaiian Airlines, Inc. v. Norris*, 512 U.S. 246, 255 (1994) (defining "or"); *MCI Telecomm. Corp. v. American Tel. & Tel. Co.*, 512 U.S. 218, 225-26 & n.2, 228 (1994) (defining "modify" and "required"); *id.* at 241, 242 n.5 (Stevens, J., dissenting) (defining "modification" and "modify"); *Farmer v. Brennan*, 511 U.S. 825, 854-55 (1994) (Blackmun, J., concurring) (defining "punishment"); *id.* at 859 (Thomas, J., concurring) (defining "punishment"); *PUD No. 1 of Jefferson County v. Washington Dep't of Ecology*, 511 U.S. 700, 725 (1994) (Thomas, J., dissenting) (defining "discharge"); *Posters N' Things, Ltd. v. United States*, 511 U.S. 513, 515 nn.1 & 3 (1994) (defining "bong" and "freebase"); *United States v. Alvarez-Sanchez*, 511 U.S. 350, 357-58 (1994) (defining "delay"); *Landgraf v. USI Film*

Products, 511 U.S. 244, 269 n.23 (1994) (defining "retroactive statute"); *United States v. Granderson*, 511 U.S. 39, 71 (1994) (defining "original" and "sentence"); *Victor v. Nebraska*, 511 U.S. 1, 12-13, 15, 19 (1994) (defining "moral evidence," "moral certainty" and "substantial"); *Campbell v. Acuff-Rose Music, Inc.*, 510 U.S. 569, 580 n.12 (1994) (defining "parody"); *Liteky v. United States*, 510 U.S. 540, 552 (1994) (defining "partiality"); *BFP v. Resolution Trust Corp.*, 511 U.S. 531, 537-38 (1994) (defining "market value"); *FDIC v. Meyer*, 510 U.S. 471, 476 (1994) (defining "cognizable"); *Hagen v. Utah*, 510 U.S. 399, 428 n.8 (1994) (Blackmun, J., dissenting) (defining "public domain"); *ABF Freight System, Inc., v. NLRB*, 510 U.S. 317, 328 (1994) (Scalia, J., concurring) (defining "understand"); *National Org. for Women, Inc. v. Scheidler*, 510 U.S. 249, 257 (1994) (defining "affect"); *John Hancock Mut. Life Ins. Co. v. Harris Trust & Sav. Bank*, 510 U.S. 86, 112 (1993) (defining "provide"); *Hartford Fire Ins. Co. v. California*, 509 U.S. 764, 781 (1993) (Souter, J., partial opinion of Court) (defining "business"); *id.* at 802 n.2 (Scalia, J., partial opinion of Court) (defining "boycott"); *United States v. Dixon*, 509 U.S. 688, 705 n.10 (1993) (defining "incidents of ownership" and "incident"); *Shaw v. Reno*, 509 U.S. 630, 671 n.7 (1993) (White, J., dissenting) (defining "segregate"); *Austin v. United States*, 509 U.S. 602, 614 n.7 (1993) (defining "fine" and "forfeit"); *id.* at 624 (Scalia, J., concurring in part and concurring in judgment) (defining "payment"); *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 590 (1993) (defining "scientific" and "knowledge"); *Department of Treasury v. Fabe*, 508 U.S. 491, 505 (1993) (defining "purpose"); *Sale v. Haitian Centers Council, Inc.*, 509 U.S. 155, 181 nn.37 & 38 (1993) (defining "return" and "refouler"); *id.* at 191-92 (Blackmun, J., dissenting) (defining "refouler" and "return"); *Helling v. McKinney*, 509 U.S. 25, 38 (1993) (Thomas, J., dissenting) (defining "punishment"); *Concrete Pipe & Prods. of Calif., Inc. v. Construction Laborers Pension Trust for S. Cal.*, 508 U.S. 602, 652 (1993) (Thomas, J., concurring in part and concurring in judgment) (defining "clear error"); *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534 (1993) (defining "sacrifice" and "ritual"); *Rake v. Wade*, 508 U.S. 464, 473 (1993) (defining "provide for"); *Good Samaritan Hosp. v. Shalala*, 508 U.S. 402, 412 n.9 (1993) (defining "aggregate"); *Mertens v. Hewitt Assocs.*, 508 U.S. 248, 269 n.4 (1993) (White, J., dissenting) (defining "relief," "remedy" and "remedial"); *Smith v. United States*, 508 U.S. 223, 228-29, 231, 237-38 (1993) (defining "use," "to use," "to cane" and "in relation to"); *id.* at 241-42 (1993) (Scalia, J., dissenting) (defining "use"); *Keene Corp. v. United States*, 508 U.S. 200, 210 (1993) (defining "claim"); *Department of Justice v. Landano*, 508 U.S. 165, 173 (1993) (defining "confidential"); *Deal v. United States*, 508 U.S. 129, 131-32 (1993) (defining "conviction"); *Professional Real Estate Investors, Inc. v. Columbia Pictures Indus.*, 508 U.S. 49, 61 (1993) (defining "genuine"); *CSX Transp., Inc. v. Easterwood*, 507 U.S. 658, 664 (1993) (defining "cover"); *Newark Morning Ledger Co. v. United States*, 507 U.S. 546, 571 n.1 (1993) (Souter, J., dissenting) (defining "amortized" and "depreciated"); *Arave v. Creech*, 507 U.S. 463, 471-72 (1993) (defining "pitiless" and "cold-blooded"); *id.* at 484 (Blackmun, J., dissenting) (defining "cold blood"); *Pioneer Investment Servs. Co. v. Brunswick Assocs. Ltd. Partnership*, 507 U.S. 380, 388 (1993) (defining "neglect"); *id.* at 402-03 (1993) (O'Connor, J., dissenting) (defining "excusable neglect"); *Saudi Arabia v. Nelson*, 507 U.S. 349, 357 (1993) (defining "base" and "based"); *Smith v. United States*, 507 U.S. 197, 201 (1993) (defining "country"); *Reves v. Ernst & Young*, 507 U.S. 170, 177-79 (1993) (defining "conduct," "aid and abet" and "participate"); *id.* at 187-88 (Souter, J., dissenting) (defining "conduct"); *Bray v. Alexandria Women's Health Clinic*,

506 U.S. 263, 274 (1993) (defining "invidious"); *Nixon v. United States*, 506 U.S. 224, 229-30 (1993) (defining "try," "sole" and "pardon"); *Rowland v. California Men's Colony*, 506 U.S. 194, 199, 203 (1993) (defining "context" and "poverty"); *id.* at 220 n.8 (Thomas, J., dissenting) (defining "affiant"); *Commissioner v. Soliman*, 506 U.S. 168, 174 (1993) (defining "principal"); *id.* at 191 n.15 (Stevens, J., dissenting) (defining "principal"); *District of Columbia v. Greater Washington Bd. of Trade*, 506 U.S. 125, 129 (1992) (defining "relate to"); *Mississippi v. Louisiana*, 506 U.S. 73, 78 (1992) (defining "exclusive"); *Parke v. Raley*, 506 U.S. 20, 30 (1992) (defining "collateral attack"); *Planned Parenthood v. Casey*, 505 U.S. 833, 954 (1992) (Rehnquist, C.J., concurring in judgment in part and dissenting in part) (defining "stare decisis"); *Cippollone v. Liggett Group, Inc.*, 505 U.S. 504, 526 n.23 (1992) (Stevens, J., judgment of Court and opinion) (defining "contract" and "tort"); *id.* at 535-36 (Blackmun, J., concurring in part, concurring in judgment in part, and dissenting in part) (defining "prohibition" and "require"); *Estate of Coward v. Nicklos Drilling Co.*, 505 U.S. 469, 477 (1992) (defining "entitle"); *United States v. Salerno*, 505 U.S. 317, 322 (1992) (defining "testimony"); *Wisconsin Dept of Revenue v. William Wrigley, Jr., Co.*, 505 U.S. 214, 223 (1992) (defining "solicit" and "solicitation"); *Republic of Argentina v. Weltover, Inc.*, 504 U.S. 607, 614 (1992) (defining "commercial"); *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 383 (1992) (defining "relating to") *United States v. Burke*, 504 U.S. 229, 235-36 n.6 (1992) (defining "personal injuries"); *id.* at 243 (Scalia, J., concurring in judgment) (defining "personal injuries"); *Foucha v. Louisiana*, 504 U.S. 71, 96 (1992) (Kennedy, J., dissenting) (defining "insanity"); *Department of Energy v. Ohio*, 503 U.S. 607, 621 (1992) (defining "sanction"); *Holywell Corp. v. Smith*, 503 U.S. 47, 53 (1992) (defining "assignee"); *Dewsnup v. Timm*, 502 U.S. 410, 428 (1992) (Scalia, J., dissenting) (defining "redeem"); *White v. Illinois*, 502 U.S. 346, 360 (1992) (Thomas, J., concurring in part and concurring in judgment) (defining "witness") (quoting *Maryland v. Craig*, 497 U.S. 836, 863-64 (1990) (Scalia, J., dissenting)); *Molzof v. United States*, 502 U.S. 301, 307 (1992) (defining "punitive damages"); *Freytag v. Commissioner*, 501 U.S. 868, 920 (1991) (Scalia, J., concurring in part and concurring in judgment) (defining "department"); *Gregory v. Ashcroft*, 501 U.S. 452, 482 (1991) (White, J., concurring in part, dissenting in part and concurring in judgment) (defining "policy"); *Chisom v. Roemer*, 501 U.S. 380, 410 (1991) (Scalia, J., dissenting) (defining "representatives"); *Oklahoma v. New Mexico*, 501 U.S. 221, 244 (1991) (Rehnquist, C.J., concurring in part and dissenting in part) (defining "originate"); *Gollust v. Mendell*, 501 U.S. 115, 124 (1991) (defining "institute"); *Chapman v. United States*, 500 U.S. 453, 462 (1991) (defining "mixture"); *Farrey v. Sanderfoot*, 500 U.S. 291, 296-97 (1991) (defining "avoid" and "fix"); *California v. Hodari D.*, 499 U.S. 621, 621, 624 (1991) (defining "seizure"); *United States v. Centennial Sav. Bank FSB*, 499 U.S. 573, 580 n.6 (1991) (defining "discharge"); *Eastern Airlines, Inc. v. Floyd*, 499 U.S. 530, 536 (1991) (defining "bodily harm," "bodily injury," "corporeal," "lesion" and "lesion corporelle"); *Kay v. Ehrler*, 499 U.S. 432, 436 n.6 (1991) (defining "attorney"); *International Union v. Johnson Controls, Inc.*, 499 U.S. 187, 212 n.1 (1991) (White, J., concurring in part and concurring in judgment) (defining "occupational"); *Dennis v. Higgins*, 498 U.S. 439, 447 n.7 (1991) (defining "right"); *Trinova Corp. v. Michigan Dept of Treasury*, 498 U.S. 358, 364 n.1 (1991) (defining "depreciation"); *Moskal v. United States*, 498 U.S.103, 120-22 (1990) (Scalia, J., dissenting) (defining "counterfeit," "forge," "forged," and "false making"); *FMC Corp v. Holliday*, 498 U.S. 52, 63 (1990) (defining "purportedly"); *Dept of Human Resources of Oregon v. Smith*,

through the end of the decade, the Court is on a pace to cite dictionaries in 210 different opinions to define 260 different terms in the 1990s. Thus, at the Court's present rate, the decade of the 1990s will give rise to nearly *half* of *all* the opinions in the Court's two-century history where a Justice has relied on a dictionary.

D. Personnel

The first two Justices to cite a dictionary, Justice Johnson in *Patapsco Insurance Co. v. Coulter*¹⁸³ and Justice Daniel in his dissent in *Smith v. Turner*,¹⁸⁴ did so only once in their thirty¹⁸⁵ and eighteen¹⁸⁶ years on the Court, respectively. Justice Miller, in *Insurance Companies v. Wright*,¹⁸⁷ was the third Justice to rely on the dictionary and went on to cite

494 U.S. 872, 893 (1990) (O'Connor, J., concurring in judgment) (defining "exercise"); *Maryland v. Craig*, 497 U.S. 836, 864 (1990) (Scalia, J., dissenting) (defining "witness"); *Ohio v. Akron Center for Reprod. Health*, 497 U.S. 502, 529-30 (1990) (Blackmun, J., dissenting) (defining "anonymous"); *Sullivan v. Strop*, 496 U.S. 478, 482-83 (1990) (defining "child support"); *United States v. Eichman*, 496 U.S. 310, 317 n.7 (1990) (defining "defile" and "trample"); *Board of Educ. v. Mergens ex rel. Mergens*, 496 U.S. 226, 237 (1990) (defining "curriculum"); *Peel v. Attorney Registration & Disciplinary Comm'n*, 496 U.S. 91, 103-04 (1990) (Stevens, J., judgment and plurality opinion) (defining "certificate") (quoting *In re Peel*, 534 N.E.2d 980, 984 (Ill. 1989)); *id.* at 113 (Marshall, J., concurring in judgment) (defining "certificate" and "certify"); *Begier v. IRS*, 496 U.S. 53, 61 (1990) (defining "withholding"); *Grady v. Corbin*, 495 U.S. 508, 529 (1990) (Scalia, J., dissenting) (defining "offence"); *Fort Stewart Schools v. Federal Labor Relations Auth.*, 495 U.S. 641, 645 (defining "conditions"); *Davis v. United States*, 495 U.S. 472, 479 (1990) (defining "use"); *Hughey v. United States*, 495 U.S. 411, 416 (1990) (defining "restitution"); *Ngiraingas v. Sanchez*, 495 U.S. 182, 202 n.8 (1990) (Brennan, J., dissenting) (defining "corporations"); *NLRB v. Curtin Matheson Scientific, Inc.*, 494 U.S. 775, 814-15 (1990) (Scalia, J., dissenting) (defining "inference"); *Saffle v. Parks*, 494 U.S. 484, 514 (1990) (Brennan, J., dissenting) (defining "compassion"); *Crandon v. United States*, 494 U.S. 152, 171-72 (1990) (Scalia, J., concurring in judgment) (defining "salary"); *Sullivan v. Everhart*, 494 U.S. 83, 91-92 (1990) (defining "adjustment" and "recovery"); *Reves v. Ernst & Young*, 494 U.S. 56, 77 (1990) (Rehnquist, C.J., concurring in part and dissenting in part) (defining "maturity"); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 259 (1990) (Stevens, J., concurring in part and dissenting in part) (defining "regularly").

183. 28 U.S. 222, 230 (1830).

184. 48 U.S. 283, 501 n.* (1849) (Daniel, J., dissenting).

185. See THE SUPREME COURT OF THE UNITED STATES ITS BEGINNINGS & ITS JUSTICES 1790-1991, at 78 (1991) [hereinafter THE SUPREME COURT: ITS BEGINNINGS].

186. See *id.* at 104.

187. 68 U.S. 456, 473 n.13 (1863).

the dictionary in four other decisions¹⁸⁸ in his twenty-eight years on the Court.¹⁸⁹

Several notable members of the Court never cited dictionaries during their tenure on the Court, including Justices Holmes, Brandeis and Cardozo. Over the years, however, sixty-four Justices have cited to the dictionary at least once.¹⁹⁰ Of this group, eighteen Justices—or more than one-quarter—cited to a dictionary in only one opinion during their Court tenure.¹⁹¹ Other Justices, however, have relied on the dictionary far more often.

During his thirty-four years on the Court, Justice Brennan used the dictionary in thirty-one opinions to define forty-three terms.¹⁹² No Justice appointed before Justice Brennan comes close to matching this total.¹⁹³ However, the number of times Justice Brennan relied on the dictionary pales in comparison to some current members of the Court.

Justice Scalia has relied on the dictionary more times than any other Justice in the history of the Court. In his twelve years on the Court, Justice Scalia has cited a dictionary in fifty opinions to define sixty-five terms.¹⁹⁴ Justice Stevens is a distant second, having cited a dictionary in thirty-five opinions to define forty-four terms during his twenty-three year tenure on the Court.¹⁹⁵

Moreover, when comparing frequency rates in terms of usage per year, nearly every current member of the Court has surpassed the previous record. Excluding present members of the Court, Justice Blackmun cited a dictionary most frequently, citing a dictionary on average in one opinion per year to define one and a half terms per year.¹⁹⁶ Of the present Court, only Chief Justice Rehnquist¹⁹⁷ and Justice Kennedy¹⁹⁸

188. See *Kring v. State*, 107 U.S. 221, 227 (1883) (defining “ex post facto”); *Railroad Co. v. Mississippi*, 102 U.S. 135, 143-44 (1880) (Miller, J., dissenting) (defining “suit”); *Loan Ass’n v. Topeka*, 87 U.S. 655, 664 (1874) (defining “tax”); *Ex Parte Garland*, 71 U.S. 33, 387, 392-93 (1866) (Miller, J., dissenting) (defining “attainder” and “punish”).

189. See *THE SUPREME COURT: ITS BEGINNINGS*, *supra* note 185, at 120.

190. See *generally infra* Appendix B (chronicling individual Justices’ dictionary usage).

191. See *generally infra* Appendix B.

192. See *infra* Appendix B.

193. See *infra* Appendix B.

194. See *infra* Appendix B.

195. See *infra* Appendix B.

196. See *infra* Appendix B.

197. See *infra* Appendix B. During his 26 years on the Court (first as an

have frequency rates lower than Justice Blackmun. Justices Scalia, Thomas and Souter are the current members of the Court who rely on dictionaries most frequently. During his Court tenure, Justice Scalia has cited a dictionary in 4.17 opinions per year to define 5.42 terms per year;¹⁹⁹ Justice Thomas has a frequency rate of 3.57 opinions to define 4.14 terms per year²⁰⁰ and Justice Souter has a frequency rate of 2.0 opinions to define 2.63 terms per year.²⁰¹ At this pace, if these three Justices each serve as long as Justice Blackmun, Justice Scalia will have relied on the dictionary in 100 opinions to define 130 terms; Justice Thomas will have relied on the dictionary in 86 opinions to define 99 terms and Justice Souter will have relied on the dictionary in 48 opinions to define 63 terms.

E. *Dictionaries Cited by the Court*

Just as the use of dictionaries has varied from Justice to Justice, the dictionaries relied on by the Justices also have varied. Through the 1997-1998 term, the Court has relied on approximately 120 different dictionaries overall.²⁰² Certain dictionaries, however, are used far more often than others.

Webster's Third New International Dictionary has been

Associate and then as Chief Justice), Justice Rehnquist has cited the dictionary in 25 cases to define 33 terms, resulting in "frequency of dictionary usage rates" (hereinafter "frequency rates") of 0.96 cases per year and 1.27 terms per year. *See infra* Appendix B (discussing Justice and Chief Justice Rehnquist's dictionary usage).

198. *See infra* Appendix B. In his eleven years on the Court, Justice Kennedy has cited a dictionary in seven cases to define nine terms, resulting in frequency rates of 0.64 cases per year and 0.82 terms per year. *See infra* Appendix B (discussing Justice Kennedy's dictionary usage).

199. *See infra* Appendix B.

200. *See infra* Appendix B.

201. *See infra* Appendix B.

202. *See infra* Appendix C (chronicling the frequency with which the Court has used particular dictionaries). If *editions* of dictionaries were counted separately, the number would be much larger. At times it is unclear to which dictionary the Court is citing. For example, on several occasions the Court has cited to *Webster's* without stating to which of the many versions and editions it is citing. In other cases, the Justice authoring the decision did not indicate what dictionary was cited. *See Oregon v. Bradshaw*, 462 U.S. 1039, 1045 (1983) (Rehnquist, J.) (plurality opinion) (defining "initiated" in "the ordinary dictionary sense"); *Godfrey v. Georgia*, 446 U.S. 420, 442 (1980) (Burger, C.J., dissenting) (defining "hideous" by citing "[t]he dictionary"); *McCaughn v. Hershey Chocolate Co.*, 283 U.S. 488, 491 (1931) (noting alternative definitions of "candy . . . as the dictionary also suggests").

the Court's most popular general usage dictionary, appearing in 102 opinions through the 1997-1998 term.²⁰³ *Webster's Second International Dictionary*, the next most cited general usage dictionary, has been relied on in a total of eighty-eight opinions.²⁰⁴ Other frequently cited dictionaries are various editions of the *Oxford English Dictionary* (forty-six opinions); *Webster's Ninth New Collegiate Dictionary* (twenty-two opinions) and *Worcester's Dictionary* (fifteen opinions).²⁰⁵ The *Century Dictionary*, although used infrequently since 1945, was an early favorite, having been cited in thirty-six opinions in the late nineteenth and early twentieth centuries.²⁰⁶

The most cited law dictionaries are the two most recent editions of *Black's Law Dictionary*. Through the 1997-1998 term, the Justices have cited *Black's* sixth edition sixty-one times and *Black's* fifth edition forty-six times.²⁰⁷ The next most frequently cited law dictionary is *Bowyer's Law Dictionary* in various editions, having been cited in thirty-six opinions.²⁰⁸ The Justices have used a number of other law dictionaries, but such use is rare and generally predates *Black's*.²⁰⁹ For example, *Burrill's Law Dictionary* has been cited four times, *Blount's A Law Dictionary* has been cited three times and *Brown's Law Dictionary* has been cited twice.²¹⁰

On a few occasions, the Court has relied on subject matter dictionaries other than a law dictionary. For example, in *Shields v. Atlantic Coast Line Railroad Co.*,²¹¹ the Court used *The Car-Builders' Dictionary* to define "running board."²¹² And, in *Ward v. Rock Against Racism*,²¹³ Justice Marshall in dissent used *The New Grove Dictionary of Music & Musicians* to define "tonality."²¹⁴

203. See *infra* Appendix C.

204. See *infra* Appendix C.

205. See *infra* Appendix C.

206. See *infra* Appendix C.

207. See *infra* Appendix C.

208. See *infra* Appendix C.

209. See *infra* Appendix C.

210. See *infra* Appendix C.

211. 350 U.S. 318 (1956).

212. *Id.* at 326 n.2 (quoting THE CAR-BUILDERS' CYCLOPEDIA (19th ed. 1953)).

213. 491 U.S. 781 (1989) (Marshall, J., dissenting).

214. *Id.* at at 810 (Marshall, J., dissenting) (quoting THE NEW GROVE DICTIONARY OF MUSIC & MUSICIANS (S. Sadie ed., 1980)).

III. A CRITIQUE OF THE COURT'S GENERAL PROCESS FOR USING DICTIONARIES

*A word is not a crystal, transparent and unchanged, it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used.*²¹⁵

Although the Court has relied on dictionaries for nearly 170 years, there are few articulated principles to provide guidance to the Court's use of dictionaries. Generally, however, the Court must go through several steps in using a dictionary, each of which may alter the outcome of the case. First, the Court must determine which word or phrase should be defined. Second, the proper type of dictionary must be selected (be it a general usage dictionary, a law dictionary, a subject matter dictionary or a foreign language dictionary). Third, once the type of dictionary is selected, the Court must identify a specific dictionary of that type. Fourth, once that specific dictionary is selected, the appropriate edition or editions must be selected. Finally, the appropriate definition must be chosen. The Court has a great deal of discretion in each step of this process and, at times, decisions made during each step have determined the outcome of a case.²¹⁶ Unfortunately, each step in this process has resulted in debate and confusion.

A. *Selecting a Word*

Although the decision regarding which word or phrase to define may not appear to be difficult, it can, nonetheless, cause serious disagreement among the Justices. Generally, the issues in a given case should help define and narrow the inquiry. For example, a defendant being criminally prosecuted may argue that she does not fall under the terms of the relevant statute, and her attorney will focus on the relevant word or phrase. The prosecution will no doubt respond, and

215. *Towne v. Eisner*, 245 U.S. 418, 425 (1918) (Holmes, J.).

216. The fact that each step in this process can have a powerful influence on the outcome of a case may explain why courts do not allow jurors to consult dictionaries while they are deliberating. See, e.g., *United States v. Aguirre*, 108 F.3d 1284, 1288-90 (10th Cir.), cert. denied, 118 S. Ct. 335 (1997); *Yannacopoulos v. General Dynamics Corp.*, 75 F.3d 1298, 1304 (8th Cir. 1996), reh'g denied; *United States v. Gillespie*, 61 F.3d 457, 459-60 (6th Cir. 1995); *United States v. Kupau*, 781 F.2d 740, 744-45 (9th Cir. 1986).

the Court will identify the word or phrase to be defined.

As an example, federal law makes it a crime and provides for an enhanced sentence where a defendant “during and in relation to any . . . [federal] drug trafficking crime . . . uses or carries a firearm.”²¹⁷ If a defendant disposed of a firearm at some point during a drug trafficking crime, the defense might focus on the meaning of the word “during.” If a toy gun was used, the focus would be on the term “firearm.” And, if the defendant had the gun in the trunk of her car, the focus might be on the term “carries.”²¹⁸

At times, however, the Court struggles over which word it must define. For example, in *County of Washington v. Gunther*,²¹⁹ the Court addressed a discrimination claim by female prison guards.²²⁰ At issue was the meaning of the Bennett Amendment²²¹ to Title VII of the 1964 Civil Rights Act, and whether sex-based wage discrimination claims could be brought even though no member of the opposite sex

217. 18 U.S.C. § 924(c)(1) (1994).

218. Compare *United States v. Riascos-Suarez*, 73 F.3d 616, 622 (6th Cir. 1996) (holding that the defendant had “carried” a firearm because he had it within reach in the car), *cert. denied*, 117 S. Ct. 136 (1996), with *United States v. Molina*, 102 F.3d 928, 932 (7th Cir. 1996) (holding that if defendant moves a car containing both guns and drugs, the “carrying” requirement is met regardless of whether the firearm was within the defendant’s reach), and *United States v. Miller*, 84 F.3d 1244, 1260 (10th Cir. 1996) (holding that the defendant “carried” the firearm even though it was out of reach because he had dominion and control over it), *cert. denied*, 117 S. Ct. 443 (1996), *overruled on other grounds*, *United States v. Holland*, 116 F.3d 1353 (10th Cir. 1997). The Court recently resolved this issue, holding that “carries a firearm” applies “to a person who knowingly possesses and conveys firearms in a vehicle, including in the locked glove compartment or trunk of a car, which the person accompanies.” *Muscarello v. United States*, 118 S. Ct. 1911, 1913-14 (1998). In *Muscarello*, both the majority and the dissent relied on dictionaries to support their conclusions. *See id.* at 1914-15 (defining “carry” and “carry arms or weapons”); *id.* at 1921 nn.2 & 5 (Ginsburg, J., dissenting) (defining “carry,” “carry arms or weapons” and “carries a firearm”).

219. 452 U.S. 161 (1981).

220. *Id.* at 166.

221. The Bennett Amendment to Title VII provides:

It shall not be an unlawful employment practice under this subchapter for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 206(d) of title 29.

42 U.S.C. § 2000e-2(h) (1994); *see City of Los Angeles v. Manhart*, 435 U.S. 702, 711-12 & n.22 (1978) (noting that “[s]hortly before the enactment of Title VII in 1964, Senator Bennett proposed an amendment providing that a compensation differential based on sex would not be unlawful if it was authorized by [29 U.S.C. § 206(d), known as] the Equal Pay Act”).

held an equal and higher paying job.²²² The Court noted that the Bennett Amendment barred "sex-based wage discrimination claims under Title VII where the pay differential is 'authorized' by the Equal Pay Act."²²³ In determining the meaning of the term "authorized," the Court looked to the dictionary definition of "authorize" and concluded that the only claims barred were those that were "affirmatively authorized" by the Equal Pay Act.²²⁴

In dissent, Justice Rehnquist also referred to the dictionary.²²⁵ Justice Rehnquist, however, used the dictionary to define the term "authorized," which was used in the statute, instead of the term "authorize," which was defined by the majority.²²⁶ In part because "authorized" had a more permissive definition, Justice Rehnquist came to a conclusion contrary to the majority's decision.²²⁷

Similarly, in *United States v. James*,²²⁸ the Justices disagreed about the word to be defined. *James* involved damage claims arising out of accidents by recreational users of federal flood control project reservoirs.²²⁹ The issue was whether the United States was immune from damages under the Flood Control Act of 1928,²³⁰ which provides that "[n]o liability of any kind shall attach to or rest on the United States for any damage from or by floods or flood waters at

222. See *Gunther*, 452 U.S. at 167-68.

223. *Id.* at 168-69.

224. *Id.* at 169 (citing BLACK'S LAW DICTIONARY 122 (5th ed. 1979)). The Court reinforced its interpretation by citing to WEBSTER'S THIRD NEW INT'L DICTIONARY. See *id.* at 169 n.9 (quoting WEBSTER'S THIRD NEW INT'L DICTIONARY 147 (1976)).

225. See *id.* at 198 (Rehnquist, J. dissenting).

226. See *id.* at 198 n.10 (Rehnquist, J., dissenting) (quoting BLACK'S LAW DICTIONARY 169 (4th ed. 1968)).

227. "Black's Law Dictionary 169 (4th ed. 1968) defines 'authorized' to mean 'to permit a thing to be done in the future.'" *Id.* at 198 n.10 (Rehnquist, J., dissenting) (quoting BLACK'S LAW DICTIONARY 169 (4th ed. 1968)). Justice Rehnquist's reliance on the dictionary seems more legitimate than the majority's because Rehnquist looked to a definition of the *specific* statutory term, whereas the majority looked to a different tense of the statutory term. Nevertheless, Justice Rehnquist, in making his argument, did not primarily rely on the dictionary, and he criticized the Court's heavy reliance upon the dictionary definition of the term. Noting that the Court relied too heavily upon the dictionary, Justice Rehnquist noted that "the Court should instead attempt to implement the legislative intent of Congress." *Id.* at 198 (Rehnquist, J., dissenting).

228. 478 U.S. 597 (1986).

229. See *id.* at 599-602.

230. Mississippi River Flood Control Act (Flood Control Act of 1928), 33 U.S.C. §§ 702a-702m, 704 (1994).

any place."²³¹ The Court held that the statute barred the claims because "damages" included damage to persons.²³² Quoting dictionaries for support,²³³ the Court found that the language was clear but also looked to legislative history for additional support.²³⁴

In dissent, Justice Stevens criticized the majority for defining "damages" when the statute used the term "damage."²³⁵ Justice Stevens noted that "damage" traditionally is used to describe a harm to property instead of harm to a person, citing, among other sources, *Bouvier's Law Dictionary*.²³⁶ Justice Stevens also noted that the authority used by the majority—including *Black's Law Dictionary*—also distinguished between "damage" and "damages."²³⁷

Gunther and *James* are just two examples of the Court's inability to agree on the most basic issue implicated when the Court uses a dictionary: what word must be defined? At times, the disagreement has been even more subtle.²³⁸ *Gunther* and *James*, however, demonstrate that even the simple process of isolating the specific term or phrase to be defined can cause disagreement and controversy.

B. *Selecting the Proper Type of Dictionary*

After isolating the word to be defined, the Court must determine what type of dictionary to use. Although general usage dictionaries may be helpful to determine how a non-technical term could be used, the general focus in editing such dictionaries means that they are likely to be inadequate to define legal terms of art. For example, the 1965 unabridged edition of *Webster's Third New International Dictionary* apparently had no attorney as an editor, associate

231. *James*, 478 U.S. at 604 (quoting 33 U.S.C. § 702c (1994)).

232. *Id.* at 605, 612.

233. *Id.* at 605 n.6 (quoting WEBSTER'S THIRD NEW INT'L DICTIONARY 571 (1961); BLACK'S LAW DICTIONARY 351 (5th ed. 1979)).

234. *Id.* at 606-12.

235. *Id.* at 615-16 (Stevens, J., dissenting).

236. *Id.* at 615 (Stevens, J., dissenting) (citing BOUVIER'S LAW DICTIONARY 749 (8th ed. 1914)).

237. *Id.* at 616 (Stevens, J., dissenting).

238. See, e.g., *Reves v. Ernst & Young*, 507 U.S. 170, 178 (1993) and *id.* at 187-88 (Souter, J., dissenting) (containing disagreement between majority and dissenting opinions as to whether word "conduct" in RICO provision was used as a verb or as a noun).

editor, assistant editor or editorial assistant.²³⁹ *Webster's Third* brought in two "outside consultants" to address issues of "law": then Harvard Law School Dean and Professor Erwin N. Griswold and Harvard Law School student and lawyer Frank E. Tuit II.²⁴⁰ Without slighting either of these two individuals, it is doubtful that one law professor and one lawyer could research and revise thousands of legal phrases with the same precision of an entire board of editors for a law dictionary.²⁴¹

Moreover, it is difficult to determine when a common term becomes a term of art or, alternatively, even to distinguish between common terms and terms of art. Answering such an inquiry should involve determining the purpose and context of the phrase used, both of which may be issues that are subject to deeply held differences of opinion. As a result, the Court has periodically struggled with the question of which type of dictionary to use.

For example, in *Sullivan v. Stroop*,²⁴² the Court addressed the question of whether certain Social Security payments were "child support payments."²⁴³ Specifically, the Court in *Stroop* decided "whether 'child support payments' was to be defined in accordance with its technical legal meaning, which arguably is restricted to court-awarded payments from a parent or guardian, or its ordinary language meaning, which arguably includes government benefits for the purpose of child support as well."²⁴⁴ The Court found the provision to be a term of art and therefore looked to the technical meaning, citing *Black's Law Dictionary*, while noting that even the ordinary language meaning of the term supported the result.²⁴⁵ In dissent, however, Justice Stevens rejected the term of art approach and relied on "ordinary English usage,"²⁴⁶ which, presumably, would suggest reliance

239. WEBSTER'S NEW INT'L DICTIONARY 8a-10a (3d ed. unabr. 1965).

240. *Id.* at 12a, 14a. By comparison, the areas of "Girl Scouts," "Girl Guiding" and "Camp Fire Girls" each had one outside consultant as did "Mosses and Liverworts," "Pipe Organs" and "Rugs." *Id.* at 10a-14a.

241. See BOUVIER'S LAW DICTIONARY xiv-xxviii (Rawles 3d Rev. 1914) (listing 54 attorneys who, among others, assisted in editing the 1867 edition of *Bouvier's Law Dictionary*).

242. 496 U.S. 478 (1990).

243. *Id.* at 479-80.

244. Frederick Schauer, *Statutory Construction and the Coordinating Function of Plain Meaning*, 1990 SUP. CT. REV. 231, 244.

245. See *Sullivan*, 496 U.S. at 482.

246. *Id.* at 496 (Stevens, J., dissenting).

on a general usage dictionary rather than a law dictionary. *Stroop* shows that even selecting the type of dictionary to be used can cause disagreement, primarily centering around whether the word to be defined should be deemed a term of art.

C. *Selecting a Specific Dictionary*

After determining which word or phrase is to be defined and the type of dictionary to be used, the choice of which specific dictionary should be relied upon has caused further disagreement and has, at times, affected the outcome of the case. Although the definition of a word may not vary much from one dictionary to another, even slight definitional variations can have a significant impact on how a case is decided.

For example, in *Browning-Ferris Industries of Vermont, Inc. v. Kelco Disposal, Inc.*,²⁴⁷ the majority and the dissent used different dictionaries to arrive at different conclusions. At issue in that case was whether the Eighth Amendment's excessive fines clause applied to punitive damage awards in cases between private parties.²⁴⁸ The majority held that the Eighth Amendment did not apply,²⁴⁹ citing several dictionaries for the proposition that "at the time of the drafting and ratification of the [Eighth] Amendment, the word 'fine' was understood to mean a payment to a sovereign as a punishment."²⁵⁰ In dissent, however, Justice O'Connor cited other dictionaries to support the conclusion that, when the Eighth Amendment was enacted, the meaning of the word "fine" was ambiguous.²⁵¹ Specifically, Justice O'Connor noted that, "[i]n defining the word 'fine,' some 18th-century dictionaries did not mention to whom the money was paid."²⁵²

247. 492 U.S. 257 (1989).

248. *Id.* at 262-63.

249. *Id.* at 274-76.

250. *Id.* at 265 & n.6 (citing 1 E. COKE, INSTITUTES 126b (1812); 2 T. CUNNINGHAM, A NEW AND COMPLETE LAW-DICTIONARY (2d ed. 1771) (nonpaginated); 1 T. TOMLINS, LAW DICTIONARY 796-99 (1836); 1 J. BOUVIER, LAW DICTIONARY 525 (4th ed. 1852)). Justice Blackmun noted that the cited dictionaries were consistent with CUNNINGHAM'S LAW-DICTIONARY, which defined "fines for offences" as 'amends, pecuniary punishment, or recompence for an offence committed against the King and his laws, or against the Lord of a manor.' *Id.* (quoting 2 T. CUNNINGHAM, *supra*).

251. *Id.* at 195 (O'Connor, J., dissenting).

252. *Id.* (O'Connor, J., dissenting) (quoting T. SHERIDAN, A DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796) (unpaginated) (stating that a fine was "a mulct

*Farmer v. Brennan*²⁵³ (also an Eighth Amendment case) provides another example. The majority in *Farmer* held, without citing a dictionary, that "a prison official may be held liable for denying humane conditions of confinement only if he knows that inmates face a substantial risk of serious harm and disregards that risk by failing to take reasonable measures to abate it."²⁵⁴ Two concurring Justices, however, used different dictionaries to define the same word to support their divergent positions. In one concurrence, Justice Blackmun argued that the Court's definition of "punishment" in a prior case (requiring a prison official to intend harm) was unduly narrow.²⁵⁵ Citing dictionaries, Justice Blackmun argued that "punishment" "does not necessarily imply a culpable state of mind on the part of an identifiable punisher."²⁵⁶ In another concurrence, Justice Thomas used definitions from different dictionaries to support his argument that "punishment" can only be imposed by judges or juries, and not by jailors.²⁵⁷ Therefore, he argued, the Eighth Amendment should not apply at all.²⁵⁸

Another recent case involved a more direct dispute about which dictionary should be used. In *MCI Telecommunications Corp. v. American Telephone and Telegraph Co.*,²⁵⁹ the

[or] pecuniary punishment"); S. JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785) (unpaginated) (stating that a fine was "a mulct [or] pecuniary punishment," a "penalty," or "money paid for any exemption or liberty"); C. RICHARDSON, A NEW DICTIONARY OF THE ENGLISH LANGUAGE 796 (1839) ("any thing (as a sum or money) paid at the end, to make an end, termination or conclusion of a suit, of a prosecution").

253. 511 U.S. 825 (1994).

254. *Id.* at 847.

255. *See id.* at 854 (Blackmun, J., concurring) (discussing *Wilson v. Seiter*, 501 U.S. 294, 300 (1991)).

256. *Id.* at 854-55 (Blackmun, J., concurring) (quoting WEBSTER'S THIRD NEW INT'L DICTIONARY 1843 (1961); WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE 1736 (1923)). Justice Blackmun noted that WEBSTER'S NEW INT'L DICTIONARY defined "punishment" as "[a]ny pain, suffering, or loss inflicted on or suffered by a person because of a crime or evil-doing." *Id.* at 855 (Blackmun, J., concurring) (quoting WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE 1736 (1923)).

257. *See id.* at 859 (Thomas, J., concurring) (citing BLACK'S LAW DICTIONARY 1234 (6th ed. 1990); T. SHERIDAN, A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)). Justice Thomas noted that Sheridan defines "punishment" as "[a]ny infliction imposed in vengeance of a crime." *Id.* at 859 (Thomas, J., concurring) (quoting T. SHERIDAN, A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)).

258. *See id.* at 859 (Thomas, J., concurring).

259. 512 U.S. 218 (1994).

Court considered whether a statute allowing the Federal Communications Commission to “modify any requirement” authorized that agency to make basic, fundamental changes in the statutory regulatory scheme.²⁶⁰ Finding that the FCC did not have authority to make such changes, Justice Scalia, writing for the Court, stated that “[v]irtually every dictionary we are aware of says that ‘to modify’ means to change moderately or in minor fashion.”²⁶¹ Justice Scalia noted that the petitioners relied on *Webster’s Third New International Dictionary*, which included among the meanings of “modify,” “to make a basic or important change in.”²⁶² That definition, however, was dismissed as being “out-of-step” with the other dictionaries that contained different definitions of the term,²⁶³ and as being an aberration.²⁶⁴ Justice Scalia also noted that the relevant statutory language was enacted in 1934, years before *Webster’s Third* was first published in the early 1960s.²⁶⁵

In dissent, Justice Stevens argued that the FCC’s action properly fit within the meaning of the word “modify.”²⁶⁶ Although he downplayed the role of dictionaries in statutory interpretation,²⁶⁷ Justice Stevens nevertheless reasoned that “[t]he Court seizes upon a particular sense of the word ‘modify’ at the expense of another, long-established meaning that fully supports the Commission’s position.”²⁶⁸ Justice Stevens quoted *Webster’s Collegiate Dictionary*, among others, as defining “modify” to mean “to limit or reduce in extent or degree.”²⁶⁹

260. *See id.* at 225.

261. *Id.* (citing RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE 1236 (2d ed. 1987); WEBSTER’S THIRD NEW INT’L DICTIONARY 1452 (1976); 9 OXFORD ENGLISH DICTIONARY 952 (2d ed. 1989); BLACK’S LAW DICTIONARY (6th ed. 1990)).

262. *Id.* (quoting WEBSTER’S THIRD NEW INT’L DICTIONARY 1452 (1976)).

263. *Id.* at 226-27. “Webster’s Third itself defines ‘modify’ to connote *both* (specifically) major change *and* (specifically) minor change. It is hard to see how that can be. When the word ‘modify’ has come to mean *both* ‘to change in some respects’ *and* ‘to change fundamentally’ it will in fact mean *neither* of those things.” *Id.* at 227.

264. *Id.* at 228 n.3.

265. *See id.* at 228.

266. *See id.* at 241-42 (Stevens, J., dissenting).

267. “Dictionaries can be useful aids in statutory interpretation, but they are no substitute for close analysis of what words mean as used in a particular statutory context.” *Id.* at 240 (Stevens, J., dissenting) (citation omitted).

268. *Id.* at 241-42 (Stevens, J., dissenting).

269. *See id.* at 242 & n.5 (Stevens, J., dissenting) (quoting WEBSTER’S COLLEGIATE DICTIONARY 628 (4th ed. 1934); 9 OXFORD ENGLISH DICTIONARY 952

These examples demonstrate that the Court's selection of a dictionary can determine the outcome of a case. Although one commentator has argued that the more potential definitions that the Court reviews in order to define a word, the better,²⁷⁰ the Court's analysis to date and the broad range of dictionaries used²⁷¹ do not demonstrate that the Court is following a particularly principled method in selecting specific dictionaries.

D. *Selecting a Specific Dictionary Edition*

Selecting the specific edition of a dictionary also can be critical as well as controversial. In construing constitutional provisions, Justice Scalia has suggested that the Court should look at dictionaries from the time of the Constitutional Convention in order to determine the meaning of a phrase or clause.²⁷² Justice Thomas has used similar reasoning in selecting dictionary editions to interpret the Constitution.²⁷³ In construing statutory provisions, there is some consensus that the Court should look to dictionaries from the time the relevant statute was enacted.²⁷⁴ More specifically, in

(2d ed. 1989); RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE 1236 (2d ed. 1987); WEBSTER'S THIRD NEW INT'L DICTIONARY 1452 (1981); WEBSTER'S NEW COLLEGIATE DICTIONARY 739 (1973); WEBSTER'S SEVENTH NEW COLLEGIATE DICTIONARY 544 (1963); WEBSTER'S SEVENTH NEW INT'L DICTIONARY 1577 (2d ed. 1934); N. WEBSTER, AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)). In the majority opinion, however, Justice Scalia noted that the versions of WEBSTER'S NEW COLLEGIATE DICTIONARY published after 1949 are essentially abridgments of the "out-of-step" WEBSTER'S THIRD. *Id.* at 226-28 & n.3.

270. See Weis, *supra* note 4, at 973-76. That Note argues that, because meaning is difficult to discern, the complicated process of defining words should not be limited by reference to a single dictionary that contains few definitions. See *id.* at 974. Rather, "[e]ach lawyer should be armed with dictionaries, novels, poems, and anything else that might convince the judge." *Id.* at 973.

271. See *infra* Appendix C.

272. See *Freytag v. Commissioner*, 501 U.S. 868, 919-20 (1991) (Scalia, J., concurring); *Maryland v. Craig*, 497 U.S. 836, 863-64 (1990) (Scalia, J., dissenting); *Grady v. Corbin*, 495 U.S. 508, 529 (1990) (Scalia, J., dissenting); *Morrison v. Olson*, 487 U.S. 654, 719 (1988) (Scalia, J., dissenting); see also *California v. Hodari D.*, 499 U.S. 621, 624 (1991) ("From the time of the founding to the present, the word 'seizure' [as used in U.S. Const. Amend. IV] has meant a 'taking possession.'").

273. See *United States v. Lopez*, 514 U.S. 549, 585-86 (1995) (Thomas, J., concurring).

274. See, e.g., *Molzof v. United States*, 502 U.S. 301, 307 (1992); *Reves v. Ernst & Young*, 494 U.S. 56, 77 (1990) (Rehnquist, C.J., concurring in part and dissenting in part) (citing "[c]ontemporaneous editions of legal dictionaries" to

determining what Congress meant in enacting certain statutory language, it has been suggested that the Court will look to American dictionaries in existence at the time a statute was enacted.²⁷⁵

Descriptive contemporaneous American dictionaries may be helpful to address the question of how terms were construed prior to a statute's enactment.²⁷⁶ If it is reasonable to presume that Congress consulted such dictionaries when a statute was drafted,²⁷⁷ contemporaneous American dictionaries may provide insight into the definition and breadth Congress intended for specific statutory language. On the other hand, if it is appropriate to presume that Congress did not consult a dictionary in drafting the provision in question,²⁷⁸ contemporaneous American dictionaries may not provide much guidance. Moreover, the meanings of words change over time,²⁷⁹ and if the question is how an individual

define "maturity" as used in the Securities Exchange Act of 1934); *Mallard v. United States Dist. Ct. for the N. Dist. of Iowa*, 490 U.S. 296, 301 (1989); *Regents of Univ. of Cal. v. Public Employment Relations Bd.*, 485 U.S. 589, 598 (1988) (giving statutory language "its normal meaning" and citing a dictionary "from the period during which the [statutory provision] was enacted"); *McNally v. United States*, 483 U.S. 350, 370-71 (1987) (Stevens, J., dissenting) (citing "law dictionaries of the era" when statute was enacted).

275. In *United States v. Ramsey*, 431 U.S. 606 (1977) (Stevens, J., dissenting), construing the term "envelope" contained in section 3 of the Act of July 18, 1866 (dealing with authority of customs officials), Justice Stevens stated, "[c]ontemporary American dictionaries emphasize the usage of the word as descriptive of a package or wrapper as well as an ordinary letter." *Id.* at 629-30.

276. See *National Muffler Dealers Ass'n, Inc. v. United States*, 440 U.S. 472, 479-80 (1979) ("Those terms had commonly understood meanings before the statute was enacted.").

277. See *Welsh v. United States*, 398 U.S. 333, 351 n.5 (1970) (Harlan, J., concurring in result) ("In the realm of statutory construction it is appropriate to search for meaning in the congressional vocabulary in a lexicon most probably consulted by Congress [that is, WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1934) (unabridged)]").

278. See *Group Life & Health Ins. Co. v. Royal Drug Co.*, 440 U.S. 205, 247 (1979) (Brennan, J., dissenting) (explaining that Congress is not composed of dictionary editors); Aprill, *supra* note 35, at 299 ("Legislators do not consult dictionaries or incorporate by reference dictionary definitions in drafting statutes.").

279. See *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 500 n.10 (1985) (quoting "lust" as defined in WEBSTER'S NEW INT'L DICTIONARY (2d ed. unabr. 1949) but "excluding the obsolete meanings"); see also BOUVIER'S LAW DICTIONARY 431 (Rawles 3d Rev. 1914) (defining "cat" as a whip "sometimes used for whipping criminals" but not referring to a feline); *id.* at 866 (containing, as the sole entry for "diet": "[a] general assembly is sometimes so called on the continent of Europe").

might construe a statute long after its enactment, it would be appropriate to consult dictionaries published at or shortly before the time of the facts giving rise to the litigation.²⁸⁰ In any event, under the Court's current approach, even determining the proper edition of the dictionary may lead to additional uncertainty.

E. *Selecting a Specific Definition*

Once the word to be defined and the specific dictionary to be used have been selected, the Court is not then left with the mechanical task of following a single definition set forth in that dictionary. Indeed, most terms have multiple definitions, requiring the reader to consider context and other factors in selecting the proper definition. Unfortunately, the Court has at times looked to the dictionary as an end point, thereby avoiding the difficult task of selecting between a variety of choices when attempting to define a word in context. As a result, Justices have defined the same word by using the same dictionary but have adopted different alternative definitions to reach contrary conclusions.

For example, in *Will v. Michigan Department of State Police*,²⁸¹ the Court held that neither the State of Michigan nor its officials acting in their official capacities are "persons" under 42 U.S.C. § 1983.²⁸² By statute, the word "person" generally "may extend and be applied to bodies politic and corporate."²⁸³ Justice White's majority opinion and Justice Brennan's dissent in *Will* cited the same dictionaries to support their conflicting views regarding whether "bodies politic and corporate" included states. Specifically, Justice White found that the dictionaries suggest "that the phrase was used to mean corporations, both private and public (municipal), and not to include the States," and accused the dissent of reading the phrase too broadly.²⁸⁴ In dissent,

280. Even then, caution is required as contemporaneous dictionaries may provide some (but likely could not provide all) of the possible alternative meanings for a term. See *Aprill*, *supra* note 35, at 327 ("no dictionary can be expected to report all usages, and no dictionary can be current as of its date of publication").

281. 491 U.S. 58 (1989).

282. See *id.* at 71.

283. See *id.* at 78 (quoting Dictionary Act of Feb. 25, 1871, § 2, 16 Stat. 431).

284. See *id.* at 69 (quoting 1 B. ABBOTT, *DICTIONARY OF TERMS AND PHRASES USED IN AMERICAN OR ENGLISH JURISPRUDENCE* 155 (1879); W. ANDERSON, *A DICTIONARY OF LAW* 127 (1893); BLACK'S *LAW DICTIONARY* 143 (1891); 1 A. BURRILL,

Justice Brennan wrote that “each and every dictionary cited by the Court accords a broader realm—one that comfortably, and in most cases explicitly, includes the sovereign—to this phrase than the Court gives it today.”²⁸⁵ The difference in interpretation hinged on whether the “precise” definition or the more general definition was used.²⁸⁶

*Muscarello v. United States*²⁸⁷ is another example of the Justices finding different meanings from the same source. In *Muscarello*, the Court construed “uses or carries a firearm” in a criminal statute imposing a mandatory prison term for such acts “during and in relation to” a “drug trafficking crime.”²⁸⁸ The majority, in an opinion written by Justice Breyer, held that “uses or carries a firearm” “applies to a person who knowingly possesses and conveys firearms in a vehicle, including in the locked glove compartment or trunk of a car, which the person accompanies.”²⁸⁹ Justice Ginsburg’s dissent, however, “read the words to indicate not merely keeping arms on one’s premises or in one’s vehicle, but bearing them in such manner as to be ready for use as a weapon.”²⁹⁰ In coming to these divergent conclusions, both the majority and the dissent quoted the definition from *Black’s Law Dictionary* for the phrase “carry arms or weapons.”²⁹¹ The majority found that *Black’s* definition did

A LAW DICTIONARY AND GLOSSARY 212 (2d ed. 1871)).

285. *Id.* at 79 (Brennan, J., dissenting) (quoting 1 B. ABBOTT, DICTIONARY OF TERMS AND PHRASES USED IN AMERICAN OR ENGLISH JURISPRUDENCE 155 (1879); W. ANDERSON, A DICTIONARY OF LAW 127 (1893); BLACK’S LAW DICTIONARY 143 (1891); 1 A. BURRILL, A LAW DICTIONARY AND GLOSSARY 212 (2d ed. 1871)).

286. *See id.* at 79 (Brennan, J., dissenting). For example, Justice Brennan quoted one dictionary as stating, “the term body politic is often used in a general way, as meaning the state or the sovereign power, or the city government, without implying any distinct express incorporation.” *Id.* (quoting 1 B. ABBOTT, DICTIONARY OF TERMS AND PHRASES USED IN AMERICAN OR ENGLISH JURISPRUDENCE 155 (1879)). However, Justice White quoted that same dictionary as defining the term as the “most exact expression” for “public corporation.” *Id.* at 69 n.9 (quoting 1 B. ABBOTT, DICTIONARY OF TERMS AND PHRASES USED IN AMERICAN OR ENGLISH JURISPRUDENCE 155 (1879)). Thus, the interpretation depended upon which definition within the same dictionary was used.

287. 118 S. Ct. 1911 (1998).

288. *Id.* at 1913 (quoting 18 U.S.C. § 924(c)(1) (1994)).

289. *Id.* at 1913-14.

290. *Id.* at 1920 (Ginsburg, J., dissenting).

291. *Id.* at 1915 (quoting BLACK’S LAW DICTIONARY 214 (6th ed. 1990)); *id.* at 1921 (Ginsburg, J., dissenting) (quoting BLACK’S LAW DICTIONARY 214 (6th ed. 1990)). The complete definition given is “[t]o wear, bear or carry them upon the person or in the clothing or in a pocket, for the purpose of use, or for the purpose of being armed and ready for offensive or defensive action in case of a conflict with

“not purport to *limit* the ‘carrying of arms’ to the circumstances” described and did not “deny that one may *also* ‘carry a weapon’ tied to the saddle of a horse or placed in a bag in a car.”²⁹² The dissent, however, noted “that the only law dictionary the Court cites, *Black’s Law Dictionary*, defines ‘carry arms or weapons’ restrictively.”²⁹³ Moreover, the dissent found that *Black’s* definition was “[s]urely a most familiar meaning” of “carry arms or weapons.”²⁹⁴ These cases show that, as with the other steps in the Court’s general process of using dictionaries, selecting a specific definition for a term can be problematic, at times appears to lack principled guidance and can determine the outcome of a case.

IV. A CRITIQUE OF THE COURT’S USE OF SUBJECT MATTER CONSTRUCTION PRINCIPLES INVOLVING DICTIONARIES

*Almost any word or phrase may be rendered vague and ambiguous by dissection with a semantic scalpel. . . . [But such an approach] amounts to little more than verbal calisthenics.*²⁹⁵

Along with the Court’s inconsistent approach to using dictionaries, the Court has not expressly set forth many guiding principles to decide when or how to use the dictionary to define terms. Indeed, one commentator has opined that “[n]o apparent pattern exists to the Court’s citation of general and legal dictionaries.”²⁹⁶ Furthermore, the Court has suggested different approaches in construing constitutional, statutory, contractual, judicial and foreign terms. Unfortunately, analyzing the express principles set forth in cases from these different subject matter areas does not yield much additional guidance for when and how the Court uses the dictionary to define terms.

another person.” BLACK’S LAW DICTIONARY 214 (6th ed. 1990).

292. *Muscarello*, 118 S. Ct. at 1915.

293. *Id.* at 1921 n.2 (Ginsburg, J., dissenting).

294. *Id.* at 1921 (Ginsburg, J., dissenting).

295. *Cole v. Richardson*, 397 U.S. 238, 240 (1970) (Harlan, J., concurring).

296. *Aprill*, *supra* note 35, at 310.

A. Constitutional Terms

It is perhaps significant that the Court has relied on dictionaries in comparatively few cases interpreting the Constitution. Moreover, as applicable here, there is little express discussion of using the dictionary in defining constitutional terms. This apparent reluctance to rely on a dictionary in defining constitutional terms appears to be attributable to an opinion by Justice Holmes.

In *Gompers v. United States*,²⁹⁷ the Court reversed criminal contempt convictions arising out of a labor boycott and rejected the proposition that the constitutional right to a jury trial did not apply to contempt charges.²⁹⁸ In doing so, Justice Holmes observed:

[T]he provisions of the Constitution are not mathematical formulas having their essence in their form; they are organic, living institutions transplanted from English soil. The[ir] significance is vital, not formal; it is to be gathered not simply by taking the words and a dictionary, but by considering their origin and the line of their growth.²⁹⁹

In the constitutional realm, little of consequence has been written since this opinion. In a dissenting opinion in *Lyng v. Northwest Indian Cemetery Protective Ass'n*,³⁰⁰ Justice Brennan echoed Justice Holmes' view that "the dictionary is hardly the final word on the meaning of constitutional language."³⁰¹

More recently, Justices Scalia and Thomas have advocated using dictionaries for historical guidance in construing constitutional provisions. For example, in a concurring opinion in *United States v. Lopez*,³⁰² Justice Thomas

297. 233 U.S. 604 (1914).

298. *Id.* at 607, 610, 613; see also *Gompers v. Buck's Stove & Range Co.*, 221 U.S. 418, 451 (1911) (holding that a proceeding in equity for civil contempt—consisting of doing that which was forbidden by an injunction—must be dismissed without prejudice where there has been a complete settlement between the parties of all the matters involved in the original equity cause).

299. *Gompers*, 233 U.S. at 610.

300. 485 U.S. 439 (1988).

301. *Id.* at 468 n.4 (Brennan, J., dissenting). Curiously, however, Justice Brennan then added that it was "noteworthy that Webster's includes, as one of the two accepted definitions of 'prohibit' [as used in the First Amendment's Free Exercise Clause], 'to prevent from doing something.'" *Id.* (quoting WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)).

302. 514 U.S. 549 (1995) (holding that the Commerce Clause does not grant

cited several dictionaries to define "commerce" as used in the Commerce Clause.³⁰³ In doing so, Justice Thomas relied on dictionaries published around the time the Constitution was drafted³⁰⁴ as well as a more recent dictionary discussing the etymology of the word³⁰⁵ to argue that the Constitution uses the word "commerce" in a narrower sense than the Court's case law suggested.³⁰⁶

This use of the dictionary to define constitutional terms, however, is an exception to the rule. The Court has only infrequently relied on the dictionary to determine what constitutional terms mean or how such provisions should be construed. As a result, little guidance for using dictionaries to define constitutional terms has emerged.

B. Statutory Terms

Over the years, statutory construction generally has centered around the so-called "plain meaning" of statutory terms.³⁰⁷ Some cases state that, absent express congressional

Congress the authority to prohibit gun possession within 1000 feet of a school).

303. *See id.* at 585-86 (Thomas, J., concurring).

304. *See id.* (quoting 1 S. JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE 361 (4th ed. 1773); N. BAILEY, AN UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (26th ed. 1789); T. SHERIDAN, A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)); *see also supra* note 272 and accompanying text (citing cases where Justice Scalia has suggested the Court look at dictionaries from the time of the Constitutional Convention in order to interpret Constitutional provisions).

305. *See Lopez*, 514 U.S. at 585-86 (Thomas, J., concurring) (citing 3 OXFORD ENGLISH DICTIONARY 552 (2d ed. 1989)).

306. *See id.*

307. A discussion of general construction principles is beyond the scope of this article. Volumes—indeed shelves—have been written about general construction principles used by, and advocated for, the Court. *See, e.g.*, Bradley C. Karkkainen, "Plain Meaning": Justice Scalia's Jurisprudence of Strict Statutory Construction, 17 HARV. J. L. & PUB. POL'Y 401 (1994); A. Raymond Randolph, *Dictionaries, Plain Meaning, and Context in Statutory Interpretation*, 17 HARV. J.L. & PUB. POL'Y 71 (1994); Note, *Looking it Up: Dictionaries and Statutory Interpretation*, 107 HARV. L. REV. 1437 (1994); Robert J. Martineau, *Craft and Technique, Not Canons and Grand Theories: A Neo-Realist View of Statutory Construction*, 62 GEO. WASH. L. REV. 1 (1993); Peter H. Carroll, III, *Literalism: The United States Supreme Court's Methodology for Statutory Construction in Bankruptcy Cases*, 25 ST. MARY'S L.J. 143 (1993); William N. Eskridge, Jr., *The New Textualism*, 37 UCLA L. REV. 621 (1990); Frederick Schauer, *Statutory Construction and the Coordinating Function of Plain Meaning*, 1990 SUP. CT. REV. 231; Frank H. Easterbrook, *The Role of Original Intent in Statutory Construction*, 11 HARV. J.L. & PUB. POL'Y 59 (1988); William S. Blatt, *The History of Statutory Interpretation: A Study in Form and Substance*, 6 CARDOZO L. REV. 799, 804 (1985); Karl N. Llewellyn, *Remarks on the Theory of Appellate Decision and the Rules of Canons*

definition of terms or other similar guidance,³⁰⁸ the Court presumes that statutory terms carry their ordinary or common meaning³⁰⁹—or at least that “ordinary meanings are *not insignificant* in statutory construction.”³¹⁰ Reflecting the importance of context, however, the Court has noted that “[t]he circumstances of the enactment of particular legislation may persuade a court that Congress did not intend words of common meaning to have their literal effect.”³¹¹

Because of this emphasis on textual construction and the so-called “plain meaning” of words, dictionaries have played an increasingly larger role in statutory interpretation.³¹² Yet, in construing statutory provisions, the Court has not been consistent in when and how it decides to cite dictionaries. Rather, in determining what Congress intended to do by using certain language, differing views have developed regarding the proper role of dictionaries.

For example, Justice Harlan wrote that “[i]n the realm of statutory construction it is appropriate to search for meaning in the congressional vocabulary in a lexicon most probably

About How Statutes Are to Be Construed, 3 VAND. L. REV. 395 (1950). The focus of the discussion in this Article is limited to the few construction principles set forth by the Court in turning to the dictionary to construe statutory terms or phrases.

308. See *Rowland v. California Men's Colony*, 506 U.S. 194, 199 (1993).

309. See, e.g., *Pioneer Inv. Serv. Co. v. Brunswick Assoc. Ltd. Partnership*, 507 U.S. 380, 394-95 (1993) (O'Connor, J., dissenting); *Smith v. United States*, 507 U.S. 197, 199-200 (1993); *United States v. Rodgers*, 466 U.S. 475, 479 (1984); *Diamond v. Chakrabarty*, 447 U.S. 303, 308 (1979); *Perrin v. United States*, 444 U.S. 37, 42 (1979); *Richards v. United States*, 369 U.S. 1, 9 (1962); see also *Chisom v. Roemer*, 501 U.S. 380, 410 (1991) (Scalia, J., dissenting) (“[O]ur job is to determine whether the ordinary meaning [applies], and if it does not, to ask whether there is any solid indication in the text or structure of the statute that something other than ordinary meaning was intended.”).

310. *Burlington Northern, Inc. v. United States*, 459 U.S. 131, 143 n.8 (1982) (emphasis added).

311. *Watt v. Alaska*, 451 U.S. 259, 266 (1981) (citations omitted); cf. *Chisom v. Roemer*, 501 U.S. 380, 410-11 (1991) (Scalia, J., dissenting) (stating that the Court should determine whether any possible meaning of the term to be construed “suits [the Court's] preconception” of the statute's scope, “and if it does not, to ask whether there is any solid indication in the text or structure of the statute that something other than ordinary meaning was intended”).

312. “Since [*United States v. Ron Pair Enters., Inc.*, 489 U.S. 235 (1989)], more and more disputes about the meaning of statutes are greeted with citations to dictionaries.” Randolph, *supra* note 307, at 71-72; see also *supra* Part II.C (discussing Court's increasing reliance upon dictionaries in recent years); April, *supra* note 35, at 277 (noting that several commentators have remarked on the Court's increasing use of dictionaries for statutory interpretation); Thomas W. Merrill, *Textualism and the Future of the Chevron Doctrine*, 72 WASH. U. L.Q. 351, 355 (1994).

consulted by Congress: 'Webster's Dictionary.'³¹³ In another case, the Court stated that "[e]ven trained lawyers may find it necessary to consult law dictionaries, treatises, and judicial opinions before they may say with any certainty what some statutes may compel or forbid."³¹⁴ On the other hand, Justice Brennan observed that the Congress enacting the McCarran-Ferguson Act "was composed of neither insurance experts nor dictionary editors,"³¹⁵ negating any presumption that the Act was drafted in part by referring to the dictionary. Thus, there is precedent supporting both the proposition that Congress does and that Congress does not have the knowledge of a dictionary editor and that, if such knowledge is attributable, *Webster's Dictionary* is the source of which Congress has knowledge.

Where the Court decides that certain statutory language represents a "term of art," there is some suggestion that the approach for relying on a dictionary differs from using a dictionary to define ordinary terms. In a dissent construing a procedural rule, Justice Brennan wrote that "[c]ontrary to the Court's approach, the purposes of the Rule, not dictionary definitions, have guided courts in construing this term of art."³¹⁶ Three years later, the Court wrote that dictionaries are of little help in construing terms of art, observing that "[w]here a phrase in a statute appears to have become a term of art . . . any attempt to break down the term into its constituent words is not apt to illuminate its meaning."³¹⁷

When the Court finds that a term is to be used in its "common" or ordinary sense (and not as a term of art), the Court at times has looked at the context and usage of the term to see how it should be defined. For example, in construing the term "under" as used in the Equal Access to

313. *Welsh v. United States*, 398 U.S. 333, 351 (1970) (Harlan, J., concurring in result).

314. *Rose v. Locke*, 423 U.S. 48, 50 (1975) (finding "crime against nature" was not vague and rejecting claim that a facially vague statute cannot be saved by construction).

315. *Group Life & Health Ins. Co. v. Royal Drug Co.*, 440 U.S. 205, 247 (1979) (Brennan, J., dissenting). Cf. April, *supra* note 35, at 299 ("legislators do not consult dictionaries or incorporate by reference dictionary definitions in drafting statutes").

316. *United States v. John Doe, Inc. I*, 481 U.S. 102, 125 (1987) (Brennan, J., dissenting) (criticizing the majority's construction of "disclose" used in Fed. R. Crim. P. 6(e)).

317. *Sullivan v. Stroop*, 496 U.S. 478, 483 (1990).

Justice Act,³¹⁸ the Court noted that “[t]he word ‘under’ has many dictionary definitions and must draw its meaning from its context.”³¹⁹ Stated differently, it is a “fundamental principle of statutory construction (and, indeed, of language itself) that the meaning of a word cannot be determined in isolation, but must be drawn from the context in which it is used.”³²⁰ Similarly, at least at times, the Court recognizes that the meaning of a term “depends on the purpose with which it is used in the statute and the legislative history of that use,”³²¹ noting that “[w]ords, like syllables, acquire meaning not in isolation but within their context.”³²² Although the dictionary can be “a necessary, and sometimes sufficient, aid to the judge confronted with the task of construing an opaque act of Congress,”³²³ in most cases, the Court “must probe more deeply to avoid a patently bizarre result.”³²⁴

Consistent with these isolated proclamations, the Court generally recognizes that usage and meaning are not necessarily synonymous: “One definition of a word does not express its whole meaning or necessarily determine the intention of its use.”³²⁵ A corollary to this proposition is that alternative dictionary definitions “each making some sense under the statute . . . indicate that the statute is open to interpretation. Few phrases in a complex scheme of regulation are so clear as to be beyond the need for interpretation when applied in a real context.”³²⁶ In such a case, “[r]ather

318. 5 U.S.C. § 504(b)(1)(C)(i) (1988).

319. *Ardestani v. INS*, 502 U.S. 129, 135 (1991).

320. *Deal v. United States*, 508 U.S. 129, 132 (1993).

321. *Helvering v. Hammel*, 311 U.S. 504, 507 (1941) (construing “sale” after citing dictionary for proposition that word can have many meanings).

322. *K Mart Corp. v. Cartier*, 486 U.S. 281, 319 (1988) (Scalia, J., concurring in part & dissenting in part); *accord Reves v. Ernest & Young*, 507 U.S. 170, 178 (1993) (“context is important”).

323. *Board of Educ. v. Mergens ex rel. Mergens*, 496 U.S. 226, 270-71 (1990) (Stevens, J., dissenting).

324. *Id.*

325. *Osborne v. San Diego Land & Town Co.*, 178 U.S. 22, 38 (1900); *see also Muscarello v. United States*, 118 S. Ct. 1911, 1915 (1998) (finding that dictionary definitions did “not purport to *limit* the ‘carrying of arms’ to the circumstances” described).

326. *National R.R. Passenger Corp. v. Boston & Maine Corp.*, 503 U.S. 407, 418 (1992) (citation omitted). Justice Stevens echoed this thought:

Instead of mechanically repeating earlier dictionary definitions of the word ‘relate’ as its only guide to decision in an important and difficult area of statutory construction, the Court should pause to consider,

than 'make a fortress out of the dictionary,' the Court should instead attempt to implement the legislative intent of Congress.³²⁷ Similarly, the Court recently observed that when "[f]aced with a choice between our own precedent and Black's Law Dictionary, we adhere to the former."³²⁸

The Court also appears to acknowledge that there is a temporal component to defining statutory terms. If the issue to be determined is how an ordinary person would construe the phrase, the definition when the facts underlying the litigation occurred should be the proper focus. If, however, the focus is the intended legislative scope, the meaning of the term at the time the statute was enacted should be the proper focus. Not surprisingly, there is precedent to support both of these alternatives.³²⁹

Perhaps due in part to the general and uncertain scope and application of these guiding principles, some Justices, including most notably Justice Frankfurter, have questioned whether dictionaries should be used at all.³³⁰ Justice Frankfurter found that specific statutory language usually was adopted for a reason and could not be defined without examining context. Specifically, he observed that statutory language could not be construed "as though we were dealing with words in a dictionary rather than statutory direc-

first, the wisdom of the basic rule disfavoring federal pre-emption of state laws, and second, the specific concerns identified in the legislative history as the basis for federal pre-emption.

District of Columbia v. Greater Washington Bd. of Trade, 506 U.S. 125, 138 (1992) (Stevens, J., dissenting).

327. *Washington County v. Gunther*, 452 U.S. 161, 198 n.10 (1981) (Rehnquist, J., dissenting) (citation omitted) (quoting *Cabell v. Markham*, 148 F.2d 737, 739 (2d Cir.) (L. Hand, J.), *aff'd*, 326 U.S. 404 (1945)).

328. *Pioneer Inv. Servs. Co. v. Brunswick Assoc. Ltd. Partnership*, 507 U.S. 380, 396 n.14 (1993).

329. *Compare Smith v. Wade*, 461 U.S. 30, 61-62 n.3 (1983) (Rehnquist, J., dissenting) (examining what a jury of lay persons would have understood at the time the provision was enacted; "There is not the slightest question that a jury of lay-persons would have understood the phrase [malice in the 1870s] as requiring actual ill-will, desire to injure, or other improper motive on the part of the defendant. . . . [Wanton] would have been understood by laymen to require some sort of evil or dissolute intention"), *with Welsh v. United States*, 398 U.S. 333, 351 (1970) (Harlan, J., concurring in result) (referring to WEBSTER'S DICTIONARY to determine how Congress intended the meaning of a term).

330. Curiously, however, Justice Frankfurter also wrote the opinion containing the most extensive use of the dictionary in the history of the Court. *See Joseph Burstyn, Inc. v. Wilson*, 343 U.S. 495, 517, 519-27 nn.42-48 & app. (1952) (Frankfurter, J., concurring in judgment).

tions.”³³¹ Justice Frankfurter further wrote that a statutory scheme was

not merely a collection of words for abstract annotation out of the dictionary. The process of judicial construction must be mindful of the history of the legislation, of the purpose which infused it, of the difficulties which were encountered in effectuating this purpose, of the aims of those most active in relieving these difficulties.³³²

Justice Stevens, who frequently cites the dictionary,³³³ recently echoed this point by harshly criticizing the Court’s reliance on dictionary definitions.

Against all these arguments the Court interposes Noah Webster’s famous dictionary. It is a massive tome but no match for the weight the Court would put upon it. The Court relies heavily on the dictionary’s definition of “curriculum.” That word, of course, is not the Act’s; moreover, the word “noncurriculum” is not in the dictionary. Neither Webster nor Congress has authorized us to assume that “noncurriculum” is a precise antonym of the word “curriculum.” “Non-plus,” for example, does not mean “minus” and it would be incorrect to assume that a “nonentity” is not an “entity” at all.³³⁴

These divergent opinions show that, when construing statutory provisions, the Court’s analysis of when and how to use a dictionary lacks consistency and does little to provide any real guidance.

C. *Judicial Terms*

From time to time, the Court must decipher what another court meant in using specific language. In *Arave v. Creech*,³³⁵ the Court created a presumption for such occasions by making an analogy to statutory construction: “We assume that legislators use words in their ordinary, everyday senses,

331. *Burns v. Wilson*, 346 U.S. 844, 849-50 (1953) (Frankfurter, J., on denial of petition for rehearing).

332. *Reed v. Pennsylvania R.R.*, 351 U.S. 502, 510 (1956) (Frankfurter, J., dissenting).

333. See *infra* Appendix B.

334. *Board of Educ. v. Mergens ex rel. Mergens*, 496 U.S. 226, 291 (1990) (Stevens, J., dissenting) (citations omitted) (construing Equal Access Act, 20 U.S.C. § 4071-72 (1984)).

335. 507 U.S. 463 (1993).

and there is no reason to suppose that judges do otherwise.³³⁶ In *Creech*, the Court found that an aggravating factor for capital sentencing—"utter disregard for human life"—as construed by Idaho courts was not unconstitutionally vague.³³⁷ In doing so, the Court relied in part on the dictionary definitions used by the Idaho courts in interpreting the meaning of that phrase.³³⁸

Unsatisfied, Justice Blackmun dissented, noting that "[v]ague terms do not suddenly become clear when they are defined by reference to other vague terms."³³⁹ Justice Blackmun observed that the very thrust of a vagueness challenge precludes using a dictionary: "The entire point of the challenge is that the language's susceptibility to a *variety* of interpretations is what makes it (facially) unconstitutional."³⁴⁰ If it is necessary to use a dictionary, then the language of the aggravating factor does not have one clear meaning.

The majority points out that the first definition in Webster's Dictionary under the entry "cold-blooded" is "marked by absence of warm feelings: without consideration, compunction, or clemency." If Webster's rendition of the term's ordinary meaning is to be credited, then Idaho has singled out murderers who act without warm feelings: those who act without consideration, compunction, or clemency. Obviously that definition is no more illuminating than the adjective "pitiless" as defined by the majority. What murderer *does* act with consideration of compunction or clemency?³⁴¹

Although noting that "cold-blooded" is a term of art, Justice Blackmun questioned whether that determination could alter the analysis, finding that "[t]he line between the 'ordinary' and the 'legal' meaning of cold-blooded . . . is not always

336. *Id.* at 472.

337. *Id.* at 471.

338. *See id.* at 476. The Court reasoned that the term "cold-blooded" provided sufficient narrowing under the Eighth Amendment because not all murders are "cold-blooded," and thus not all murderers would be eligible for the death penalty under that aggravating factor. *Id.* at 475-76. The Court noted that "cold-blooded" means "emotionless," and that some murders are not "cold-blooded" because some murderers do exhibit emotion, such as anger. *See id.* at 476.

339. *Id.* at 489 (Blackmun, J., dissenting) (quoting *Walton v. Arizona*, 497 U.S. 639, 693-94 n.16 (1990) (Blackmun, J., dissenting) (quoting *Cartwright v. Maynard*, 822 F.2d 1477, 1489 (10th Cir. 1987))).

340. *Id.* at 482.

341. *Id.* at 481-82 (citations omitted).

obvious.³⁴² Thus, dictionary definitions broadened rather than narrowed the possible construction of the phrase. Furthermore, the legal, as opposed to ordinary, meaning of the phrase (if such a dichotomy could exist) did not alter the ultimate analysis.³⁴³ Unfortunately, as *Creech* demonstrates, the Court's approach to using dictionaries in construing judicial language suffers from the same flaws, and perhaps even more uncertainty, than the approach used in construing statutory terms.

D. Contractual Terms

In construing contract language, the Court seldom cites to the dictionary and, on at least one occasion, suggested that such reliance would be improper. The Court in *United Steelworkers of America v. American Manufacturing Co.*³⁴⁴ held that contractually contemplated arbitration should have been ordered.³⁴⁵ In a concurrence, Justice Brennan eschewed reliance on a dictionary:

The meaning of the arbitration promise is not to be found simply by reference to the dictionary definitions of the words the parties use, or by reference to the interpretation of commercial arbitration clauses. Words in a collective bargaining agreement, rightly viewed by the Court to be the charter instrument of a system of industrial self-government, like words in a statute, are to be understood only³⁴⁶ by reference to the background which gave rise to their inclusion.

Thus, following this view, the dictionary must yield to the

342. *Id.* at 484 n.13.

343. Perhaps as a result of this type of debate, the Court's struggle to define and clarify aggravating factors generally has led to inconsistent results. See generally Richard A. Rosen, *The "Especially Heinous" Aggravating Circumstance in Capital Cases—The Standardless Standard*, 64 N.C. L. REV. 941 (1986); see also Jeffrey L. Kirchmeier, *Aggravating and Mitigating Factors: The Paradox of Today's Arbitrary and Mandatory Capital Punishment Scheme*, 6 WM. & MARY BILL RTS. J. 345, 363-68 (1997); Michael Mello, *Florida's "Heinous, Atrocious or Cruel" Aggravating Circumstance: Narrowing the Class of Death-Eligible Cases Without Making It Smaller*, 13 STETSON L. REV. 523 (1984); Terrill Pollman, *Maynard v. Cartwright: Channeling Arizona's Use of the Heinous, Cruel, or Depraved Aggravating Circumstance To Impose the Death Penalty*, 32 ARIZ. L. REV. 193 (1990).

344. 363 U.S. 564 (1960).

345. *Id.* at 564, 569.

346. *Id.* at 570 (Brennan, J., concurring).

surrounding circumstances and, presumably, other evidence of the parties' intentions. There is little to suggest that the Court has any other express view on using a dictionary to construe contract terms.³⁴⁷

E. *Foreign Terms*

Although the Court often looks to dictionaries to define foreign terms—usually Latin “terms of art”—it frequently relies on English language dictionaries to determine how the term has been construed, rather than using foreign language dictionaries for a translation.³⁴⁸ On a few occasions, however, the Court has relied on foreign language dictionaries to translate terms into English. Although this particular context might appear to provide a fairly mechanical and uncontroversial use of the dictionary, quite the opposite has occurred.

In 1830, the first time the Court cited a dictionary, it defined “prevariquez” by referring to “[t]he best French dictionary we have.”³⁴⁹ More than a century later, in a dissent in *Ullmann v. United States*,³⁵⁰ Justice Douglas unremarkably cited to *Saint-Edme, Dictionnaire De La Penalité Dans Toutes Les Parties Du Monde Connu* to define “traîner sur la claie,” the long version of “la claie,” which translates to “the means used to drag the condemned to execution.”³⁵¹ More

347. *But cf.* *Decatur Bank v. St. Louis Bank*, 88 U.S. 294 (1874) (relying on dictionary to construe contract term “cattle” to include “hogs”).

348. *See, e.g.*, *Planned Parenthood v. Casey*, 505 U.S. 833, 954 (1992) (Rehnquist, C.J., concurring in judgment in part and dissenting in part) (relying on BLACK'S LAW DICTIONARY 1406 (6th ed. 1990) to define “stare decisis”); *Montana v. Hall*, 481 U.S. 400, 409 n.17 (1987) (Marshall, J., dissenting) (relying on BLACK'S LAW DICTIONARY 1023 (5th ed. 1979) to define “per curiam”); *Bateman Eichler, Hill Richards, Inc. v. Berner*, 472 U.S. 299, 306 & n.11 (1985) (relying on BLACK'S LAW DICTIONARY 711 (5th ed. 1979) to define “in pari delicto potior est conditio defendentis”); *Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez*, 458 U.S. 592, 600 n.8 (1982) (relying on BLACK'S LAW DICTIONARY (5th ed. 1979) to define “parens patriae”); *Japan Line, Ltd. v. Los Angeles County*, 441 U.S. 434, 442 (1979) (relying on BLACK'S LAW DICTIONARY (4th ed. 1968) to define “mobilia sequuntur personam”); *Johnson v. Eisentrager*, 339 U.S. 763, 779 n.10 (1950) (relying on THE OXFORD ENGLISH DICTIONARY (1933) to define “habeas corpus”).

349. *Patapsco Ins. Co. v. Coulter*, 28 U.S. 222, 230 (1830) (defining “prevariquez” in case involving an insurance claim by a shipper against a carrier for loss of cargo); *see also supra* notes 138-41 and accompanying text.

350. 350 U.S. 422 (1956).

351. *Id.* at 453 n.8 (Douglas, J., dissenting). *Ullmann* concerned the petitioner's invocation of his Fifth Amendment privilege during a grand jury

recently, the Court, in the context of three cases, has demonstrated somewhat inconsistent approaches to using foreign language dictionaries.

In *Air France v. Saks*,³⁵² the Court considered a claim brought by a passenger for injuries incurred while on an airplane and, in the process, struggled to define the word "accident" as used in Article 17 of the Warsaw Convention.³⁵³ The specific issue in *Saks* was whether a change in air pressure that caused the airline passenger to lose the ability to hear was an "accident" within the meaning of Article 17.³⁵⁴ After finding that the text of the Convention did not define "accident,"³⁵⁵ the Court considered sources showing the term's French legal meaning, stating that it should "give the specific words of the treaty a meaning consistent with the shared expectations of the contracting parties."³⁵⁶ Those sources, including French dictionaries, showed that "accident" could mean either "the *event* of a person's injury" or, sometimes, "a *cause* of injury."³⁵⁷

Saks then adopted the latter of these two definitions, finding that "[t]he text of the Convention consequently suggests that the passenger's injury must be caused by an unexpected or unusual event."³⁵⁸ Only then did the Court consider the negotiating history of the Warsaw Convention, the parties' conduct and judicial interpretations.³⁵⁹ Conclud-

investigation of alleged members of the Communist party. *Id.* at 423-24. The Court upheld the contempt conviction, but Justice Douglas argued in dissent that the disclosure that a person is a Communist excommunicates him from society. *Id.* at 453. As part of this argument, Justice Douglas addressed penalties in France that produce infamy in law. *Id.* at 452-53.

352. 470 U.S. 392 (1985).

353. *See id.* at 399-400.

354. *See id.*

355. *Id.* at 399.

356. *Id.*

357. *Id.* at 400 n.3 (citing M. LEGRAND, *DICTIONNAIRE USUAL DE DROIT* (1931)). The source for the proposition that "accident" is sometimes used to describe the cause of the injury was GRAND LAROUSSE DE LANGUE FRANÇAISE (1971). *See Saks*, 470 U.S. at 400. Reliance on this source ignores the proposition that language usage may have changed since the Warsaw Convention was drafted and ratified in the 1920s and 1930s. Therefore, the 1971 dictionary is a questionable source—as a matter of temporal remoteness—to determine "the shared expectations of the contracting parties." *Id.* at 399. *Cf. Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 501 n.10 (1985) (indicating that the meaning of a word can change over time).

358. *Saks*, 470 U.S. at 400.

359. *Id.*

ing that these sources were consistent with the dictionary-based definition, the Court found that the airline was not liable.³⁶⁰

Less than a decade later, the Court again construed Article 17 of the Warsaw Convention and, in the process, retreated from the primary reliance on foreign language dictionaries in *Saks*. In *Eastern Airlines, Inc. v. Floyd*,³⁶¹ passengers sued an airline for infliction of emotional distress due to the loss of power on a flight.³⁶² That dispute required the Court to decide whether "*lesion corporelle*" in the French text of the Article included purely emotional distress.³⁶³ In holding that purely emotional distress was not included, the Court acknowledged that a bilingual dictionary suggested that the Article did not cover such injuries.³⁶⁴ The Court, however, criticized reliance on the dictionary in *Saks*, finding "that dictionary definitions may be too general for purposes of treaty interpretation."³⁶⁵ Rather, *Floyd* considered French legislation, judicial decisions and scholarly writing to determine "whether French jurists' contemporary understanding of the term '*lesion corporelle*' differed from its translated meaning."³⁶⁶ These sources did not suggest a different meaning,³⁶⁷ nor did the context of Article 17.³⁶⁸

"[B]ecause a broader interpretation of '*lesion corporelle*' reaching purely mental injuries is plausible, and the term is both ambiguous and difficult," the Court then turned to other sources.³⁶⁹ The negotiating history,³⁷⁰ the "primary pur-

360. *Id.* Curiously, the negotiating history of the Convention appeared to take a back seat to the dictionary definition even though extensive minutes of the negotiations were available to the Court. *Id.*

361. 499 U.S. 530 (1991).

362. *Id.* at 534-35.

363. *Id.*

364. *Id.* at 534-36 (citing J. JERAUTE, VOCABULAIRE FRANÇAIS-ANGLAIS ET ANGLAIS FRANÇAIS DE TERMS ET LOCUTIONS JURIDIQUES 205 (1953); 3 GRAND LAROUSSE DE LA LANGUE FRANÇAISE 1833 (1987)).

365. *Id.* at 537 (citations omitted). The Court's concerns were, however, "partly allayed" because "the dictionary translation accords with the wording used in the 'two main translations of the 1929 Convention in English.'" *Id.* at 537 (quoting R. MANKIEWICZ, THE LIABILITY REGIME OF THE INT'L AIR CARRIER 197 (1981)).

366. *Id.* at 537-38.

367. *Id.* at 537-40.

368. *Id.* at 540-43.

369. *Id.* at 532 (citation omitted).

370. *See id.*

pose of the contracting parties to the Convention³⁷¹ and the “conduct’ and ‘interpretation’ of the signatories³⁷² which indicated that “*lesion corporelle*” should not include purely emotional injuries. The Court rejected a contrary case from another signatory country because it was “not persuaded by that court’s reasoning³⁷³ and because following that foreign court’s decision “would be controversial for most signatory countries.”³⁷⁴ Accordingly, and with little reliance on the dictionary, the Court concluded that “*lesion corporelle*” did not include purely mental injuries.³⁷⁵

Two years later, in *Sale v. Haitian Centers Council, Inc.*,³⁷⁶ the Court used an approach substantially similar to *Floyd*. In *Sale*, individual Haitians and organizations representing interdicted Haitians argued that Article 33 of the United Nations Convention Relating to the Status of Refugees limits the power of the President of the United States to order the United States Coast Guard to repatriate certain aliens intercepted on international waters.³⁷⁷ In ascertaining the meaning of “expel or return (*refouler*),” the Court looked at the terms in the Immigration and Nationality Act as interpreted by other cases.³⁷⁸ The Court then noted that the suggestion from those sources “that ‘return’ has a legal meaning narrower than its common meaning—is reinforced by the parenthetical reference to ‘*refouler*’”³⁷⁹ Although referring to French dictionary definitions of “*refouler*,”³⁸⁰ the Court examined the views of commentators and the negotiating history of the Convention in holding that Article 33 does not apply to aliens interdicted in international

371. *Id.* at 546-47.

372. *Id.* at 546 (quoting *Air France v. Saks*, 470 U.S. 392, 403 (1985)).

373. *Id.* at 551; see also *id.* at 549-50 (citing the Supreme Court of Israel’s decision in *Cie Air France v. Teichner*, 39 *Revue Française de Droit Aerien*, at 243, 23 *Eur. Tr.L.*, at 102).

374. *Id.* at 552.

375. *Id.* at 534, 552.

376. 509 U.S. 155 (1993).

377. *Id.* at 177-87.

378. *Id.* at 180. The Immigration and Nationality Act used the words “‘deport or return’ ” which showed “an obvious parallel” to the language of the United Nations Convention. *Id.*

379. *Id.* at 180-81.

380. *Id.* at 180-82 nn. 37-38 (citing THE NEW CASSELL’S FRENCH DICTIONARY 440 (1973) and LAROUSSE MODERN FRENCH-ENGLISH DICTIONARY 545 (1978)). The Court noted that “*refouler*” is not an exact synonym for the English word “return.” See *id.* at 180.

waters.³⁸¹

In construing foreign terms, then, the Court has offered some guidelines for the proper use of dictionaries. The *Floyd/Sale* view rejects *Saks*' primary reliance on dictionaries because that approach yields translations that may be "too general."³⁸² Moreover, and again unlike *Saks*, the *Floyd/Sale* approach recognizes that foreign language dictionaries are inadequate to translate terms because those definitions do not reflect context or the purpose behind the term to be construed.³⁸³ Thus, under the *Floyd/Sale* view, foreign language dictionaries can aid in defining terms "[t]o the extent that they are relevant" in the context of the precise inquiry.³⁸⁴ *Floyd/Sale*, however, directs that numerous other sources—such as context, conduct and history—are far more telling than the mere mechanical reference to a dictionary to define foreign terms.³⁸⁵

V. ANALYSIS

DICTIONARY, *n.* A malevolent literary device for cramping the growth of a language and making it hard and inelastic.³⁸⁶

A. *The Lack of Judicial Guidelines for Using Dictionaries*

The Court has relied on dictionaries to define words and phrases for nearly 170 years, and yet there are few real guidelines for when such use is proper or how the dictionary should be used generally. Rather, the Court's approach in using dictionaries has varied and is inconsistent on many levels. Opinions relying upon a dictionary have differed in several major respects in determining the appropriate definition, in selecting the proper dictionary, in selecting the proper edition and even in agreeing on the proper word to be defined.³⁸⁷

381. *Id.* at 182-87.

382. *Eastern Airlines, Inc. v. Floyd*, 499 U.S. 530, 531 (1991).

383. *See Sale*, 509 U.S. at 182-87; *Floyd*, 499 U.S. at 537.

384. *Sale*, 509 U.S. at 181-82.

385. *See Sale*, 509 U.S. at 180-87; *Floyd*, 499 U.S. at 537-43.

386. AMBROSE BIERCE, *THE DEVIL'S DICTIONARY* 71 (Forum Books ed., 1948).

387. *See supra* Parts III.A (selecting the proper word to be defined), III.B (selecting the proper type of dictionary), III.C (selecting the proper dictionaries), III.D (selecting the proper edition).

The Court's decision of which dictionary definition to use has at times dictated the outcome of the case.³⁸⁸ Moreover, with some frequency, both the majority and the dissent have relied on dictionaries to support diametrically opposed conclusions.³⁸⁹ In general, the Court's reliance on the dictionary has not been principled and, on occasion, has been attributed to the differing views of individual Justices.³⁹⁰ The unfortunate result is that the Court's approach to using dictionaries has neither added much certainty to the law nor given a reliable indication of how the Court will address thorny interpretation issues in a variety of contexts.

This lack of consistency, and the resulting lack of clarity and predictability, reflect the inherent limitations of dictionaries and also the fact that using dictionaries to define a word requires more than mechanically pointing to the only meaning that a word could have in any context.³⁹¹ The confusion surrounding the Court's use of dictionaries also may be the result of the frailties of language generally. Only uncommunicated thoughts or ideas are capable of perfect clarity. The Constitution, statutes and contracts, however, must be communicated and, accordingly, must suffer the ambiguities, misunderstandings and defects inherent in the communication process.

The Court's task is further complicated because it is often asked to determine the impossible: what a group of

388. See *supra* text accompanying notes 281-94; Randolph, *supra* note 307, at 72-73 (citing cases).

389. See, e.g., *Muscarello v. United States*, 118 S. Ct. 1911, 1914-15 (1998) (defining "carry" and "carry arms or weapons"); *id.* at 1920, 1921 nn.2, 5 (Ginsburg, J., dissenting) (defining "carry," "carry arms or weapons" and "carries a firearm"); *Smith v. United States*, 508 U.S. 223, 228-29, 231, 237-38 (1993) (defining "to use," "to cane" and "in relation to"); *id.* at 241-42 (1993) (Scalia, J., dissenting) (defining "use"); *Will v. Michigan Dep't of State Police*, 491 U.S. 58, 69 n.9 (1989) (defining "body politic" and "public corporation"); *id.* at 78-80 (Brennan, J., dissenting) (defining "bodies politic and corporate," "body politic," "corporation sole" and "body politic or corporate").

390. See *Aprill*, *supra* note 35, at 321 ("Justice Scalia's use of dictionaries as a tool of textualism appears instrumental indeed, invoked only when it produces the desired result."); *id.* at 334 (noting that the citation to dictionaries, and the failure to cite dictionaries, often may "represent strategic moves intended not only to make judicial subjectivity look objective, but also to narrow congressional power and administrative discretion whenever possible").

391. See *Aprill*, *supra* note 35, at 298, 303 ("Dictionaries will differ in the definitions they include for a single word . . . [and] general dictionaries exhibit serious deficiencies not only for technical legal terms, but also for the use of common words in a legal context.").

individuals (for example, the drafters of the Constitution, Congress or contracting parties) meant collectively by selecting certain words. Such a determination can never be made with any certainty even in ideal situations. Accordingly, presumptive construction principles have evolved to add some certainty in these difficult situations, such as the maxim that the individual (and often idiosyncratic) intent of each participant generally must yield to the collective (and usually objective) view of the language actually used.³⁹²

In the end, the Court is the final arbiter of the meaning of the statutory, decisional and contractual communications. In order to make this task possible at all, the Court must rely on the words of the message sent in order to determine, as appropriate, what the sender meant or what a receiver could understand that message to mean.³⁹³ If anything, the Court's inconsistent use of dictionaries suggests that dictionaries simply cannot provide the precision required to define terms adequately.

B. Dictionaries Cannot Provide the End Point for the Court's Analysis

1. General Usage Dictionaries Cannot Provide the End Point in Defining Terms. General usage dictionaries, like all

392. See, e.g., RESTATEMENT (SECOND) OF CONTRACTS § 202 (1981); E. ALLAN FARNSWORTH, CONTRACTS § 3.6, at 113-23 (1982); see also *Hotchkiss v. National City Bank*, 200 F. 287, 293 (S.D.N.Y. 1911) ("A contract has, strictly speaking, nothing to do with the personal, or individual, intent of the parties.") (L. Hand., J.), *aff'd*, 201 F. 664 (2d Cir. 1912), *aff'd*, 231 U.S. 50 (1913) (quoted in E. ALLAN FARNSWORTH, CONTRACTS § 3.6, at 113).

393. This focus on the sender, the message and the receiver is not novel. "There are three basic elements in communication: the source or *sender*, the *message*, and the destination or *receiver*. . . . Effective communication requires efficiency on the part of all three." SCOTT M. CUTLIP & ALLEN H. CENTER, EFFECTIVE PUBLIC RELATIONS 190 (5th ed. 1982). This generally accepted theory of communications is referred to in a variety of different formulations, including the "SMCR" (or Sender-Message-Channel-Receiver) theory as well as the "SMCRE" (Source-Message-Channel-Receiver-Effects) theory. See *id.* at 198 fig.9-3 (citing EVERETT M. ROGERS & W. FLOYD SHOEMAKER, COMMUNICATION OF INNOVATIONS 20 (1971)); see also ALEXIS S. TAN, MASS COMMUNICATION THEORIES AND RESEARCH 60 fig.4-1 (1981) (citing CLAUDE E. SHANNON & WARREN WEAVER, THE MATHEMATICAL THEORY OF COMMUNICATION (1949)); *id.* at 67-71, 68 fig.4-4. The theory apparently originated with two electrical engineers—Messrs. Shannon and Weaver—when addressing "technical problems of electronic communication," but may be applied "to most forms of human communication." *Id.* at 55.

dictionaries, fall somewhere in the prescriptive/descriptive continuum.³⁹⁴ Because a prescriptive dictionary purports to set forth how words *should* be used, such a dictionary could be a proper ending point to define a term only if the Court presumes that the sender, in drafting the message, or the receiver, in construing that message, followed the dictionary's prescription of how a word should be used. The Court has, at times, rejected such an approach.³⁹⁵ Even if the Court could presume adherence to prescriptive definitions, such an approach would fail because the same word may be defined differently in different prescriptive dictionaries. These differences occur for reasons ranging from different editorial boards having differences of opinion to concerns about violating copyright laws. Moreover, the Court could not use a prescriptive dictionary as an end point in defining a word if alternative definitions of the term were offered in a specific dictionary. In light of these practical barriers, and because the prescriptive approach only reflects how a word should be used, a prescriptive dictionary cannot definitively show what a sender meant in sending a message or how a receiver construed a message.

Nor can the Court definitively rely on descriptive dictionaries as an end point in defining a word. A descriptive dictionary sets forth definitions showing what a word *may* mean generally, not what a word *does* mean in context. Accordingly, although a descriptive dictionary may set forth possible alternative definitions for a term, it cannot provide the definitive definition for what that term actually means in a specific context. Differing definitions for a word in different dictionaries and alternative definitions of a word in the same dictionary would further confound an attempt to use a descriptive dictionary as an end point in defining a word.³⁹⁶

394. See generally *supra* Part I.C.

395. See, e.g., *Pioneer Inv. Servs. Co. v. Brunswick Assoc. Ltd. Partnership*, 507 U.S. 380, 396 n.14 (1993) ("Faced with a choice between our own precedent and Black's Law Dictionary, we adhere to the former."); *Washington County v. Gunther*, 452 U.S. 161, 198 n.10 (1981) (Rehnquist, J., dissenting) (noting that "[r]ather than 'make a fortress out of the dictionary,' the Court should instead attempt to implement the legislative intent of Congress" (quoting *Cabell v. Markham*, 148 F.2d 737, 739 (2d Cir.) (L. Hand, J.), *aff'd*, 326 U.S. 404 (1945))); *Group Life & Health Ins. Co. v. Royal Drug Co.*, 440 U.S. 205, 247 (1979) (Brennan, J., dissenting) (noting that the Congress that enacted the McCarran-Ferguson Act "was composed of neither insurance experts nor dictionary editors").

396. See April, *supra* note 35, at 327 ("Alternative dictionary meanings, whether in the same dictionary or different ones, may very well contradict one

Finally, descriptive dictionaries inherently suffer from issues of time lag and cannot immediately include new usage or slang.³⁹⁷ As a result, descriptive dictionaries cannot be relied on to describe all possible meanings of a word comprehensively and accurately.³⁹⁸ For these reasons, whether prescriptive or descriptive, the general usage dictionary cannot provide the end point of the Court's analysis in defining terms.

2. *Law Dictionaries Cannot Provide the End Point in Defining Terms.* Definitive reliance on law dictionaries to define terms suffers from defects similar to such reliance on general usage dictionaries. In addition, many terms in a law dictionary are legal terms and, frequently, terms of art. Thus, the definitions provided in a law dictionary are either: (1) based on case law or usage (such as statutory terms) or (2) created anew by the dictionary's editorial board.³⁹⁹ If based on case law or usage, the best source for a definition is the decision or usage in context. Prior decisions and usage, defining the term in context, should be far more instructive than the definitions in a law dictionary, which

another because dictionary definitions are descriptive and not prescriptive.”).

397. See April, *supra* note 35, at 287-92.

398. A related issue arises when the Court determines that it must define a term that it cannot find in the dictionary and, undaunted, attempts to use a combination of definitions in its interpretation. See Board of Educ. v. Mergens *ex rel.* Mergens, 496 U.S. 226, 289-91 (1990) (Stevens, J., dissenting) (construing Equal Access Act, 20 U.S.C. §§ 4071-72 (1984)).

Neither Webster nor Congress has authorized us to assume that “non-curriculum” is a precise antonym of the word ‘curriculum.’ “Non-plus,” for example, does not mean “minus” and it would be incorrect to assume that a “nonentity” is not an “entity” at all. Purely as a matter of defining a newly-coined word, the term “noncurriculum” could fairly be construed to describe either the subjects that are “not a part of the current curriculum” or the subjects that “cannot properly be included in a public school curriculum.” Either of these definitions is perfectly “sensible” because both describe subjects “that are not related to the body of courses offered by the school.” When one considers the basic purpose of the Act, and its unquestioned linkage to our [prior] decision . . . the latter definition surely is the more “sensible.”

Id. (citations omitted); see *supra* notes 279 & 357 (discussing fact that meanings of words can change over time); *supra* notes 323-24, 334 and accompanying text (discussing Board of Educ. v. Mergens *ex rel.* Mergens, 496 U.S. 226 (1990)).

399. See *Preface* to BLACK'S LAW DICTIONARY at vi (2d ed. 1910) (acknowledging that it contains “many” entries “in which the definition had to be written entirely *de novo*”).

are general paraphrases that lack any context.⁴⁰⁰ And if, rather than being based on case law or usage, the law dictionary definition was created anew, one might ask whether that definition should be afforded any weight at all.⁴⁰¹

Apart from issues regarding the source for the definitions, law dictionaries have been characterized as painfully descriptive and, at times, merely "a bagful of definitions."⁴⁰² Accordingly, although perhaps a good resource for law students and lawyers unfamiliar with a term in the abstract, law dictionaries are not particularly helpful to the Court in determining the precise meaning of a term in context. The attorneys involved in a case become familiar with, and presumably address, the specific conduct, context, history and other relevant sources of information to help define a term as it applies to a specific case. These participants should help form the inquiry and provide the context required for the Court to define disputed terms.⁴⁰³

Finally, like general usage dictionaries, law dictionaries may not take into account regional differences which, at

400. An analogy is judicial notice of case law. Clearly, the Court may take judicial notice of judicial decisions. However, it is doubtful that the Court would take judicial notice of a decision by relying on a paraphrased rendition or summary, particularly where the actual decision was available. See Fed. R. Evid. 201(b) (requiring that "[a] judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned") (emphasis added).

401. Moreover, one commentator suggests that *Black's Law Dictionary* has an inherent state law bias. "To the extent that the definitions in *Black's Law Dictionary* derive from state court decisions, the U.S. Supreme Court may well be permitting these state courts to shape federal law, although the legal holdings of the state courts have no precedential effect for the meaning of federal statutes." April, *supra* note 35, at 312.

402. Mellinkoff, *supra* note 89, at 436.

403. Cf. 3 ARTHUR L. CORBIN, CORBIN ON CONTRACTS § 544 (Supp. 1998).

The definitions supplied by the parties to a contract are entitled to greater weight than is any particular definition in any dictionary; this is because the dictionary maker is stating the usages of other men in many other contexts, while the parties are prescribing their own usage in the specific context of their own transaction. Dictionary makers have no control over the contexts in which the words they define have been used by men, the dead as well as the living; the parties to a contract are constructing their own context in a living transaction the elements of which are better known to themselves than to any others.

times, can be profound. "Regional variation is so rich that it is sometimes difficult to determine exactly what is standard, or if there is any standard at all."⁴⁰⁴ For example, in Georgia, a person who receives a prison sentence but does not serve jail time is referred to as being "probated,"⁴⁰⁵ but in Oregon such a person is placed "on probation"⁴⁰⁶ and wills are "probated."⁴⁰⁷ Law dictionaries generally do not capture these geographic variations and subtleties. For all of these reasons, law dictionaries cannot provide the definitive end point for the Court in defining terms. As even *Black's Law Dictionary* has warned, "a legal dictionary should only be used as a 'starting point' for definitions."⁴⁰⁸

C. Dictionaries Can Provide an Aid in Beginning the Definition Process

Although dictionaries cannot provide the end point in defining terms, dictionaries are a proper and useful source in determining what a word may mean. Whether prescriptive or descriptive, dictionaries are designed to reflect usage to some degree. Accordingly, dictionaries may be useful to help fully delineate all possible alternatives of what words or phrases may mean.⁴⁰⁹ Stated differently, the dictionary properly is a legitimate source, indeed perhaps a primary source, that can be used to identify what the sender could have meant or what a receiver could have understood a message to mean. With this in mind, when the Court begins the analysis, it should use the dictionary to help gather the possible definitions for a word and then narrow those possibilities in light of context, underlying facts, legislative purpose, prior decisions, scientific literature and other potentially helpful sources. Although in some instances, the Court appears to have used such an approach,⁴¹⁰ the analysis generally is

404. Mellinkoff, *supra* note 89, at 439. The regional difference examples cited here are based on those suggestions in Mellinkoff, *supra* note 89, at 439.

405. *Jackson v. State*, 498 S.E.2d 780, 782 (Ga. Ct. App. 1998).

406. *State v. Balukovic*, 956 P.2d 250, 253 (Or. Ct. App. 1998).

407. *Davis v. Somers*, 915 P.2d 1047, 1048 (Or. Ct. App. 1996).

408. BLACK'S LAW DICTIONARY 1302 (6th ed. 1990). *See also* April, *supra* note 35, at 309.

409. *See* April, *supra* note 35, at 313 (noting that "dictionary definitions can be a beginning point for determining the meaning of the word in a statute, but should not be an end point").

410. "[T]he meaning of a word cannot be determined in isolation, but must be drawn from the context in which it is used." *Deal v. United States*, 508 U.S. 129,

unstated. More frequently, the Court strays from this analytical framework and relies too heavily on dictionaries to provide an end point and an answer for what an important term must mean. For many other salutary reasons, and to clarify the current confusion, the Court should explain that the dictionary may be a starting point but that other sources will provide definitive guidance in defining key terms.

First, using the dictionary as a beginning (but not an end point) in the Court's analysis accurately reflects the limitations of dictionaries and would eradicate many of the issues the Court has struggled with over the years. Although the Court would still have to agree on what word should be construed, limiting the use of the dictionary to the beginning of the definitional process would curtail the long-standing and unresolved disputes over the proper type of dictionary to use, the specific dictionary or edition to use and the specific definition to use.⁴¹¹ Further, by clearly establishing that dictionaries are only to be used as a starting point, it will perhaps be easier for the Court to set up specific guidelines, where necessary, to resolve these other related issues.

Second, using the dictionary as a beginning point is consistent with the approach taken in some Court decisions.⁴¹² Using dictionaries as a starting point also is consistent with the approach sometimes advocated by sever-

132 (1993). As another example, the majority in *Burton v. United States*, interpreting the word "interested" in a criminal statute, noted that dictionaries and cases illustrate that the word has different meanings, "[b]ut its meaning here is to be ascertained by considering the subject matter of the statute in which the word appears." 202 U.S. 344, 371 (1906). In dissent, however, Justice Brewer gave weight to dictionary definitions. *Id.* at 396 (quoting *BOUVIER'S LAW DICTIONARY* and *BLACK'S LAW DICTIONARY*).

411. See text accompanying *supra* Part III (discussing problems with the Court's general process for using the dictionary).

412. See, e.g., *Deal v. United States*, 508 U.S. 129, 131-32 (1993) (stating that it is a "fundamental principle of statutory construction (and, indeed, of language itself) that the meaning of a word cannot be determined in isolation, but must be drawn from the context in which it is used"); *National R.R. Passenger Corp. v. Boston & Maine Corp.*, 503 U.S. 407, 418 (1992) (citation omitted) (stating that alternative dictionary definitions "each making some sense under the statute . . . indicate[] that the statute is open to interpretation. Few phrases in a complex scheme of regulation are so clear as to be beyond the need for interpretation when applied in a real context"); *Ardestani v. INS*, 502 U.S. 129, 133-34 (1991) ("The word 'under' has many dictionary definitions and must draw its meaning from its context."); see also *Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership*, 507 U.S. 380, 394-95 (1993) ("Faced with a choice between our own precedent and Black's Law Dictionary, we adhere to the former.").

al current members of the Court, including Justices who frequently rely on dictionaries.⁴¹³ Accordingly, expressly using dictionaries as a beginning point would add clarity to the analysis while, at the same time, doing little violence to precedent.

Third, using dictionaries as a beginning point in the Court's analysis would eliminate express or implied speculation about whether a sender or receiver relied on a prescriptive or descriptive dictionary, relied on a general or subject matter dictionary or even consulted a dictionary at all. This approach also would reflect the idea that dictionaries are symbols of "the myth of precision"⁴¹⁴ and cannot provide a precise guide to what a word actually means in context.

Fourth, by focusing on context, conduct, purpose, history and other relevant sources to narrow the possible definitions, the Court will be better able to properly construe a message to reflect what the sender meant or what a receiver understood a message to mean. For example, one commentator⁴¹⁵ identified *Smith v. United States*⁴¹⁶ as a case where using the dictionary as an end point perhaps impermissibly altered the Court's conclusion. In *Smith* the Court decided whether the Federal Tort Claims Act,⁴¹⁷ which contains an exemption for torts "arising in a foreign country,"⁴¹⁸ applies in the sovereignless region of Antarctica. Using a 1945 edition of *Webster's Dictionary*, the Court found that "country" was a "region or tract of land," meaning that Antarctica was exempt.⁴¹⁹ Had the Court used *Black's Law Dictionary*, however, it would have defined "country" as the plaintiff had claimed: "The territory occupied by an independent nation or

413. See *MCI Telecommunications Corp. v. American Telephone & Telegraph Co.*, 512 U.S. 218, 240 (1994) (Stevens, J., dissenting) ("Dictionaries can be useful aids in statutory interpretation, but they are no substitute for close analysis of what words mean as used in a particular statutory context."); *K Mart Corp. v. Cartier*, 486 U.S. 281, 319 (1988) (Scalia, J., concurring in part and dissenting in part) ("Words, like syllables, acquire meaning not in isolation but within their context.").

414. Mellinkoff, *supra* note 89, at 439.

415. See Randolph, *supra* note 307, at 73.

416. 507 U.S. 197 (1993).

417. 28 U.S.C. §§ 1291, 1346, 2671-80 (1994) (also codified as amended in other scattered sections of 28 U.S.C.).

418. *Id.* § 2680(k).

419. *Smith*, 507 U.S. at 201 (quoting WEBSTER'S NEW INT'L DICTIONARY 609 (2d ed. 1945)).

people.”⁴²⁰ Unlike *Smith*, the approach advocated here would start by looking to dictionaries—and any other source that could provide potentially relevant definitions—and *then* selecting a definition from those alternatives after considering context, underlying facts, legislative history and other relevant factors.

Fifth, dictionaries may provide some insight in determining how a term may have been used long ago. For example, more than 120 years ago in *Decatur Bank v. St. Louis Bank*,⁴²¹ the Court construed the word “cattle” to include “hogs.”⁴²² In citing a then-contemporaneous dictionary, the Court noted that the word cattle also is “a collective name for domestic quadrupeds generally, including not only the bovine tribe, but horses, asses, mules, sheep, goats and swine.”⁴²³ Nearly seventy years ago, after citing *Decatur Bank*, the Court in *Ash Sheep Co. v. United States*,⁴²⁴ construed “cattle” to include “sheep.”⁴²⁵ In *Ash Sheep*, the Court noted that the applicable statute had been enacted nearly a century earlier and that relevant authority—including a then-contemporaneous dictionary—stated that sheep were included within the definition of cattle when the statute was enacted.⁴²⁶ Thus, the Court relied on a dictionary contemporaneous with the enactment of the statute to determine what the sender (Congress) may have wanted the message (the statute) to mean. The approach advocated here recognizes that dictionaries properly may be used for such historical references.

Sixth, the benefits of using dictionaries as a beginning point applies with equal force if the Court is attempting to interpret what the sender meant or how a term could be construed by the receiver. For example, the Fourteenth

420. Randolph, *supra* note 307, at 73 & n.22. Interestingly, however, the 1990 edition of BLACK'S LAW DICTIONARY is cited in this article to define statutory language first enacted in 1948, with the author noting that he “would have cited an older edition, but one was not handy.” *Id.*

421. 88 U.S. 294 (1874).

422. *Decatur Bank*, 88 U.S. at 299-301. “In its limited sense [cattle] is used to designate the different varieties of horned animals but it is also frequently used with a broader signification as embracing animals in general which serve as food for man.” *Id.* at 299-300.

423. *Id.* at 299 (quoting WORCESTER'S DICTIONARY).

424. 252 U.S. 159 (1920).

425. *Id.* at 169.

426. *Id.* at 167-69 (citing “the 1837 edition of Webster;” “Webster's New International Dictionary” and “The Standard Dictionary”).

Amendment requires that a criminal statute must be sufficiently definite so that ordinary people can distinguish between lawful and unlawful conduct.⁴²⁷ Accordingly, if a statute makes it a crime to "possess" an item, the Court may need to determine whether a person reading the statute would understand that certain conduct violated the statute. In this sense, using dictionaries may provide some guidance in understanding whether "ordinary people" would be able to "understand what conduct is prohibited."⁴²⁸ Specifically, by applying the approach advocated here, dictionaries may help in determining what an individual being prosecuted potentially could understand the word "possess" to mean in the statute.

Seventh, although eliminating some misleading and unnecessary use of dictionaries in defining terms, the approach advocated here still preserves a place for the dictionary in the Court's analysis. Dictionaries can be valuable resources in determining the history, origin and potential meaning of a term. However, as the Court observed nearly a century ago, "one definition of a word does not express its whole meaning or necessarily determine the intention of its use."⁴²⁹ Using dictionaries at the beginning of the definitional process, rather than at the end, properly exploits dictionaries as a source of potential meaning while, at the same time, reflects the inherent limits of dictionaries.

Finally, although this approach still retains a role for dictionaries, perhaps the greatest benefit is that it may eliminate some use of dictionaries by the Court. If definitional alternatives are clear, then the Justices need not reach for their dictionaries in attempting to define a term. Usage, context, purpose and other considerations apart from dictionary definitions may delineate the possible alternative definitions of a term being construed. When that is the case, dictionaries add little to the analysis. Thus, the approach advocated here may help to curtail the recent and dramatic increase in the Court's use of dictionaries.

427. See *Kolender v. Thompson*, 461 U.S. 352, 357 (1983); see also *id.* (criminal statute must adequately define the criminal offense "in a manner that does not encourage arbitrary and discriminatory enforcement").

428. *Kolender*, 461 U.S. at 357.

429. *Osborne v. San Diego Land & Town Co.*, 178 U.S. 22, 38 (1900).

CONCLUSION

*[T]he dictionary is not the source definitively to resolve legal questions*⁴³⁰

The United States Supreme Court has relied on dictionaries to define key terms for nearly 170 years but has failed to set forth much guidance on how dictionaries should be used. The scattershot approach used by the Court has resulted in inconsistent analysis and conclusions, which have added little certainty to the law. Indeed, the Court's use of the dictionary has at times involved almost comical debates.⁴³¹ Unfortunately, the adverse consequences of these inconsistencies are becoming more pronounced as the Court relies on dictionaries more and more frequently.

Recognizing that dictionaries are "the last resort of the baffled judge,"⁴³² and rather than making "a fortress out of the dictionary,"⁴³³ the Court should limit the role of dictionaries in its analysis. Specifically, the Court should rely on dictionaries in beginning its definition of terms to help fully exhaust all possible definitions of what the sender may have meant the message to mean, or how the receiver could have construed the message. Then, the Court should use other factors such as context, conduct, purpose and history to determine the appropriate meaning. This approach properly reflects the limits of dictionaries, the importance of construing language in context and, if correctly applied, should result in decisions accurately reflecting the appropriate definition of the term to be defined. Moreover, this approach may slow or reverse the Court's increasing reliance on dictionaries. Finally, this approach recognizes that, when

430. *Pembaur v. City of Cincinnati*, 475 U.S. 469, 481 n.9 (1986).

431. For example, in a tax case, the Court cited a dictionary to address the perplexing issue of whether a jigsaw puzzle was a "puzzle" or a "game." *White v. Aronson*, 302 U.S. 16, 17-18 & nn. 2 & 3 (1937). In concluding that jigsaw puzzles actually were puzzles, the Court concluded that "[a]mple evidence disclosed that in commercial usage jigsaw picture puzzles were never regarded as games; also that the trade recognized a definite distinction between puzzles and games. We must assume that Congress had knowledge of these things." *Id.* at 20. It is doubtless true that only an assumption would support the conclusion of such congressional awareness.

432. *Jordan v. De George*, 341 U.S. 223, 234 (1951) (Jackson, J., dissenting).

433. *Cabell v. Markham*, 148 F.2d 737, 739 (2d Cir.) (L. Hand, J.), *aff'd*, 326 U.S. 404 (1945).

defining words, the Court cannot merely lean on the dictionary as a simple crutch in order to resolve the issue. Rather, by focusing on context, conduct, purpose, history and other similar factors, the Court will reach the most reasoned result by directly facing "the intolerable wrestle with words and meanings."⁴³⁴

434. T.S. ELIOT, *Four Quartets: East Coker*, in THE COMPLETE POEMS AND PLAYS 1909-1950, at 125 (1962).

Appendix A

TERMS DEFINED BY THE UNITED STATES SUPREME COURT THROUGH THE 1997-1998 TERM

AAA

Abandonment

Baglin v. Cusenier Co., 221 U.S. 580, 598 (1911) (Hughes, J.)
DE MARAGY, INT'L DICTIONARY OF INDUSTRIAL PROPERTY

Singer Mfg. Co. v. June Mfg. Co., 163 U.S. 169, 186 (1896) (White, J.)
DE MARAGY, INT'L DICTIONARY OF INDUSTRIAL PROPERTY

Absinthe

Ernhardt v. Steinhardt, 153 U.S. 177, 182 (1894) (Fuller, C.J.)
CENTURY DICTIONARY

Abusive

Gooding v. Wilson, 405 U.S. 518, 525 (1972) (Brennan, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Accident

Air France v. Saks, 470 U.S. 392, 399-400 & n.3 (1985) (O'Connor, J.)
GRAND LAROUSSE DE LA LANGUE FRANÇAISE (1971)
LE GRAND, DICTIONNAIRE USUAL DE DROIT (1931)

Acquire

Huddleston v. United States, 415 U.S. 814, 820 (1974) (Blackmun, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1966)

Act

Wilson Bros., Inc. v. Nelson, 183 U.S. 191, 212 (1901) (Shiras, J., dissenting)
ANDERSON'S LAW DICTIONARY (1996)
BLACK'S LAW DICTIONARY
CENTURY DICTIONARY

Adjustment

Sullivan v. Everhart, 494 U.S. 83, 91-92 (1990) (Scalia, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Administer

Varsity Corp. v. Howe, 516 U.S. 489, 528 (1996) (Thomas, J., dissenting)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1957)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)

Advocacy

Gitlow v. New York, 268 U.S. 652, 665 (1925) (Sanford, J.)
CENTURY DICTIONARY

Affect

National Org. for Women, Inc. v. Scheidler, 510 U.S. 249, 257 (1994) (Rehnquist, C.J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

Affiant

Rowland v. California Men's Colony, 506 U.S. 194, 220 n.8 (1993) (Thomas, J., dissenting)
BLACK'S LAW DICTIONARY (4th ed. 1951)

Aggregate

Good Samaritan Hosp. v. Shalala, 508 U.S. 402, 411 n.9 (1993) (White, J.)
WEBSTER'S COLLEGIATE DICTIONARY (9th ed. 1983)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Aid and Abet

Reves v. Ernst & Young, 507 U.S. 170, 178 (1993) (Blackmun, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Alizarin

Cochrane v. Badische Anilin & Soda Fabrik, 111 U.S. 293, 299
(1884) (Blatchford, J.)
WATT'S DICTIONARY OF CHEMISTRY (1866)

Alternative

Montgomery Ward & Co. v. Duncan, 311 U.S. 243, 251 n.10 (1940)
(Roberts, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY

Amicus Curiae

McCoy v. Wisconsin Court of Appeals, 486 U.S. 429, 450 (1988)
(Brennan, J., dissenting)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Amortization Plan

Milwaukee Brewery Workers' Pension Plan v. Schlitz Brewing Co.,
513 U.S. 414, 426 (1995) (Breyer, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Amortized

Newark Morning Ledger Co. v. United States, 507 U.S. 546, 571
n.1 (1993) (Souter, J., dissenting)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Anarchist

United States *ex rel.* Turner v. Williams, 194 U.S. 279, 292-93
(1904) (Fuller, C.J.)
CENTURY DICTIONARY

Anarchy

United States *ex rel.* Turner v. Williams, 194 U.S. 279, 292-93
 (1904) (Fuller, C.J.)
 CENTURY DICTIONARY
 "Huxley"

Anonymous

Ohio v. Akron Ctr. for Reproductive Health, 497 U.S. 502, 529-30
 (1990) (Blackmun, J., dissenting)
 WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Any

United States v. Gonzales, 520 U.S. 1, 5 (1997) (O'Connor, J.)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Appeal

Federal Election Comm'n v. NRA Political Victory Fund, 513 U.S.
 88, 93 (1994) (Rehnquist, C.J.)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

Application

Stewart v. Martinez-Villareal, 118 S. Ct. 1618, 1624 (1998)
 (Thomas, J., dissenting)
 BLACK'S LAW DICTIONARY (6th ed. 1990)
 WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)

Appropriate

Ruckelshaus v. Sierra Club, 463 U.S. 680, 683 (1983) (Rehnquist,
 J.)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Arbitrary

United States v. Carmack, 329 U.S. 230, 243-44 n.14 (1947)
 (Burton, J.)
 FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH
 LANGUAGE (1944)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

Polk Co. v. Glover, 305 U.S. 5, 17 & n.13 (1938) (Black, J., dissenting)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

Arbitrator

Gordon v. United States, 74 U.S. 188, 194 & n.7 (1868) (Grier, J.)

BOUVIER'S LAW DICTIONARY

Ardent Spirits

Sarlls v. United States, 152 U.S. 570, 572 (1894) (Shiras, J.)

WEBSTER'S DICTIONARY

WORCESTER'S DICTIONARY

Arrestment

Wilder v. Inter-Island Steam Navigation Co., 211 U.S. 239, 246 (1908) (Day, J.)

BOUVIER'S LAW DICTIONARY

CENTURY DICTIONARY

Artifice

Aaron v. SEC, 446 U.S. 680, 696 n.13 (1980) (Stewart, J.)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)

Assignee

Holywell Corp. v. Smith, 503 U.S. 47, 53 (1992) (Thomas, J.)

BLACK'S LAW DICTIONARY (6th ed. 1990)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Attainder

Ex Parte Garland, 71 U.S. 333, 387 (1866) (Miller, J., dissenting)

TOMLIN'S LAW DICTIONARY

Attorney

Kay v. Ehrler, 499 U.S. 432, 436 n.6 (1991) (Stevens, J.)
AMERICAN HERITAGE DICTIONARY (2d College ed. 1982)
BLACK'S LAW DICTIONARY (6th ed. 1990)
OXFORD ENGLISH DICTIONARY (Compact ed. 1981)
WEBSTER'S NEW COLLEGIATE DICTIONARY (1975)

Authorize

Washington County v. Gunther, 452 U.S. 161, 169 n.9 (1981)
(Brennan, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Authorized

Washington County v. Gunther, 452 U.S. 161, 198 n.10 (1981)
(Rehnquist, J., dissenting)
BLACK'S LAW DICTIONARY (4th ed. 1968)

Automobile

California v. Carney, 471 U.S. 386, 406 n.20 (1985) (Stevens,
J., dissenting)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Avoid

Farrey v. Sanderfoot, 500 U.S. 291, 296 (1991) (White, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

BBB

Banishment

United States v. Ju Toy, 198 U.S. 253, 269-70 (1905) (Brewer, J.,
dissenting)
BLACK'S LAW DICTIONARY
RAPALJE & LAWRENCE'S LAW DICTIONARY

Banks

Oulton v. Savings Inst., 84 U.S. 109, 118-19 n.14 (1872) (Clifford, J.)
 McCULLOCH'S COMMERCIAL DICTIONARY

Banks of Deposit

Bank for Sav. v. Collector, 70 U.S. 495, 512-13 & nn.7 & 8 (1865)
 (Clifford, J.)
 McCULLOCH'S COMMERCIAL DICTIONARY

Banks for Savings

Bank for Sav. v. Collector, 70 U.S. 495, 512-13 & nn.7 & 8 (1865)
 (Clifford, J.)
 McCULLOCH'S COMMERCIAL DICTIONARY

Base

Saudi Arabia v. Nelson, 507 U.S. 349, 357 (1993) (Souter, J.)
 BLACK'S LAW DICTIONARY (6th ed. 1990)
 RANDOM HOUSE DICTIONARY (2d ed. 1987)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Based

Saudi Arabia v. Nelson, 507 U.S. 349, 357 (1993) (Souter, J.)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Belonging

Board of Dirs. of the Chicago Theological Seminary v. Illinois
ex rel. Raymond, 188 U.S. 662, 673 (1903) (Peckham, J.)
 WEBSTER'S INT'L DICTIONARY

Blasphemer

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 538 app. (1952)
 (Frankfurter, J., concurring in judgment)
 ENTICK, NEW SPELLING DICTIONARY (1786)

Blasphemy

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 520 n.28, 524-25 nn.43-45, 534-40 app. (1952) (Frankfurter, J., concurring in judgment)

ASH, THE NEW & COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (1775)

BAILEY, UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (1742)

BAILEY, UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (1730)

BARCLAY, A COMPLETE & UNIVERSAL ENGLISH DICTIONARY (1782)

BELL, A DICTIONARY & DIGEST OF THE LAW OF SCOTLAND (1861)

BLOUNT, A LAW-DICTIONARY (1670)

BOUVIER, A LAW DICTIONARY ADAPTED TO THE CONSTITUTION & LAWS OF THE UNITED STATES OF AMERICA (11th ed. 1866)

BROWN, A LAW DICTIONARY (Sprague ed., 1875)

BUCHANAN, A NEW ENGLISH DICTIONARY (1769)

BULLOKAR, THE ENGLISH EXPOSITOR (14th ed. 1731)

COLES, AN ENGLISH DICTIONARY (1732)

CUNNINGHAM, A NEW AND COMPLETE LAW-DICTIONARY (2d ed. 1771)

DEFOE, A COMPLEAT ENGLISH DICTIONARY (1735)

DYCHE, THE NEW GENERAL ENGLISH DICTIONARY (1777)

ENTICK, NEW SPELLING DICTIONARY (1786)

GORDON & MARCHANT, A NEW COMPLETE ENGLISH DICTIONARY (1760)

JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1755)

KENRICK, A NEW DICTIONARY OF THE ENGLISH LANGUAGE (1773)

KERSEY, A GENERAL ENGLISH DICTIONARY (3d ed. 1721)

MARTIN, A NEW UNIVERSAL ENGLISH DICTIONARY (1754)

PHILLIPS, THE NEW WORLD OF WORDS (3d ed. 1671)

RICHARDSON, A NEW DICTIONARY OF THE ENGLISH LANGUAGE (1839)

RIDER, A NEW UNIVERSAL ENGLISH DICTIONARY (1759)

SCOTT, DICTIONARY OF THE ENGLISH LANGUAGE (1797)

SHERIDAN, A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)

STAUNTON, AN ECCLESIASTICAL DICTIONARY (1861)

Board of Trade

National Muffler Dealers Ass'n, Inc. v. United States, 440 U.S. 472, 480 n.10 (1979) (Blackmun, J.)

WEBSTER'S NEW INT'L DICTIONARY (1913)

Bodies Politic and Corporate

Will v. Michigan Dep't of State Police, 491 U.S. 58, 78 (1989)
(Brennan, J., dissenting)

BOUVIER, A LAW DICTIONARY ADAPTED TO THE CONSTITUTION &
LAWS OF THE UNITED STATES OF AMERICA (11th ed. 1866)

CYCLOPEDIA OF LAW (1901)

Bodily Harm

Eastern Airlines, Inc. v. Floyd, 499 U.S. 530, 536 (1991) (Marshall,
J.)

JERAUTE, VOCABULAIRE FRANÇAIS-ANGLAIS ET ANGLAIS-FRANÇAIS
DE TERMES ET LOCUTIONS JURIDIQUES (1953)

Bodily Injury

Eastern Airlines, Inc. v. Floyd, 499 U.S. 530, 536 (1991) (Marshall,
J.)

JERAUTE, VOCABULAIRE FRANÇAIS-ANGLAIS ET ANGLAIS-FRANÇAIS
DE TERMES ET LOCUTIONS JURIDIQUES (1953)

Body Politic

Will v. Michigan Dep't of State Police, 491 U.S. 58, 69 n.9 (1989)
(White, J.)

ABBOTT, DICTIONARY OF TERMS & PHRASES USED IN AMERICAN OR
ENGLISH JURISPRUDENCE (1879)

ANDERSON, A DICTIONARY OF LAW (1893)

BLACK'S LAW DICTIONARY (1891)

BURRILL, A LAW DICTIONARY & GLOSSARY (2d ed. 1871)

Will v. Michigan Dep't of State Police, 491 U.S. 58, 79
(1989) (Brennan, J., dissenting)

ABBOTT, DICTIONARY OF TERMS & PHRASES USED IN AMERICAN OR
ENGLISH JURISPRUDENCE BLACK'S LAW DICTIONARY (1891)

ANDERSON, A DICTIONARY OF LAW (1893)

BLACK'S LAW DICTIONARY (5th ed. 1979)

BLACK'S LAW DICTIONARY (1891)

BURRILL, A LAW DICTIONARY & GLOSSARY (2d ed. 1871)
(1879)

Bong

Posters 'N' Things, Ltd. v. United States, 511 U.S. 513, 515 nn.1 & 3 (1994) (Blackmun, J.)
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

Boycott

Hartford Fire Ins. Co. v. California, 509 U.S. 764, 801 (1993)
(Scalia, J., partial opinion of Court)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

St. Paul Fire & Marine Ins. Co. v. Barry, 438 U.S. 531, 541-42 n.11
(1978) (Powell, J.)
BLACK'S LAW DICTIONARY (4th ed. 1968)
OXFORD ENGLISH DICTIONARY (1933)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

Business

Hartford Fire Ins. Co. v. California, 509 U.S. 764, 781 (1993)
(Souter, J., partial opinion of Court)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

CCC

Camper

California v. Carney, 471 U.S. 386, 406 n.20 (1985) (Stevens, J.,
dissenting)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Candy

McCaughn v. Hershey Chocolate Co., 283 U.S. 488, 491 (1931)
(Stone, J.)
No specific dictionary listed

Capricious

United States v. Carmack, 329 U.S. 230, 243 n.14, 246 (1947)
(Burton, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

Polk Co. v. Glover, 305 U.S. 5, 17 & n.13 (1938) (Black, J., dissenting)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

Caricature

Hustler Magazine v. Falwell, 485 U.S. 46, 54-55 (1988) (Rehnquist, C.J.)
WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. unabr. 1979)

Carry

Muscarello v. United States, 118 S. Ct. 1911, 1914, 1915 (1998) (Breyer, J.)
THE BARNHART DICTIONARY OF ETYMOLOGY (1988)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)
OXFORD DICTIONARY OF ENGLISH ETYMOLOGY (C. Onions ed., 1966)
RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. unabr. 1987)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Muscarello v. United States, 118 S. Ct. 1911, 1921 n.5 (1998) (Ginsburg, J., dissenting)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

Carry Arms or Weapons

Muscarello v. United States, 118 S. Ct. 1911, 1915 (1998) (Breyer, J.)
THE BARNHART DICTIONARY OF ETYMOLOGY (1988)
BLACK'S LAW DICTIONARY (6th ed. 1990)
OXFORD DICTIONARY OF ENGLISH ETYMOLOGY (C. Onions ed. 1966)
RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. unabr. 1987)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Muscarello v. United States, 118 S. Ct. 1911, 1920, 1921 n.2 (1998) (Ginsburg, J., dissenting)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Carries A Firearm

Muscarello v. United States, 118 S. Ct. 1911, 1921 (1998)
(Ginsburg, J., dissenting)
BLACK'S LAW DICTIONARY

Cattle

Ash Sheep Co. v. United States, 252 U.S. 159, 169 (1920) (Clarke, J.)
STANDARD DICTIONARY
WEBSTER'S NEW INT'L DICTIONARY
Decatur Bank v. St. Louis Bank, 88 U.S. 294, 299 n.2 (1874)
(Davis, J.)
WORCESTER'S DICTIONARY

Caucasian

United States v. Bhagat Singh Thind, 261 U.S. 204, 211 & n.1
(1923) (Sutherland, J.)
Dictionary of Races, Senate Document 662, 61st Cong., 3d
Sess. 1910

Centavo

Serralles v. Esbri, 200 U.S. 103, 111 (1906) (Peckham, J.)
STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1895)

Certificate

Peel v. Attorney Registration & Disciplinary Comm'n, 496 U.S. 91,
103-04 (1990) (Stevens, J., judgment & plurality opinion) (quoting
In re Peel, 534 N.E.2d 980, 984 (Ill. 1989))
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Peel v. Attorney Registration & Disciplinary Comm'n, 496 U.S. 91,
113 (1990) (Marshall, J., concurring in judgment)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Certified Public Accountant

Peel v. Attorney Registration & Disciplinary Comm'n, 496 U.S. 91,
113 (1990) (Marshall, J., concurring in judgment)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Certify

Peel v. Attorney Registration & Disciplinary Comm'n, 496 U.S. 91, 113 (1990) (Marshall, J., concurring in judgment)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Challenge

City of Houston v. Hill, 482 U.S. 451, 479 & n.6 (1987) (Powell, J., concurring in judgment in part & dissenting in part)
AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (1980)

Chamber of Commerce

National Muffler Dealers Ass'n, Inc. v. United States, 440 U.S. 472, 480 n.10 (1979) (Blackmun, J.)
WEBSTER'S NEW INT'L DICTIONARY (1913)

Child Support

Sullivan v. Stroop, 496 U.S. 478, 482 (1990) (Rehnquist, C.J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)
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Sullivan v. Hudson, 490 U.S. 877, 894 (1989) (White, J., dissenting)
BLACK'S LAW DICTIONARY (5th ed. 1979)

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Keene Corp. v. United States, 508 U.S. 200, 210 (1993) (Souter, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

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Concrete Pipe & Prods. of Cal., Inc. v. Construction Laborers Pension Trust for S. Cal., 508 U.S. 602, 652 (1993) (Thomas, J., concurring in part & concurring in judgment)
BLACK'S LAW DICTIONARY (6th ed. 1990)

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FDIC v. Meyer, 510 U.S. 471, 476 (1994) (Thomas, J.)
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Legal Tender Cases, 79 U.S. 457, 584 (1870) (Chase, C.J.,
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JOHNSON'S DICTIONARY

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Arave v. Creech, 507 U.S. 463, 484 (1993) (Blackmun, J.,
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BLACK'S LAW DICTIONARY (6th ed. 1990)

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Arave v. Creech, 507 U.S. 463, 471-72 (1993) (O'Connor, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)
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Collateral Attack

Parke v. Raley, 506 U.S. 20, 30 (1992) (O'Connor, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

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Heintz v. Jenkins, 514 U.S. 291, 294 (1995) (Breyer, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

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Adickes v. S.H. Kress & Co., 398 U.S. 144, 211 (1970) (Brennan,
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BLACK'S LAW DICTIONARY (4th ed. 1968)

Combination Printing

Paramount Publix Corp. v. American Tri-Ergon Corp., 294 U.S.
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ENCYCLOPAEDIC DICTIONARY OF PHOTOGRAPHY (1896)

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United States v. Lopez, 514 U.S. 549, 585-86 (1995) (Thomas, J., concurring)

A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)

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Smith v. Turner, 48 U.S. 283, 501 n.1 (1849) (Daniel, J., dissenting)

RICHARDSON'S DICTIONARY

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Republic of Argentina v. Weltover, Inc., 504 U.S. 607, 614 (1992) (Scalia, J.)

BLACK'S LAW DICTIONARY (6th ed. 1990)

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Oregon *ex rel.* State Land Bd. v. Corvallis Sand & Gravel Co., 429 U.S. 363, 380 n.8 (1977) (quoting Western Union Tel. Co. v. Call Publ'g Co., 181 U.S. 92, 102 (1901)) (Rehnquist, J.)

BLACK'S LAW DICTIONARY

Western Union Tel. Co. v. Call Publ'g Co., 181 U.S. 92, 102 (1901) (Brewer, J.)

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Jacobellis v. Ohio, 378 U.S. 184, 193 n.9 (1964) (Brennan, J., judgment & plurality opinion)

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Schick v. Reed, 419 U.S. 256, 273 n.8 (1974) (Marshall, J., dissenting)

BLACK'S LAW DICTIONARY (4th ed. 1968)

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Saffle v. Parks, 494 U.S. 484, 514 (1990) (Brennan, J., dissenting)
 FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1952)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1957)

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Regents of Univ. of California v. Public Employment Relations Bd.,
 485 U.S. 589, 598 (1988) (O'Connor, J.)
 WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (C.
 Goodrich ed., 1849)

Compilation

John Doe Agency v. John Doe Corp., 493 U.S. 146, 153 (1989)
 (Blackmun, J.)
 WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

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Carchman v. Nash, 473 U.S. 716, 745 (1985) (Brennan, J.,
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 WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1957)

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Rutledge v. United States, 517 U.S. 292, 299 n.10 (1996) (Stevens,
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 OXFORD ENGLISH DICTIONARY (2d ed. 1989)
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Rhode Island v. Palmer, 253 U.S. 350, 396-97 n.2 (1920) (McKenna,
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Rhode Island v. Palmer, 253 U.S. 350, 398 (1920) (McKenna, J., dissenting)

BOUVIER'S LAW DICTIONARY

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Fort Stewart Schools v. Federal Labor Relations Auth., 495 U.S. 641, 645 (1990) (Scalia, J.)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1957)

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Washingtonian Publ'g Co. v. Pearson, 306 U.S. 30, 47 & nn.10 & 11 (1939) (Black, J., dissenting)

BLACK'S LAW DICTIONARY (3d ed. 1933)

Condition Subsequent

Washington Publ'g Co. v. Pearson, 306 U.S. 30, 47 & nn.10 & 11 (1939) (Black, J., dissenting)

BLACK'S LAW DICTIONARY (3d ed. 1933)

Conduct

Reves v. Ernst & Young, 507 U.S. 170, 177-79 (1993) (Blackmun, J.)

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Reves v. Ernst & Young, 507 U.S. 170, 187-88 (1993) (Souter, J., dissenting)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

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Department of Justice v. Landano, 508 U.S. 165, 173 (1993) (O'Connor, J.)

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U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779, 857-58 n.7 (1995)
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A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed.
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A DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 1773)

Consider

National Endowment for the Arts v. Finley, 118 S. Ct. 2168, 2189
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National Endowment for the Arts v. Finley, 118 S. Ct. 2168, 2189
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Philko Aviation, Inc. v. Shacket, 462 U.S. 406, 411 (1983) (White,
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WEBSTER'S THIRD NEW INT'L DICTIONARY (P. Gove ed., 1976)

Context

Rowland v. California Men's Colony, 506 U.S. 194, 199, 203 (1993)
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WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

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Cippollone v. Liggett Group, Inc., 505 U.S. 504, 526 n.23 (1992)
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BLACK'S LAW DICTIONARY (6th ed. 1990)

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Ernst & Ernst v. Hochfelder, 425 U.S. 185, 199 nn.20 & 21 (1975)
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Ernst & Ernst v. Hochfelder, 425 U.S. 185, 199 nn.20 & 21 (1975)
(Powell, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)

Conviction

Deal v. United States, 508 U.S. 129, 131-32 (1993) (Scalia, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

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American Tobacco Co. v. Werckmeister, 207 U.S. 284, 290-91
(1907) (Day, J.)
BOUVIER'S LAW DICTIONARY (Rawle's Rev.)

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Eastern Airlines, Inc. v. Floyd, 499 U.S. 530, 536 (1991) (Marshall,
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JERAUTE, VOCABULAIRE FRANÇAIS-ANGLAIS ET ANGLAIS-FRANÇAIS
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dissenting)
ANDERSON, A DICTIONARY OF LAW (1893)
BOUVIER, A LAW DICTIONARY ADAPTED TO THE CONSTITUTION &
LAWS OF THE UNITED STATES OF AMERICA (11th ed. 1866)

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Will v. Michigan Dep't of State Police, 491 U.S. 58, 79-80 (1989)
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BURRILL, A LAW DICTIONARY & GLOSSARY (2d ed. 1871)

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United States v. Aguilar, 515 U.S. 593, 616 (1995) (Scalia, J.,
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Moskal v. United States, 498 U.S. 103, 119-20 (1990) (Scalia, J.,
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United States v. Raynor, 302 U.S. 540, 549 n.14 (1938) (Black, J.)
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Smith v. United States, 507 U.S. 197, 201 (1993) (Rehnquist, C.J.)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1945)
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The Britannia, 153 U.S. 130, 148 (1894) (Brown, J., dissenting)
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Feltner v. Columbia Pictures Television, Inc., 118 S. Ct. 1279, 1288
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CSX Transp., Inc. v. Easterwood, 507 U.S. 658, 664 (1993) (White,
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Pittston Coal Group v. Sebben, 488 U.S. 105, 113 (1988) (Scalia, J.)
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WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

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Edwards v. Aguillard, 482 U.S. 578, 598-99 (1987) (Powell, J.,
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WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1981)

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Board of Educ. v. Mergens *ex rel.* Mergens, 496 U.S. 226, 237
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BLACK'S LAW DICTIONARY (5th ed. 1979)
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Davis v. Ciraolo, 476 U.S. 207, 221 & n.6 (1986) (Powell, J.,
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United States v. James, 478 U.S. 597, 615 (1986) (Stevens, J.,
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 BLACK'S LAW DICTIONARY

Damages

Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc.,
 492 U.S. 257, 265 nn.6 & 7, 267 n.10 (1989) (Blackmun, J.)
 BLOUNT, A LAW-DICTIONARY (1670)
 BOUVIER, LAW-DICTIONARY (4th ed. 1852)
 CUNNINGHAM, A NEW AND COMPLETE LAW-DICTIONARY (2d ed.
 1771)
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Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc.,
 492 U.S. 257, 292 (1989) (O'Connor, J., concurring in part &
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 BLOUNT, A LAW-DICTIONARY (1670)
 Bowen v. Massachusetts, 487 U.S. 879, 913-14 (1988) (Scalia, J.,
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 WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)
 BLACK'S LAW DICTIONARY (5th ed. 1979)

United States v. James, 478 U.S. 597, 605 n.6 (1986) (Powell, J.)
 BLACK'S LAW DICTIONARY (5th ed. 1979)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

United States v. James, 478 U.S. 597, 615 (1986) (Stevens, J.,
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 BOUVIER, LAW DICTIONARY (8th ed. 1914)

American Stevedores, Inc. v. Porello, 330 U.S. 446, 450 n.6 (1947)
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 BLACK'S LAW DICTIONARY
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

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 CENTURY DICTIONARY (Rev. ed.)
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BLACK'S LAW DICTIONARY (6th ed. 1990)
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Freytag v. Commissioner, 501 U.S. 868, 920 (1991) (Scalia, J., dissenting)
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BLACK'S LAW DICTIONARY (6th ed. 1990)

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Trinova Corp. v. Michigan Dep't of Treasury, 498 U.S. 358, 364 n.1 (1991) (Kennedy, J.)

MCGRAW-HILL DICTIONARY OF MODERN ECONOMICS (3d ed. 1983)

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Deal v. United States, 274 U.S. 277, 283 (1927) (McReynolds, J.)

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BLACK'S LAW DICTIONARY (5th ed. 1979)

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Hoffman Estates v. Flipside, Hoffman Estates, Inc., 455 U.S. 489, 501 (1982) (Marshall, J.)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1957)

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Aaron v. SEC, 446 U.S. 680, 696 n.13 (1980) (Stewart, J.)

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Ernst & Ernst v. Hochfelder, 425 U.S. 185, 199 nn.20 & 21 (1975) (Powell, J.)

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PUD No. 1 of Jefferson County v. Washington Dep't of Ecology, 511 U.S. 700, 725 (1994) (Thomas, J., dissenting)

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United States v. Centennial Sav. Bank FSB, 499 U.S. 573, 580 n.6
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Fishgold v. Sullivan Drydock & Repair Corp., 328 U.S. 275, 286
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Breiner v. Sheet Metal Workers Int'l Ass'n Local Union No. 6,
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OXFORD ENGLISH DICTIONARY (2d ed. 1989)
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Jewett v. Comm'r, 455 U.S. 305, 323 (1982) (Blackmun, J.,
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 DORLAND'S ILLUSTRATED MEDICAL DICTIONARY (24th ed. 1965)

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Pacific Ins. Co. v. Soule, 74 U.S. 433, 445 & n.18 (1868) (Swayne, J.)

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Pennoyer v. Neff, 95 U.S. 714, 721 (1877) (Field, J.)

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Rosewell v. LaSalle Nat'l Bank, 450 U.S. 503, 516 (1981) (Brennan, J.)

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Exhibit Supply Co. v. Ace Patents Corp., 315 U.S. 126, 134 (1942) (Stone, C.J.)
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 DORLAND'S ILLUSTRATED MEDICAL DICTIONARY (24th ed. 1965)

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Ingalls Shipbuilding, Inc. v. Dep't of Labor, 519 U. S. 248, 255
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BLACK'S LAW DICTIONARY (6th ed. 1990)

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United States v. Bajakajian, 118 S. Ct. 2028, 2037 (1998) (Thomas, J.)
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Patton v. Brady, 184 U.S. 608, 617-19 (1902) (Brewer, J.)
BLACK'S LAW DICTIONARY
BOUVIER'S LAW DICTIONARY
CENTURY DICTIONARY
JOHNSON'S DICTIONARY
WEBSTER'S INT'L DICTIONARY

Exclusive

Mississippi v. Louisiana, 506 U.S. 73, 78 (1992) (Rehnquist, C.J.)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

Vicksburg v. Vicksburg Waterworks Co., 202 U.S. 453, 470-71
(1906) (Day, J.)
CENTURY DICTIONARY

Excusable Neglect

Pioneer Investment Servs. Co. v. Brunswick Assocs. Ltd., 507 U.S.
380, 402-03 (1993) (O'Connor, J., dissenting)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Exempt

American Paper Inst., Inc. v. American Elec. Power Serv. Corp.,
461 U.S. 402, 421 (1983) (Marshall, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Exercise

Department of Human Resources v. Smith, 494 U.S. 872, 893
(1990) (O'Connor, J., concurring in judgment)
A NEW ENGLISH DICTIONARY ON HISTORICAL PRINCIPLES (J. Murry
ed., 1897)

Expressly

Magone v. Heller, 150 U.S. 70, 74 (1893) (Gray, J.)
WEBSTER'S NEW INT'L DICTIONARY

FFF

False Making

Moskal v. United States, 498 U.S. 103, 121-22 (1990) (Scalia, J.,
dissenting)
BALLENTINE'S LAW DICTIONARY (2d ed. 1948)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Fear

INS v. Cardoza-Fonseca, 480 U.S. 421, 431 n.11 (1987) (Stevens, J.) (quoting Matter of Acosta, Interim Decision No. 2986, at 14) (Mar. 1, 1985)

WEBSTER'S THIRD NEW INT'L DICTIONARY (16th ed. 1971)

Feasible

American Textile Mfrs. Inst. v. Donovan, 452 U.S. 490, 508-09 (1981) (Brennan, J.)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1957)

OXFORD ENGLISH DICTIONARY (1933)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Industrial Union Dep't v. American Petroleum Inst., 448 U.S. 607, 719 (1980) (Marshall, J., dissenting)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Felony

Reagan v. United States, 157 U.S. 301, 303 (1895) (Brewer, J.)

WEBSTER'S DICTIONARY

Fetus

Roe v. Wade, 410 U.S. 113, 132 & n.20, 159, 160 & n.59 (1973) (Blackmun, J.)

DORLAND'S ILLUSTRATED MEDICAL DICTIONARY (24th ed. 1965)

Filthy

Manual Enters., Inc. v. Day, 370 U.S. 478, 483 n.4 (1962) (Harlan, J., judgment & plurality opinion)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1956)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Finding of Fact

Beech Aircraft Corp. v. Rainey, 488 U.S. 153, 163-64 (1988) (Brennan, J.)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Fine

Austin v. United States, 509 U.S. 602, 614 n.7 (1993) (Blackmun, J.)

A CRITICAL PRONOUNCING DICTIONARY (1791)

A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)

A NEW ENGLISH DICTIONARY (1702)

SHERIDAN, A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)

WALKER, A CRITICAL PRONOUNCING DICTIONARY (1791)

Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc., 492 U.S. 257, 292, 297 (1989) (O'Connor, J., concurring in part & dissenting in part)

BLACK'S LAW DICTIONARY (5th ed. 1979)

BLOUNT, A LAW-DICTIONARY (1670)

JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)

RICHARDSON, A NEW DICTIONARY OF THE ENGLISH LANGUAGE (1839)

SHERIDAN, A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

Fines for Offences

Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc., 492 U.S. 257, 265 nn.6 & 7 (1989) (Blackmun, J.)

BOUVIER, LAW DICTIONARY (4th ed. 1852)

CUNNINGHAM, A NEW AND COMPLETE LAW-DICTIONARY (2d ed. 1771)

TOMLIN'S LAW DICTIONARY (1836)

Firm

United States v. Cook, 384 U.S. 257, 261 n.5 (1966) (White, J.)

BALLENTINE'S LAW DICTIONARY (2d ed. 1948)

BLACK'S LAW DICTIONARY (4th ed. 1951)

BOUVIER, LAW DICTIONARY (8th ed. 1914)

CLARK & GOTTFIED, DICTIONARY OF BUSINESS & FINANCE (1957)

CROWELL'S DICTIONARY OF BUSINESS & FINANCE (rev. ed. 1930)

DICTIONARY OF BUSINESS & INDUSTRY (Schwartz ed., 1954)

DICTIONARY OF ENGLISH LAW (1959)

DICTIONARY OF FOREIGN TRADE (Henius 2d ed. 1947)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Fix

Farrey v. Sanderfoot, 500 U.S. 291, 296 (1991) (White, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

For

AVCO Corp. v. United Auto., Aerospace & Agric. Implement
Workers, 118 S. Ct. 1626, 1629 (1998) (Scalia, J., opinion of
Court)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Forfeit

Austin v. United States, 509 U.S. 602, 614 n.7 (1993) (Blackmun,
J.)
A CRITICAL PRONOUNCING DICTIONARY (1791)
A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)
KERSEY, A NEW ENGLISH DICTIONARY (1702)
A NEW ENGLISH DICTIONARY (1702)

Foreiture

Austin v. United States, 509 U.S. 602, 614 n.7 (1993) (Blackmun,
J.)
SHERIDAN, A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE
(1780)
WALKER, A CRITICAL PRONOUNCING DICTIONARY (1791)

Forge

Moskal v. United States, 498 U.S. 103, 119-20 (1990) (Scalia, J.,
dissenting)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

Forged

Moskal v. United States, 498 U.S. 103, 119-20 (1990) (Scalia, J.,
dissenting)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

Forthwith

Henderson v. United States, 517 U.S. 654, 680 (1996) (Thomas, J., dissenting)
 BLACK'S LAW DICTIONARY (5th ed. 1979)

Freebase

Posters N' Things, Ltd. v. United States, 511 U.S. 513, 515 nn.1 & 3 (1994) (Blackmun, J.)
 AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

Freight

The Main v. Williams, 152 U.S. 122, 130 (1894) (Brown, J.)
 ANDERSON'S LAW DICTIONARY (1996)
 BOUVIER'S LAW DICTIONARY
 BURRILL'S LAW DICTIONARY
 CENTURY DICTIONARY
 WEBSTER'S DICTIONARY
 WORCESTER'S DICTIONARY

GGG

Game

White v. Aronson, 302 U.S. 16, 17 nn.2 & 3 (1937) (McReynolds, J.)
 WEBSTER'S SECOND NEW INT'L DICTIONARY

Gang

Lanzetta v. New Jersey, 306 U.S. 451, 453-54 & n.3 (1939) (Butler, J.)
 CENTURY DICTIONARY & ENCYCLOPEDIA (1902)
 FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1915)
 OXFORD ENGLISH DICTIONARY (1933)
 WEBSTER'S SECOND NEW INT'L DICTIONARY

Garnishment

Sniadach v. Family Finance Corp., 395 U.S. 337, 348 (1969) (Black, J., dissenting)
 BOUVIER'S LAW DICTIONARY

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 533 app. n.* (1952)
 (Frankfurter, J., concurring in judgment)
 MATHEWS, A SURVEY OF ENGLISH DICTIONARIES (1933)

Genuine

Professional Real Estate Investors, Inc. v. Columbia Pictures
 Indus., 508 U.S. 49, 61 (1993) (Thomas, J.)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Burstyn, Inc. v. Wilson, 343 U.S. 495, 533 app. n.* (1952)
 (Frankfurter, J., concurring in judgment)
 MATHEWS, A SURVEY OF ENGLISH DICTIONARIES (1933)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Gerrymander

Davis v. Bandemer, 478 U.S. 109, 164 n.3 (1986) (Powell, J.,
 concurring in part & dissenting in part)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Good Will

Regents of Univ. of California v. Public Employment Relations Bd.,
 485 U.S. 589, 610 & n.4 (1988) (Stevens, J., dissenting)
 BLACK'S LAW DICTIONARY (5th ed. 1979)

HHH

Habeas Corpus

Johnson v. Eisentrager, 339 U.S. 763, 778 n.10 (1950) (Jackson, J.)
 OXFORD ENGLISH DICTIONARY (1933)

Harm

Babbitt v. Sweet Home Chapter of Communities for a Great
 Oregon, 515 U.S. 687, 697 (1995) (Stevens, J.)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

Babbitt v. Sweet Home Chapter of Communities for a Great
 Oregon, 515 U.S. 687, 719 (Scalia, J., dissenting)
 AMERICAN COLLEGE DICTIONARY (1970)

Harsh

Polk Co. v. Glover, 305 U.S. 5, 17 & n.13 (1938) (Black, J., dissenting)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

Have

Walters v. Metropolitan Educ. Enter., Inc., 519 U.S. 202, 207 (1997) (Scalia, J.)
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)
THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Hawkers

Emert v. Missouri, 156 U.S. 296, 306 (1895) (Gray, J.)
TOMLIN'S LAW DICTIONARY

Head

Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc., 455 U.S. 489, 503 n.20 (1982) (Marshall, J.)
AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (1980)

Health

United States v. Vuitch, 402 U.S. 62, 72 (1971) (Black, J.)
WEBSTER'S DICTIONARY

Hearing

United States v. Patterson, 150 U.S. 65, 68 (1893) (Brewer, J.)
BOUVIER'S LAW DICTIONARY

Hematoma

Ingraham v. Wright, 430 U.S. 651, 657 n.9 (1977) (Powell, J.)
STEDMAN'S MEDICAL DICTIONARY (23d ed. 1976)

Hideous

Godfrey v. Georgia, 446 U.S. 420, 442 (1980) (Burger, C.J., dissenting)
 No specific dictionary listed

High Seas

United States v. Rodgers, 150 U.S. 249, 270 (1893) (Gray, J., dissenting)
 CENTURY DICTIONARY
 WEBSTER'S DICTIONARY
 WORCESTER'S DICTIONARY

III

Imbecile

Palmer v. Ashe, 342 U.S. 134, 140 n.* (1952) (Minton, J., dissenting)
 FAIRCHILD, DICTIONARY OF SOCIOLOGY (1944)

Immediate

Fidelity & Deposit Co. v. Courtney, 186 U.S. 342, 346 (1902)
 (White, J.)
 CENTURY DICTIONARY

Imminent

Meghrig v. KFC Western, Inc., 516 U.S. 479, 485 (1996) (O'Connor, J.)
 WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1934)

Impost

- Camps Newfound/Owatonna, Inc. v. Town of Harrison, 520 U.S. 564, 637-38 n.20 (1997) (Thomas, J., dissenting)
 BAILEY, AN UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (26th ed. 1789)
 BARCLAY'S UNIVERSAL ENGLISH DICTIONARY (B. Woodward rev., 1782)
 BLOUNT, A LAW DICTIONARY (1670)
 A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)
 A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)
 OXFORD ENGLISH DICTIONARY (2d ed. 1989)

Impound

- United States v. Louisiana, 446 U.S. 253, 264 (1980) (Blackmun, J.)
 BLACK'S LAW DICTIONARY (5th ed. 1979)
 BOUVIER, LAW DICTIONARY (8th ed. 1914)

In

- Dunn v. Commodity Futures Trading Comm'n, 519 U.S. 465, 470 (1997) (Stevens, J.)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

In Limine

- Luce v. United States, 469 U.S. 38, 40 n.2 (1984) (Burger, C.J.)
 BLACK'S LAW DICTIONARY (5th ed. 1979)

In Pari Delicto Potior Est Conditio Defendentis

- Bateman Eichler, Hill Richards, Inc. v. Berner, 472 U.S. 299, 306-07 & n.11 (1985) (Brennan, J.)
 BLACK'S LAW DICTIONARY (5th ed. 1979)

In Relation To

- Smith v. United States, 508 U.S. 223, 228-29, 231, 237-38 (1993) (O'Connor, J.)
 WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1939)
 WEBSTER'S NEW INT'L DICTIONARY OF ENGLISH LANGUAGE (2d ed. 1950)

Incident

United States v. Dixon, 509 U.S. 688, 705 n.10 (1993) (Scalia, J.)
A LAW DICTIONARY (1883)

Incidents Of Ownership

United States v. Dixon, 509 U.S. 688, 705 n.10 (1993) (Scalia, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Include

Montello Salt Co. v. Utah, 221 U.S. 452, 464-65 (1911) (McKenna, J.)
CENTURY DICTIONARY

Including

P.C. Pfeiffer Co. v. Ford, 444 U.S. 69, 77 n.7 (1979) (Powell, J.)
WEBSTER'S NEW COLLEGIATE DICTIONARY (1973)

Income

Lukhard v. Reed, 481 U.S. 368, 374-75 (1987) (Scalia, J.)
OXFORD ENGLISH DICTIONARY (1933)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Randall v. Loftsgaarden, 478 U.S. 647, 673 (1986) (Brennan, J.,
dissenting)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Eisner v. Macomber, 252 U.S. 189, 206-07 (1920) (Pitney, J.)
BOUVIER'S LAW DICTIONARY
CENTURY DICTIONARY
STANDARD DICTIONARY
WEBSTER'S NEW INT'L DICTIONARY

Incompetency

Beilan v. Board of Education, 357 U.S. 399, 407 (1958) (Burton, J.) (quoting Horosko v. Mt. Pleasant Sch. Dist., 6 A.2d 866, 868, 869-70 (Pa. 1939))

BLACK'S LAW DICTIONARY (3d ed.)

BOUVIER'S LAW DICTIONARY (Rawles 3d rev., 1914)

FUNK & WAGNALLS' STANDARD DICTIONARY

WEBSTER'S NEW INT'L DICTIONARY

Indecent

FCC v. Pacifica Found., 438 U.S. 726, 740 n.14 (1978) (Stevens, J.)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

Manual Enters. v. Day, 370 U.S. 478, 483 n.4 (1962) (Harlan, J., judgment & plurality opinion)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1956)

Inference

NLRB v. Curtin Matheson Scientific, Inc., 494 U.S. 775, 814-15 (1990) (Scalia, J., dissenting)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Inferiour

Morrison v. Olson, 487 U.S. 654, 719 (1988) (Scalia, J., dissenting)

JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1785)

Initiated

Oregon v. Bradshaw, 462 U.S. 1039, 1045 (1983) (Rehnquist, J.)

No specific dictionary listed

Injure

Babbitt v. Sweet Home Chapter of Communities for a Great Oregon, 515 U.S. 687, 710 (1995) (O'Connor, J., concurring)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)

Injury

Brown v. Gardner, 513 U.S. 115, 117 (1994) (Souter, J.)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1957)

Insanity

Foucha v. Louisiana, 504 U.S. 71, 96 (1992) (Kennedy, J.,
dissenting)
BOUVIER, LAW DICTIONARY (8th ed. 1914)

Institute

Gollust v. Mendell, 501 U.S. 115, 124 (1991) (Souter, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)
BLACK'S LAW DICTIONARY (3d ed. 1933)
RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed.
unabr. 1987)

Institution

Baggett v. Bullitt, 377 U.S. 360, 371 n.9 (1964) (White, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY

Instrumentality

United States v. Bajakajian, 118 S. Ct. 2028, 2034, 2036 n.9 (1998)
(Thomas, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Insurance

Group Life & Health Ins. Co. v. Royal Drug Co., 440 U.S. 205, 211
(1979) (Stewart, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1958)

Nationsbank of N. Carolina v. Variable Annuity Life Ins. Co., 513
U.S. 251, 264 (1995) (Ginsburg, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Intended

Spiegel's Estate v. Commissioner, 335 U.S. 701, 729 n.12 (1949)
 (Burton, J., dissenting)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1938)

Intent

Sandstrom v. Montana, 442 U.S. 510, 517, 521 n.11 (1979)
 (Brennan, J.)
 WEBSTER'S NEW COLLEGIATE DICTIONARY (1974)

Intention

United States v. Donruss Co., 393 U.S. 297, 311 n.2 (1969) (Harlan,
 J., concurring in part & dissenting in part)
 BLACK'S LAW DICTIONARY (4th ed. 1968)

Interest

Library of Congress v. Shaw, 478 U.S. 310, 315 n.2 (1986)
 (Blackmun, J.)
 2 PALGRAVE'S DICTIONARY OF POLITICAL ECONOMY (H. Higgs ed.,
 1925)

Russello v. United States, 464 U.S. 16, 21 (1983) (Blackmun, J.)
 BLACK'S LAW DICTIONARY (5th ed. 1979)
 RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (1979)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Burton v. United States, 202 U.S. 344, 396 (1906) (Brewer, J.,
 dissenting)
 BLACK'S LAW DICTIONARY
 BOUVIER'S LAW DICTIONARY

Smiley v. Citibank, 517 U.S. 735, 745 (1996) (Scalia, J.)
 AMERICAN AND ENGLISH ENCYCLOPEDIA OF LAW (J. Merrill ed.,
 1890)
 A LAW DICTIONARY (6th ed. 1856)
 A LAW DICTIONARY AND GLOSSARY (2d ed. 1860)
 LAW LEXICON OR DICTIONARY OF JURISPRUDENCE (2d Amer. ed.
 1860)

Interested

Burton v. United States, 202 U.S. 344, 371 (1906) (Harlan, J.)
STROUD'S JUDICIAL DICTIONARY

Interference

NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 243 n.* (1978)
(Stevens, J., concurring)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Intervene

Rocca v. Thompson, 223 U.S. 317, 329 (1912) (Day, J.)
CENTURY DICTIONARY
WEBSTER'S NEW INT'L DICTIONARY

Intrauterine Device

Zauderer v. Office of Disciplinary Counsel of Supreme Court of
Ohio, 471 U.S. 626, 630 n.2 (1985) (White, J.)
URDANG DICTIONARY OF CURRENT MEDICAL TERMS (1981)

Invents

Jarecki v. G.D. Searle & Co., 367 U.S. 303, 308 n.3 (1961)
(Warren, C.J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY

Invidious

Bray v. Alexandria Women's Health Clinic, 506 U.S. 263, 274
(1993) (Scalia, J.)
WEBSTER'S SECOND INT'L DICTIONARY (1954)

Involving

Allied-Bruce Terminix Co. v. Dobson, 513 U.S. 265, 273-74 (1995)
(Breyer, J.)
OXFORD ENGLISH DICTIONARY (1933)

Irregularity

Chan v. Korean Air Lines, Ltd., 490 U.S. 122, 128 (1989) (Scalia, J.)
WEBSTER'S SECOND INT'L DICTIONARY (1950)

Islands

Stewart v. United States, 316 U.S. 354, 362 n.6 (1942) (Roberts, J.)
CENTURY DICTIONARY
WEBSTER'S NEW INT'L DICTIONARY

JJJ

Jurisdiction

United States v. Rodgers, 466 U.S. 475, 480 (1984) (Rehnquist, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

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Knowledge

Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 590
(1993) (Blackmun, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

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Fishgold v. Sullivan Drydock & Repair Corp., 328 U.S. 275, 286-87
nn.10 & 11 (1946) (Douglas, J.)
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Legacy

United States v. Merriam, 263 U.S. 179, 184 (1923) (quoting Orton
v. Orton, 42 N.Y. 486 (1867)) (Sutherland, J.)
WORCESTER'S DICTIONARY

Legislative Officer

Lamar v. United States, 241 U.S. 103, 113 (1916) (White, C.J.)

BLACK'S LAW DICTIONARY

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Whalen v. United States, 445 U.S. 684, 708-09 (1980) (Rehnquist, J., dissenting)

BLACK'S LAW DICTIONARY (4th ed. 1968)

Lesion

Eastern Airlines, Inc. v. Floyd, 499 U.S. 530, 536 (1991) (Marshall, J.)

GRAND LAROUSSE DE LA LANGUE FRANÇAISE (1987)

JERAUTE, VOCABULAIRE FRANÇAIS-ANGLAIS ET ANGLAIS-FRANÇAIS DE TERMES ET LOCUTIONS JURIDIQUES (1953)

Lesion Corporelle

Eastern Airlines, Inc. v. Floyd, 499 U.S. 530, 536 (1991) (Marshall, J.)

JERAUTE, VOCABULAIRE FRANÇAIS-ANGLAIS ET ANGLAIS-FRANÇAIS DE TERMES ET LOCUTIONS JURIDIQUES (1953)

Lewd

Manual Enters. v. Day, 370 U.S. 478, 483 n.4 (1962) (Harlan, J., judgment & plurality opinion)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1956)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Lewdly

Smith v. Wade, 461 U.S. 30, 60 n.3 (1983) (Rehnquist, J., dissenting)

WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1869)

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Liable

Cochran v. United States, 157 U.S. 286, 296 (1895) (Brown, J.)
WEBSTER'S DICTIONARY

Licentious

City of Boerne v. P.F. Flores, 117 S. Ct. 2157, 2173 (1997) (Scalia, J., concurring in part)
WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)

Likely

Honig v. Doe, 484 U.S. 305, 334, 335 (1988) (Scalia, J., dissenting)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Limitation

Christmas v. Russell, 72 U.S. 290, 300 & n.++ (1866) (Clifford, J.)
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Hollender v. Magone, 149 U.S. 586, 589 (1893) (Brewer, J.)
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Lithograph

Arthur v. Moller, 97 U.S. 365, 367-68 (1878) (Hunt, J.)
MCEL RATH'S COMMERCIAL DICTIONARY
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WORCESTER'S DICTIONARY

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Horner v. United States, 147 U.S. 449, 458-59 (1893) (Blatchford, J.)
CENTURY DICTIONARY
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WORCESTER'S DICTIONARY

Lust

Brockett v. Spokane Arcades, Inc., 472 U.S. 491, 500 n.10 (1985)
(White, J.)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1949)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 5th ed. 1981)

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Magazines

Houghton v. Payne, 194 U.S. 88, 96 (1904) (Brown, J.)

WEBSTER'S NEW INT'L DICTIONARY

Magistrate

Shadwick v. City of Tampa, 407 U.S. 345, 349 n.7 (1972) (Powell, J.)

RANDOM HOUSE DICTIONARY (1966)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1957)

Major

Bragdon v. Abbot, 118 S. Ct. 2196, 2215 (1998) (Rehnquist, C.J.,
concurring in part & dissenting in part)

WEBSTER'S COLLEGIATE DICTIONARY (10th ed. 1994)

Make

United States v. Giles, 300 U.S. 41, 48 (1937) (McReynolds, J.)

WEBSTER'S SECOND NEW INT'L DICTIONARY

Malice

Smith v. Wade, 461 U.S. 30, 60 n.3 (1983) (Rehnquist, J.,
dissenting)

ABBOTT'S LAW DICTIONARY (1879)

STORMONTH'S ENGLISH DICTIONARY (1885)

WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
(1869)

WORCESTER'S DICTIONARY (1860)

Herbert v. Lando, 441 U.S. 153, 199 n.1 (1979) (Stewart, J.,
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1961)

Malt Liquor

Sarlls v. United States, 152 U.S. 570, 572 (1894) (Shiras, J.)
CENTURY DICTIONARY

Manifest

Rosenberger v. Rector & Visitors Univ. of Va., 515 U.S. 819, 836
(1995) (Kennedy, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

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Schreiber v. Burlington Northern, Inc., 472 U.S. 1, 7 & n.5 (1985)
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WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

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American Fruit Growers Inc. v. Brogdex Co., 283 U.S. 1, 11 (1931)
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Market

Asgrow Seed Co. v. Winterboer, 513 U.S. 179, 187 (1995) (Scalia,
J.)
OXFORD UNIVERSAL DICTIONARY (3d ed. 1955)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Market Value

BFP v. Resolution Trust Corp., 511 U.S. 531, 537-38 (1994) (Scalia, J.)

BLACK'S LAW DICTIONARY (6th ed. 1990)

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Kungys v. United States, 485 U.S. 759, 786 (1988) (Stevens, J., concurring in judgment)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Commissioner v. Estate of Hubert, 520 U.S. 93, 128 (1997) (Scalia, J., dissenting)

THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

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Reves v. Ernst & Young, 494 U.S. 56, 77 (1990) (Rehnquist, C.J., concurring in part & dissenting in part)

BLACK'S LAW DICTIONARY (3d ed. 1933)

CYCLOPEDIA LAW DICTIONARY (2d ed. 1922)

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United States v. LaBonte, 520 U.S. 751, 757 (1997) (Thomas, J.)

BLACK'S LAW DICTIONARY (6th ed. 1990)

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Toxaway Hotel Co. v. J.L. Smathers & Co., 216 U.S. 439, 448 (1910) (Lurton, J.)

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Northern Pac. Ry. v. Soderberg, 188 U.S. 526, 537 (1903) (Brown, J.)
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Marvel v. Merritt, 116 U.S. 11, 12 (1885) (Matthews, J.)
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Northern Pac. Ry. v. Soderberg, 188 U.S. 526, 535 (1903) (Brown, J.)
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Marvel v. Merritt, 116 U.S. 11, 12 (1885) (Matthews, J.)
WEBSTER'S DICTIONARY

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Andrus v. Charlestone Stone Prods. Co., 436 U.S. 604, 610 (1978) (Marshall, J.) (quoting Northern Pac. Ry. v. Soderberg, 188 U.S. 526, 530 (1903))
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Northern Pac. Ry. v. Soderberg, 188 U.S. 526, 535 (1903) (Brown, J.) (quoting Rosse v. Waiman, 14 Mees. & W. 859, 872 (Parke, J.))
CENTURY DICTIONARY
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Chapman v. United States, 500 U.S. 453, 462 (1991) (Rehnquist, C.J.)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)
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Japan Line, Ltd. v. Los Angeles County, 441 U.S. 434, 442 (1979)
 (Blackmun, J.)
 BLACK'S LAW DICTIONARY (4th ed. 1968)

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MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218,
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MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218,
 225, 226-28, n.5 (1994) (Scalia, J.)
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 THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)
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 RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)
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 WEBSTER'S COLLEGIATE DICTIONARY (4th ed. 1934)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218,
 242 (1994) (Stevens, J., dissenting)
 OXFORD ENGLISH DICTIONARY (2d ed. 1989)
 RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)
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 WEBSTER'S COLLEGIATE DICTIONARY (4th ed. 1934)

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Legal Tender Cases, 79 U.S. 457, 584 (1870) (Chase, C.J.,
 dissenting)
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United States v. Dubilier Condenser Corp., 289 U.S. 178, 186 & n.6 (1933) (Roberts, J.)
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Victor v. Nebraska, 511 U.S. 1, 12-13, 14-15 (1994) (O'Connor, J.)
THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (3d ed. 1992)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)
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Moral Evidence

Victor v. Nebraska, 511 U.S. 1, 12-13 (1994) (O'Connor, J.)
COLLINS ENGLISH DICTIONARY (3d ed. 1991)
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BLACK'S LAW DICTIONARY
BOUVIER'S LAW DICTIONARY (Rawles 3d rev., 1914)

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Melendez v. United States, 518 U.S. 120, 126 n.4 (1996) (Thomas, J.)
RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)

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United States v. Grace, 461 U.S. 171, 188 n.* (1983) (Stevens, J., concurring in part & dissenting in part)
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BLACK'S LAW DICTIONARY (5th ed. 1979)

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Pioneer Investment Servs. Co. v. Brunswick Assocs., 507 U.S. 380, 388 (1993) (White, J.)
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Hackfeld & Co. v. United States, 197 U.S. 442, 448-49 (1905) (Day, J.)
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Brogan v. United States, 118 S. Ct. 805, 808 (1998) (Scalia, J.)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

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Securities Indus. Ass'n v. Board of Governors of Fed. Reserve Sys., 468 U.S. 137, 164-65 (1984) (O'Connor, J., dissenting)
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Miller v. California, 413 U.S. 15, 20 n.2 (1973) (Burger, C.J.)

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Manual Enters., Inc. v. Day, 370 U.S. 478, 483 n.4 (1962) (Harlan, J., judgment & plurality opinion)

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DICTIONARIUM BRITANNICUM (Bailey ed., 1730)
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Lamar v. United States, 241 U.S. 103, 113 (1916) (White, C.J.)
WEBSTER'S NEW INT'L DICTIONARY

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Lamar v. United States, 241 U.S. 103, 113 (1916) (White, C.J.)
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WALKER, A CRITICAL PRONOUNCING DICTIONARY (1791)

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Standard Paint Co. v. Trinidad Asphalt Mfg.Co., 220 U.S. 446, 454-
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

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United States v. Bestfoods, 118 S. Ct. 1876, 1887 (1998) (Souter J.)
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)
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State Farm Mutual Auto. Ins. Co v. Coughran, 303 U.S. 485, 491
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Gooding v. Wilson, 405 U.S. 518, 525 (1972) (Brennan, J.)
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Hawaiian Airlines, Inc. v. Norris, 512 U.S. 246, 255 (1994)
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 WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

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Marvel v. Merritt, 116 U.S. 11, 12 (1885) (Matthews, J.)
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United States v. Granderson, 511 U.S. 39, 71 (1994) (Rehnquist,
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K Mart Corp. v. Cartier, Inc., 486 U.S. 281, 298-99 (1988)
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BLACK'S LAW DICTIONARY (5th ed. 1979)

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Honolulu Oil Corp. v. Halliburton, 306 U.S. 550, 552 & n.4 (1939)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1935)

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BLACK'S LAW DICTIONARY (4th ed. 1968)

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Alfred L. Snapp & Son, Inc. v. Puerto Rico *ex rel.* Barez, 458 U.S. 592, 600 n.8 (1982) (White, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)

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Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569, 580 n.12 (1994) (Souter, J.)
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)

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BLACK'S LAW DICTIONARY (6th ed. 1990)

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Pembaur v. City of Cincinnati, 475 U.S. 469, 499-500 (1986)
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 WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY (2d ed. 1979)

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Rowland v. California Men's Colony, 506 U.S. 194, 199, 203 (1993)
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Ex Parte Garland, 71 U.S. 333, 392-93 (1866) (Miller, J.,
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Farmer v. Brennan, 511 U.S. 825, 854-55 (1994) (Blackmun, J.,
 concurring)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE
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Farmer v. Brennan, 511 U.S. 825, 859 (1994) (Thomas, J., concurring)

A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)

Helling v. McKinney, 509 U.S. 25, 38 (1993) (Thomas, J., dissenting)

BLACK'S LAW DICTIONARY (6th ed. 1990)

A CRITICAL PRONOUNCING DICTIONARY (1791)

CUNNINGHAM, A NEW AND COMPLETE LAW-DICTIONARY (1771)

A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)

JACOB, THE LAW-DICTIONARY: EXPLAINING THE RISE, PROGRESS, AND PRESENT STATE, OF THE ENGLISH LAW (1811)

A NEW AND COMPLETE LAW DICTIONARY (1771)

SHERIDAN, A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)

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WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)

Punitive Damages

Molzof v. United States, 502 U.S. 301, 307 (1992) (Thomas, J.)

BLACK'S LAW DICTIONARY (3d ed. 1933)

CYCLOPEDIA LAW DICTIONARY (3d ed. 1940)

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FMC Corp. v. Holliday, 498 U.S. 52, 63 (1990) (O'Connor, J.)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Purpose

Department of Treasury v. Fabe, 508 U.S. 491, 505 (1993)

(Blackmun, J.)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Pursuant

Cheng Fan Kwok v. INS, 392 U.S. 206, 218 n.* (1968) (White, J., dissenting)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1957)

Pursuant To

Old Colony Trust Co. v. Commissioner, 301 U.S. 379, 383 n.3
 (1937) (McReynolds, J.)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1935)

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White v. Anderson, 302 U.S. 16, 17 nn.2 & 3 (1937) (McReynolds,
 J.)
 WEBSTER'S SECOND NEW INT'L DICTIONARY

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Quickening

Roe v. Wade, 410 U.S. 113, 132 & n.20, 159, 160 & n.59 (1973)
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 DORLAND'S ILLUSTRATED MEDICAL DICTIONARY (24th ed. 1965)

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Race

Saint Francis College v. Al-Khazraji, 481 U.S. 604, 610-11 (1987)
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 CENTURY DICTIONARY & CYCLOPEDIA (1911)
 DONALD, CHAMBER'S ETYMOLOGICAL DICTIONARY OF THE ENGLISH
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 WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
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 WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
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 WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
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 WEBSTER'S COLLEGIATE DICTIONARY (3d ed. 1916)
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 WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

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Smiley v. Citibank, 517 U.S. 735, 745 (1996) (Scalia, J.)
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Insurance Cos. v. Wright, 68 U.S. 456, 473 n.13 (1863) (Miller, J.)
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Pierce v. Underwood, 487 U.S. 552, 576, 577 (1988) (Brennan, J.,
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Sullivan v. Everhart, 494 U.S. 83, 91-92 (1990) (Scalia, J.)
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Dewsnup v. Timm, 502 U.S. 410, 428 (1992) (Scalia, J., dissenting)
BLACK'S LAW DICTIONARY (6th ed. 1990)

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J., dissenting)
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Smith v. Wade, 461 U.S. 30, 85 (1983) (Rehnquist, J., dissenting)
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Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 181 nn.37 & 38
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LAROUSSE MODERN FRENCH-ENGLISH DICTIONARY (1978)
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United States v. Wurts, 303 U.S. 414, 417 (1938) (Black, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr.)

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United States v. Standard Oil Co., 384 U.S. 224, 234 (1966)
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FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 259 (1990) (Stevens,
J., concurring in part & dissenting in part)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

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Shaw v. Delta Air Lines, Inc., 463 U.S. 85, 97 n.16 (1983)
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BLACK'S LAW DICTIONARY (5th ed. 1979)

Relate To

District of Columbia v. Greater Washington Bd. of Trade, 506 U.S.
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BLACK'S LAW DICTIONARY (6th ed. 1990)

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Morales v. Trans World Airlines, Inc., 504 U.S. 374, 383 (1992)
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BLACK'S LAW DICTIONARY (5th ed. 1979)

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Mertens v. Hewitt Assocs., 508 U.S. 248, 269 n.4 (1993) (White, J., dissenting)

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JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)

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Welsh v. United States, 398 U.S. 333, 351-52 & n.5 (1970) (Harlan, J., concurring in result)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1934)

Remedial

Mertens v. Hewitt Assocs., 508 U.S. 248, 269 n.4 (1993) (White, J., dissenting)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

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United States v. Bajakajian, 118 S. Ct. 2028, 2034, 2036 n.9 (1998) (Thomas, J.)

BLACK'S LAW DICTIONARY (6th ed. 1990)

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Mertens v. Hewitt Assocs., 508 U.S. 248, 269 n.4 (1993) (White, J., dissenting)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Rosewell v. LaSalle Nat'l Bank, 450 U.S. 503, 516 (1981) (Brennan, J.)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)

Rosewell v. LaSalle Nat'l Bank, 450 U.S. 503, 532 n.4 (1981)

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BLACK'S LAW DICTIONARY (5th ed. 1979)

Chelentis v. Luckenback S.S. Co., 247 U.S. 372, 384 (1918)
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Chisom v. Roemer, 501 U.S. 380, 410 (1991) (Scalia, J., dissenting)
 WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

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Mallard v. United States Dist. Court for the S. Dist. of Iowa, 490
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Cippolone v. Liggett Group, Inc., 505 U.S. 504, 535-36 (1992)
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 226-27 (1994) (Scalia, J.)
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County of Allegheny v. ACLU, 492 U.S. 573, 648-49 & n.5 (1989)
 (Stevens, J., concurring in part & dissenting in part)
 JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)
 OXFORD ENGLISH DICTIONARY (1989)
 SHERIDAN, A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE
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 WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1988)

Restitution

Hughey v. United States, 495 U.S. 411, 416 (1990) (Marshall, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

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Roland Elec. Co. v. Walling, 326 U.S. 657, 673 (1946) (Burton, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1938)

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Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 181 nn.37 & 38
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LAROUSSE MODERN FRENCH-ENGLISH DICTIONARY (1978)
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Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 191 (1993)
(Blackmun, J., dissenting)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Clyatt v. United States, 197 U.S. 207, 219 (1905) (Brewer, J.)
BLACK'S LAW DICTIONARY
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Dennis v. Higgins, 498 U.S. 439, 447 n.7 (1991) (White, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

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Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520, 534 (1993) (Kennedy, J.)
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Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc., 455 U.S. 489, 501 n.18 (1982) (Marshall, J.)
AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (1980)
LINGEMAN, DRUGS FROM A TO Z: A DICTIONARY (1969)

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BOUVIER'S LAW DICTIONARY

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Shields v. Atlantic Coast Line R.R. Co., 350 U.S. 318, 326 n.2 (1956) (Reed, J., dissenting)
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Standard Paint Co. v. Trinidad Asphalt Mfg. Co., 220 U.S. 446, 454-55 (1911) (McKenna, J.)
CENTURY DICTIONARY

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Sacrifice

Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520, 534 (1993) (Kennedy, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

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Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 520 n.28, 524 n. 43-45, 525-26 n. 47, 526-27 n. 48, 534-40 app. (1952) (Frankfurter, J., concurring in judgment)

ASH, THE NEW & COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (1775)

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BAILEY, UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (1730)

BARCLAY, A COMPLETE & UNIVERSAL ENGLISH DICTIONARY (1782)

BELL, A DICTIONARY & DIGEST OF THE LAW OF SCOTLAND (1861)

BLOUNT, A LAW-DICTIONARY (1670)

BOUVIER, A LAW DICTIONARY ADAPTED TO THE CONSTITUTION & LAWS OF THE UNITED STATES OF AMERICA (11th ed. 1866)

BROWN, A LAW DICTIONARY (Sprague ed., 1875)

BUCHANAN, A NEW ENGLISH DICTIONARY (1769)

BULLOKAR, THE ENGLISH EXPOSITOR (14th ed. 1731)

BURN, A NEW LAW DICTIONARY (1792)

COCKER, ENGLISH DICTIONARY (1724)

COCKERAM, ENGLISH DICTIONARIE (10th ed. 1651)

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JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1755)

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Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 520 n.28, 525-26 n.47, 534-35, 538 app. (1952) (Frankfurter, J., concurring in judgment)

BAILEY, UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (1730)

COCKERAM, ENGLISH DICTIONARIE (10th ed. 1651)

DYCHE, THE NEW GENERAL ENGLISH DICTIONARY (1777)

ENTICK, NEW SPELLING DICTIONARY (1786)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1937)

PHILLIPS, THE NEW WORLD OF WORDS (3d ed. 1671)

WEBSTER'S COMPENDIOUS DICTIONARY OF THE ENGLISH LANGUAGE (1806)

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WEBSTER'S SECOND NEW INT'L DICTIONARY (1957)

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WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

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Department of Energy v. Ohio, 503 U.S. 607, 621 (1992) (Souter, J.)
BALLENTINE'S LAW DICTIONARY (3d ed. 1969)
BLACK'S LAW DICTIONARY (6th ed. 1990)

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WEBSTER'S DICTIONARY

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Old Dominion Branch No. 496 v. Austin, 418 U.S. 264, 283 (1974)
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WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

White v. Illinois, 502 U.S. 346, 360 (1992) (Thomas, J., concurring
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WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)

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Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 590
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WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Seaworthiness

Martin v. Steamship Southwark, 191 U.S. 1, 8 (1903) (Day, J.)
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Shaw v. Reno, 509 U.S. 630, 671 n.7 (1993) (White, J., dissenting)
 WEBSTER'S COLLEGIATE DICTIONARY (9th ed. 1983)
 WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Seizure

California v. Hodari D., 499 U.S. 621, 624 (1991) (Scalia, J.)
 BLACK'S LAW DICTIONARY (6th ed. 1990)
 BOUVIER, A LAW DICTIONARY (6th ed. 1856)
 WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
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Seminary

Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819, 872
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 OXFORD ENGLISH DICTIONARY (2d ed. 1989)

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California Brewers Ass'n v. Bryant, 444 U.S. 598, 605 n.12, 606
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 WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

California Brewers Ass'n v. Bryant, 444 U.S. 598, 612-13 nn.3 & 4
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 BALLENTINE'S LAW DICTIONARY (1969)
 BLACK'S LAW DICTIONARY (5th ed. 1979)
 RANDOM HOUSE DICTIONARY (1966)
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Sentence

United States v. Granderson, 511 U.S. 39, 71 (1994) (Rehnquist,
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 BLACK'S LAW DICTIONARY (6th ed. 1990)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

Service of Process

Volkswagenwerk Aktiengesellschaft v. Schlunk, 486 U.S. 694, 700 (1988) (O'Connor, J.)
 BLACK'S LAW DICTIONARY (5th ed. 1979)

Servitude

United States v. Kozminski, 487 U.S. 931, 961-62 (1988) (Brennan, J., concurring)
 FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1913)
 FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1944)
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 WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (1910)
 WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1949)

Hodges v. United States, 203 U.S. 1, 17 (1906) (Brewer, J.)
 "Webster"

Shall

Gutierrez de Martinez v. Lamagno, 515 U.S. 417, 432-33 n.9 (1995) (Ginsburg, J.)
 DICTIONARY OF MODERN LEGAL USAGE (2d ed. 1995)
 MELLINKOFF'S DICTIONARY OF AMERICAN LEGAL USAGE (1992)

Gutierrez de Martinez v. Lamagno, 515 U.S. 417, 439 (1995) (Souter, J., dissenting)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

Sheriff

McMillian v. Monroe County, Alabama, 520 U.S. 781, 794 (1997) (Rehnquist, C.J.)
 BOUVIER'S LAW DICTIONARY (Rawles 3d rev., 1914)

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Western Union Tel. Co. v. Lenroot, 323 U.S. 490, 512 (1945)
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 WEBSTER'S SECOND NEW INT'L DICTIONARY

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Hubbard v. United States, 514 U.S. 695, 700 (1995) (Stevens, J.)
 WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

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Hodges v. United States, 203 U.S. 1, 17 (1906) (Brewer, J.)
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Hodges v. United States, 203 U.S. 1, 17 (1906) (Brewer, J.)
 "Webster"

Smuggler

Keck v. United States, 172 U.S. 434, 461 (1899) (Brown, J.,
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 JOHNSON'S DICTIONARY

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Keck v. United States, 172 U.S. 434, 461 (1899) (Brown, J.,
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 BURN, A NEW LAW DICTIONARY (1792)

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Keck v. United States, 172 U.S. 434, 461-62 (1899) (Brown, J.,
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 BELL'S DICTIONARY OF SCOTTISH LAW
 BROWN'S LAW DICTIONARY (1874)
 CENTURY DICTIONARY
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Nixon v. United States, 506 U.S. 224, 230 (1993) (Rehnquist, C.J.)
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Wisconsin Dep't of Revenue v. William Wrigley, Jr., Co., 505 U.S.
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WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

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214, 223 (1992) (Scalia, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

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Barnett Bank of Marion County v. Nelson, 517 U.S. 25, 38 (1996)
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BLACK'S LAW DICTIONARY (6th ed. 1990)

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Rosewell v. LaSalle Nat'l Bank, 450 U.S. 503, 516 (1981) (Brennan,
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Sarlls v. United States, 152 U.S. 570, 572 (1894) (Shiras, J.)
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BLACK'S LAW DICTIONARY (6th ed. 1990)

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Morse v. Republican Party of Virginia, 517 U.S. 186, 254 (1996)
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 WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1957)

Statement

Williamson v. United States, 512 U.S. 594, 599 (1994) (O'Connor, J.)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

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 WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Statute

John P. King Mfg. Co. v. City Council of Augusta, 277 U.S. 100,
 102-03 (1928) (Van DeVanter, J.)
 BOUVIER'S LAW DICTIONARY (Rawle's Rev.)

United States v. Mersky, 361 U.S. 431, 445 (1960) (Frankfurter, J.,
 dissenting)
 OXFORD ENGLISH DICTIONARY

Steal

United States v. Turley, 352 U.S. 407, 412 (1957) (Burton, J.)
 BLACK'S LAW DICTIONARY (4th ed. 1951)

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United States v. Turley, 352 U.S. 407, 412 & n.8 (1957) (Burton, J.)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1953)

Subject To

Auer v. Robbins, 519 U.S. 452, 461 (1997) (Scalia, J.)
 AMERICAN HERITAGE DICTIONARY (3d ed. 1992)
 WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Substantial

Commissioner v. Estate of Hubert, 520 U.S. 93, 118 (1997)
(O'Connor, J., concurring)
THE AMERICAN HERITAGE DICTIONARY (2d ed. 1985)

Victor v. Nebraska, 511 U.S. 1, 19 (1994) (O'Connor, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Pierce v. Underwood, 487 U.S. 552, 564 (1988) (Scalia, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

Pierce v. Underwood, 487 U.S. 552, 576-77 (1988) (Brennan, J.,
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WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Steadman v. SEC, 450 U.S. 91, 98 n.16 (1981) (Brennan, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

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Supreme Being

United States v. Seeger, 380 U.S. 163, 174 & n.2 (1965) (Clark, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1958)

Surrender

Keppel v. Tiffin Sav. Bank, 197 U.S. 356, 383 (1905) (White, J.)
STANDARD DICTIONARY
WEBSTER'S INT'L DICTIONARY

Keppel v. Tiffin Sav. Bank, 197 U.S. 356, 362 (1905) (Day, J., dissenting)
STANDARD DICTIONARY

System

California Brewers Ass'n v. Bryant, 444 U.S. 598, 605 n.12, 606 n.15 (1980) (Stevens, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

TTT

Take

Babbitt v. Sweet Home Chapter of Communities for a Great Oregon, 515 U.S. 687, 717, 732-33 (1995) (Scalia, J., dissenting)
OXFORD ENGLISH DICTIONARY (1933)
WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1949)

Take Into Consideration

National Endowment for the Arts v. Finley, 118 S. Ct. 2168, 2189 (1998) (Souter, J., dissenting)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

Tax

Loan Ass'n v. Topeka, 87 U.S. 655, 664 (1874) (Miller, J.)
WEBSTER'S DICTIONARY

Temperance

44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484, 491 n.4 (1996) (Stevens, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Terminate

EEOC v. Commercial Office Prods. Co., 486 U.S. 107, 115 (1988) (Marshall, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Termination

EEOC v. Commercial Office Prods. Co., 486 U.S. 107, 115 (1988)
(Marshall, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Testimony

United States v. Salerno, 505 U.S. 317, 322 (1992) (Thomas, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)
United States v. Euge, 444 U.S. 707, 720 n.2 (1980) (Brennan, J.,
dissenting)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Theft

United States v. Turley, 352 U.S. 407, 412 n.8 (1957) (Burton, J.)
BOUVIER'S LAW DICTIONARY (3d rev. ed. 1914)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1953)

Theism

United States v. Seeger, 380 U.S. 163, 174 & n.2 (1965) (Clark, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1958)
WEBSTER'S NEW COLLEGIATE DICTIONARY (1949)

Tidelands

Phillips Petroleum Co. v. Mississippi, 484 U.S. 469, 476-77 n.6
(1988) (White, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)

To Cane

Smith v. United States, 508 U.S. 223, 228-29, 231, 237-38 (1993)
WEBSTER'S NEW INT'L DICTIONARY OF ENGLISH LANGUAGE (2d ed.
1950)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1939)

To Carry On

Cooper Mfg. Co. v. Ferguson, 113 U.S. 727, 734-35 (1885) (Woods, J.)

WEBSTER'S DICTIONARY

WORCESTER'S DICTIONARY

To Print

Arthur v. Moller, 97 U.S. 365, 367-68 (1878) (Hunt, J.)

MCLELRATH'S COMMERCIAL DICTIONARY

WEBSTER'S DICTIONARY

To Profane

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 524-25 nn.44 & 45, 538 app. (1952) (Frankfurter, J., concurring in judgment)

BARCLAY, A COMPLETE & UNIVERSAL ENGLISH DICTIONARY (1782)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH LANGUAGE

FUNK & WAGNALLS' STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1895)

To Smuggle

Keck v. United States, 172 U.S. 434, 461 (1899) (Brown, J., dissenting)

JOHNSON'S DICTIONARY

To Use

Smith v. United States, 508 U.S. 223, 228-29 (1993) (O'Connor, J.)

BLACK'S LAW DICTIONARY (6th ed. 1990)

WEBSTER'S NEW INT'L DICTIONARY OF ENGLISH LANGUAGE (2d ed. 1950)

Tonality

Ward v. Rock Against Racism, 491 U.S. 781, 810 (1989) (Marshall, J., dissenting)

THE NEW GROVE DICTIONARY OF MUSIC & MUSICIANS (S. Sadie ed., 1980)

Tonnage

Inman Steamship Co. v. Tinker, 94 U.S. 238, 243 (1876) (Swayne, J.)

BOUVIER'S LAW DICTIONARY

COWEL'S LAW DICTIONARY (1708)

Tort

Cippollone v. Liggett Group, Inc., 505 U.S. 504, 526 n.23 (1992)
(Stevens, J., judgment of the Court & opinion)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Town

Town of Enfield v. Jordan, 119 U.S. 680, 684-85 (1887) (Bradley, J.)

JOHNSON'S DICTIONARY

OGILVIE'S DICTIONARY

RICHARDSON'S DICTIONARY

WEBSTER'S DICTIONARY

Tradesman

Cafeteria & Restaurant Workers Union Local 473 v. McElroy, 367
U.S. 886, 892 n.6 (1961) (Stewart, J.)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1958)

Traîner sur la Claie

Ullmann v. United States, 350 U.S. 422, 453 n.8 (1956) (Douglas,
J., dissenting)

SAINT-EDME, DICTIONNAIRE DE LA PENALITÉ DANS TOUTES LES
PARTIES DU MONDE CONNU (1825)

Trample

United States v. Eichman, 496 U.S. 310, 317 n.7 (1990) (Brennan,
J.)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Trust

Mallinckrodt Chemical Workers v. Missouri *ex rel.* Jones, 238 U.S. 41, 53 (1915) (Pitney, J.)
CENTURY DICTIONARY

Try

Nixon v. United States, 506 U.S. 224, 229-30 (1993) (Rehnquist, C.J.)
A DICTIONARY OF THE ENGLISH LANGUAGE (1796)
A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)
JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (1785)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

UUU

Understand

ABF Freight Sys., Inc. v. NLRB, 510 U.S. 317, 328 (1994) (Scalia, J., concurring)
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

Unequivocal

Addington v. Texas, 441 U.S. 418, 432 n.9 (1979) (Burger, C.J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Unjust

Polk Co. v. Glover, 305 U.S. 5, 17 & n.13 (1938) (Black, J., dissenting)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

Unreasonable

Polk Co. v. Glover, 305 U.S. 5, 17 & n.13 (1938) (Black, J., dissenting)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

Use

Bailey v. United States, 516 U.S. 137, 145 (1995) (O'Connor, J.)
 BLACK'S LAW DICTIONARY (6th ed. 1990)
 WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1949)

Smith v. United States, 508 U.S. 223, 228-29, 231, 237-38 (1993)
 (O'Connor, J.)
 WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1939)

Smith v. United States, 508 U.S. 223, 241-42 (1993)
 (Scalia, J., dissenting)
 WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1939)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

Davis v. United States, 495 U.S. 472, 479 (1990) (O'Connor, J.)
 BLACK'S LAW DICTIONARY (5th ed. 1979)
 WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Useful Life

Massey Motors, Inc. v. United States, 364 U.S. 92, 106 n.7 (1960)
 (Clark, J.)
 KOHLER, A DICTIONARY FOR ACCOUNTANTS (1952)

VVV

Veto

INS v. Chadha, 462 U.S. 919, 925 n.2 (1983) (Burger, C.J.)
 BLACK'S LAW DICTIONARY (5th ed. 1979)

Viable

Roe v. Wade, 410 U.S. 113, 132 & n.20, 159, 160 & n.59 (1973)
 (Blackmun, J.)
 DORLAND'S ILLUSTRATED MEDICAL DICTIONARY (24th ed. 1965)

Victualling House

Bell v. Maryland, 378 U.S. 226, 297 n.17 (1964) (Goldberg, J.,
 concurring)
 STROUD, JUDICIAL DICTIONARY (1903)

Vile

Manual Enters. v. Day, 370 U.S. 478, 483 n.4 (1962) (Harlan, J., judgment & plurality opinion)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1956)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Village

Town of Enfield v. Jordan, 119 U.S. 680, 684-85 (1887) (Bradley, J.)

JOHNSON'S DICTIONARY

OGLVIE'S DICTIONARY

RICHARDSON'S DICTIONARY

WEBSTER'S DICTIONARY

WWW

Wanton

Smith v. Wade, 461 U.S. 30, 60 n.3 (1983) (Rehnquist, J., dissenting)

STORMONTH'S ENGLISH DICTIONARY (1885)

WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1869)

WORCESTER'S DICTIONARY (1860)

Wantonly

Smith v. Wade, 461 U.S. 30, 60 n.3 (1983) (Rehnquist, J., dissenting)

WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1869)

WORCESTER'S DICTIONARY (1860)

Watch

O'Hara v. Luckenbach S.S. Co., 269 U.S. 364, 371 (1926) (Sutherland, J.)

DANA, DICTIONARY OF SEA TERMS

White Slave

United States v. Beach, 324 U.S. 193, 197 n.2 (1945) (Murphy, J., dissenting)
WEBSTER'S SECOND NEW INT'L DICTIONARY

Willful

McLaughlin v. Richland Shoe Co., 486 U.S. 128, 137 (1988) (Marshall, J., dissenting)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Kawaauhau v. Geiger, 118 S. Ct. 974, 977 n.7 (1998) (Ginsburg, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)

With Reference To

Banco Mexicano de Comercio e Industria v. Deutsche Bank, 263 U.S. 591, 601 (1924) (McKenna, J.)
STANDARD DICTIONARY

Withholding

Begier v. IRS, 496 U.S. 53, 61 (1990) (Marshall, J.)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Witness

White v. Illinois, 502 U.S. 346, 360 (1992) (Thomas, J., concurring in part & concurring in judgment) (quoting Maryland v. Craig, 497 U.S. 836, 864 (1990) (Scalia, J., dissenting))
WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)

Maryland v. Craig, 497 U.S. 836, 864 (1990) (Scalia, J., dissenting)
WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)

Doe v. United States, 487 U.S. 201, 221 n.2 (1988) (Stevens, J., dissenting)
CUNNINGHAM, A NEW AND COMPLETE LAW-DICTIONARY (2d ed. 1771)

Work

Tennessee Coal, Iron & Rail Co. v. Muscoda Local No. 123, 321
U.S. 590, 598 n.11 (1944) (Murphy, J.)
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr.)

Working Conditions

Corning Glass Works v. Brennan, 417 U.S. 188, 201 & n.21 (1974)
(Marshall, J.)
DICTIONARY OF OCCUPATIONAL TITLES (3d ed. 1965)

Worsted

United States v. Klumpp, 169 U.S. 209, 212 (1898) (Fuller, C.J.)
CENTURY DICTIONARY

Wrench

Schumacher v. Cornell, 96 U.S. 549, 554 (1877) (Swayne, J.)
KNIGHT'S MECHANICAL DICTIONARY

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YYY

ZZZ

Appendix B

UNITED STATES SUPREME COURT JUSTICES CITING DICTIONARIES THROUGH THE 1997-1998 TERM

AAA

BBB

Associate Justice Hugo Black (1937-1971)

6 cases (0.18/year) and 11 terms (0.32/year)

United States v. Vuitch, 402 U.S. 62, 72 (1971)
(Health)

WEBSTER'S DICTIONARY

Sniadach v. Family Fin. Corp., 395 U.S. 337, 348 (1969) (Black
J., dissenting)
(Garnishment)

BOUVIER'S LAW DICTIONARY

Washington Publ'g Co. v. Pearson, 306 U.S. 30, 47 & nn.10 & 11
(1939) (Black J., dissenting)

(Condition Precedent)

(Condition Subsequent)

BLACK'S LAW DICTIONARY (3d ed. 1933)

Polk Co. v. Glover, 305 U.S. 5, 17 & n.13 (1938) (Black, J.,
dissenting)

(Unreasonable)

(Capricious)

(Unjust)

(Harsh)

(Arbitrary)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

United States v. Wurts, 303 U.S. 414, 417 (1938)
(Refund)
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr.)

United States v. Raynor, 302 U.S. 540, 549 n.14 (1938)
(Counterfeit)
WEBSTER'S NEW INT'L DICTIONARY (1914)

Associate Justice Harry Blackmun (1970-1994)
24 cases (1.00/year) and 36 terms (1.50/year)

Hawaiian Airlines, Inc. v. Norris, 512 U.S. 246, 255 (1994)
(Or)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Farmer v. Brennan, 511 U.S. 825, 854-55 (1994) (Blackmun, J.,
concurring)
(Punishment)
WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE
(1923)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Posters 'N' Things, Ltd. v. United States, 511 U.S. 513, 515 nn.1 &
3 (1994)
(Bong)
(Freebase)
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

Hagen v. Utah, 510 U.S. 399, 428 n.8 (1994) (Blackmun, J.,
dissenting)
(Public Domain)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 590
(1993)
(Scientific)
(Knowledge)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Department of Treasury v. Fabe, 508 U.S. 491, 505 (1993)
(Purpose)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 191-92 (1993)
(Blackmun, J., dissenting)
(Refouler)

DICTIONNAIRE LAROUSSE (1981)

(Return)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Austin v. United States, 509 U.S. 602, 614 n.7 (1993)
(Fine)

(Forfeit)

A CRITICAL PRONOUNCING DICTIONARY (1791)

A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)

KERSEY, A NEW ENGLISH DICTIONARY (1702)

A NEW ENGLISH DICTIONARY (1702)

SHERIDAN, A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE
(1780)

WALKER, A CRITICAL PRONOUNCING DICTIONARY (1791)

Arave v. Creech, 507 U.S. 463, 484 (1993) (Blackmun, J.,
dissenting)

(Cold Blood)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Reves v. Ernst & Young, 507 U.S. 170, 177-79 (1993)
(Aid and Abet)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(Conduct)

(Participate)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Cippolone v. Liggett Group, Inc., 505 U.S. 504, 535-36
(1992) (Blackmun, J., concurring in part, concurring in judgment
in part & dissenting in part)

(Prohibition)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(Require)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

United States v. Burke, 504 U.S. 229, 235-36 n.6 (1992)
(Personal Injuries)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Ohio v. Akron Ctr. for Reproductive Health, 497 U.S. 502, 529-30
(1990) (Blackmun, J., dissenting)

(Anonymous)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

John Doe Agency v. John Doe Corp., 493 U.S. 146, 153 (1989)

(Compilation)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc.,
492 U.S. 257, 265 nn.6 & 7, 267 n.10 (1989)

(Damages)

(Fines for Offences)

BLOUNT, A LAW-DICTIONARY (1670)

BOUVIER, LAW-DICTIONARY (4th ed. 1852)

CUNNINGHAM, A NEW AND COMPLETE LAW-DICTIONARY (2d ed.
1771)

TOMLIN'S LAW DICTIONARY (1836)

Library of Congress v. Shaw, 478 U.S. 310, 315 n.2 (1986)

(Interest)

2 PALGRAVE'S DICTIONARY OF POLITICAL ECONOMY (H. Higgs ed.
1925)

Shaw v. Delta Air Lines, Inc., 463 U.S. 85, 97 n.16 (1983)

(Relate)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Russello v. United States, 464 U.S. 16, 21 (1983)

(Interest)

BLACK'S LAW DICTIONARY (5th ed. 1979)

RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (1979)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Jewett v. Commissioner, 455 U.S. 305, 323 (1982) (Blackmun, J.,
dissenting)

(Disclaimer)

BLACK'S LAW DICTIONARY (5th ed. 1979)

United States v. Louisiana, 446 U.S. 253, 264 (1980)

(Impound)

BLACK'S LAW DICTIONARY (5th ed. 1979)

BOUVIER, LAW DICTIONARY (8th ed. 1914)

National Muffler Dealers Ass'n, Inc. v. United States, 440 U.S. 472, 480 n.10 (1979)

(Chamber of Commerce)

(Board of Trade)

WEBSTER'S NEW INT'L DICTIONARY (1913)

Japan Line, Ltd. v. Los Angeles County, 441 U.S. 434, 442 (1979)

(Mobilier Sequuntur Personum)

BLACK'S LAW DICTIONARY (4th ed. 1968)

Huddleston v. United States, 415 U.S. 814, 820 (1974)

(Acquire)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1966)

Roe v. Wade, 410 U.S. 113, 132 & n.20, 159, 160 & n.59 (1973)

(Quickening)

(Embryo)

(Fetus)

(Viable)

DORLAND'S ILLUSTRATED MEDICAL DICTIONARY (24th ed. 1965)

Associate Justice Samuel Blatchford (1882-1893)

3 cases (0.27/year) and 4 terms (0.36/year)

Horner v. United States, 147 U.S. 449, 458-59 (1893)

(Lottery)

CENTURY DICTIONARY

IMPERIAL DICTIONARY

WEBSTER'S DICTIONARY

WORCESTER'S DICTIONARY

Ferguson v. Arthur, 117 U.S. 482, 487 (1886)

(Proprietary)

IMPERIAL DICTIONARY

WORCESTER'S DICTIONARY

(Proprietary)

(Proprietor)

WEBSTER'S DICTIONARY

Cochrane v. Badische Anilin & Soda Fabrik, 111 U.S. 293, 299 (1884)

(Alizarin)

WATT'S DICTIONARY OF CHEMISTRY (1866)

Associate Justice Joseph Bradley (1870-1892)

1 case (0.05/year) and 2 terms (0.09/year)

Town of Enfield v. Jordan, 119 U.S. 680, 684-85 (1887)

(Town)

(Village)

JOHNSON'S DICTIONARY

OGILVIE'S DICTIONARY

RICHARDSON'S DICTIONARY

WEBSTER'S DICTIONARY

Associate Justice William Brennan, Jr. (1956-1990)

31 cases (0.91/year) and 43 terms (1.26/year)

United States v. Eichman, 496 U.S. 310, 317 n.7 (1990)

(Defile)

(Trample)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Ngiraingas v. Sanchez, 495 U.S. 182, 202 n.8 (1990) (Brennan, J., dissenting)

(Corporations)

ANDERSON, A DICTIONARY OF LAW (1893)

BOUVIER, A LAW DICTIONARY ADAPTED TO THE CONSTITUTION & LAWS OF THE UNITED STATES OF AMERICA (11th ed. 1866)

Saffle v. Parks, 494 U.S. 484, 514 (1990) (Brennan, J., dissenting)

(Compassion)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1952)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1957)

H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 238 (1989)

(Pattern)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

Will v. Michigan Dep't of State Police, 491 U.S. 58, 79 (1989)
 (Brennan, J., dissenting)
 (Body Politic)

ABBOTT, DICTIONARY OF TERMS & PHRASES USED IN AMERICAN OR
 ENGLISH JURISPRUDENCE (1879)

ANDERSON, A DICTIONARY OF LAW (1893)

BLACK'S LAW DICTIONARY (5th ed. 1979)

BLACK'S LAW DICTIONARY (1891)

(Body Politic or Corporate)

BLACK'S LAW DICTIONARY (5th ed. 1979)

(Bodies Politic and Corporate)

BOUVIER, A LAW DICTIONARY ADAPTED TO THE CONSTITUTION &
 LAWS OF THE UNITED STATES OF AMERICA (11th ed. 1866)

CYCLOPEDIA OF LAW (1901)

(Body Politic)

(Corporation Sole)

BURRILL, A LAW DICTIONARY & GLOSSARY (2d ed. 1871)

Mallard v. United States Dist. Court for the S. Dist. of Iowa, 490
 U.S. 296, 301 (1989)

(Request)

ABBOTT, DICTIONARY OF TERMS & PHRASES USED IN AMERICAN OR
 ENGLISH JURISPRUDENCE (1879)

BLACK'S LAW DICTIONARY (5th ed. 1979)

BLACK'S LAW DICTIONARY (1891)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Beech Aircraft Corp. v. Rainey, 488 U.S. 153, 163-64 (1988)

(Finding of Fact)

BLACK'S LAW DICTIONARY (5th ed. 1979)

United States v. Kozminski, 487 U.S. 931, 961-62 n.9 (1988)

(Brennan, J., dissenting)

(Servitude)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH
 LANGUAGE (1944)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1913)

OXFORD ENGLISH DICTIONARY (1933)

WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d
 ed. 1949)

WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE
 (1910)

WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
 (1869)

Pierce v. Underwood, 487 U.S. 552, 576, 577 (1988) (Brennan, J., concurring in part & concurring in judgment)

(Substantial)

(Reasonable)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

McCoy v. Wisconsin Court of Appeals, 486 U.S. 429, 450 (1988)

(Brennan, J., dissenting)

(Amicus Curiae)

BLACK'S LAW DICTIONARY (5th ed. 1979)

K Mart Corp. v. Cartier, Inc., 486 U.S. 281, 298-99 (1988)

(Brennan, J., concurring in part & dissenting in part)

(Owner)

(Ownership)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Lyng v. Northwest Indian Cemetery Protective Ass'n, 485 U.S.

439, 468 n.4 (1988) (Brennan, J., dissenting)

(Prohibit)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

K Mart Corp. v. Cartier, Inc., 485 U.S. 176, 184 (1988)

(Embargo)

BERENYI, THE MODERN AMERICAN BUSINESS DICTIONARY (1982)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Randall v. Loftsgaarden, 478 U.S. 647, 673 (1986) (Brennan, J., dissenting)

(Income)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Pembaur v. City of Cincinnati, 475 U.S. 469, 481 n.9 (1986)

(Policy)

OXFORD ENGLISH DICTIONARY (1933)

RANDOM HOUSE DICTIONARY (1966)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY (2d ed. 1979)

Carchman v. Nash, 473 U.S. 716, 745 (1985) (Brennan, J., dissenting)

(Complaint)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1957)

Bateman Eichler, Hill Richards, Inc. v. Berner, 472 U.S. 299, 306-07 & n.11 (1985)
(In Pari Delicto Potior Est Conditio Defendentis)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Daily Income Fund, Inc. v. Fox, 464 U.S. 523, 529 n.4 (1984)
(Derivative Suit)
BLACK'S LAW DICTIONARY (5th ed. 1979)

American Textile Mfrs. Inst., Inc. v. Donovan, 452 U.S. 490, 508-09 (1981)
(Feasible)
FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1957)
OXFORD ENGLISH DICTIONARY (1933)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Washington County v. Gunther, 452 U.S. 161, 169 n.9 (1981)
(Authorize)
BLACK'S LAW DICTIONARY (5th ed. 1979)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Rosewell v. LaSalle Nat'l Bank, 450 U.S. 503, 516 (1981)
(Plain)
(Speedy)
(Efficient)
(Remedy)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)

Steadman v. SEC, 450 U.S. 91, 98 n.16 (1981)
(Substantial)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

United States v. Euge, 444 U.S. 707, 720 n.2 (1980) (Brennan, J., dissenting)
(Testimony)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Sandstrom v. Montana, 442 U.S. 510, 517, 521 n.11 (1979)
(Presume)
(Intent)
WEBSTER'S NEW COLLEGIATE DICTIONARY (1974)

Lewis v. City of New Orleans, 415 U.S. 130, 132 (1974) (quoting Gooding v. Wilson, 405 U.S. 518, 525 (1972))
 (Opprobrious)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Evansville-Vanderburgh Airport Auth. v. Delta Airlines, Inc., 405 U.S. 707, 710 n.1 (1972)
 (Emplane)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Gooding v. Wilson, 405 U.S. 518, 525 (1972)
 (Abusive)
 (Opprobrious)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Adickes v. S.H. Kress & Co., 398 U.S. 144, 211 (1970) (Brennan, J., concurring in part & dissenting in part)
 (Color)
 BLACK'S LAW DICTIONARY (4th ed. 1968)

Daniel v. Paul, 395 U.S. 298, 306 n.7 (1969)
 (Entertainment)
 WEBSTER'S THIRD NEW INT'L DICTIONARY

Jacobellis v. Ohio, 378 U.S. 184, 193 n.9 (1964) (Brennan, J., judgment & plurality opinion)
 (Community)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

Roth v. United States, 354 U.S. 476, 487 n.20 (1957)
 (Prurient)
 (Pruriency)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1949)

Associate Justice David Brewer (1889-1910)

9 cases (0.43/year) and 11 terms (0.52/year)

Hodges v. United States, 203 U.S. 1, 17 (1906)
 (Slavery)
 (Slave)
 (Servitude)
 "Webster"

Burton v. United States, 202 U.S. 344, 396 (1906) (Brewer, J.,
dissenting)

(Interest)

BLACK'S LAW DICTIONARY

BOUVIER'S LAW DICTIONARY

United States v. Ju Toy, 198 U.S. 253, 269-70 (1905) (Brewer, J.,
dissenting)

(Banishment)

BLACK'S LAW DICTIONARY

RAPALJE & LAWRENCE'S LAW DICTIONARY

Clyatt v. United States, 197 U.S. 207, 219 (1905)

(Return)

BLACK'S LAW DICTIONARY

STANDARD DICTIONARY

WEBSTER'S NEW INT'L DICTIONARY

Patton v. Brady, 184 U.S. 608, 617-18 (1902)

(Excise)

BLACK'S LAW DICTIONARY

BOUVIER'S LAW DICTIONARY

CENTURY DICTIONARY

JOHNSON'S DICTIONARY

WEBSTER'S INT'L DICTIONARY

Western Union Tel. Co. v. Call Publ'g Co., 181 U.S. 92, 102 (1901)

(Common Law)

BLACK'S LAW DICTIONARY

Reagan v. United States, 157 U.S. 301, 303 (1895)

(Felony)

WEBSTER'S DICTIONARY

United States v. Patterson, 150 U.S. 65, 68 (1893)

(Hearing)

BOUVIER'S LAW DICTIONARY

Hollender v. Magone, 149 U.S. 586, 589 (1893)

(Liquors)

CENTURY DICTIONARY

Associate Justice Stephen Breyer (1994-present)

7 cases (1.75/year) and 9 terms (2.25/year)

Muscarello v. United States, 118 S. Ct. 1911, 1914, 1915
(1998)

(Carries A Firearm)

BLACK'S LAW DICTIONARY

(Carry Arms Or Weapons)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(Carry)

THE BARNHART DICTIONARY OF ETYMOLOGY (1988)

OXFORD DICTIONARY OF ENGLISH ETYMOLOGY (C. Onions ed., 1966)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed.
unabr. 1987)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

O'Gilvie v. United States, 519 U.S. 79, 83 (1996)

(On Account Of)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Barnett Bank of Marion County v. Nelson, 517 U.S. 25, 38 (1996)

(Specifically)

BLACK'S LAW DICTIONARY (6th ed. 1990)

NLRB v. Town & Country Elec., Inc., 516 U.S. 85, 90 (1995)

(Employee)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Heintz v. Jenkins, 514 U.S. 291, 294 (1995)

(Collect Debt)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Milwaukee Brewery Workers' Pension Plan v. Schlitz Brewing Co.,
513 U.S. 414, 426 (1995)

(Amortization Plan)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Allied-Bruce Terminix Co. v. Dobson, 513 U.S. 265, 273-74 (1995)

OXFORD ENGLISH DICTIONARY (1933)

(Involving)

Associate Justice Henry Brown (1891-1906)

7 cases (0.47/year) and 13 terms (0.87/year)

Houghton v. Payne, 194 U.S. 88, 96 (1904)

(Periodical)

CENTURY DICTIONARY

(Periodical)

(Magazines)

WEBSTER'S NEW INT'L DICTIONARY

Northern Pac. Ry. v. Soderberg, 188 U.S. 526, 537 (1903) (quoting

Rosse v. Waiman, 14 Mees. & W. 859, 872 (Parke, J.))

(Mines)

(Minerals)

CENTURY DICTIONARY

(Mines)

JACOB'S LAW DICTIONARY

(Metals)

(Minerals)

JOHNSON'S DICTIONARY

Keck v. United States, 172 U.S. 434, 461-62 (1899) (Brown, J.,

dissenting)

(Smuggling)

BELL'S DICTIONARY OF SCOTTISH LAW

BROWN'S LAW DICTIONARY (1874)

CENTURY DICTIONARY

IMPERIAL DICTIONARY

STANDARD DICTIONARY

TOMLIN'S LAW DICTIONARY

WEBSTER'S DICTIONARY

WORCESTER'S DICTIONARY

(Smugglers)

BURN, A NEW LAW DICTIONARY (1792)

(Smuggler)

(To Smuggle)

JOHNSON'S DICTIONARY

Cochran v. United States, 157 U.S. 286, 296 (1895)

(Liable)

WEBSTER'S DICTIONARY

Seeberger v. Wright & Lawther Oil & Lead Mfg. Co., 157 U.S. 183, 185 (1895)

(Draft)

(Draught)

CENTURY DICTIONARY

IMPERIAL DICTIONARY

WEBSTER'S INT'L DICTIONARY (1890)

The Britannia, 153 U.S. 130, 148 (1894) (Brown, J., dissenting)

(Course)

IMPERIAL DICTIONARY

WEBSTER'S DICTIONARY

WORCESTER'S DICTIONARY

The Main v. Williams, 152 U.S. 122, 130 (1894)

(Freight)

ANDERSON'S LAW DICTIONARY (1996)

BOUVIER'S LAW DICTIONARY

BURRILL'S LAW DICTIONARY

CENTURY DICTIONARY

WEBSTER'S DICTIONARY

WORCESTER'S DICTIONARY

Chief Justice Warren Burger (1969-1986)

7 cases (0.41/year) and 8 terms (0.47/year)

Schreiber v. Burlington Northern, Inc., 472 U.S. 1, 7 & n.5 (1985)

(Manipulation)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

Luce v. United States, 469 U.S. 38, 40 n.2 (1984)

(In Limine)

BLACK'S LAW DICTIONARY (5th ed. 1979)

INS v. Chadha, 462 U.S. 919, 925 n.2 (1983)

(Veto)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Godfrey v. Georgia, 446 U.S. 420, 442 (1980) (Burger, C.J., dissenting)

(Hideous)

No specific dictionary listed

Reiter v. Sonotone Corp., 442 U.S. 330, 338 (1979)
 (Property)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Addington v. Texas, 441 U.S. 418, 432 n.9 (1979)
 (Unequivocal)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Miller v. California, 413 U.S. 15, 20 n.2 (1973)
 (Obscene)
 OXFORD ENGLISH DICTIONARY (1933)
 (Obscene)
 (Pornography)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1969)

Associate Justice Harold Burton (1945-1958)
 6 cases (0.46/year) and 9 terms (0.69/year)

Beilan v. Board of Public Educ., 357 U.S. 399, 407 (1958) (quoting
 Horosko v. Mt. Pleasant Sch. Dist., 6 A.2d 866, 868, 869-70 (Pa.
 1939) and construing Pennsylvania law)
 (Incompetency)
 BLACK'S LAW DICTIONARY (3d ed.)
 BOUVIER'S LAW DICTIONARY (Rawles 3d rev., 1914)
 FUNK & WAGNALLS' STANDARD DICTIONARY
 WEBSTER'S NEW INT'L DICTIONARY

United States v. Turley, 352 U.S. 407, 412 & n.8 (1957)
 (Steal)
 BLACK'S LAW DICTIONARY (4th ed. 1951)
 OXFORD ENGLISH DICTIONARY
 (Theft)
 BOUVIER'S LAW DICTIONARY (3d rev. ed. 1914)
 (Stolen)
 (Theft)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1953)

Spiegel's Estate v. Commissioner, 335 U.S. 701, 729 n.12 (1949)
 (Burton, J., dissenting)
 (Intended)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1938)

Lichter v. United States, 334 U.S. 742, 786 n.37 (1948)
 (Excessive)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1938)

United States v. Carmack, 329 U.S. 230, 243 n.14, 246 (1947)
 (Arbitrary)
 FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH
 LANGUAGE (1944)
 (Arbitrary)
 (Capricious)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

Roland Elec. Co. v. Walling, 326 U.S. 657, 673 (1946)
 (Retail)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1938)

Associate Justice Pierce Butler (1923-1939)

2 cases (0.13/year) and 2 terms (0.13/year)

Honolulu Oil Corp. v. Halliburton, 306 U.S. 550, 552 & n.4 (1939)
 (Packer)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1935)

Lanzetta v. New Jersey, 306 U.S. 451, 454-55 & n.3 (1939)
 (Gang)
 CENTURY DICTIONARY & CYCLOPEDIA (1902)
 FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1915)
 OXFORD ENGLISH DICTIONARY (1933)
 WEBSTER'S SECOND NEW INT'L DICTIONARY
 WYLD'S UNIVERSAL DICTIONARY OF THE ENGLISH LANGUAGE

CCC

Chief Justice Salmon Chase (1864-1873)

1 case (0.11/year) and 3 terms (0.33/year)

Legal Tender Cases, 79 U.S. 457, 584, 601 & n.++ (1870) (Chase,
 C.J., dissenting)
 (Pound Troy)
 BOUVIER'S LAW DICTIONARY
 (Coining)

(Money)

JOHNSON'S DICTIONARY

Associate Justice Tom Clark (1949-1967)

2 cases (0.11/year) and 4 terms (0.22/year)

United States v. Seeger, 380 U.S. 163, 174 n.2 (1965)

(Theism)

WEBSTER'S NEW COLLEGIATE DICTIONARY (1949)

(Supreme Being)

(Theism)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1958)

Massey Motors, Inc. v. United States, 364 U.S. 92, 106 n.7 (1960)

(Salvage Value)

(Useful life)

KOHLEK, A DICTIONARY FOR ACCOUNTANTS (1952)

Associate Justice John Clarke (1916-1922)

1 case (0.17/year) and 1 term (0.17/year)

Ash Sheep Co. v. United States, 252 U.S. 159, 169 (1920)

(Cattle)

STANDARD DICTIONARY

WEBSTER'S NEW INT'L DICTIONARY

Associate Justice Nathan Clifford (1858-1881)

4 cases (0.17/year) and 5 terms (0.22/year)

Case of the Sewing Machine Cos., 85 U.S. 553, 586 n.++ (1873)

(Suit)

BOUVIER'S LAW DICTIONARY

WEBSTER'S DICTIONARY

Oulton v. Savings Inst., 84 U.S. 109, 118-19 n.* (1872)

(Banks)

MCCULLOCH'S COMMERCIAL DICTIONARY

Christmas v. Russell, 72 U.S. 290, 300 & n.++ (1866)

(Limitation)

BOUVIER'S LAW DICTIONARY

Bank for Sav. v. Collector, 70 U.S. 495, 512-13 & nn.* & + (1865)
 (Banks of Deposit)
 (Banks for Savings)
 McCULLOCH'S COMMERCIAL DICTIONARY

DDD

Associate Justice Peter Daniel (1842-1860)

1 case (0.06/year) and 2 terms (0.11/year)

Smith v. Turner, 48 U.S. 283, 501 n.1 (1849) (Daniel, J.,
 dissenting)
 (Commerce)
 (Merchand)
 RICHARDSON'S DICTIONARY

Associate Justice David Davis (1862-1877)

1 case (0.07/year) and 1 term (0.07/year)

Decatur Bank v. St. Louis Bank, 88 U.S. 294, 299 n.* (1874)
 (Cattle)
 WORCESTER'S DICTIONARY

Associate Justice William Day (1903-1922)

7 cases (0.37/year) and 7 terms (0.37/year)

Rocca v. Thompson, 223 U.S. 317, 329 (1912)
 (Intervene)
 CENTURY DICTIONARY
 WEBSTER'S NEW INT'L DICTIONARY

Wilder v. Inter-Island Steam Navigation Co., 211 U.S. 239, 246
 (1908)
 (Arrestment)
 BOUVIER'S LAW DICTIONARY
 CENTURY DICTIONARY

American Tobacco Co. v. Werckmeister, 207 U.S. 284, 290-91
 (1907)
 (Copyright)
 BOUVIER'S LAW DICTIONARY (Rawle's Rev.)

Vicksburg v. Vicksburg Waterworks Co., 202 U.S. 453, 470-71
 (1906)
 (Exclusive)
 CENTURY DICTIONARY

Hackfeld & Co. v. United States, 197 U.S. 442, 448-49 (1905)
 (Neglect)
 CENTURY DICTIONARY
 STANDARD DICTIONARY
 WEBSTER'S NEW INT'L DICTIONARY

Keppel v. Tiffin Sav. Bank, 197 U.S. 356, 383 (1905) (Day, J.,
 dissenting)
 (Surrender)
 STANDARD DICTIONARY

Martin v. Steamship Southwark, 191 U.S. 1, 8 (1903)
 (Seaworthiness)
 BOUVIER'S LAW DICTIONARY

Associate Justice William Douglas (1939-1975)
 6 cases (0.17/year) and 8 terms (0.22/year)

BPOE Lodge No. 2043 v. Ingraham, 411 U.S. 924, 926 (1973)
 (Douglas, J., dissenting from dismissal for lack of substantial
 federal question)
 (Ethnic)
 WEBSTER'S NEW INT'L DICTIONARY

Adickes v. S.H. Kress & Co., 398 U.S. 144, 182 (1970) (Douglas, J.,
 dissenting in part)
 (Of)
 OXFORD ENGLISH DICTIONARY

Ullmann v. United States, 350 U.S. 422, 453 n.* (1956) (Douglas,
 J., dissenting)
 (Traîner sur la Claire)
 SAINT-EDME, DICTIONNAIRE DE LA PENALITÉ DANS TOUTES LES
 PARTIES DU MONDE CONNU (1825)

Board of Governors of Fed. Reserve Sys. v. Agnew, 329 U.S. 441,
446 (1947)
(Primarily)
OXFORD ENGLISH DICTIONARY
WEBSTER'S NEW INT'L DICTIONARY

Cleveland v. United States, 329 U.S. 14, 17 n.4 (1946)
(Debauchery)
CENTURY DICTIONARY (Rev. ed.)
(Prostitution)
(Debauchery)
OXFORD ENGLISH DICTIONARY

Fishgold v. Sullivan Drydock & Repair Corp., 328 U.S. 275, 286-87
nn.10 & 11 (1946)
(Discharge)
(Lay-off)
OXFORD ENGLISH DICTIONARY
(Discharge)
WEBSTER'S SECOND NEW INT'L DICTIONARY

EEE

FFF

Associate Justice Stephen Field (1863-1897)
2 cases (0.06/year) and 2 terms (0.06/year)

Pennoyer v. Neff, 95 U.S. 714, 721 (1877)
(Editor)
WEBSTER'S DICTIONARY

Steamship Co. v. Joliffe, 69 U.S. 450, 461-62 n.* (1864)
(Pilots)
BOUVIER'S LAW DICTIONARY

Associate Justice Felix Frankfurter (1939-1962)

2 cases (0.09/year) and 8 terms (0.35/year)

United States v. Mersky, 361 U.S. 431, 445 (1960) (Frankfurter, J., dissenting)

(Statute)

OXFORD ENGLISH DICTIONARY

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 520 n.28, 524-26 nn. 43-45 & 47, 526-27, nn.48 & 49, 534, 535-36, 537, 538, 539 app.

(1952) (Frankfurter, J., concurring in judgment)

(Sacrilege)

BULLOKAR, THE ENGLISH EXPOSITOR (14th ed. 1731)

COCKER, ENGLISH DICTIONARY (1724)

(Sacrilegious)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1937)

(Blasphemy)

(Sacrilege)

ASH, THE NEW & COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (1775)

BAILEY, UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (1742)

BELL, A DICTIONARY & DIGEST OF THE LAW OF SCOTLAND (1861)

BLOUNT, A LAW-DICTIONARY (1670)

BOUVIER, A LAW DICTIONARY ADAPTED TO THE CONSTITUTION & LAWS OF THE UNITED STATES OF AMERICA (11th ed. 1866)

BROWN, A LAW DICTIONARY (Sprague ed., 1875)

BUCHANAN, A NEW ENGLISH DICTIONARY (1769)

COLES, AN ENGLISH DICTIONARY (1732)

CUNNINGHAM, A NEW AND COMPLETE LAW-DICTIONARY (2d ed. 1771)

DEFOE, A COMPLEAT ENGLISH DICTIONARY (1735)

GORDON & MARCHANT, A NEW COMPLETE ENGLISH DICTIONARY (1760)

JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1755)

KERSEY, A GENERAL ENGLISH DICTIONARY (3d ed. 1721)

MARTIN, A NEW UNIVERSAL ENGLISH DICTIONARY (1754)

RICHARDSON, A NEW DICTIONARY OF THE ENGLISH LANGUAGE (1839)

RIDER, A NEW UNIVERSAL ENGLISH DICTIONARY (1759)

SCOTT, DICTIONARY OF THE ENGLISH LANGUAGE (1797)

SHERIDAN, A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)

STAUNTON, AN ECCLESIASTICAL DICTIONARY (1861)

(Sacrilege)

(To Profane)

BARCLAY, A COMPLETE & UNIVERSAL ENGLISH DICTIONARY (1782)

(Prophaneness)

(Sacrilege)

BURN, A NEW LAW DICTIONARY (1792)

(Sacrilege)

(Sacrilegious)

COCKERAM, ENGLISH DICTIONARIE (10th ed. 1651)

WEBSTER'S COMPENDIOUS DICTIONARY OF THE ENGLISH LANGUAGE

(1806)

WEBSTER'S INT'L DICTIONARY (1890)

WEBSTER'S NEW INT'L DICTIONARY (1909)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE

(1828)

(Sacrilege)

(To Profane)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH
LANGUAGE (1913)

FUNK & WAGNALLS' STANDARD DICTIONARY OF THE ENGLISH
LANGUAGE (1895)

(Blasphemy)

(Sacrilegious)

PHILLIPS, THE NEW WORLD OF WORDS (3d ed. 1671)

(Blasphemy)

(Sacrilege)

(Profane)

KENRICK, A NEW DICTIONARY OF THE ENGLISH LANGUAGE (1773)

(General reference and no specific cite)

MATHEWS, A SURVEY OF ENGLISH DICTIONARIES (1933)

(Sacrilegious)

(Blasphemy)

(Sacrilege)

BAILEY, UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (1730)

DYCHE, THE NEW GENERAL ENGLISH DICTIONARY (1777)

(Blasphemy)

(Blasphemer)

(Sacrilege)

(Sacrilegious)

ENTICK, NEW SPELLING DICTIONARY (1786)

Chief Justice Melville Fuller (1888-1910)

3 cases (0.14/year) and 4 terms (0.18/year)

United States *ex rel.* Turner v. Williams, 194 U.S. 279, 292-93
(1904)

(Anarchy)

"Huxley"

(Anarchist)

(Anarchy)

CENTURY DICTIONARY

United States v. Klumpp, 169 U.S. 209, 212 (1898)

(Worsted)

CENTURY DICTIONARY

Ernhardt v. Steinhardt, 153 U.S. 177, 182 (1894)

(Absinthe)

CENTURY DICTIONARY

GGG

Associate Justice Ruth Bader Ginsburg (1993-Present)

6 cases (1.2/year) and 7 terms (1.4/year)

Muscarello v. United States, 118 S. Ct. 1911, 1920, 1921 n.2 (1998)

(Ginsburg, J., dissenting)

(Carry Arms or Weapons)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(Carry)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

Kawaauhau v. Geiger, 118 S. Ct. 974, 977 n.7 (1998)

(Willful)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Things Remembered, Inc. v. Petrarca, 516 U.S. 124, 133 (1995)

(Ginsburg, J., concurring)

(Equitable)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Gutierrez de Martinez v. Lamagno, 515 U.S. 417, 432-33 n.9 (1995)
 (Shall)
 DICTIONARY OF MODERN LEGAL USAGE (2d ed. 1995)
 MELLINKOFF'S DICTIONARY OF AMERICAN LEGAL USAGE (1992)

Nationsbank of N. Carolina v. Variable Annuity Life Ins. Co., 513
 U.S. 251, 264 (1995)
 (Insurance)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

John Hancock Mut. Life Ins. Co. v. Harris Trust & Sav. Bank,
 510 U.S. 86, 112 (1993)
 (Provide)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

Associate Justice Arthur Goldberg (1962-1965)
 1 case (0.33/year) and 1 term (0.33/year)

Bell v. Maryland, 378 U.S. 226, 297 n.17 (1964) (Goldberg, J.,
 concurring)
 (Victualling House)
 STROUD, JUDICIAL DICTIONARY (1903)

Associate Justice Horace Gray (1882-1902)
 4 cases (0.20/year) and 4 terms (0.20/year)

Emert v. Missouri, 156 U.S. 296, 306 (1895)
 (Hawkers)
 TOMLIN'S LAW DICTIONARY

Boggle v. Maggone, 152 U.S. 623, 626 (1894)
 (Sauce)
 WEBSTER'S DICTIONARY

United States v. Rodgers, 150 U.S. 249, 270 (1893) (Gray, J.,
 dissenting)
 (High Seas)
 CENTURY DICTIONARY
 WEBSTER'S DICTIONARY
 WORCESTER'S DICTIONARY

Magone v. Heller, 150 U.S. 70, 74 (1893)
 (Expressly)
 WEBSTER'S NEW INT'L DICTIONARY

Associate Justice Robert Grier (1846-1870)

1 case (0.04/year) and 1 term (0.04/year)

Gordon v. United States, 74 U.S. 188, 194 & n.* (1868)
 (Arbitrator)
 BOUVIER'S LAW DICTIONARY

HHH

Associate Justice John Harlan (1877-1911)

1 case (0.03/year) and 1 term (0.69/year)

Burton v. United States, 202 U.S. 344, 371 (1906)
 (Interested)
 STROUD'S JUDICIAL DICTIONARY

Associate Justice John Harlan (1955-1971)

7 cases (0.44/year) and 11 terms (0.69/year)

McKeiver v. Pennsylvania, 403 U.S. 528, 571 (1971) (Harlan, J.,
 concurring in judgment)
 (Peer)
 WEBSTER'S SECOND NEW INT'L DICTIONARY

Welsh v. United States, 398 U.S. 333, 351-52 & n.5 (1970) (Harlan,
 J., concurring in result)
 (Religion)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1934)

United States v. Donruss Co., 393 U.S. 297, 311 n.2 (1969) (Harlan,
 J., concurring in part & dissenting in part)
 (Intention)
 BLACK'S LAW DICTIONARY (4th ed. 1968)

United States v. Standard Oil Co., 384 U.S. 224, 234 (1966)
 (Harlan, J., dissenting)
 (Refuse Matter)
 WEBSTER'S THIRD NEW INT'L DICTIONARY

Manual Enters., Inc. v. Day, 370 U.S. 478, 483 n.4 (1962) (Harlan,
 J., judgment & plurality opinion)
 (Obscene)
 (Lewd)
 (Indecent)
 (Filthy)
 (Vile)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1956)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Colony, Inc. v. Commissioner, 357 U.S. 28, 32 (1958)
 (Omit)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

Yates v. United States, 354 U.S. 298, 305-07 n.7 (1957)
 (Organize)
 BLACK'S LAW DICTIONARY
 FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1947)
 WEBSTER'S SECOND NEW INT'L DICTIONARY

Associate Justice Charles Hughes (1910-1916)
 1 case (0.17/year) and 1 term (0.17/year)

Baglin v. Cusenier Co., 221 U.S. 580, 598 (1911)
 (Abandonment)
 DE MARAGY, INT'L DICTIONARY OF INDUSTRIAL PROPERTY

Associate Justice Ward Hunt (1873-1882)
 1 case (0.11/year) and 3 terms (0.33/year)

Arthur v. Moller, 97 U.S. 365, 367-68 (1878)
 (Print)
 MCCULLOCH'S DICTIONARY OF COMMERCE
 (To Print)
 (Lithograph)
 MCELRATH'S COMMERCIAL DICTIONARY
 WEBSTER'S DICTIONARY

(Lithograph)
WORCESTER'S DICTIONARY

III

JJJ

Associate Justice Robert Jackson (1941-1954)

2 cases (0.15/year) and 3 terms (0.23/year)

Jordan v. De George, 341 U.S. 223, 234 n.7 (1951) (Jackson, J.,
dissenting)

(Moral Turpitude)

(Turpitude)

BLACK'S LAW DICTIONARY

BOUVIER'S LAW DICTIONARY (Rawles 3d rev., 1914)

Johnson v. Eisentrager, 339 U.S. 763, 778 n.10 (1950)

(Habeas Corpus)

OXFORD ENGLISH DICTIONARY (1933)

Associate Justice William Johnson (1804-1834)

1 case (0.03/year) and 1 term (0.03/year)

Patapasco Ins. Co. v. Coulter, 28 U.S. 222, 230 (1830)

(Prevariquez)

"The best French dictionary we have"

KKK

Associate Justice Anthony Kennedy (1987-Present)

7 cases (0.64/year) and 9 terms (0.82/year)

Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819, 836
(1995)

(Promote)

(Manifest)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Gustafson v. Alloyd Co., Inc., 513 U.S. 561, 575-76 (1995)
 (Prospectus)
 BLACK'S LAW DICTIONARY (2d ed. 1910)

Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S.
 520, 534 (1993)
 (Sacrifice)
 (Ritual)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

Commissioner v. Soliman, 506 U.S. 168, 174 (1993)
 (Principal)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

Estate of Coward v. Nicklos Drilling Co., 505 U.S. 469, 477 (1992)
 (Entitle)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

Foucha v. Louisiana, 504 U.S. 71, 96 (1992) (Kennedy, J.,
 dissenting)
 (Insanity)
 BOUVIER, LAW DICTIONARY (8th ed. 1914)

Trinova Corp. v. Michigan Dep't of Treasury, 498 U.S. 358, 364 n.1
 (1991)
 (Depreciation)
 MCGRAW-HILL DICTIONARY OF MODERN ECONOMICS (3d ed. 1983)

LLL

Associate Justice Horace Lurton (1910-1914)
 1 case (0.25/year) and 1 term (0.25/year)

Toxaway Hotel Co. v. J.L. Smathers & Co., 216 U.S. 439, 448
 (1910)
 (Merchantile)
 CENTURY DICTIONARY

MMM

Associate Justice Thurgood Marshall (1967-1991)

19 cases (0.79/year) and 29 terms (1.21/year)

United States v. Centennial Sav. Bank FSB, 499 U.S. 573, 580 n.6 (1991)

(Discharge)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Eastern Airlines, Inc. v. Floyd, 499 U.S. 530, 530-31, 536 (1991)

(Lesion)

GRAND LAROUSSE DE LA LANGUE FRANÇAISE (1987)

(Bodily Harm)

(Bodily Injury)

(Lesion)

(Corporel)

(Lesion Corporelle)

JERAUTE, VOCABULAIRE FRANÇAIS-ANGLAIS ET ANGLAIS-FRANÇAIS DE TERMES ET LOCUTIONS JURIDIQUES (1953)

Peel v. Attorney Registration & Disciplinary Comm'n, 496 U.S. 91, 113 (1990) (Marshall, J., concurring in judgment)

(Certificate)

(Certify)

(Certified Public Accountant)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Begier v. IRS, 496 U.S. 53, 61 (1990)

(Withholding)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Hughey v. United States, 495 U.S. 411, 416 (1990)

(Restitution)

BLACK'S LAW DICTIONARY (5th ed. 1979)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Ward v. Rock Against Racism, 491 U.S. 781, 810 (1989) (Marshall, J., dissenting)

(Tonality)

THE NEW GROVE DICTIONARY OF MUSIC & MUSICIANS (S. Sadie ed., 1980)

McLaughlin v. Richland Shoe Co., 486 U.S. 128, 137 (1988)
(Marshall, J., dissenting)
(Willful)
BLACK'S LAW DICTIONARY (5th ed. 1979)

EEOC v. Commercial Office Prods. Co., 486 U.S. 107, 115 (1988)
(Termination)
BLACK'S LAW DICTIONARY (5th ed. 1979)
(Terminate)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Montana v. Hall, 481 U.S. 400, 409 n.17 (1987) (Marshall, J.,
dissenting)
(Per Curiam)
BLACK'S LAW DICTIONARY (5th ed. 1979)

American Paper Inst., Inc. v. American Elec. Power Serv. Corp.,
461 U.S. 402, 421 (1983)
(Exempt)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc., 455
U.S. 489, 501 n.18, 503 n.20 (1982)
(Design)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1957)
(Roach)
(Head)
AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE
(1980)
(Roach)
LINGEMAN, DRUGS FROM A TO Z: A DICTIONARY (1969)

Industrial Union Dep't v. American Petroleum Inst., 448 U.S. 607,
719 (1980) (Marshall, J., dissenting)
(Feasible)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

California Brewers Ass'n v. Bryant, 444 U.S. 598, 612-13 nn.3 & 4
(1980) (Marshall, J., dissenting)

(Seniority)

BALLENTINE'S LAW DICTIONARY (1969)

BLACK'S LAW DICTIONARY (5th ed. 1979)

RANDOM HOUSE DICTIONARY (1966)

ROBERTS' DICTIONARY OF INDUSTRIAL RELATIONS (1966)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Andrus v. Charlestone Stone Prods. Co., 436 U.S. 604, 610
(1978) (quoting Northern Pac. Ry. v. Soderberg, 188 U.S. 526, 530
(1903))

(Minerals)

CENTURY DICTIONARY

United States v. Watson, 423 U.S. 411, 438 n.3 (1975) (Marshall,
J., dissenting)

(Nunnery)

OXFORD ENGLISH DICTIONARY (1933)

Schick v. Reed, 419 U.S. 256, 273 n.8 (1974) (Marshall, J.,
dissenting)

(Commutation)

(Pardon)

BLACK'S LAW DICTIONARY (4th ed. 1968)

Old Dominion Branch No. 496 v. Austin, 418 U.S. 264, 283 (1974)
(Scab)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Corning Glass Works v. Brennan, 417 U.S. 188, 201 & n.21 (1974)
(Working Conditions)

DICTIONARY OF OCCUPATIONAL TITLES (3d ed. 1965)

Grayned v. City of Rockford, 408 U.S. 104, 112 n.16 (1972)
(Diversion)

WEBSTER'S THIRD NEW INT'L DICTIONARY

Associate Justice Stanley Matthews (1881-1889)

1 case (0.13/year) and 3 terms (0.38/year)

Marvel v. Merritt, 116 U.S. 11, 12 (1885)

(Mine)

(Mineral)

(Ore)

WEBSTER'S DICTIONARY

Associate Justice Joseph McKenna (1898-1925)

4 cases (0.15/year) and 6 terms (0.22/year)

Banco Mexicano de Comercio e Industria v. Deutsche Bank, 263

U.S. 591, 601 (1924)

(With Reference To)

STANDARD DICTIONARY

Rhode Island v. Palmer, 253 U.S. 350, 396-98 & n.2 (1920)

(McKenna, J., dissenting)

(Concurrent Jurisdiction)

BOUVIER'S LAW DICTIONARY

(Concurrent)

CENTURY DICTIONARY

WEBSTER'S DICTIONARY

Montello Salt Co. v. Utah, 221 U.S. 452, 464-65 (1911)

(Include)

CENTURY DICTIONARY

Standard Paint Co. v. Trinidad Asphalt Mfg. Co., 220 U.S. 446,
454-55 (1911)

(Rubberoid)

(Oid)

CENTURY DICTIONARY

Associate Justice James McReynolds (1914-1941)

9 cases (0.33/year) and 12 terms (0.44/year)

New Negro Alliance v. Sanitary Grocery, 303 U.S. 552, 564 n.1

(1938) (McReynolds, J., dissenting)

(Dispute)

WEBSTER'S NEW INT'L DICTIONARY

State Farm Mut. Auto. Ins. Co v. Coughran, 303 U.S. 485, 491
(1938)
(Operate)
WEBSTER'S NEW INT'L DICTIONARY

Smyth v. United States, 302 U.S. 329, 365 n.1 (1937) (McReynolds,
J., dissenting)
(Redem)
WEBSTER'S NEW INT'L DICTIONARY
White v. Anderson, 302 U.S. 16, 17 nn.2 & 3 (1937)
(Puzzle)
(Game)
WEBSTER'S SECOND NEW INT'L DICTIONARY

United States v. Giles, 300 U.S. 41, 48 (1937)
(Make)
WEBSTER'S SECOND NEW INT'L DICTIONARY

Old Colony Trust Co. v. Commissioner, 301 U.S. 379, 383 n.3
(1937)
(Pursuant To)
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1935)

American Fruit Growers Inc. v. Brogdex Co., 283 U.S. 1, 11 (1931)
(Manufacture)
CENTURY DICTIONARY

Deal v. United States, 274 U.S. 277, 283 (1927)
(Depredation)
CENTURY DICTIONARY
(Robbery)
BOUVIER'S LAW DICTIONARY

Chelentis v. Luckenback S.S. Co., 247 U.S. 372, 384 (1918)
(Right)
(Remedy)
BOUVIER'S LAW DICTIONARY

Associate Justice Samuel Miller (1862-1890)

5 cases (0.18/year) and 6 terms (0.21/year)

Kring v. State, 107 U.S. 221, 227 (1883)

(Ex Post Facto)

TOMLIN'S LAW DICTIONARY (1835)

Railroad Co. v. Mississippi, 102 U.S. 135, 143 (1880) (Miller, J.,
dissenting)

(Suit)

BOUVIER'S LAW DICTIONARY

WEBSTER'S DICTIONARY

WORCESTER'S DICTIONARY

Loan Ass'n v. Topeka, 87 U.S. 655, 664 (1874)

(Tax)

WEBSTER'S DICTIONARY

Ex Parte Garland, 71 U.S. 333, 387, 392-93 (1866) (Miller, J.,
dissenting)

(Attainder)

TOMLIN'S LAW DICTIONARY

(Punish)

WEBSTER'S DICTIONARY

Insurance Cos. v. Wright, 68 U.S. 456, 473 n.* (1863)

(Rating)

MCCULLOCH'S COMMERCIAL DICTIONARY

Associate Justice Sherman Minton (1949-1956)

1 case (0.14/year) and 1 term (0.14/year)

Palmer v. Ashe, 342 U.S. 134, 140 n.* (1952) (Minton, J.,
dissenting)

(Imbecile)

FAIRCHILD, DICTIONARY OF SOCIOLOGY (1944)

Associate Justice Frank Murphy (1940-1949)

3 cases (0.33/year) and 4 terms (0.44/year)

United States v. Beach, 324 U.S. 193, 197 n.2 (1945) (Murphy, J., dissenting)

(White Slave)

WEBSTER'S SECOND NEW INT'L DICTIONARY

Western Union Tel. Co. v. Lenroot, 323 U.S. 490, 512 (1945)

(Murphy, J., dissenting)

(Ship)

WEBSTER'S SECOND NEW INT'L DICTIONARY

Tennessee Coal, Iron & Rail Co. v. Muscoda Local No. 123, 321 U.S. 590, 598 n.11 (1944)

(Work)

(Employ)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr.)

NNN

OOO

Associate Justice Sandra Day O'Connor (1981-present)

25 cases (1.47/year) and 30 terms (1.76/year)

Cohen v. De la Cruz, 118 S. Ct. 1212, 1217 (1998)

(Debt For)

AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE

(3d ed. 1992)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Commissioner v. Estate of Hubert, 520 U.S. 93, 118 (1997)

(O'Connor, J., concurring)

(Substantial)

AMERICAN HERITAGE DICTIONARY (2d ed. 1985)

United States v. Gonzales, 520 U.S. 1, 5 (1997)

(Any)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Ingalls Shipbuilding, Inc. v. Dep't of Labor, 519 U. S. 248, 255
 (1997)
 (Entitle)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

Meghrig v. KFC Western, Inc., 516 U.S. 479, 485 (1996)
 (Imminent)
 WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d
 ed. 1934)

Bailey v. United States, 516 U.S. 137, 145 (1995)
 (Use)
 BLACK'S LAW DICTIONARY (6th ed. 1990)
 WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d
 ed. 1949)

Babbitt v. Sweet Home Chapter of Communities for a Great
 Oregon, 515 U.S. 687, 710 (1995) (O'Connor, J., concurring)
 (Injure)
 WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)
 Curtiss-Wright Corp. v. Schoonejongen, 514 U.S. 73, 80 (1995)
 (Procedure)
 RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Williamson v. United States, 512 U.S. 594, 599 (1994)
 (Statement)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Victor v. Nebraska, 511 U.S. 1, 12-13, 15, 19 (1994)
 (Moral Evidence)
 AMERICAN HERITAGE DICTIONARY (3d ed. 1992)
 AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (3d
 ed. 1992)
 COLLINS ENGLISH DICTIONARY (3d ed. 1991)
 OXFORD ENGLISH DICTIONARY (2d ed. 1989)
 (Moral Certainty)
 RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed.
 1983)
 (Moral Evidence)
 (Moral Certainty)
 WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY (2d ed. 1979)
 (Moral Certainty)
 (Substantial)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Smith v. United States, 508 U.S. 223, 228-29, 231, 237-38 (1993)

(To Use)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(To Use)

(To Cane)

(In Relation To)

WEBSTER'S NEW INT'L DICTIONARY OF ENGLISH LANGUAGE (2d ed.

1950)

(Use)

(To Cane)

(In Relation To)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1939)

Department of Justice v. Landano, 508 U.S. 165, 173 (1993)

(Confidential)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Arave v. Creech, 507 U.S. 463, 471-72 (1993)

(Cold-Blooded)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(Pitiless)

(Cold-Blooded)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Pioneer Investment Servs. Co. v. Brunswick Assocs. Ltd., 507 U.S.

380, 402-03 (1993) (O'Connor, J., dissenting)

(Excusable Neglect)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Parke v. Raley, 506 U.S. 20, 30 (1992)

(Collateral Attack)

BLACK'S LAW DICTIONARY (6th ed. 1990)

FMC Corp. v. Holliday, 498 U.S. 52, 63 (1990)

(Purportedly)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Board of Educ. v. Mergens *ex rel.* Mergens, 496 U.S. 226, 237

(1990)

(Curriculum)

BLACK'S LAW DICTIONARY (5th ed. 1979)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Davis v. United States, 495 U.S. 472, 479 (1990)
(Use)

BLACK'S LAW DICTIONARY (5th ed. 1979)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Department of Human Resources v. Smith, 494 U.S. 872, 893
(1990) (O'Connor, J., concurring in judgment)
(Exercise)

A NEW ENGLISH DICTIONARY ON HISTORICAL PRINCIPLES (J. Murry
ed., 1897)

Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc.,
492 U.S. 257, 297 (1989) (O'Connor, J., concurring in part &
dissenting in part)
(Fine)

BLACK'S LAW DICTIONARY (5th ed. 1979)

JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)

RICHARDSON, A NEW DICTIONARY OF THE ENGLISH LANGUAGE
(1839)

SHERIDAN, A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE
(6th ed. 1796)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

(Damages)

(Fine)

BLOUNT, A LAW-DICTIONARY (1670)

Frisby v. Schultz, 487 U.S. 474, 482 (1988)

(Picketing)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Volkswagenwerk Aktiengesellschaft v. Schlunk, 486 U.S. 694, 700
(1988)

(Service of Process)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Regents of Univ. of California v. Public Employment Relations Bd.,
485 U.S. 589, 598 (1988)

(Compensation)

WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (C.
Goodrich ed., 1849)

Air France v. Saks, 470 U.S. 392, 399-400 n.3 (1985)
 (Accident)
 LE GRAND, DICTIONNAIRE USUAL DE DROIT (1931)
 GRAND LAROUSSE DE LA LANGUE FRANÇAISE (1971)

Securities Indus. Ass'n v. Board of Governors of Fed. Reserve
 Sys., 468 U.S. 137, 164-65 (1984) (O'Connor, J., dissenting)
 (Note)
 BLACK'S LAW DICTIONARY (5th ed. 1979)

PPP

Associate Justice Rufus Peckham (1896-1909)
 3 cases (0.23/year) and 3 terms (0.23/year)

Serralles v. Esbri, 200 U.S. 103, 111 (1906)
 (Centavo)
 STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1895)

Board of Dirs. of the Chicago Theological Seminary v.
 Illinois *ex rel.* Raymond, 188 U.S. 662, 673 (1903)
 (Belonging)
 WEBSTER'S INT'L DICTIONARY

United States v. Laws, 163 U.S. 258, 266 (1896)
 (Profession)
 CENTURY DICTIONARY
 WORCESTER'S DICTIONARY

Associate Justice Mahlon Pitney (1912-1922)
 2 cases (0.20/year) and 2 terms (0.20/year)

Eisner v. Macomber, 252 U.S. 189, 206-07 (1920)
 (Income)
 BOUVIER'S LAW DICTIONARY
 CENTURY DICTIONARY
 STANDARD DICTIONARY
 WEBSTER'S NEW INT'L DICTIONARY

Mallinckrodt Chemical Workers v. Missouri *ex rel.* Jones, 238 U.S. 41, 53 (1915)
(Trust)
CENTURY DICTIONARY

Associate Justice Lewis Powell, Jr. (1972-1987)
13 cases (0.87/year) and 17 terms (1.13/year)

Edwards v. Aguillard, 482 U.S. 578, 598-99 (1987) (Powell, J., concurring)
(Creation)
(Evolution)
WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1981)

City of Houston v. Hill, 482 U.S. 451, 479 & n.6 (1987) (Powell, J., concurring in judgment in part & dissenting in part)
(Challenge)
AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (1980)

United States v. James, 478 U.S. 597, 605 n.6 (1986)
(Damages)
BLACK'S LAW DICTIONARY (5th ed. 1979)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Davis v. Bandemer, 478 U.S. 109, 164 n.3 (1986) (Powell, J., concurring in part & dissenting in part)
(Gerrymander)
WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Davis v. Ciraolo, 476 U.S. 207, 221 & n.6 (1986) (Powell, J., dissenting)
(Curtilage)
OXFORD ENGLISH DICTIONARY (1933)

Pembaur v. City of Cincinnati, 475 U.S. 469, 499-500 (1986)
(Powell, J., dissenting)
(Policy)
WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY (2d ed. 1979)

Parratt v. Taylor, 451 U.S. 527, 549 n.4 (1981) (Powell, J.,
concurring in result)

(Deprive)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

P.C. Pfeiffer Co v. Ford, 444 U.S. 69, 77 n.7 (1979)

(Including)

WEBSTER'S NEW COLLEGIATE DICTIONARY (1973)

Dalia v. United States, 441 U.S. 238, 240 n.2 (1979)

(Covert)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1953)

St. Paul Fire & Marine Ins. Co. v. Barry, 438 U.S. 531, 541 n.11
(1978)

(Boycott)

BLACK'S LAW DICTIONARY (4th ed. 1968)

OXFORD ENGLISH DICTIONARY (1933)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

Ingraham v. Wright, 430 U.S. 651, 657 n.9 (1977)

(Hematoma)

STEDMAN'S MEDICAL DICTIONARY (23d ed. 1976)

Ernst & Ernst v. Hochfelder, 425 U.S. 185, 199 nn.20 & 21 (1975)

(Device)

(Contrivance)

(Contrive)

(Manipulate)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)

Shadwick v. City of Tampa, 407 U.S. 345, 349 n.7 (1972)

(Magistrate)

RANDOM HOUSE DICTIONARY (1966)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1957)

QQQ

RRR

Associate Justice Stanley Reed (1938-1957)

3 cases (0.16/year) and 4 terms (0.21/year)

Shields v. Atlantic Coast Line R.R. Co., 350 U.S. 318, 326 n.2
 (1956) (Reed, J., dissenting)
 (Running Board)
 THE CAR-BUILDER'S DICTIONARY (1879)

American Stevedores, Inc. v. Porello, 330 U.S. 446, 450 n.6 (1947)
 (Damage)
 (Damages)
 BLACK'S LAW DICTIONARY

Coverdale v. Arkansas-Louisiana Pipe Line Co., 303 U.S. 604, 607
 n.1 (1938)
 (Prime Mover)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1935)

Associate and Chief Justice William Rehnquist (1972-present)

25 cases (0.96/year) and 33 terms (1.27/year)

Bragdon v. Abbot, 118 S. Ct. 2196, 2215 (1998) (Rehnquist, C.J.,
 dissenting)
 (Major)
 WEBSTER'S COLLEGIATE DICTIONARY (10th ed. 1994)

McMillian v. Monroe County, Alabama, 520 U.S. 781, 794 (1997)
 (Sheriff)
 BOUVIER'S LAW DICTIONARY (8th ed. 1914)

Kansas v. Colorado, 514 U.S. 673, 687 (1995)
 (Doctrine of Laches)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

Federal Election Comm'n v. NRA Political Victory Fund, 513 U.S. 88, 93 (1994)
(Appeal)
BLACK'S LAW DICTIONARY (6th ed. 1990)

United States v. Granderson, 511 U.S. 39, 71 (1994)
(Original)
(Sentence)
BLACK'S LAW DICTIONARY (6th ed. 1990)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

National Org. for Women, Inc. v. Scheidler, 510 U.S. 249, 257 (1994)
(Affect)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

Smith v. United States, 507 U.S. 197, 201 (1993)
(Country)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1945)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

Nixon v. United States, 506 U.S. 224, 229-30 (1993)
(Try)
A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)
A DICTIONARY OF THE ENGLISH LANGUAGE (1796)
JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (1785)
(Try)
(Sole)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)
(Pardon)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Mississippi v. Louisiana, 506 U.S. 73, 78 (1992)
(Exclusive)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

Planned Parenthood v. Casey, 505 U.S. 833, 954 (1992) (Rehnquist, C.J., concurring in judgment in part & dissenting in part)
(Stare Decisis)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Oklahoma v. New Mexico, 501 U.S. 221, 244 (1991) (Rehnquist, C.J., concurring in part & dissenting in part)
(Originate)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)

Chapman v. United States, 500 U.S. 453, 462 (1991)
(Mixture)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Sullivan v. Stroop, 496 U.S. 478, 482 (1990)
(Child Support)
BLACK'S LAW DICTIONARY (5th ed. 1979)
RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)

Reves v. Ernst & Young, 494 U.S. 56, 77 (1990) (Rehnquist, C.J., concurring in part & dissenting in part)
(Maturity)
BLACK'S LAW DICTIONARY (3d ed. 1933)
CYCLOPEDIA LAW DICTIONARY (2d ed. 1922)

Webster v. Reproductive Health Servs., 492 U.S. 490, 515 n.13 (1989) (Rehnquist, C.J., judgment & plurality opinion)
(Necessary)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Hustler Magazine v. Falwell, 485 U.S. 46, 54-55 (1988)
(Caricature)
WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. unabridged. 1979)

Wallace v. Jaffree, 472 U.S. 38, 106 (1985) (Rehnquist, J., dissenting)
(Establishment)
WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)

City of Oklahoma City v. Tuttle, 471 U.S. 808, 823 n.6 (1985)
(Policy)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

United States v. Rodgers, 466 U.S. 475, 480 (1984)

(Jurisdiction)

BLACK'S LAW DICTIONARY (5th ed. 1979)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Ruckelshaus v. Sierra Club, 463 U.S. 680, 683 (1983)

(Appropriate)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Oregon v. Bradshaw, 462 U.S. 1039, 1045 (1983)

(Initiated)

No specific dictionary listed

Smith v. Wade, 461 U.S. 30, 60 n.3, 62 n.4, 85 (1983) (Rehnquist, J., dissenting)

(Malice)

ABBOTT'S LAW DICTIONARY (1879)

(Redress)

OXFORD ENGLISH DICTIONARY (1933)

(Malice)

(Wanton)

(Recklessness)

STORMONTH'S ENGLISH DICTIONARY (1885)

(Malice)

(Wanton)

(Wantonly)

(Lewdly)

WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1869)

WORCESTER'S DICTIONARY (1860)

(Redress)

OXFORD ENGLISH DICTIONARY (1933)

Washington County v. Gunther, 452 U.S. 161, 198 n.10 (1981)

(Rehnquist, J., dissenting)

(Authorized)

BLACK'S LAW DICTIONARY (4th ed. 1968)

Whalen v. United States, 445 U.S. 684, 708-09 (1980) (Rehnquist, J., dissenting)

(Lesser Offense)

BLACK'S LAW DICTIONARY (4th ed. 1968)

Oregon *ex rel.* State Land Bd. v. Corvallis Sand & Gravel Co.,
 429 U.S. 363, 380 n.8 (1977) (quoting Western Union Tel. Co. v.
 Call Publ'g Co., 181 U.S. 92, 102 (1901))
 (Common Law)
 BLACK'S LAW DICTIONARY

Associate Justice Owen Roberts (1930-1945)
 3 cases (0.20/year) and 3 terms (0.20/year)

Stewart v. United States, 316 U.S. 354, 362 n.6 (1942)
 (Islands)
 CENTURY DICTIONARY
 WEBSTER'S NEW INT'L DICTIONARY

Montgomery Ward & Co. v. Duncan, 311 U.S. 243, 251 n.10 (1940)
 (Alternative)
 WEBSTER'S SECOND NEW INT'L DICTIONARY

United States v. Dubilier Condenser Corp., 289 U.S. 178, 186 & n.6
 (1933)
 (Monopoly)
 WEBSTER'S NEW INT'L DICTIONARY

SSS

Associate Justice Edward Sanford (1923-1930)
 1 case (0.14/year) and 1 term (0.14/year)

Gitlow v. New York, 268 U.S. 652, 665 (1925)
 (Advocacy)
 CENTURY DICTIONARY

Associate Justice Antonin Scalia (1986-present)
 50 cases (4.17/year) and 65 terms (5.42/year)

National Endowment for the Arts v. Finley, 118 S. Ct. 2168, 2180-
 81 (1998) (Scalia, J., concurring)
 (Ensure)
 AMERICAN HERITAGE DICTIONARY (3d College ed. 1992)

Almendarez-Torres v. United States, 118 S. Ct. 1219, 1241 (1998)
(Notwithstanding)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

Pennsylvania Dep't of Corrections v. Yeskey, 118 S. Ct. 1952, 1955
(1998)
(Eligible)
(Participate)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

AVCO Corp. v. United Auto., Aerospace & Agric. Implement
Workers, 118 S. Ct. 1626, 1629 (1998) (Scalia, J., opinion of Court)
(For)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Feltner v. Columbia Pictures Television, Inc., 118 S. Ct. 1279, 1288
(1998)
(Court)
BLACK'S LAW DICTIONARY (5th ed. 1979)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

Brogan v. United States, 118 S. Ct. 805, 808 (1998)
(No)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Allentown Mack Sales & Serv., Inc. v. NLRB, 118 S. Ct. 818, 823
(1998)
(Doubt)
AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE
(3d ed. 1992)
THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)
(Doubt)
(Objective)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

City of Boerne v. P.F. Flores, 117 S. Ct. 2157, 2173, 2174 n.1 (1997)
(Scalia, J., concurring in part)
(Peace)
(Licentious)
WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
(1828)

Commissioner v. Estate of Hubert, 520 U.S. 93, 128 (1997) (Scalia, J., dissenting)
(Material)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Auer v. Robbins, 519 U.S. 452, 461 (1997)

(Subject to)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Walters v. Metropolitan Educ. Enters., Inc., 519 U.S. 202, 207 (1997)

(Have)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Smiley v. Citibank, 517 U.S. 735, 745 (1996)

(Interest)

AMERICAN AND ENGLISH ENCYCLOPEDIA OF LAW (J. Merrill ed., 1890)

A LAW DICTIONARY (6th ed. 1856)

A LAW DICTIONARY AND GLOSSARY (2d ed. 1860)

LAW LEXICON OR DICTIONARY OF JURISPRUDENCE (2d Amer. ed. 1860)

(Rate)

WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (C. Goodrich ed., 1949)

Capitol Square Rev. & Advisory Bd. v. Pinette, 515 U.S. 753, 763 (1995)

(Endorsement)

THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Babbitt v. Sweet Home Chapter of Communities for a Great Oregon, 515 U.S. 687, 717, 732-33 (1995) (Scalia, J., dissenting)
(Harm)

AMERICAN COLLEGE DICTIONARY (1970)

(Proximate)

BLACK'S LAW DICTIONARY (5th ed. 1979)

(Take)

OXFORD ENGLISH DICTIONARY (1933)

(Take)

(Proximate)

WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1949)

United States v. Aguilar, 515 U.S. 593, 610-11, 616 (1995) (Scalia, J., concurring in part & dissenting in part)

(Corruptly)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(Endeavors)

THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Asgrow Seed Co. v. Winterboer, 513 U.S. 179, 187 (1995)

(Market)

OXFORD UNIVERSAL DICTIONARY (3d ed. 1955)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218, 225-26 & n.2, 228 (1994)

(Modify)

BLACK'S LAW DICTIONARY (6th ed. 1990)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)

WEBSTER'S COLLEGIATE DICTIONARY (4th ed. 1934)

WEBSTER'S NEW COLLEGIATE DICTIONARY (1949)

WEBSTER'S NEW COLLEGIATE DICTIONARY (1973)

WEBSTER'S SEVENTH NEW COLLEGIATE DICTIONARY (1963)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

(Modify)

(Required)

THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)

BFP v. Resolution Trust Corp., 511 U.S. 531, 537-38 (1994)

(Market Value)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Liteky v. United States, 510 U.S. 540, 552 (1994)
(Partiality)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

ABF Freight Sys., Inc. v. NLRB, 510 U.S. 317, 328 (1994)
(Scalia, J., concurring)
(Understand)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

Hartford Fire Ins. Co. v. California, 509 U.S. 764, 802 n.2 (1993)
(Scalia, J., partial opinion of Court)
(Boycott)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

United States v. Dixon, 509 U.S. 688, 705 n.10 (1993)
(Incident)

A LAW DICTIONARY (1883)

(Incidents of Ownership)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Austin v. United States, 509 U.S. 602, 624 (1993) (Scalia, J.,
concurring in part & concurring in judgment)
(Payment)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Smith v. United States, 508 U.S. 223, 241-42 (1993) (Scalia, J.,
dissenting)
(Use)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1939)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

Deal v. United States, 508 U.S. 129, 131-32 (1993)
(Conviction)

BLACK'S LAW DICTIONARY (6th ed. 1990)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

Bray v. Alexandria Women's Health Clinic, 506 U.S. 263, 274
(1993)
(Invidious)

WEBSTER'S SECOND INT'L DICTIONARY (1954)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1954)

Wisconsin Dep't of Revenue v. William Wrigley, Jr., Co., 505 U.S. 214, 223 (1992)

(Solicitation)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(Solicit)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Republic of Argentina v. Weltover, Inc., 504 U.S. 607, 614 (1992)
(Commercial)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Morales v. Trans World Airlines, Inc., 504 U.S. 374, 383 (1992)
(Relating To)

BLACK'S LAW DICTIONARY (5th ed. 1979)

United States v. Burke, 504 U.S. 229, 243 (1992) (Scalia, J.,
concurring in judgment)

(Personal Injuries)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Dewsnup v. Timm, 502 U.S. 410, 428 (1992) (Scalia, J., dissenting)
(Redeem)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Freytag v. Commissioner, 501 U.S. 868, 920 (1991) (Scalia, J.,
dissenting)

(Department)

WEBSTER, AMERICAN DICTIONARY (1828)

Chisom v. Roemer, 501 U.S. 380, 410 (1991) (Scalia, J., dissenting)
(Representatives)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

California v. Hodari D., 499 U.S. 621, 624 (1991)
(Seizure)

BLACK'S LAW DICTIONARY (6th ed. 1990)

BOUVIER, A LAW DICTIONARY (6th ed. 1856)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
(1828)

Moskal v. United States, 498 U.S. 103, 119-22 (1990) (Scalia, J., dissenting)

(False Making)

BALLENTINE'S LAW DICTIONARY (2d ed. 1948)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(Forged)

(Counterfeit)

(Forge)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

Grady v. Corbin, 495 U.S. 508, 529 (1990) (Scalia, J., dissenting)
(Offence)

DICTIONARIUM BRITANNICUM (Bailey ed., 1730)

KERSEY, A NEW ENGLISH DICTIONARY (1702)

SHERIDAN, A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE
(1780)

WALKER, A CRITICAL PRONOUNCING DICTIONARY (1791)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
(1828)

Maryland v. Craig, 497 U.S. 836, 864 (1990) (Scalia, J., dissenting)

(Witness)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
(1828)

Fort Stewart Schools v. Federal Labor Relations Auth., 495 U.S.
641, 645 (1990)

(Conditions)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1957)

NLRB v. Curtin Matheson Scientific, Inc., 494 U.S. 775, 814-15
(1990) (Scalia, J., dissenting)

(Inference)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Crandon v. United States, 494 U.S. 152, 171-72 (1990) (Scalia, J., concurring in judgment)

(Salary)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1957)

Sullivan v. Everhart, 494 U.S. 83, 91-92 (1990)
(Adjustment)
(Recovery)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Chan v. Korean Air Lines, Ltd., 490 U.S. 122, 128 (1989)
(Irregularity)
WEBSTER'S SECOND INT'L DICTIONARY (1950)

Pittston Coal Group v. Sebben, 488 U.S. 105, 113 (1988)
(Criteria)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Bowen v. Massachusetts, 487 U.S. 879, 913-14 (1988) (Scalia, J.,
dissenting)
(Damages)
BLACK'S LAW DICTIONARY (5th ed. 1979)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Morrison v. Olson, 487 U.S. 654, 719 (1988) (Scalia, J., dissenting)
(Inferiour)
JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1785)

Pierce v. Underwood, 487 U.S. 552, 564 (1988)
(Substantial)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

K Mart Corp. v. Cartier, Inc., 486 U.S. 281, 324 n.2 (1988) (Scalia,
J., concurring in part & dissenting in part)
(Oven)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

K Mart Corp v. Cartier, Inc., 485 U.S. 176, 192 (1988) (Scalia, J.,
dissenting)
(Embargo)
BLACK'S LAW DICTIONARY (5th ed. 1979)
FUNK & WAGNALLS' NEW INT'L DICTIONARY OF THE ENGLISH
LANGUAGE (1984)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Honig v. Doe, 484 U.S. 305, 334, 335 (1988) (Scalia, J., dissenting)
(Likely)
(Or)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Lukhard v. Reed, 481 U.S. 368, 374 (1987) (Scalia, J., judgment of Court & opinion)

(Income)

OXFORD ENGLISH DICTIONARY (1933)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Associate Justice George Shiras, Jr. (1892-1903)

2 cases (0.18/year) and 5 terms (0.45/year)

Wilson Bros., Inc. v. Nelson, 183 U.S. 191, 212 (1901) (Shiras, J., dissenting)

(Act)

ANDERSON'S LAW DICTIONARY (1996)

BLACK'S LAW DICTIONARY

CENTURY DICTIONARY

Sarlls v. United States, 152 U.S. 570, 572 (1894)

(Spirituuous Liquors)

(Malt Liquor)

CENTURY DICTIONARY

(Ardent Spirits)

WEBSTER'S DICTIONARY

WORCESTER'S DICTIONARY

(Spirituuous)

WEBSTER'S DICTIONARY

Associate Justice David Souter (1990-present)

16 cases (2.0/year) and 21 terms (2.63/year)

National Endowment for the Arts v. Finley, 118 S.Ct. 2168, 2189 (1998) (Souter, J., dissenting)

(Take Into Consideration)

(Consideration)

(Consider)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

United States v. Bestfoods, 118 S. Ct. 1876, 1887 (1998)

(Operate)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1958)

Foster v. Love, 118 S. Ct. 464, 467 (1997)

(Election)

AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1869)

Fulton Corp. v. Faulkner, 516 U.S. 325, 337 (1996)

(Price/Earnings Ratio)

NEW PALGRAVE DICTIONARY OF MONEY & FINANCE (1992)

Gutierrez de Martinez v. Lamagno, 515 U.S. 417, 439 (1995)

(Souter, J., dissenting)

(Shall)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Rosenberger v. Rector & Visitors of Univ. of Va., 515 U.S. 819, 872

n.1 (1995) (Souter, J., dissenting)

(Seminary)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

Brown v. Gardner, 513 U.S. 115, 117 (1994)

(Injury)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1957)

Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569, 580 n.12 (1994)

(Parody)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

Hartford Fire Ins. Co. v. California, 509 U.S. 764, 781 (1993)

(Souter, J., partial opinion of Court)

(Business)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

Keene Corp. v. United States, 508 U.S. 200, 210 (1993)

(Claim)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Newark Morning Ledger Co. v. United States, 507 U.S. 546, 571

n.1 (1993) (Souter, J., dissenting)

(Amortized)

(Depreciated)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Saudi Arabia v. Nelson, 507 U.S. 349, 357 (1993)

(Base)

BLACK'S LAW DICTIONARY (6th ed. 1990)

RANDOM HOUSE DICTIONARY (2d ed. 1987)

(Base)

(Based)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Reves v. Ernst & Young, 507 U.S. 170, 187-88 (1993) (Souter, J., dissenting)

(Conduct)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Rowland v. California Men's Colony, 506 U.S. 194, 199, 203 (1993)

(Context)

(Poverty)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

Department of Energy v. Ohio, 503 U.S. 607, 621 (1992)

(Sanction)

BALLENTINE'S LAW DICTIONARY (3d ed. 1969)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Gollust v. Mendell, 501 U.S. 115, 124 (1991)

(Institute)

BLACK'S LAW DICTIONARY (6th ed. 1990)

BLACK'S LAW DICTIONARY (3d ed. 1933)

RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. unabridged. 1987)

Associate Justice John Paul Stevens (1975-present)

35 cases (1.52/year) and 44 terms (1.91/year)

Clinton v. City of New York, 118 S. Ct. 2091, 2098 (1998)

(Person)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Dunn v. Commodity Futures Trading Comm'n, 519 U.S. 465, 470 (1997) (Souter, J., dissenting)

(In)

BLACK'S LAW DICTIONARY (6th ed. 1990)

44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484, 491 n.4 (1996)
(Temperance)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Rutledge v. United States, 517 U.S. 292, 299 n.10 (1996)
(Concert)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Babbitt v. Sweet Home Chapter of Communities for a Great
Oregon, 515 U.S. 687, 697 (1995)
(Harm)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

Hubbard v. United States, 514 U.S. 695, 700 (1995)
(Shows)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218,
241, 242 n.5 (1994) (Stevens, J., dissenting)
(Modification)
BLACK'S LAW DICTIONARY (3d ed. 1933)
(Modify)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)
RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)
WEBSTER'S COLLEGIATE DICTIONARY (4th ed. 1934)
WEBSTER'S SEVENTH NEW COLLEGIATE DICTIONARY (1963)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Landgraf v. USI Film Prods., 511 U.S. 244, 269 n.23 (1994)
(Retroactive Statute)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 181 nn.37 & 38
(1993)
(Return)
(Refouler)
LAROUSSE MODERN FRENCH-ENGLISH DICTIONARY (1978)
NEW CASSELL'S FRENCH DICTIONARY (1973)
Commissioner v. Soliman, 506 U.S. 168, 191 n.15 (1993) (Stevens,
J., dissenting)
(Principal)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

Cippollone v. Liggett Group, Inc., 505 U.S. 504, 526 n.23 (1992)
 (Tort)
 (Contract)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

Kay v. Ehrler, 499 U.S. 432, 436 n.6 (1991)
 (Attorney)
 AMERICAN HERITAGE DICTIONARY (2d College ed. 1982)
 BLACK'S LAW DICTIONARY (6th ed. 1990)
 OXFORD ENGLISH DICTIONARY (Compact ed. 1981)
 WEBSTER'S NEW COLLEGIATE DICTIONARY (1975)

FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 259 (1990) (Stevens,
 J., concurring in part & dissenting in part)
 (Regularly)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Peel v. Attorney Registration & Disciplinary Comm'n, 496 U.S. 91,
 103-04 (1990) (Stevens, J., judgment & plurality opinion) (quoting
In re Peel, 534 N.E.2d 980, 984 (Ill. 1989))
 (Certificate)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Breinger v. Sheet Metal Workers Int'l Ass'n Local Union No. 6,
 493 U.S. 67, 97 (1989) (Stevens, J., concurring in part & dissenting
 in part)
 (Discipline)
 OXFORD ENGLISH DICTIONARY (2d ed. 1989)
 RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed.
 1987)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

County of Allegheny v. ACLU, 492 U.S. 573, 648-49 & n.5 (1989)
 (Stevens, J., concurring in part & dissenting in part)
 (Religion)
 (Respect)
 JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)
 SHERIDAN, A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE
 (6th ed. 1796)
 (Respect)
 OXFORD ENGLISH DICTIONARY (1989)
 WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1988)

Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 366 n.6
(1989)

(Salmonid)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Department of Justice v. Reporters Comm. for Freedom of Press,
489 U.S. 749, 763-64 & n.16 (1989)

(Private)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Pittston Coal Group v. Sebben, 488 U.S. 105, 134 n.7 (1988)

(Stevens, J., dissenting)

(Criterion)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

Doe v. United States, 487 U.S. 201, 221 n.2 (1988) (Stevens, J.,
dissenting)

(Witness)

CUNNINGHAM, A NEW AND COMPLETE LAW-DICTIONARY (2d ed.
1771)

Kungys v. United States, 485 U.S. 759, 786 (1988) (Stevens, J.,
concurring in judgment)

(Material)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Regents of Univ. of California v. Public Employment Relations Bd.,
485 U.S. 589, 610 & n.4 (1988) (Stevens, J., dissenting)

(Good Will)

BLACK'S LAW DICTIONARY (5th ed. 1979)

McNally v. United States, 483 U.S. 350, 370-71 (1987) (Stevens, J.,
dissenting)

(Defraud)

ANDERSON, A DICTIONARY OF LAW (1893)

BOUVIER'S LAW DICTIONARY (1897)

BURRILL'S LAW DICTIONARY (1859)

Meese v. Keene, 481 U.S. 465, 477-78 n.11 (1987)

(Propaganda)

WEBSTER'S NEW WORLD DICTIONARY (College ed. 1968)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

United States v. John Doe, Inc. I, 481 U.S. 102, 109 n.4 (1987)
(Disclose)

WEBSTER'S NEW COLLEGIATE DICTIONARY (1977)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

INS v. Cardoza-Fonseca, 480 U.S. 421, 431 n.11 (1987) (quoting
Matter of Acosta, Interim Decision No. 2986, at 14) (Mar. 1, 1985))
(Fear)

WEBSTER'S THIRD NEW INT'L DICTIONARY (16th ed. 1971)

United States v. James, 478 U.S. 597, 615 (1986) (Stevens, J.,
dissenting)

(Damage)

(Damages)

BOUVIER, LAW DICTIONARY (8th ed. 1914)

California v. Carney, 471 U.S. 386, 406 n.20 (1985) (Stevens, J.,
dissenting)

(Automobile)

(Camper)

(Motor Home)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

United States v. Grace, 461 U.S. 171, 188 n.* (1983) (Stevens, J.,
concurring in part & dissenting in part)

(Movement)

OXFORD ENGLISH DICTIONARY (1933)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)

Rosewell v. LaSalle Nat'l Bank, 450 U.S. 503, 532 n.4 (1981)

(Stevens, J., dissenting)

(Remedy)

BLACK'S LAW DICTIONARY (5th ed. 1979)

(Efficient)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)

California Brewers Ass'n v. Bryant, 444 U.S. 598, 605 n.12, 606
n.15 (1980)

(Seniority)

(System)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Bell v. Wolfish, 441 U.S. 520, 581 n.9 (1979) (Stevens, J.,
dissenting)
(Prison)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

FCC v. Pacifica Found., 438 U.S. 726, 740 n.14 (1978)
(Indecent)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 243 n.* (1978)
(Stevens, J., concurring)
(Interference)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

United States v. Ramsey, 431 U.S. 606, 629-30 n.5 (1977) (Stevens,
J., dissenting)
(Envelope)
WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
(1869)
WORCESTER'S DICTIONARY (1860)

Associate Justice Potter Stewart (1959-1981)
4 cases (0.18/year) and 6 terms (0.27/year)

Aaron v. SEC, 446 U.S. 680, 696 n.13 (1980)
(Device)
(Scheme)
(Artifice)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)

Herbert v. Lando, 441 U.S. 153, 199 n.1 (1979) (Stewart, J.,
dissenting)
(Malice)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1961)

Group Life & Health Ins. Co. v. Royal Drug Co., 440 U.S. 205, 211
(1979)
(Insurance)
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1958)

Cafeteria & Restaurant Workers Union Local 473 v. McElroy, 367
U.S. 886, 892 n.6 (1961)
(Tradesman)
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1958)

Associate and Chief Justice Harlan Fiske Stone (1925-1946)
5 cases (0.24/year) and 5 terms (0.24/year)

Keegan v. United States, 325 U.S. 478, 501-02 n.1 (1945) (Stone,
C.J., dissenting)
(Evade)
CENTURY DICTIONARY
FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH
LANGUAGE
OXFORD ENGLISH DICTIONARY
WEBSTER'S DICTIONARY

Exhibit Supply Co. v. Ace Patents Corp., 315 U.S. 126, 134 (1942)
(Embed)
OXFORD DICTIONARY
"Webster"

Helvering v. Hammel, 311 U.S. 504, 507 (1941)
(Sale)
WEBSTER'S NEW INT'L DICTIONARY

Paramount Publix Corp. v. American Tri-Ergon Corp., 294 U.S.
464, 471 & n.1 (1935)
(Combination Printing)
ENCYCLOPAEDIC DICTIONARY OF PHOTOGRAPHY (1896)

McCaughn v. Hershey Chocolate Co., 283 U.S. 488, 491 (1931)
(Candy)
No specific dictionary listed

Associate Justice George Sutherland (1922-1938)
3 cases (0.19/year) and 3 terms (0.19/year)

O'Hara v. Luckenbach S.S. Co., 269 U.S. 364, 371 (1926)
(Watch)
DANA, DICTIONARY OF SEA TERMS

United States v. Merriam, 263 U.S. 179, 184 (1923) (quoting Orton v. Orton, 42 N.Y. 486 (1867))

(Legacy)

WORCESTER'S DICTIONARY

United States v. Bhagat Singh Thind, 261 U.S. 204, 211 & n.1 (1923)

(Caucasian)

Dictionary of Races, Senate Document 662, 61st Cong., 3d Sess. 1910

Associate Justice Noah Swayne (1862-1881)

4 cases (0.21/year) and 4 terms (0.21/year)

Schumacher v. Cornell, 96 U.S. 549, 554 (1877)

(Wrench)

KNIGHT'S MECHANICAL DICTIONARY

Inman Steamship Co. v. Tinker, 94 U.S. 238, 243 (1876)

(Tonnage)

BOUVIER'S LAW DICTIONARY

COWEL'S LAW DICTIONARY (1708)

Lapeyre v. United States, 84 U.S. 191, 195-97 & n.++ (1872)

(Proclamation)

COWEL'S LAW DICTIONARY

JACOB'S LAW DICTIONARY

Pacific Ins. Co. v. Soule, 74 U.S. 433, 445 & n.18 (1868)

(Duty)

TOMLIN'S LAW DICTIONARY

TTT

Associate Justice Clarence Thomas (1991-present)

25 cases (3.57/year) and 29 terms (4.14/year)

United States v. Bajakajian, 118 S. Ct. 2028, 2034, 2036 n.9, 2037 (1998)

(Remedial Action)

(Instrumentality)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(Excessive)

JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1785)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE

(1828)

Stewart v. Martinez-Villareal, 118 S. Ct. 1618, 1624 (1998)

(Thomas, J., dissenting)

(Application)

BLACK'S LAW DICTIONARY (6th ed. 1990)

(Application)

(Present)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)

United States v. LaBonte, 520 U.S. 751, 757 (1997)

(Maximum)

BLACK'S LAW DICTIONARY (6th ed. 1990)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1958)

Robinson v. Shell Oil Co., 519 U.S. 337, 342 (1997)

(Employed)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Camps Newfound/Owatonna, Inc. v. Town of Harrison, 520 U.S.

564, 637-38 n.20 (1997) (Thomas, J., dissenting)

(Impost)

BARCLAY'S UNIVERSAL ENGLISH DICTIONARY (B. Woodward rev., 1782)

BLOUNT, A LAW DICTIONARY (1670)

A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

(Duty)

(Impost)

BAILEY, AN UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (26th

ed. 1789)

A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)

Melendez v. United States, 518 U.S. 120, 126 n.4 (1996)

(Motion)

RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)

Henderson v. United States, 517 U.S. 654, 680 (1996) (Thomas, J.,
dissenting)

(Forthwith)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Morse v. Republican Party of Virginia, 517 U.S. 186, 254 (1996)

(Thomas, J., dissenting)

(State)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1957)

Varity Corp. v. Howe, 516 U.S. 489, 528 (1996) (Thomas, J.,
dissenting)

(Administer)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1957)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)

U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779, 857 n.7 (1995)

(Thomas, J., dissenting)

(Congress)

A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)

A DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 1773)

United States v. Lopez, 514 U.S. 549, 585-86 (1995) (Thomas, J.,
concurring)

(Commerce)

A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)

A DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 1773)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

AN UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (26th ed. 1789)

Farmer v. Brennan, 511 U.S. 825, 859 (1994) (Thomas, J.,
concurring)

(Punishment)

BLACK'S LAW DICTIONARY (6th ed. 1990)

A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)

PUD No. 1 of Jefferson County v. Washington Dep't of Ecology, 511 U.S. 700, 725 (1994) (Thomas, J., dissenting)
(Discharge)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)

United States v. Alvarez-Sanchez, 511 U.S. 350, 357-58 (1994)
(Delay)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

FDIC v. Meyer, 510 U.S. 471, 476 (1994)
(Cognizable)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Helling v. McKinney, 509 U.S. 25, 38 (1993) (Thomas, J., dissenting)

(Punishment)

BLACK'S LAW DICTIONARY (6th ed. 1990)

A CRITICAL PRONOUNCING DICTIONARY (1791)

CUNNINGHAM, A NEW AND COMPLETE LAW DICTIONARY (1771)

A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)

JACOB, THE LAW DICTIONARY: EXPLAINING THE RISE, PROGRESS, AND PRESENT STATE, OF THE ENGLISH LAW (1811)

A NEW AND COMPLETE LAW DICTIONARY (1771)

SHERIDAN, A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)

WALKER, A CRITICAL PRONOUNCING DICTIONARY (1791)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)

Concrete Pipe & Prods. of Cal., Inc. v. Construction Laborers Pension Trust for S. Cal., 508 U.S. 602, 652 (1993) (Thomas, J., concurring in part & concurring in judgment)

(Clear Error)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Rake v. Wade, 508 U.S. 464, 473 (1993)

(Provide For)

AMERICAN HERITAGE DICTIONARY (10th ed. 1981)

Professional Real Estate Investors, Inc. v. Columbia Pictures Indus., 508 U.S. 49, 61 (1993)

(Genuine)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Rowland v. California Men's Colony, 506 U.S. 194, 220 n.8 (1993)
 (Thomas, J., dissenting)
 (Affiant)
 BLACK'S LAW DICTIONARY (4th ed. 1951)

District of Columbia v. Greater Washington Bd. of Trade, 506 U.S.
 125, 129 (1992)
 (Relate To)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

United States v. Salerno, 505 U.S. 317, 322 (1992)
 (Testimony)
 BLACK'S LAW DICTIONARY (6th ed. 1990)

Holywell Corp. v. Smith, 503 U.S. 47, 53 (1992)
 (Assignee)
 BLACK'S LAW DICTIONARY (6th ed. 1990)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

White v. Illinois, 502 U.S. 346, 360 (1992) (Thomas, J.,
 concurring in part & concurring in judgment) (quoting Maryland v.
 Craig, 497 U.S. 836, 864-65 (1990) (Scalia, J., dissenting))
 (Witness)
 WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
 (1828)

Molzof v. United States, 502 U.S. 301, 307 (1992)
 (Punitive Damages)
 BLACK'S LAW DICTIONARY (3d ed. 1933)
 CYCLOPEDIA LAW DICTIONARY (3d ed. 1940)

UUU

VVV

Associate Justice Willis Van DeVanter (1911-1937)
 1 case (0.04/year) and 1 term (0.04/year)

John P. King Mfg. Co. v. City Council of Augusta, 277 U.S. 100,
 102-03 (1928)
 (Statute)
 BOUVIER'S LAW DICTIONARY (Rawle's Rev.)

Chief Justice Fred Vinson (1946-1953)

1 case (0.14/year) and 2 terms (0.29/year)

Crane v. Commissioner, 331 U.S. 1, 6 nn.14 & 15 (1947)

(Property)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH LANGUAGE

OXFORD ENGLISH DICTIONARY

(Property)

(Equity)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr.)

WWW

Chief Justice Earl Warren (1954-1969)

2 cases (0.13/year) and 3 terms (0.20/year)

United States v. An Article of Drug . . . Bacto-Unidisk . . . , 394 U.S. 784, 800 n.20 (1969)

(Drug)

DORLAND'S ILLUSTRATED MEDICAL DICTIONARY (24th ed. 1965)

Jarecki v. G.D. Searle & Co., 367 U.S. 303, 308 n.3 (1961)

(Invents)

(Discovers)

WEBSTER'S SECOND NEW INT'L DICTIONARY

Associate and Chief Justice Edward White (1894-1921)

4 cases (0.15/year) and 7 terms (0.26/year)

Lamar v. United States, 241 U.S. 103, 113 (1916)

(Legislative Officer)

BLACK'S LAW DICTIONARY

(Legislative Officers)

BOUVIER'S LAW DICTIONARY (1897)

(Officer)

CENTURY DICTIONARY

(Office)

WEBSTER'S NEW INT'L DICTIONARY

Keppel v. Tiffin Sav. Bank, 197 U.S. 356, 362 (1905)
(Surrender)
STANDARD DICTIONARY
WEBSTER'S INT'L DICTIONARY

Fidelity & Deposit Co. v. Courtney, 186 U.S. 342, 346 (1902)
(Immediate)
CENTURY DICTIONARY

Singer Mfg. Co. v. June Mfg. Co., 163 U.S. 169, 186 (1896)
(Abandonment)
DE MARAGY, INT'L DICTIONARY OF INDUSTRIAL PROPERTY

Associate Justice Byron White (1962-1993)

24 cases (0.77/year) and 30 terms (0.97/year)

Shaw v. Reno, 509 U.S. 630, 671 n.7 (1993) (White, J., dissenting)
(Segregate)
WEBSTER'S COLLEGIATE DICTIONARY (9th ed. 1983)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Good Samaritan Hosp. v. Shalala, 508 U.S. 402, 412 n.9 (1993)
(Aggregate)
WEBSTER'S COLLEGIATE DICTIONARY (9th ed. 1983)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Mertens v. Hewitt Assocs., 508 U.S. 248, 269 n.4 (1993) (White, J., dissenting)
(Remedial)
(Relief)
(Remedy)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

CSX Transp., Inc. v. Easterwood, 507 U.S. 658, 664 (1993)
(Cover)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Pioneer Investment Servs. Co. v. Brunswick Assocs., 507 U.S. 380, 388 (1993)
(Neglect)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

Gregory v. Ashcroft, 501 U.S. 452, 482 (1991) (White, J., concurring in part, dissenting in part & concurring in judgment)
(Policy)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Farrey v. Sanderfoot, 500 U.S. 291, 296 (1991)

(Avoid)

(Fix)

BLACK'S LAW DICTIONARY (6th ed. 1990)

International Union v. Johnson Controls, Inc., 499 U.S. 187, 212 n.1 (1991) (White, J., concurring in part & concurring in judgment)
(Occupational)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

Dennis v. Higgins, 498 U.S. 439, 447 n.7 (1991)

(Right)

BLACK'S LAW DICTIONARY (6th ed. 1990)

Will v. Michigan Dep't of State Police, 491 U.S. 58, 69 n.9 (1989)

(Body Politic)

(Public Corporation)

ABBOTT, DICTIONARY OF TERMS & PHRASES USED IN AMERICAN OR ENGLISH JURISPRUDENCE (1879)

ANDERSON, A DICTIONARY OF LAW (1893)

BLACK'S LAW DICTIONARY (1891)

BURRILL, A LAW DICTIONARY & GLOSSARY (2d ed. 1871)

Sullivan v. Hudson, 490 U.S. 877, 894 (1989) (White, J., dissenting)

(Civil Action)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Phillips Petroleum Co. v. Mississippi, 484 U.S. 469, 476-77 n.6 (1988)

(Tidelands)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Saint Francis College v. Al-Khazraji, 481 U.S. 604, 610-11 (1987)

(Race)

CENTURY DICTIONARY & CYCLOPEDIA (1911)

DONALD, CHAMBER'S ETYMOLOGICAL DICTIONARY OF THE ENGLISH LANGUAGE (1871)

WEBSTER'S COLLEGIATE DICTIONARY (3d ed. 1916)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1986)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1841)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1830)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (W. Wheeler ed., 1887)

Henderson v. United States, 476 U.S. 321, 335 (1986) (White, J., dissenting)

(Prompt)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unab. 1976)

Brockett v. Spokane Arcades, Inc., 472 U.S. 491, 500 n.10 (1985) (quoting Roth v. United States, 354 U.S. 476, 487 n.20 (1957)

(Lust)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 5th ed. 1981)

(Lust)

(Prurient)

(Pruriency)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1949)

(Prurient)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unab. 4th ed. 1976)

Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio, 471 U.S. 626, 630 n.2 (1985)

(Intrauterine Device)

URDANG DICTIONARY OF CURRENT MEDICAL TERMS (1981)

Philko Aviation, Inc. v. Shacket, 462 U.S. 406, 411 (1983)

(Conveyance)

WEBSTER'S THIRD NEW INT'L DICTIONARY (P. Gove ed., 1976)

Alfred L. Snapp & Son, Inc. v. Puerto Rico *ex rel.* Barez, 458 U.S. 592, 600 n.8 (1982)

(Parens Patriae)

BLACK'S LAW DICTIONARY (5th ed. 1979)

Colautti v. Franklin, 439 U.S. 379, 402 (1979) (White, J., dissenting)

(Potential)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1958)

California v. Southland Royalty Co., 436 U.S. 519, 527 (1978)
 (Dedicate)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Alamo Land & Cattle Co. v. Arizona, 424 U.S. 295, 312 (1975)
 (White, J., dissenting)
 (Encumbrance)
 BOUVIER, LAW DICTIONARY (8th ed. 1914)

Cheng Fan Kwok v. INS, 392 U.S. 206, 218 n.* (1968) (White, J.,
 dissenting)
 (Pursuant)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1957)

United States v. Cook, 384 U.S. 257, 261 n.5 (1966)
 (Firm)
 BALLENTINE'S LAW DICTIONARY (2d ed. 1948)
 BLACK'S LAW DICTIONARY (4th ed. 1951)
 BOUVIER, LAW DICTIONARY (8th ed. 1914)
 CLARK & GOTTFIED, DICTIONARY OF BUSINESS & FINANCE (1957)
 CROWELL'S DICTIONARY OF BUSINESS & FINANCE (rev. ed. 1930)
 DICTIONARY OF BUSINESS & INDUSTRY (Schwartz ed., 1954)
 DICTIONARY OF ENGLISH LAW (1959)
 DICTIONARY OF FOREIGN TRADE (Henius 2d ed. 1947)
 WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Baggett v. Bullitt, 377 U.S. 360, 371 n.9 (1964)
 (Institution)
 WEBSTER'S SECOND NEW INT'L DICTIONARY (1958)

Associate Justice William Woods (1881-1887)
 1 case (0.17/year) and 1 term (0.17/year)

Cooper Mfg. Co. v. Ferguson, 113 U.S. 727, 734-35 (1885)
 (To Carry On)
 WEBSTER'S DICTIONARY
 WORCESTER'S DICTIONARY

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APPENDIX B: JUSTICES

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Appendix C

DICTIONARIES RELIED UPON BY THE UNITED STATES SUPREME COURT TO DEFINE TERMS THROUGH THE 1997-1998 TERM*

AAA

ABBOTT, DICTIONARY OF TERMS & PHRASES USED IN AMERICAN OR ENGLISH JURISPRUDENCE (1879)

Will v. Michigan Dep't of State Police, 491 U.S. 58, 69
n.9 (1989) (White, J.)
(Body Politic)
(Public Corporation)

Will v. Michigan Dep't of State Police, 491 U.S. 58, 79
(1989) (Brennan, J., dissenting)
(Body Politic)

Mallard v. United States Dist. Court for the S. Dist. of
Iowa, 490 U.S. 296, 301 (1989) (Brennan, J.)
(Request)

ABBOTT'S LAW DICTIONARY (1879)

Smith v. Wade, 461 U.S. 30, 60 n.3 (1983) (Rehnquist,
J., dissenting)
(Malice)

* Some United States Supreme Court opinions do not clearly indicate which specific dictionary or edition is being cited and, unfortunately, it is impossible to clarify those ambiguities from the opinions (for example, despite the numerous dictionaries that have carried the "Webster" name over the years, some Justices have identified a source only as "Webster's Dictionary"). Accordingly, the dictionaries cited herein generally are listed as they were cited in the opinions. As a result of the citation ambiguities in the opinions, this Appendix may have two (or more) separate listings for the same edition of the same dictionary. In light of this duplication, and for ease of reference, headings have been added for dictionaries where such duplication may exist.

AMERICAN AND ENGLISH ENCYCLOPEDIA OF LAW (J. Merrill ed., 1890)
 Smiley v. Citibank, 517 U.S. 735, 745 (1996) (Scalia, J.)
 (Interest)

AMERICAN COLLEGE DICTIONARY (1970)
 Babbitt v. Sweet Home Chapter of Communities for a
 Great Oregon, 515 U.S. 687, 719 (1995) (Scalia, J.,
 dissenting)
 (Harm)

AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1869)
 Foster v. Love, 118 S. Ct. 464, 467 (1997) (Souter, J.)
 (Election)

** VERSIONS OF AMERICAN HERITAGE DICTIONARY **

AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (3d ed.
 1992)

Cohen v. De la Cruz, 118 S. Ct. 1212, 1217 (1998) (O'Connor, J.)
 (Debt for)

Allentown Mack Sales & Serv., Inc. v. NLRB, 118 S. Ct.
 818, 823 (1998) (Scalia, J.)
 (Doubt)

Victor v. Nebraska, 511 U.S. 1, 15 (1994) (O'Connor, J.)
 (Moral Certainty)

AMERICAN HERITAGE DICTIONARY (3d College ed. 1992)

National Endowment for the Arts v. Finley, 118 S. Ct.
 2168, 2180-81 (1998) (Scalia, J., concurring)
 (Ensure)

AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

United States v. Bestfoods, 118 S. Ct. 1876, 1887 (1998)
 (Souter J.)
 (Operate)

Commissioner v. Estate of Hubert, 520 U.S. 93, 128
 (1997) (Scalia, J., dissenting)
 (Material)

Auer v. Robbins, 519 U.S. 452, 461 (1997) (Scalia, J.)
(Subject to)

Walters v. Metropolitan Educ. Enter., Inc., 519 U.S.
202, 207 (1997)
(Scalia, J.)
(Have)

Things Remembered, Inc. v. Petrarca, 516 U.S. 124, 133
(1995) (Ginsburg, J., concurring)
(Equitable)

NLRB v. Town & Country Elec., Inc., 516 U.S. 85, 90
(1995) (Breyer, J.)
(Employee)

Posters 'N' Things, Ltd. v. United States, 511 U.S. 513,
515 nn.1 & 3 (1994) (Blackmun, J.)
(Bong)
(Freebase)

Victor v. Nebraska, 511 U.S. 1, 15 (1994) (O'Connor, J.)
(Moral Certainty)

United States v. Alvarez-Sanchez, 511 U.S. 350, 357-58
(1994) (Thomas, J.)
(Delay)

Liteky v. United States, 510 U.S. 540, 552 (1994)
(Scalia, J.)
(Partiality)

Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569, 580
n.12 (1994) (Souter, J.)
(Parody)

ABF Freight Sys., Inc. v. NLRB, 510 U.S. 317, 328
(1994) (Scalia, J., concurring)
(Understand)

AMERICAN HERITAGE DICTIONARY (2d ed. 1985)

Commissioner v. Estate of Hubert, 520 U.S. 93, 118
(1997) (O'Connor, J., concurring)
(Substantial)

AMERICAN HERITAGE DICTIONARY (2d College ed. 1982)

Kay v. Ehrler, 499 U.S. 432, 436 n.6 (1991) (Stevens, J.)
(Attorney)

AMERICAN HERITAGE DICTIONARY (10th ed. 1981)

Rake v. Wade, 508 U.S. 464, 473 (1993) (Thomas, J.)
(Provide For)

AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (1980)

City of Houston v. Hill, 482 U.S. 451, 479 & n.6 (1987)
(Powell, J., concurring in judgment in part & dissenting in part)
(Challenge)

Village of Hoffman Estates v. Flipside, Hoffman
Estates, Inc., 455 U.S. 489, 501 n.18, 503 n.20 (1982)
(Marshall, J.)
(Roach)
(Head)

ANDERSON, A DICTIONARY OF LAW (1893)

Ngiraingas v. Sanchez, 495 U.S. 182, 202 n.8 (1990)
(Brennan, J., dissenting)
(Corporations)

Will v. Michigan Dep't of State Police, 491 U.S. 58, 69
n.9 (1989) (White, J.)
(Body Politic)
(Public Corporation)

Will v. Michigan Dep't of State Police, 491 U.S. 58, 79
(1989) (Brennan, J., dissenting)
(Body Politic)

McNally v. United States, 483 U.S. 350, 370-71 (1987)
(Stevens, J., dissenting)
(Defraud)

ANDERSON'S LAW DICTIONARY (1996)

Wilson Bros., Inc. v. Nelson, 183 U.S. 191, 212 (1901)
(Shiras, J., dissenting)
(Act)

The Main v. Williams, 152 U.S. 122, 130 (1894) (Brown, J.)
(Freight)

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BAILEY, UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY (1730)

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BALLENTINE'S LAW DICTIONARY (2d ed. 1948)

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BARCLAY, A COMPLETE & UNIVERSAL ENGLISH DICTIONARY (1782)

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BOUVIER'S LAW DICTIONARY

Sniadach v. Family Finance Corp., 395 U.S. 337, 348
(1969) (Black, J., dissenting)
(Garnishment)

Deal v. United States, 274 U.S. 277, 283 (1927) (McReynolds, J.)
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Rhode Island v. Palmer, 253 U.S. 350, 398 (1920) (McKenna, J.,
dissenting)
(Concurrent Jurisdiction)

Eisner v. Macomber, 252 U.S. 189, 206-07 (1920) (Pitney, J.)
(Income)

Chelentis v. Luckenback S.S. Co., 247 U.S. 372, 384 (1918)
(McReynolds, J.)
(Right)
(Remedy)

Wilder v. Inter-Island Steam Navigation Co., 211 U.S.
239, 246 (1908) (Day, J.)
(Arrestment)

Burton v. United States, 202 U.S. 344, 396 (1906)
(Brewer, J., dissenting)
(Interest)

- Martin v. Steamship Southwark, 191 U.S. 1, 8 (1903)
(Day, J.)
(Seaworthiness)
- Patton v. Brady, 184 U.S. 608, 617-18 (1902) (Brewer, J.)
(Excise)
- The Main v. Williams, 152 U.S. 122, 130 (1894) (Brown, J.)
(Freight)
- United States v. Patterson, 150 U.S. 65, 68 (1893) (Brewer, J.)
(Hearing)
- Railroad Co. v. Mississippi, 102 U.S. 135,143 (1880)
(Miller, J., dissenting)
(Suit)
- Inman Steamship Co. v. Tinker, 94 U.S. 238, 243 (1876)
(Swayne, J.)
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- Case of the Sewing Machine Cos., 85 U.S. 553, 585 n.++
(1873) (Clifford, J.)
(Suit)
- Legal Tender Cases, 79 U.S. 457, 601 & n.++ (1870)
(Chase, C.J., dissenting)
(Pound Troy)
- Gordon v. United States, 74 U.S. 188, 194 & n.* (1868)
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(Arbitrator)
- Christmas v. Russell, 72 U.S. 290, 300 & n.++ (1866)
(Clifford, J.)
(Limitation)
- Steamship Co. v. Joliffe, 69 U.S. 450, 461-62 n.* (1864)
(Field, J.)
(Pilots)

BROWN, A LAW DICTIONARY (Sprague ed., 1875)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 540 app.
 (1952) (Frankfurter, J., concurring in judgment)
 (Blasphemy)
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BROWN'S LAW DICTIONARY (1874)

Keck v. United States, 172 U.S. 434, 461 (1899) (Brown,
 J., dissenting)
 (Smuggling)

BUCHANAN, A NEW ENGLISH DICTIONARY (1769)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 536 app.
 (1952) (Frankfurter, J., concurring in judgment)
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BULLOKAR, THE ENGLISH EXPOSITOR (14th ed. 1731)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 535 app.
 (1952) (Frankfurter, J., concurring in judgment)
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BURN, A NEW LAW DICTIONARY (1792)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 538 app.
 (1952) (Frankfurter, J., concurring in judgment)
 (Prophaneness)
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Keck v. United States, 172 U.S. 434, 461 (1899) (Brown,
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 (Smugglers)

BURRILL, A LAW DICTIONARY & GLOSSARY (2d ed. 1871)

Will v. Michigan Dep't of State Police, 491 U.S. 58, 69
 n.9 (1989) (White, J.)
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Will v. Michigan Dep't of State Police, 491 U.S. 58, 79-
 80 (1989) (Brennan, J., dissenting)
 (Body Politic)
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BURRILL'S LAW DICTIONARY (1859)

McNally v. United States, 483 U.S. 350, 370-71 (1987)
(Stevens, J., dissenting)
(Defraud)

BURRILL'S LAW DICTIONARY

The Main v. Williams, 152 U.S. 122, 130 (1894) (Brown, J.)
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THE CAR-BUILDER'S DICTIONARY (1879)

Shields v. Atlantic Coast Line R.R. Co., 350 U.S. 318,
326 n.2 (1956) (Reed, J., dissenting)
(Running Board)

CENTURY DICTIONARY & CYCLOPEDIA (1911)

Saint Francis College v. Al-Khazraji, 481 U.S. 604, 610-
11 (1987) (White, J.)
(Race)

CENTURY DICTIONARY & CYCLOPEDIA (1902)

Lanzetta v. New Jersey, 306 U.S. 451, 453-54 & n.3
1939) (Butler, J.)
(Gang)

CENTURY DICTIONARY (Rev. ed.)

Cleveland v. United States, 329 U.S. 14, 17 n.4 (1946)
(Douglas, J.)
(Debauchery)

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Andrus v. Charlestone Stone Prods. Co., 436 U.S. 604,
610 (1978) (Marshall, J.) (quoting Northern Pac. Ry. v.
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(Minerals)

Keegan v. United States, 325 U.S. 478, 501 n.1 (1945)
(Stone, C.J., dissenting)
(Evade)

Stewart v. United States, 316 U.S. 354, 362 n.6 (1942)
(Roberts, J.)
(Islands)

American Fruit Growers Inc. v. Brogdex Co., 283 U.S. 1,
11 (1931) (McReynolds, J.)
(Manufacture)

Deal v. United States, 274 U.S. 277, 283 (1927)
(McReynolds, J.)
(Depredation)

Gitlow v. New York, 268 U.S. 652, 665 (1925) (Sanford, J.)
(Advocacy)

Rhode Island v. Palmer, 253 U.S. 350, 396-97 n.2 (1920)
(McKenna, J., dissenting)
(Concurrent)

Eisner v. Macomber, 252 U.S. 189, 206-07 (1920) (Pitney, J.)
(Income)

Lamar v. United States, 241 U.S. 103, 113 (1916) (White, C.J.)
(Officer)

Mallinckrodt Chemical Workers v. Missouri *ex rel.*
Jones, 238 U.S. 41, 53 (1915) (Pitney, J.)
(Trust)

Rocca v. Thompson, 223 U.S. 317, 320 (1912) (Day, J.)
(Intervene)

Montello Salt Co. v. Utah, 221 U.S. 452, 464-65 (1911)
(McKenna, J.)
(Include)

Standard Paint Co. v. Trinidad Asphalt Mfg.Co.,
220 U.S. 446, 454-55 (1911) (McKenna, J.)
(Rubberoid)
(Oid)

Toxaway Hotel Co. v. J.L. Smathers & Co., 216 U.S.
439, 448 (1910) (Lurton, J.)
(Merchantile)

Wilder v. Inter-Island Steam Navigation Co., 211 U.S. 239, 246 (1908) (Day, J.)
(Arrestment)

Vicksburg v. Vicksburg Waterworks Co., 202 U.S. 453, 470-71 (1906) (Day, J.)
(Exclusive)

Hackfeld & Co. v. United States, 197 U.S. 442, 448-49 (1905) (Day, J.)
(Neglect)

United States *ex rel.* Turner v. Williams, 194 U.S. 279, 292-93 (1904) (Fuller, C.J.)
(Anarchist)
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Houghton v. Payne, 194 U.S. 88, 96 (1904) (Brown, J.)
(Periodical)

Northern Pac. Ry. v. Soderberg, 188 U.S. 526, 530 (1903) (Brown, J.)
(Mines)
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Fidelity & Deposit Co. v. Courtney, 186 U.S. 342, 346 (1902) (White, J.)
(Immediate)

Patton v. Brady, 184 U.S. 608, 618 (1902) (Brewer, J.)
(Excise)
Wilson Bros., Inc. v. Nelson, 183 U.S. 191, 212 (1901)
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(Act)

Keck v. United States, 172 U.S. 434, 462 (1899)
(Brown, J., dissenting)
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United States v. Klumpp, 169 U.S. 209, 212 (1898)
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United States v. Laws, 163 U.S. 258, 266 (1896)
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 (Profession)

Seeberger v. Wright & Lawther Oil & Lead Mfg. Co.,
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 (Draft)
 (Draught)

Ernhardt v. Steinhardt, 153 U.S. 177, 182 (1894)
 (Fuller, C.J.)
 (Absinthe)

Sarlls v. United States, 152 U.S. 570, 572 (1894)
 (Shiras, J.)
 (Malt Liquor)
 (Spirituos Liqueurs)

The Main v. Williams, 152 U.S. 122, 130 (1894)
 (Brown, J.)
 (Freight)

United States v. Rodgers, 150 U.S. 249, 270 (1893)
 (Gray, J., dissenting)
 (High Seas)

Hollender v. Magone, 149 U.S. 586, 589 (1893) (Brewer, J.)
 (Liquors)

Horner v. United States, 147 U.S. 449, 458-59 (1893)
 (Blatchford, J.)
 (Lottery)

CLARK & GOTTFIED, DICTIONARY OF BUSINESS & FINANCE (1957)

United States v. Cook, 384 U.S. 257, 261 n.5 (1966)
 (White, J.)
 (Firm)

COCKER, ENGLISH DICTIONARY (1724)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 534 app.
 (1952) (Frankfurter, J., concurring in judgment)
 (Sacrilege)

- COCKERAM, ENGLISH DICTIONARIE (10th ed. 1651)
 Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 533 app.
 (1952) (Frankfurter, J., concurring in judgment)
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- COLES, AN ENGLISH DICTIONARY (1732)
 Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 535 app.
 (1952) (Frankfurter, J., concurring in judgment)
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- COLLINS ENGLISH DICTIONARY (3d ed. 1991)
 Victor v. Nebraska, 511 U.S. 1, 12-13 (1994) (O'Connor, J.)
 (Moral Evidence)
- A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)
 Camps Newfound/Owatonna, Inc. v. Town of Harrison,
 520 U.S. 564, 637 n.20 (1997) (Thomas, J., dissenting)
 (Impost)
- U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779, 857
 n.7 (1995) (Thomas, J., dissenting)
 (Congress)
- United States v. Lopez, 514 U.S. 549, 585-86 (1995)
 (Thomas, J., concurring)
 (Commerce)
- COWEL'S LAW DICTIONARY (1708)
 Inman Steamship Co. v. Tinker, 94 U.S. 238, 243 (1876)
 (Swayne, J.)
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- COWEL'S LAW DICTIONARY
 Lapeyre v. United States, 84 U.S. 191, 195 & n.++
 (1872) (Swayne, J.)
 (Proclamation)
- A CRITICAL PRONOUNCING DICTIONARY (1791)
 Austin v. United States, 509 U.S. 602, 614 n.7 (1993)
 (Blackmun, J.)
 (Fine)
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Helling v. McKinney, 509 U.S. 25, 38 (1993) (Thomas, J., dissenting)
(Punishment)

CROWELL'S DICTIONARY OF BUSINESS & FINANCE (rev. ed. 1930)
United States v. Cook, 384 U.S. 257, 261 n.5 (1966)
(White, J.)
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CUNNINGHAM, A NEW AND COMPLETE LAW-DICTIONARY (2d ed. 1771)
Browning-Ferris Indus. of Vermont, Inc. v. Kelco
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Doe v. United States, 487 U.S. 201, 221 n.2 (1988)
(Stevens, J., dissenting)
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Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 537 app.
(1952) (Frankfurter, J., concurring in judgment)
(Blasphemy)
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CUNNINGHAM, A NEW AND COMPLETE LAW DICTIONARY (1771)
Helling v. McKinney, 509 U.S. 25, 38 (1993) (Thomas, J., dissenting)
(Punishment)

CYCLOPEDIA LAW DICTIONARY (3d ed. 1940)
Molozof v. United States, 502 U.S. 301, 307 (1992)
(Thomas, J.)
(Punitive Damages)

CYCLOPEDIA LAW DICTIONARY (2d ed. 1922)
Reves v. Ernst & Young, 494 U.S. 56, 77 (1990)
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CYCLOPEDIA OF LAW (1901)

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DANA, DICTIONARY OF SEA TERMS

O'Hara v. Luckenbach S.S. Co., 269 U.S. 364, 371
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DE MARAGY, INT'L DICTIONARY OF INDUSTRIAL PROPERTY

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 (Abandonment)

Singer Mfg. Co. v. June Mfg. Co., 163 U.S. 169, 186
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DEFOE, A COMPLETE ENGLISH DICTIONARY (1735)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 535 app.
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DICTIONNAIRE LAROUSSE (1981)

Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 191-92 (1993)
 (Blackmun, J., dissenting)
 (Refouler)

DICTIONARIUM BRITANNICUM (Bailey ed., 1730)

Grady v. Corbin, 495 U.S. 508, 529 (1990) (Scalia, J., dissenting)
 (Offence)

DICTIONARY OF BUSINESS & INDUSTRY (Schwartz ed., 1954)

United States v. Cook, 384 U.S. 257, 261 n.5 (1966) (White, J.)
 (Firm)

A DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 1773)

U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779, 857-58 n.7 (1995) (Thomas, J., dissenting)
(Congress)

United States v. Lopez, 514 U.S. 549, 585-86 (1995)
(Thomas, J., concurring)
(Commerce)

A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)

Camps Newfound/Owatonna, Inc. v. Town of Harrison, 520 U.S. 564, 637 n.20 (1997) (Thomas, J., dissenting)
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Nixon v. United States, 506 U.S. 224, 229-30 (1993)
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A DICTIONARY OF THE ENGLISH LANGUAGE (1796)

Nixon v. United States, 506 U.S. 224, 229-30 (1993)
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DICTIONARY OF ENGLISH LAW (1959)

United States v. Cook, 384 U.S. 257, 261, 262 n.5 (1966)
(White, J.)
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DICTIONARY OF FOREIGN TRADE (Henius 2d ed. 1947)

United States v. Cook, 384 U.S. 257, 261, 262 n.5 (1966)
(White, J.)
(Firm)

DICTIONARY OF MODERN LEGAL USAGE (2d ed. 1995)

Gutierrez de Martinez v. Lamagno, 515 U.S. 417, 432-33 n.9 (1995) (Ginsburg, J.)
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DICTIONARY OF OCCUPATIONAL TITLES (3d ed. 1965)

Corning Glass Works v. Brennan, 417 U.S. 188, 201 & n.21 (1974) (Marshall, J.)
(Working Conditions)

Dictionary of Races, Senate Document 662, 61st Cong., 3d Sess. 1910
 United States v. Bhagat Singh Thind, 261 U.S. 204, 211
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 (Caucasian)

DONALD, CHAMBER'S ETYMOLOGICAL DICTIONARY OF THE ENGLISH
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 Saint Francis College v. Al-Khazraji, 481 U.S. 604, 611
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DORLAND'S ILLUSTRATED MEDICAL DICTIONARY (24th ed. 1965)
 Roe v. Wade, 410 U.S. 113, 132 & n.20, 159, 160 & n.59
 (1973) (Blackmun, J.)
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United States v. An Article of Drug . . . Bacto-Unidisk . . . , 394 U.S.
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DYCHE, THE NEW GENERAL ENGLISH DICTIONARY (1777)
 Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 538 app.
 1952) (Frankfurter, J., concurring in judgment)
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ENCYCLOPAEDIC DICTIONARY OF PHOTOGRAPHY (1896)
 Paramount Publix Corp. v. American Tri-Ergon Corp.,
 294 U.S. 464, 471 & n.1 (1935)
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ENTICK, NEW SPELLING DICTIONARY (1786)

- Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 538 app. (1952)
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FAIRCHILD, DICTIONARY OF SOCIOLOGY (1944)

- Palmer v. Ashe, 342 U.S. 134, 140 n.* (1952) (Minton,
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FUNK & WAGNALLS' NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE
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- K Mart Corp. v. Cartier, Inc., 485 U.S. 176, 192 (1988)
(Scalia, J., dissenting)
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FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH
LANGUAGE (1957)

- American Textile Mfrs. Inst., Inc. v. Donovan, 452 U.S.
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FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1952)

- Saffle v. Parks, 494 U.S. 484, 514 (1990) (Brennan, J.,
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FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1947)

- Yates v. United States, 354 U.S. 298, 305-07 n.7 (1957)
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FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH
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- United States v. Carmack, 329 U.S. 230, 244, 246 n.14
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(Arbitrary)

United States v. Kozminski, 487 U.S. 931, 961-62 (1988)
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FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1937)
Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 520 n.28
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FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1915)
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(Gang)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1913)
United States v. Kozminski, 487 U.S. 931, 961-62
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FUNK & WAGNALLS' STANDARD DICTIONARY OF THE ENGLISH LANGUAGE
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Crane v. Commissioner, 331 U.S. 1, 6 n.14 (1947)
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Keegan v. United States, 325 U.S. 478, 500, 501 n.1
(1945) (Stone, C.J., dissenting)
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FUNK & WAGNALLS' STANDARD DICTIONARY

Beilan v. Board of Education, 357 U.S. 399, 407 (1958)
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 6 A.2d 866, 868, 869-70 (Pa. 1939))
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Helling v. McKinney, 509 U.S. 25, 38 (1993) (Thomas,
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GORDON & MARCHANT, A NEW COMPLETE ENGLISH DICTIONARY (1760)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 536
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LE GRAND, DICTIONNAIRE USUAL DE DROIT (1931)

Air France v. Saks, 470 U.S. 392, 399-400 n.3 (1985)
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GRAND LAROUSSE DE LA LANGUE FRANÇAISE (1987)

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GRAND LAROUSSE DE LA LANGUE FRANÇAISE (1971)

Air France v. Saks, 470 U.S. 392, 399-400 (1985)
 (O'Connor)
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United States *ex rel.* Turner v. Williams, 194 U.S. 279,
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IMPERIAL DICTIONARY

Keck v. United States, 172 U.S. 434, 461 (1899) (Brown,
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Seeberger v. Wright & Lawther Oil & Lead Mfg. Co.,
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The Britannia, 153 U.S. 130, 148 (1894) (Brown, J.,
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Horner v. United States, 147 U.S. 449, 458-59 (1893)
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Ferguson v. Arthur, 117 U.S. 482, 487 (1886)
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JACOB, THE LAW DICTIONARY: EXPLAINING THE RISE, PROGRESS, AND
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Helling v. McKinney, 509 U.S. 25, 38 (1993) (Thomas,
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JACOB'S LAW DICTIONARY

Northern Pac. Ry. v. Soderberg, 188 U.S. 526, 535
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JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)

Browning-Ferris Indus. of Vermont, Inc. v. Kelco
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County of Allegheny v. ACLU, 492 U.S. 573, 648-49 &
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JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (1785)

Nixon v. United States, 506 U.S. 224, 230 (1993)
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JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1785)

United States v. Bajakajian, 118 S. Ct. 2028, 2037
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JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1755)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 535-36
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JOHNSON'S DICTIONARY

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Town of Enfield v. Jordan, 119 U.S. 680, 684-85 (1887)
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KERSEY, A NEW ENGLISH DICTIONARY (1702)

Austin v. United States, 509 U.S. 602, 614 n.7 (1993)
(Blackmun, J.)
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Grady v. Corbin, 495 U.S. 508, 529 (1990) (Scalia, J.,
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(Offence)

KERSEY, A GENERAL ENGLISH DICTIONARY (3d ed. 1721)
Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 534
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(Blasphemy)
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KNIGHT'S MECHANICAL DICTIONARY
Schumacher v. Cornell, 96 U.S. 549, 554 (1877)
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KOHLER, A DICTIONARY FOR ACCOUNTANTS (1952)
Massey Motors, Inc. v. United States, 364 U.S. 92, 106
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LAROUSSE MODERN FRENCH-ENGLISH DICTIONARY (1978)
Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 181
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A LAW DICTIONARY (6th ed. 1856)
Smiley v. Citibank, 517 U.S. 735, 745 (1996) (Scalia, J.)
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A LAW DICTIONARY (1883)
United States v. Dixon, 509 U.S. 688, 705 n.10 (1993)
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A LAW DICTIONARY AND GLOSSARY (2d ed. 1860)
Smiley v. Citibank, 517 U.S. 735, 745 (1996) (Scalia, J.)
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THE LAW DICTIONARY: EXPLAINING THE RISE, PROGRESS, AND PRESENT
STATE OF THE ENGLISH LAW (1811)

Helling v. McKinney, 509 U.S. 25, 38 (1993) (Thomas,
J., dissenting)
(Punishment)

LAW LEXICON OR DICTIONARY OF JURISPRUDENCE (2d Amer. ed. 1860)

Smiley v. Citibank, 517 U.S. 735, 745 (1996) (Scalia, J.)
(Interest)

LINGEMAN, DRUGS FROM A TO Z: A DICTIONARY (1969)

Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.,
455 U.S. 489, 501 n.18 (1982) (Marshall, J.)
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MARTIN, A NEW UNIVERSAL ENGLISH DICTIONARY (1754)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 535 app.
(1952) (Frankfurter, J., concurring in judgment)
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MATHEWS, A SURVEY OF ENGLISH DICTIONARIES (1933)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 533 app.
n.* (1952) (Frankfurter, J., concurring in judgment)
(General reference and no specific cite)

MCCULLOCH'S COMMERCIAL DICTIONARY

Arthur v. Moller, 97 U.S. 365, 368 (1878) (Hunt, J.)
(Print)

Oulton v. Savings Inst., 84 U.S. 109, 118-19 n.* (1872)
(Clifford, J.)
(Banks)

Bank for Sav. v. Collector, 70 U.S. 495, 512-13 & n.*
(1865) (Clifford, J.)
(Banks of Deposit)
(Banks for Savings)

Insurance Cos. v. Wright, 68 U.S. 456, 473 n.* (1863)
(Miller, J.)
(Rating)

MCÉLRATH'S COMMERCIAL DICTIONARY

Arthur v. Moller, 97 U.S. 365, 367-68 (1878) (Hunt, J.)
(To Print)
(Lithograph)

MCGRAW-HILL DICTIONARY OF MODERN ECONOMICS (3d ed. 1983)

Trinova Corp. v. Michigan Dep't of Treasury, 498 U.S.
358, 364 n.1 (1991) (Kennedy, J.)
(Depreciation)

MELLINKOFF'S DICTIONARY OF AMERICAN LEGAL USAGE (1992)

Gutierrez de Martinez v. Lamagno, 515 U.S. 417, 432-33
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NEW CASSELL'S FRENCH DICTIONARY (1973)

Sale v. Haitian Centers Council, Inc., 509 U.S. 155, 181
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(Return)
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A NEW AND COMPLETE LAW-DICTIONARY (1771)

Helling v. McKinney, 509 U.S. 25, 38 (1993) (Thomas,
J., dissenting)
(Punishment)

A NEW ENGLISH DICTIONARY (1702)

Austin v. United States, 509 U.S. 602, 614 n.7 (1993)
(Blackmun, J.)
(Fine)
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A NEW ENGLISH DICTIONARY ON HISTORICAL PRINCIPLES (J. Murry ed., 1897)

Department of Human Resources v. Smith, 494 U.S.
872, 893 (1990) (O'Connor, J., concurring in judgment)
(Exercise)

NEW PALGRAVE DICTIONARY OF MONEY & FINANCE (1992)

Fulton Corp. v. Faulkner, 516 U.S. 325, 337 (1996)
(Souter, J.)
(Price/Earnings Ratio)

THE NEW GROVE DICTIONARY OF MUSIC & MUSICIANS (S. Sadie ed., 1980)

Ward v. Rock Against Racism, 491 U.S. 781, 810 (1989)
(Marshall, J., dissenting)
(Tonality)

THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)

Allentown Mack Sales & Serv., Inc. v. NLRB, 118 S. Ct.
818, 823 (1998) (Scalia, J.)
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Commissioner v. Estate of Hubert, 520 U.S. 93, 128
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(Material)

Walters v. Metropolitan Educ. Enters., Inc., 519 U.S.
202, 207 (1997) (Scalia, J.)
(Have)

Capitol Square Rev. & Advisory Bd. v. Pinette, 515 U.S.
753, 763 (1995) (Scalia, J.)
(Endorsement)

United States v. Aguilar, 515 U.S. 593, 610-11 (1995)
(Scalia, J., concurring in part & dissenting in part)
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MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218,
226-27 (1994) (Scalia, J.)
(Modify)
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OGLVIE'S DICTIONARY

Town of Enfield v. Jordan, 119 U.S. 680, 684-85 (1887)
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OXFORD DICTIONARY

Exhibit Supply Co. v. Ace Patents Corp., 315 U.S. 126,
 134 (1942) (Stone, C.J.)
 (Embed)

OXFORD DICTIONARY OF ENGLISH ETYMOLOGY (C. Onions ed., 1966)

Muscarello v. United States, 118 S. Ct. 1911, 1914
 (1998) (Breyer, J.)
 (Carry)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)

Muscarello v. United States, 118 S. Ct. 1911, 1914,
 1915 (1998) (Breyer, J.)
 (Carry)

Camps Newfound/Owatonna, Inc. v. Town of Harrison,
 520 U.S. 564, 638 n.20 (1997) (Thomas, J., dissenting)
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Rutledge v. United States, 517 U.S. 292, 299 n.10
 (1996) (Stevens, J.)
 (Concert)

Rosenberger v. Rector & Visitors of Univ. of Va., 515
 U.S. 819, 872 n.1 (1995) (Souter, J., dissenting)
 (Seminary)

United States v. Lopez, 514 U.S. 549, 586 (1995)
 (Thomas, J., concurring)
 (Commerce)

** See also entries under THE NEW SHORTER OXFORD ENGLISH DICTIONARY.

MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218, 227 (1994) (Scalia, J.)

(Modify)

MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218, 242 n.5 (1994) (Stevens, J., dissenting)

(Modify)

Victor v. Nebraska, 511 U.S. 1, 12-13 (1994) (O'Connor, J.)

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Campbell v. Acuff-Rose Music, Inc., 510 U.S. 569, 580 n.12 (1994) (Souter, J.)

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Hartford Fire Ins. Co. v. California, 509 U.S. 764, 802 n.2 (1993) (Scalia, J., partial opinion of Court)

(Boycott)

Reves v. Ernst & Young, 507 U.S. 170, 187-88 (1993)

(Souter, J., dissenting)

(Conduct)

Oklahoma v. New Mexico, 501 U.S. 221, 244 (1991)

(Rehnquist, C.J., concurring in part & dissenting in part)

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Chapman v. United States, 500 U.S. 453, 462 (1991)

(Rehnquist, C.J.)

(Mixture)

Breiner v. Sheet Metal Workers Int'l Ass'n Local Union No. 6, 493 U.S. 67, 97 (1989) (Stevens, J.,

concurring in part & dissenting in part)

(Discipline)

H.J. Inc. v. Northwestern Bell Tel. Co., 492 U.S. 229, 238 (1989) (Brennan, J.)

(Pattern)

OXFORD ENGLISH DICTIONARY (1989)

County of Allegheny v. ACLU, 492 U.S. 573, 649 & n.5
(1989) (Stevens, J., concurring in part & dissenting in
part)
(Respect)

OXFORD ENGLISH DICTIONARY (Compact ed. 1981)

Kay v. Ehrler, 499 U.S. 432, 436 n.6 (1991) (Stevens,
J.)
(Attorney)

OXFORD ENGLISH DICTIONARY (1933)

Babbitt v. Sweet Home Chapter of Communities for a
Great Oregon, 515 U.S. 687, 717 (1995) (Scalia, J.,
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Allied-Bruce Terminix Co. v. Dobson, 513 U.S. 265, 273-
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United States v. Kozminski, 487 U.S. 931, 962 n.9
(1988) (Brennan, J., concurring in judgment)
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Lukhard v. Reed, 481 U.S. 368, 375 (1987)
(Income)

Davis v. Ciraolo, 476 U.S. 207, 221 & n.6 (1986) (Powell,
J., dissenting)
(Curtilage)

Pembaur v. City of Cincinnati, 475 U.S. 469, 481 n.9
(1986) (Brennan, J.)
(Policy)

United States v. Grace, 461 U.S. 171, 188 n.* (1983)
(Stevens, J., concurring in part & dissenting in part)
(Movement)

Smith v. Wade, 461 U.S. 30, 85 (1983) (Rehnquist, J.,
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(Redress)

American Textile Mfs. Inst. v. Donovan, 452 U.S. 490,
508-09 (1981) (Brennan, J.)
(Feasible)

St. Paul Fire & Marine Ins. Co. v. Barry, 438 U.S. 531,
542 n.11 (1978) (Powell, J.)
(Boycott)

United States v. Watson, 423 U.S. 411, 438 n.3 (1975)
(Marshall, J., dissenting)
(Nunnery)

Miller v. California, 413 U.S. 15, 20 n.2 (1973) (Burger,
C.J.)
(Obscene)

Johnson v. Eisentrager, 339 U.S. 763, 778 n.10 (1950)
(Jackson, J.)
(Habeas Corpus)

Lanzetta v. New Jersey, 306 U.S. 451, 454-55 & n.3
(1939) (Butler, J.)
(Gang)

OXFORD ENGLISH DICTIONARY

Adickes v. S.H. Kress & Co., 398 U.S. 144, 182 (1970)
(Douglas, J., dissenting in part)
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United States v. Mersky, 361 U.S. 431, 445 (1960)
(Frankfurter, J., dissenting)
(Statute)

United States v. Turley, 352 U.S. 407, 412 (1957) (Burton, J.)
(Steal)

Crane v. Commissioner, 331 U.S. 1, 6 n.14 (1947)
(Vinson, C.J.)
(Property)

Board of Governors of Fed. Reserve Sys. v. Agnew, 329
U.S. 441, 446 (1947) (Douglas, J.)
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Cleveland v. United States, 329 U.S. 14, 17 nn.3, 4
(1946) (Douglas, J.)
(Prostitution)
(Debauchery)

Fishgold v. Sullivan Drydock & Repair Corp., 328 U.S.
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(Discharge)
(Lay-off)

Keegan v. United States, 325 U.S. 478, 501 n.1 (1945)
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(Evade)

OXFORD UNIVERSAL DICTIONARY (3d ed. 1955)

Asgrow Seed Co. v. Winterboer, 513 U.S. 179, 187
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2 PALGRAVE'S DICTIONARY OF POLITICAL ECONOMY (H. Higgs ed., 1925)

Library of Congress v. Shaw, 478 U.S. 310, 315 n.2
(1986) (Blackmun, J.)
(Interest)

PHILLIPS, THE NEW WORLD OF WORDS (3d ed. 1671)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 534 app.
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RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. unabr. 1987)

Muscarello v. United States, 118 S. Ct. 1911, 1914
(1998) (Breyer, J.)
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Gollust v. Mendell, 501 U.S. 115, 124 (1991) (Souter, J.)
(Institute)

RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1987)

Breinger v. Sheet Metal Workers Int'l Ass'n Local
Union No. 6, 493 U.S. 67, 97 (1989) (Stevens, J.,
concurring in part & dissenting in part)
(Discipline)

RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)

Melendez v. United States, 518 U.S. 120, 126 n.4 (1996)
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Curtiss-Wright Corp. v. Schoonejongen, 514 U.S. 73, 80
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MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218,
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MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218,
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Sullivan v. Stroop, 496 U.S. 478, 482 (1990) (Rehnquist,
C.J.)
(Child Support)

RANDOM HOUSE DICTIONARY (2d ed. 1987)

Saudi Arabia v. Nelson, 507 U.S. 349, 357 (1993)
 (Souter, J.)
 (Base)

RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1983)

Victor v. Nebraska, 511 U.S. 1, 14 (1994) (O'Connor, J.)
 (Moral Certainty)

RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (1979)

Russello v. United States, 464 U.S. 16, 21 (1983)
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RANDOM HOUSE DICTIONARY (1966)

Pembaur v. City of Cincinnati, 475 U.S. 469, 481 n.9
 (1986) (Brennan, J.)
 (Policy)

California Brewers Ass'n v. Bryant, 444 U.S. 598, 612
 n.3 (1980) (Marshall, J., dissenting)
 (Seniority)

Shadwick v. City of Tampa, 407 U.S. 345, 349 n.7
 (1972) (Powell, J.)
 (Magistrate)

RAPALJE & LAWRENCE'S LAW DICTIONARY

United States v. Ju Toy, 198 U.S. 253, 270 (1905)
 (Brewer, J., dissenting)
 (Banishment)

RICHARDSON, A NEW DICTIONARY OF THE ENGLISH LANGUAGE (1839)

Browning-Ferris Indus. of Vermont, Inc. v. Kelco
 Disposal, Inc., 492 U.S. 257, 295 (1989) (O'Connor, J.,
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Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 539 app.
 (1952) (Frankfurter, J., concurring in judgment)
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RICHARDSON'S DICTIONARY

Town of Enfield v. Jordan, 119 U.S. 680, 684-85 (1887)

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Smith v. Turner, 48 U.S. 283, 501 n.1 (1849) (Daniel,

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(Merchand)

RIDER, A NEW UNIVERSAL ENGLISH DICTIONARY (1759)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 536 app.

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ROBERTS' DICTIONARY OF INDUSTRIAL RELATIONS (1966)

California Brewers Ass'n v. Bryant, 444 U.S. 598, 613

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SAINT-EDME, DICTIONNAIRE DE LA PENALITÉ DANS TOUTES LES PARTIES
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SCOTT, DICTIONARY OF THE ENGLISH LANGUAGE (1797)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 539 app.

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SHERIDAN, A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)

County of Allegheny v. ACLU, 492 U.S. 573, 648-49 & n.5 (1989) (Stevens, J., concurring in part & dissenting in part)
(Religion)
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Browning-Ferris Indus. of Vermont, Inc. v. Kelco Disposal, Inc., 492 U.S. 257, 295 (1989) (O'Connor, J., concurring in part & dissenting in part)
(Fine)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 538 app. (1952) (Frankfurter, J., concurring in judgment)
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SHERIDAN, A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)

Austin v. United States, 509 U.S. 602, 614 n.7 (1993)
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Helling v. McKinney, 509 U.S. 25, 38 (1993) (Thomas, J., dissenting)
(Punishment)

Grady v. Corbin, 495 U.S. 508, 529 (1990) (Scalia, J., dissenting)
(Offence)

STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1895)

Serralles v. Esbri, 200 U.S. 103, 111 (1906) (Peckham, J.)
(Centavo)

STANDARD DICTIONARY

Banco Mexicano de Comercio e Industria v. Deutsche Bank, 263 U.S. 591, 601 (1924) (McKenna, J.)
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Eisner v. Macomber, 252 U.S. 189, 207 (1920) (Pitney, J.)
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Ash Sheep Co. v. United States, 252 U.S. 159, 169
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Keppel v. Tiffin Sav. Bank, 197 U.S. 356, 362 (1905)
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Keppel v. Tiffin Sav. Bank, 197 U.S. 356, 383 (1905)
(Day, J., dissenting)
(Surrender)

Hackfeld & Co. v. United States, 197 U.S. 442, 449
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Clyatt v. United States, 197 U.S. 207, 219 (1905)
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Keck v. United States, 172 U.S. 434, 462 (1899) (Brown,
J., dissenting)
(Smuggling)

STAUNTON, AN ECCLESIASTICAL DICTIONARY (1861)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 539 app.
(1952) (Frankfurter, J., concurring in judgment)
(Blasphemy)
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STEDMAN'S MEDICAL DICTIONARY (23d ed. 1976)

Ingraham v. Wright, 430 U.S. 651, 657 n.9 (1977)
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STORMONTH'S ENGLISH DICTIONARY (1885)

Smith v. Wade, 461 U.S. 30, 60 n.3, 62 n.4 (1983)
(Rehnquist, J., dissenting)
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STROUD, JUDICIAL DICTIONARY (1903)

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STROUD'S JUDICIAL DICTIONARY

Burton v. United States, 202 U.S. 344, 371 (1906)
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TOMLIN'S LAW DICTIONARY (1836)

Browning-Ferris Indus. of Vermont, Inc. v. Kelco
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TOMLIN'S LAW DICTIONARY (1835)

Kring v. State, 107 U.S. 221, 227 (1883) (Miller, J.)
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TOMLIN'S LAW DICTIONARY

Keck v. United States, 172 U.S. 434, 461 (1899) (Brown,
J., dissenting)
(Smuggling)

Emert v. Missouri, 156 U.S. 296, 306 (1895) (Gray, J.)
(Hawkers)

Pacific Ins. Co. v. Soule, 74 U.S. 433, 445 & n.18 (1868)
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Ex Parte Garland, 71 U.S. 333, 387 (1866) (Miller, J.,
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Helling v. McKinney, 509 U.S. 25, 38 (1993) (Thomas,
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Grady v. Corbin, 495 U.S. 508, 529 (1990) (Scalia, J.,
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(Offence)

WATT'S DICTIONARY OF CHEMISTRY (1866)

Cochrane v. Badische Anilin & Soda Fabrik, 111 U.S.
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11 (1987) (White, J.)
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United States v. Kozminski, 487 U.S. 931, 962 n.9
 (1988) (Brennan, J., concurring)
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Smith v. Wade, 461 U.S. 30, 60 n.3 (1983) (Rehnquist,
 J., dissenting)
 (Malice)
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United States v. Ramsey, 431 U.S. 606, 629-30 n.5
 (1977) (Stevens, J., dissenting)
 (Envelope)

WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (C.

Goodrich ed., 1849)

Regents of Univ. of California v. Public Employment
 Relations Bd., 485 U.S. 589, 598 (1988) (O'Connor, J.)
 (Compensation)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1841)

Saint Francis College v. Al-Khazraji, 481 U.S. 604, 610-
 11 (1987) (White, J.)
 (Race)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1830)

Saint Francis College v. Al-Khazraji, 481 U.S. 604, 610-
 11 (1987) (White, J.)
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WEBSTER, AMERICAN DICTIONARY (1828)

Freytag v. Commissioner, 501 U.S. 868, 920 (1991)
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United States v. Bajakajian, 118 S. Ct. 2028, 2037
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California v. Hodari D., 499 U.S. 621, 624 (1991) (Scalia, J.)
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Grady v. Corbin, 495 U.S. 508, 529 (1990) (Scalia, J., dissenting)
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Maryland v. Craig, 497 U.S. 836, 864 (1990) (Scalia, J., dissenting)
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Wallace v. Jaffree, 472 U.S. 38, 106 (1985) (Rehnquist, J., dissenting)
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Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 525 n.47 (1952)
 (Frankfurter, J., concurring in judgment)
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WEBSTER, AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE
 Smiley v. Citibank, 517 U.S. 735, 745 (1996) (Scalia, J.)
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WEBSTER'S COLLEGIATE DICTIONARY (10th ed. 1994)
 Bragdon v. Abbot, 118 S. Ct. 2196, 2215 (1998)
 (Rehnquist, C.J., concurring in part & dissenting in part)
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WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)

Stewart v. Martinez-Villareal, 118 S. Ct. 1618, 1624
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Babbitt v. Sweet Home Chapter of Communities for a
Great Oregon, 515 U.S. 687, 710 (1995) (O'Connor, J.,
concurring)
(Injure)

MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218,
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(Modify)

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(Modify)

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(Pruriency)

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Almendarez-Torres v. United States, 118 S. Ct. 1219, 1241 (1998) (Scalia, J., dissenting)
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Allentown Mack Sales & Serv., Inc. v. NLRB, 118 S. Ct. 818, 824 (1998) (Scalia, J.)
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St. Paul Fire & Marine Ins. Co. v. Barry, 438 U.S. 531, 541 n.11 (1978) (Powell, J.)
 (Boycott)

Jacobellis v. Ohio, 378 U.S. 184, 193 n.9 (1964)
 (Brennan, J., judgment & plurality opinion)
 (Community)

WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1949)

Bailey v. United States, 516 U.S. 137, 145 (1995)
 (O'Connor, J.)
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Babbitt v. Sweet Home Chapter of Communities for a Great Oregon, 515 U.S. 687, 717, 732-33 (1995) (Scalia, J., dissenting)
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United States v. Kozminski, 487 U.S. 931, 961 (1988)
(Brennan, J., concurring)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

Smith v. United States, 507 U.S. 197, 201 (1993)
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Moskal v. United States, 498 U.S. 103, 119-20 (1990)
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Pierce v. Underwood, 487 U.S. 552, 564 (1988) (Scalia, J.)
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Parratt v. Taylor, 451 U.S. 527, 549 n.4 (1981) (Powell, J., concurring in result)
(Deprive)

United States v. Carmack, 329 U.S. 230, 243-44 n.14 (1947)
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WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

Hubbard v. United States, 514 U.S. 695, 700 (1995)
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(Shows)

Hartford Fire Ins. Co. v. California, 509 U.S. 764, 781 (1993) (Souter, J., partial opinion of Court)
(Business)

Rowland v. California Men's Colony, 506 U.S. 194, 199,
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(Context)
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Mississippi v. Louisiana, 506 U.S. 73, 78 (1992)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)

Smith v. United States, 508 U.S. 223, 241-42 (1993)
(Scalia, J., dissenting)
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Smith v. United States, 508 U.S. 223, 228-29, 231, 237-
38 (1993) (O'Connor, J.)
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Colony, Inc. v. Commissioner, 357 U.S. 28, 32 (1958)
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Polk Co. v. Glover, 305 U.S. 5, 17 & n.13 (1938) (Black,
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1938)

Spiegel's Estate v. Commissioner, 335 U.S. 701, 729
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Lichter v. United States, 334 U.S. 742, 786 n.37 (1948)
(Burton, J.)
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Roland Elec. Co. v. Walling, 326 U.S. 657, 673 (1946)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1935)
Coverdale v. Arkansas-Louisiana Pipe Line Co., 303
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Old Colony Trust Co. v. Commissioner, 301 U.S. 379,
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1935)
Honolulu Oil Corp. v. Halliburton, 306 U.S. 550, 552 &
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(Packer)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1934)
Welsh v. United States, 398 U.S. 333, 351-52 & n.5
(1970) (Harlan, J., concurring in result)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)
United States v. Grace, 461 U.S. 171, 188 n.* (1983)
(Stevens, J., concurring in part & dissenting in part)
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Rosewell v. LaSalle Nat'l Bank, 450 U.S. 503, 516
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Rosewell v. LaSalle Nat'l Bank, 450 U.S. 503, 532 n.4
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Aaron v. SEC, 446 U.S. 680, 696 n.13 (1980) (Stewart, J.)
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Ernst & Ernst v. Hochfelder, 425 U.S. 185, 199 nn.20 & 21 (1975) (Powell, J.)
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 (Manipulate)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 525 n.47 (1952) (Frankfurter, J., concurring in judgment)
 (Sacrilege)
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WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1934)

Meghrig v. KFC Western, Inc., 516 U.S. 479, 485 (1996)
 (O'Connor, J.)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr.)

Crane v. Commissioner, 331 U.S. 1, 6 nn.14 & 15 (1947)
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Tennessee Coal, Iron & Rail Co. v. Muscoda Local No. 123, 321 U.S. 590, 598 n.11 (1944) (Murphy, J.)
 (Work)
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United States v. Wurts, 303 U.S. 414, 417 (1938)
 (Black, J.)
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WEBSTER'S SECOND NEW INT'L DICTIONARY

McKeiver v. Pennsylvania, 403 U.S. 528, 571 (1971)
 (Harlan, J., concurring in judgment)
 (Peer)

Baggett v. Bullitt, 377 U.S. 360, 371 n.9 (1964) (White, J.)
 (Institution)

Jarecki v. G.D. Searle & Co., 367 U.S. 303, 308 n.3
(1961) (Warren, C.J.)
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(Discovers)

Yates v. United States, 354 U.S. 298, 305-07 n.7 (1957)
(Harlan, J.)
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Fishgold v. Sullivan Drydock & Repair Corp., 328 U.S.
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(Discharge)

United States v. Beach, 324 U.S. 193, 197 n.2 (1945)
(Murphy, J., dissenting)
(White Slave)

Western Union Tel. Co. v. Lenroot, 323 U.S. 490, 512
(1945) (Murphy, J., dissenting)
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Montgomery Ward & Co. v. Duncan, 311 U.S. 243, 251
n.10 (1940) (Roberts, J.)
(Alternative)

Lanzetta v. New Jersey, 306 U.S. 451, 453-55 & n.3
(1939) (Butler, J.)
(Gang)

White v. Aronson, 302 U.S. 16, 17 nn.2 & 3 (1937)
(McReynolds, J.)
(Puzzle)
(Game)

United States v. Giles, 300 U.S. 41, 48 (1937)
(McReynolds, J.)
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WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (1923)

Farmer v. Brennan, 511 U.S. 825, 854-55 (1994)
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WEBSTER'S NEW INT'L DICTIONARY (1914)

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WEBSTER'S NEW INT'L DICTIONARY (1913)

National Muffler Dealers Ass'n, Inc. v. United States,
 440 U.S. 472, 480 n.10 (1979) (Blackmun, J.)
 (Chamber of Commerce)
 (Board of Trade)

WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (1910)

United States v. Kozminski, 487 U.S. 931, 961 (1988)
 (Brennan, J., concurring)
 (Servitude)

WEBSTER'S NEW INT'L DICTIONARY (1909)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 525 n.47
 (1952) (Frankfurter, J., concurring in judgment)
 (Sacrilege)
 (Sacrilegious)

WEBSTER'S INT'L DICTIONARY (1890)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 525 n.47
 (1952) (Frankfurter, J., concurring in judgment)
 (Sacrilege)
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Seeberger v. Wright & Lawther Oil & Lead Mfg. Co., 157 U.S. 183,
 185 (1895) (Brown, J.)
 (Draft)
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WEBSTER'S NEW INT'L DICTIONARY

BPOE Lodge No. 2043 v. Ingraham, 411 U.S. 924,
 926 (1973) (Douglas, J., dissenting from dismissal for
 lack of substantial federal question)
 (Ethnic)

Beilan v. Board of Educ., 357 U.S. 399, 407 (1958) (Burton, J.)
 (quoting Horosko v. Mt. Pleasant Sch. Dist., 6 A.2d 866,
 868, 869-70 (Pa. 1939))
 (Incompetency)

Board of Governors v. Agnew, 329 U.S. 441, 446 (1947)
(Douglas, J.)
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Stewart v. United States, 316 U.S. 354, 362 n.6 (1942)
(Roberts, J.)
(Islands)

Helvering v. Hammel, 311 U.S. 504, 507 (1941) (Stone,
J.)
(Sale)

New Negro Alliance v. Sanitary Grocery, 303 U.S. 552,
564 n.1 (1938) (McReynolds, J., dissenting)
(Dispute)

State Farm Mut. Auto. Ins. Co v. Coughran, 303 U.S.
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Smyth v. United States, 302 U.S. 329, 365 n.1 (1937)
(McReynolds, J., dissenting)
(Redem)

United States v. Dubilier Condenser Corp., 289 U.S.
178, 186 & n.6 (1933) (Roberts, J.)
(Monopoly)

Eisner v. Macomber, 252 U.S. 189, 207 (1920) (Pitney,
J.)
(Income)

Ash Sheep Co. v. United States, 252 U.S. 159, 169
(1920) (Clarke, J.)
(Cattle)

Lamar v. United States, 241 U.S. 103, 113 (1916)
(White, C.J.)
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Rocca v. Thompson, 223 U.S. 317, 329 (1912) (Day, J.)
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Hackfeld & Co. v. United States, 197 U.S. 442, 449
(1905) (Day, J.)
(Neglect)

Clyatt v. United States, 197 U.S. 207, 219 (1905)
(Brewer, J.)
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Houghton v. Payne, 194 U.S. 88, 96 (1904) (Brown, J.)
(Periodical)
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Magone v. Heller, 150 U.S. 70, 74 (1893) (Gray, J.)
(Expressly)

WEBSTER'S INT'L DICTIONARY

Keppel v. Tiffin Sav. Bank, 197 U.S. 356, 362 (1905)
(White, J.)
(Surrender)

Board of Dirs. of the Chicago Theological Seminary
v. Illinois *ex rel.* Raymond, 188 U.S. 662, 673 (1903)
(Peckham, J.)
(Belonging)

Patton v. Brady, 184 U.S. 608, 618 (1902) (Brewer, J.)
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** OTHER VERSIONS OF WEBSTER'S DICTIONARIES **

WEBSTER'S COMPENDIOUS DICTIONARY OF THE ENGLISH LANGUAGE
(1806)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 525 n.47
(1952) (Frankfurter, J., concurring in judgment)
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WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY OF THE ENGLISH
LANGUAGE (2d ed. unabridged. 1979)

Hustler Magazine v. Falwell, 485 U.S. 46, 54-55 (1988)
(Rehnquist, C.J.)
(Caricature)

WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY (2d ed. 1979)

Victor v. Nebraska, 511 U.S. 1, 12-13, 15 (1994) (O'Connor, J.)
(Moral Evidence)
(Moral Certainty)

Pembaur v. City of Cincinnati, 475 U.S. 469, 481 n.9
(1986) (Brennan, J.)
(Policy)

Pembaur v. City of Cincinnati, 475 U.S. 469, 499-500
(1986) (Powell, J., dissenting)
(Policy)

WEBSTER'S NEW WORLD DICTIONARY (College ed. 1968)

Meese v. Keene, 481 U.S. 465, 477-78 n.11 (1987)
(Stevens, J.)
(Propaganda)

WEBSTER'S DICTIONARY

United States v. Vuitch, 402 U.S. 62, 72 (1971) (Black, J.)
(Health)

Keegan v. United States, 325 U.S. 478, 502 n.1 (1945)
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Rhode Island v. Palmer, 253 U.S. 350, 396-97 n.2 (1920)
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Keck v. United States, 172 U.S. 434, 462 (1899) (Brown,
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Reagan v. United States, 157 U.S. 301, 303 (1895)
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Cochran v. United States, 157 U.S. 286, 296 (1895)
(Brown, J.)
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The Britannia, 153 U.S. 130, 148 (1894) (Brown, J.,
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(Course)

Boggle v. Maggone, 152 U.S. 623, 626 (1894) (Gray, J.)
(Sauce)

Sarlls v. United States, 152 U.S. 570, 572 (1894)
(Shiras, J.)
(Ardent Spirits)

The Main v. Williams, 152 U.S. 122, 130 (1894) (Brown, J.)
(Freight)

United States v. Rodgers, 150 U.S. 249, 270 (1893)
(Gray, J., dissenting)
(High Seas)

Horner v. United States, 147 U.S. 449, 458-59 (1893)
(Blatchford, J.)
(Lottery)

Town of Enfield v. Jordan, 119 U.S. 680, 684-85 (1887)
(Bradley, J.)
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Ferguson v. Arthur, 117 U.S. 482, 487 (1886)
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Marvel v. Merritt, 116 U.S. 11, 12 (1885) (Matthews, J.)
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Cooper Mfg. Co. v. Ferguson, 113 U.S. 727, 734-35
(1885) (Woods, J.)
(To Carry On)

Railroad Co. v. Mississippi, 102 U.S. 135, 143 (1880)
(Miller, J., dissenting)
(Suit)

Arthur v. Moller, 97 U.S. 365, 367-68 (1878) (Hunt, J.)
(To Print)
(Lithograph)

Pennoyer v. Neff, 95 U.S. 714, 721 (1877) (Field, J.)
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Loan Ass'n v. Topeka, 87 U.S. 655, 664 (1874) (Miller, J.)
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Case of the Sewing Machine Cos., 85 U.S. 553, 586 n.++
(1873) (Clifford, J.)
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Ex Parte Garland, 71 U.S. 333, 392-93 (1866) (Miller,
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Exhibit Supply Co. v. Ace Patents Corp., 315 U.S. 126,
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(Embed)

Hodges v. United States, 203 U.S. 1, 17 (1906) (Brewer,
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WORCESTER'S DICTIONARY (1860)

Smith v. Wade, 461 U.S. 30, 60 n.3 (1983) (Rehnquist,
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United States v. Ramsey, 431 U.S. 606, 629-30 n.5
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WORCESTER'S DICTIONARY

United States v. Merriam, 263 U.S. 179, 184 (1923) (quoting
Orton v. Orton, 42 N.Y. 486 (1867)) (Sutherland, J.)
(Legacy)

Keck v. United States, 172 U.S. 434, 462 (1899) (Brown,
J., dissenting)
(Smuggling)

United States v. Laws, 163 U.S. 258, 266 (1896)
(Peckham, J.)
(Profession)

The Britannia, 153 U.S. 130, 148 (1894) (Brown, J.,
dissenting)
(Course)

Sarlls v. United States, 152 U.S. 570, 572 (1894)
(Shiras, J.)
(Ardent Spirits)

The Main v. Williams, 152 U.S. 122, 130 (1894) (Brown, J.)
(Freight)

United States v. Rodgers, 150 U.S. 249, 270 (1893)
(Gray, J., dissenting)
(High Seas)

Horner v. United States, 147 U.S. 449, 458-59 (1893)
(Blatchford, J.)
(Lottery)

Ferguson v. Arthur, 117 U.S. 482, 487 (1886)
(Blatchford, J.)
(Proprietary)

Cooper Mfg. Co. v. Ferguson, 113 U.S. 727, 734-35
(1885) (Woods, J.)
(To Carry On)

Railroad Co. v. Mississippi, 102 U.S. 135, 143-44 (1880)
(Miller, J., dissenting)
(Suit)

Arthur v. Moller, 97 U.S. 365, 368 (1878) (Hunt, J.)
(Lithograph)

Decatur Bank v. St. Louis Bank, 88 U.S. 294, 299 n.*
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WYLD'S UNIVERSAL DICTIONARY OF THE ENGLISH LANGUAGE
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(1939) (Butler, J.)
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MISCELLANEOUS

"The best French dictionary we have"

Patapasco Ins. Co. v. Coulter, 28 U.S. 222, 230 (1830)
(Johnson, J.)
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No specific dictionary listed

Oregon v. Bradshaw, 462 U.S. 1039, 1045 (1983)
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Godfrey v. Georgia, 446 U.S. 420, 442 (1980) (Burger,
C.J., dissenting)
(Hideous)

McCaughn v. Hershey Chocolate Co., 283 U.S. 488, 491
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