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††

It 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.

“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.”

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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. Dictionaries have been used in construc-
ing statutory, constitutional and common law phrases and twice used to define even the phrase "common law." The Court has used dictionaries to define terms appearing in lower court rulings and contract language, to construe "common knowledge," to interpret criminal statutes, to define "gerrymander" and "attorney," to trace the evolution of a


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

The Court has used dictionaries to define the "ordinary meaning" of a word, to show that a word is not vague, to show that a word is vague, to show that a word can have a variety of meanings, and to show that a word may properly be used in a particular manner. The Court has even heard several cases addressing the dictionary itself.
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*; in the political question arena there is *Nixon v. United States*; from the First Amendment context comes *Hustler Magazine v. Falwell*, *FCC v. Pacifica Foundation* and *Miller v. California*; from reproductive freedom jurisprudence there is *Webster v. Reproductive Health Services*, *Roe v. Wade* and *United States v. Vuitch*; in the tax area there is *Eisner v. Macomber*; and in the context of personal jurisdiction there is *Pennoyer v. Neff*.

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. In contrast, during the 1997-1998 Supreme Court term alone, the Court relied on dictionaries to interpret twenty-seven terms in seventeen different opinions.

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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).
27. 413 U.S. 15, 20 n.2 (1973) (construing “obscene” and “pornography”).
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. 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, and highlights certain conflicts within the lexicographical field. 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. 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.

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. 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.

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...
terms.\textsuperscript{42} The Article concludes that, although the dictionary can provide guidance as to what a term or phrase \textit{can} mean, sources other than the dictionary are better aids to the process of determining what a term or phrase \textit{does} mean. Those sources, when appropriate, include context, history, case law, legislative purpose and scientific sources.\textsuperscript{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. \textsc{A Brief History of the Dictionary}

\textit{Every other author may aspire to praise; the lexicographer can only hope to escape reproach...} \textsuperscript{44}

A. \textsc{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,\textsuperscript{45} the first monolingual English dictionary appeared centuries later. Robert Cawdrey's \textit{A Table Alphabetical of Hard Words}, published in 1604, is generally acknowledged as the first monolingual English dictionary.\textsuperscript{46} Cawdrey's work was published more than a century after the first English publication produced on a printing press.\textsuperscript{47} Although noteworthy as a first effort, Cawdrey's work was brief and not particularly accurate. A \textit{Table Alphabetical} contained

\begin{itemize}
  \item \textsuperscript{42} See infra Part V.
  \item \textsuperscript{43} See infra Conclusion.
  \item \textsuperscript{44} SAMUEL JOHNSON, \textit{Preface to Dictionary of the English Language} 3 (1775) [hereinafter SAMUEL JOHNSON].
  \item \textsuperscript{45} See MORTON BENSON ET AL., \textsc{Lexicographic Description of English} 2 (1986).
  \item \textsuperscript{46} See JOSEPH HAROLD FRIEND, \textsc{The Development of American Lexicography} 1798-1864, at 25-26 (1967); HOWARD JACKSON, \textsc{Words and Their Meaning} 113 (1988); BENSON ET AL., supra note 45, at 3; DAVID CRYSTAL, \textsc{The English Language} 203-04 (1988).
  \item \textsuperscript{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, \textsc{The Mother Tongue: English and How It Got That Way} 126-27 (1990); see also BENSON ET AL., supra note 45, at 2.
\end{itemize}
less than 3000 entries 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.” 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*. Bailey’s work was “[t]he first dictionary to aim for anything like comprehensiveness . . . .” 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. Instead, Dr. Samuel Johnson is given credit for publishing the “first great English dictionary.”

Characteristic of most early dictionaries, Johnson’s *Dictionary of the English Language*, published in 1755, predominantly was the work of the author himself. 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.

Johnson’s *Dictionary of the English Language* defined approximately 43,000 words and contained 114,000 supporting quotations. This was a mammoth task, causing Dr. Johnson to note in defining the word “dull” that “[t]o make
dictionaries is dull work.” Although certainly not flawless, it served as a foundation for all other English dictionaries. 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. Unrelated to England’s Dr. Johnson, Samuel Johnson, Jr. was a Connecticut schoolmaster who published A School Dictionary in 1798. Although containing just 4100 entries, 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. 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

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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 "porpess" 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." Furthermore, Webster apparently "was more accustomed to deprecating the work of others than to questioning his own." In addition, he may have taken credit for coining words that had existed for centuries and for learning that he did not possess. "It is hard to find anyone saying a good word about him." 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. This is the "main book with which [Webster] is associated in the popular mind . . . ." Although the critical reviews of this 1828 dictionary varied greatly, it was the most complete dictionary of its time,

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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.


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." 

After Webster's death in 1843, Charles and George Merriam purchased the rights to his dictionaries, and, in 1847, published the first Merriam-Webster dictionary. 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. 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. Called the "most masterly and ambitious philological exercise ever undertaken," 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. 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, 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.

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.
86. See BRYSON, supra note 47, at 159-60.
87. See id. at 160.
88. See Aprill, 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.\(^9\) That work contained 208 entries (mostly in Latin and French) and had a short English preface.\(^9\) Approximately forty years later, a translation of Rastell's *Expositiones* became the first law dictionary to be published in English.\(^9\)

A more scholarly English law dictionary arrived in 1607 in the form of John Cowell's *The Interpreter*.\(^9\) Unlike Rastell, who was a practitioner, Cowell was a Cambridge civil law professor.\(^9\) Unfortunately for Cowell, however, this work was published in the midst of the struggle between English civil law and common law.\(^9\) As a result, *The Interpreter* was severely criticized by Sir Edward Coke and suppressed by King James.\(^5\) To Cowell's credit, however, the dictionary later was revived and many of Cowell's entries were used in subsequent law dictionaries.\(^9\)

Thomas Blount followed Cowell in 1670 with his *Nomo-Lexikon*,\(^9\) also called *A Law-Dictionary*, and Giles Jacob's *New Law Dictionary* followed that in 1729.\(^9\) Jacob's *New Law Dictionary* was an impressive work and has been characterized as "a quick substitute for a legal education."\(^9\) It was a good deal more expansive than its predecessors, perhaps in part to make a "more impressive product in a sharply competitive market."\(^10\)

After Jacob's dictionary came *A New and Complete Law-Dictionary*,\(^1\) a two-volume work authored by Timothy Cunningham that was published in the

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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.
In the early United States, law dictionaries from England "held the field." 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.* Bouvier published this first American law dictionary in part because of the "difficulties...[he] experienced on his admission to the bar" and in part because of his dissatisfaction with law dictionaries "written for another country." In the preface, Bouvier explained,

"Most 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?"

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. In 1891, however, Henry Campbell Black first published *Black's Law Dictionary.* As with Bouvier, Black recognized that there were differences between English and American law that should be reflected in an American law dictionary. 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.
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. Specifically, with regard to "modern English and American law," Black admitted consulting Bouvier's work. 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.

Over time, Black's Law Dictionary has progressed through several editions and the current version is the sixth edition, first published in 1990. Although there are other American law dictionaries, Black's Law Dictionary, and to a lesser extent Ballentine's Law Dictionary, are now the dominant American law dictionaries. Each is limited to one volume and each contains approximately 30,000 entries.

Law dictionaries, however, are not the only subject matter dictionaries. Indeed, there are countless subject matter dictionaries addressing disciplines such as music, religion, photography, accountancy and car building. 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 April, 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); CYCLOPEDIC 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 DICTIONARY OF RELIGION (1979).
120. See generally ENCYCLOPAEDIC DICTIONARY 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." A prescriptive dictionary "establishes what is right in meaning and pronunciation" 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?" 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.'" 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. 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." Much of the literary world,

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123. Sometimes such dictionaries are referred to as "normative." See SIDNEY I. LANDAU, DICTIONARIES THE ART AND CRAFT OF LEXICOGRAPHY 205 (1984).
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." The descriptive approach was deemed "disastrous" because "it serves to reinforce the notion that good English is whatever is popular." 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, a controversy alarmingly described as a "war." 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.

Today, most contemporary dictionaries are characterized as descriptive rather than prescriptive. 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." 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.


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.


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'intérêt des personnes qu'on est obligé de défendre,” to

136. See generally id. at 293-97.
138. 28 U.S. 222 (1830).
139. Id. at 230.
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 merc, 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. Merchant, or merchant, from merc or merces, 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).
In dispute was the meaning of the contractual term "good vessel or vessels." The Court relied on the dictionary to distinguish the vessel rating system in England from the system used in the United States. 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." 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]." The Court affirmed the lower court's opinion, 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. 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, the Court in dicta stated that judicial notice is appropriate for "the meaning of words in the vernacular language." 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, a patent case involving the novelty of "an oil-press mat or cloth" to extract cotton-seed oil, 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." 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. 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. 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)).
define thirteen terms, while in the 1880s, the Court cited dictionaries in seven opinions to define eleven terms.

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


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

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


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


opinions using dictionaries to define twenty-three terms.\textsuperscript{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-five opinions to define fifty terms.\textsuperscript{180} In the 1980s, the Court

\begin{itemize}


relied on dictionaries nearly 100 times to define nearly 125 terms.\footnote{In the 1990s, the Court has continued to increase its use of dictionaries nearly 100 times to define nearly 125 terms.}
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. Projecting


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* and Justice Daniel in his dissent in *Smith v. Turner*, did so only once in their thirty and eighteen years on the Court, respectively. Justice Miller, in *Insurance Companies v. Wright*, was the third Justice to rely on the dictionary and went on to cite

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183. 28 U.S. 222, 230 (1830).
184. 46 U.S. 283, 501 n.9 (1849) (Daniel, J., dissenting).
186. See *id.* at 104.
the dictionary in four other decisions in his twenty-eight years on the Court.

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. Of this group, eighteen Justices—or more than one-quarter—cited to a dictionary in only one opinion during their Court tenure. 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. No Justice appointed before Justice Brennan comes close to matching this total. 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. 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.

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. Of the present Court, only Chief Justice Rehnquist and Justice Kennedy.

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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; Justice Thomas has a frequency rate of 3.57 opinions to define 4.14 terms per year, and Justice Souter has a frequency rate of 2.0 opinions to define 2.63 terms per year. 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. 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.\textsuperscript{203} Webster's Second International Dictionary, the next most cited general usage dictionary, has been relied on in a total of eighty-eight opinions.\textsuperscript{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).\textsuperscript{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.\textsuperscript{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.\textsuperscript{207} The next most frequently cited law dictionary is Bouvier's Law Dictionary in various editions, having been cited in thirty-six opinions.\textsuperscript{208} The Justices have used a number of other law dictionaries, but such use is rare and generally predates Black's.\textsuperscript{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.\textsuperscript{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.,\textsuperscript{211} the Court used The Car-Builders' Dictionary to define "running board."\textsuperscript{212} And, in Ward v. Rock Against Racism,\textsuperscript{213} Justice Marshall in dissent used The New Grove Dictionary of Music & Musicians to define "tonality."\textsuperscript{214}

\textsuperscript{203} See infra Appendix C.  
\textsuperscript{204} See infra Appendix C.  
\textsuperscript{205} See infra Appendix C.  
\textsuperscript{206} See infra Appendix C.  
\textsuperscript{207} See infra Appendix C.  
\textsuperscript{208} See infra Appendix C.  
\textsuperscript{209} See infra Appendix C.  
\textsuperscript{210} See infra Appendix C.  
\textsuperscript{211} 350 U.S. 318 (1956).  
\textsuperscript{212} Id. at 326 n.2 (quoting THE CAR-BUILDERS' CYCLOPEDIA (19th ed. 1953)).  
\textsuperscript{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. 216

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

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." 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." At times, however, the Court struggles over which word it must define. For example, in *County of Washington v. Gunther*, the Court addressed a discrimination claim by female prison guards At issue was the meaning of the Bennett Amendment 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

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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").
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. 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." 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.

In dissent, Justice Rehnquist also referred to the dictionary. 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. In part because "authorized" had a more permissive definition, Justice Rehnquist came to a conclusion contrary to the majority's decision.

Similarly, in United States v. James, 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. The issue was whether the United States was immune from damages under the Flood Control Act of 1928, 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).

229. See id. at 599-602.
The Court held that the statute barred the claims because "damages" included damage to persons. Quoting dictionaries for support, the Court found that the language was clear but also looked to legislative history for additional support.

In dissent, Justice Stevens criticized the majority for defining "damages" when the statute used the term "damage." 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. Justice Stevens also noted that the authority used by the majority—including Black's Law Dictionary—also distinguished between "damage" and "damages.

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. 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

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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. 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. 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.

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, the Court addressed the question of whether certain Social Security payments were "child support payments." 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." 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. In dissent, however, Justice Stevens rejected the term of art approach and relied on "ordinary English usage," which, presumably, would suggest reliance

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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).
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.*, 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. The majority held that the Eighth Amendment did not apply, 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." 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. 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."

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\textsuperscript{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."\textsuperscript{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.\textsuperscript{255} Citing dictionaries, Justice Blackmun argued that "punishment" "does not necessarily imply a culpable state of mind on the part of an identifiable punisher."\textsuperscript{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.\textsuperscript{257} Therefore, he argued, the Eighth Amendment should not apply at all.\textsuperscript{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.,\textsuperscript{259} the

\begin{footnotesize}
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\item \textsuperscript{253} 511 U.S. 825 (1994).
\item \textsuperscript{254} Id. at 847.
\item \textsuperscript{255} See id. at 854 (Blackmun, J., concurring) (discussing Wilson v. Seiter, 501 U.S. 294, 300 (1991)).
\item \textsuperscript{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)).
\item \textsuperscript{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)).
\item \textsuperscript{258} See id. at 859 (Thomas, J., concurring).
\item \textsuperscript{259} 512 U.S. 218 (1994).
\end{itemize}
\end{footnotesize}
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. Finding that the FCC did not have authority to make such changes, Justice Scalia, writing for the Court, stated that "virtually every dictionary we are aware of says that 'to modify' means to change moderately or in minor fashion." 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." That definition, however, was dismissed as being "out-of-step" with the other dictionaries that contained different definitions of the term, and as being an aberration. 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.

In dissent, Justice Stevens argued that the FCC's action properly fit within the meaning of the word "modify." Although he downplayed the role of dictionaries in statutory interpretation, Justice Stevens nevertheless reasoned that "the 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." Justice Stevens quoted *Webster's Collegiate Dictionary*, among others, as defining "modify" to mean "to limit or reduce in extent or degree."

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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 used\(^{271}\) 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

\(^{270}\) 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.


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.\textsuperscript{275}

Descriptive contemporaneous American dictionaries may be helpful to address the question of how terms were construed prior to a statute’s enactment.\textsuperscript{276} If it is reasonable to presume that Congress consulted such dictionaries when a statute was drafted,\textsuperscript{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,\textsuperscript{278} contemporaneous American dictionaries may not provide much guidance. Moreover, the meanings of words change over time,\textsuperscript{279} and if the question is how an individual

\begin{itemize}
\item 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).
\item 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.
\item 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.”)
\item 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)]”).
\item 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.”).
\item 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”).
\end{itemize}
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.\textsuperscript{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 \textit{Will v. Michigan Department of State Police},\textsuperscript{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.\textsuperscript{282} By statute, the word "person" generally "may extend and be applied to bodies politic and corporate."\textsuperscript{283} Justice White's majority opinion and Justice Brennan's dissent in \textit{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.\textsuperscript{284} In dissent,

\textsuperscript{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. \textit{See} Aprill, \textit{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").

\textsuperscript{281} 491 U.S. 58 (1989).

\textsuperscript{282} \textit{See id.} at 71.

\textsuperscript{283} \textit{See id.} at 78 (quoting Dictionary Act of Feb. 25, 1871, § 2, 16 Stat. 431).

\textsuperscript{284} \textit{See id.} at 69 (quoting 1 B. \textit{Abbott, Dictionary of Terms and Phrases Used in American or English Jurisprudence} 155 (1879); W. \textit{Anderson, A Dictionary of Law} 127 (1893); \textit{Black's Law Dictionary} 143 (1891); 1 A. \textit{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." The difference in interpretation hinged on whether the "precise" definition or the more general definition was used.

Muscarello v. United States 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.' 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." 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." 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." The majority found that Black's definition did

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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. BURLII, 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.


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.” The dissent, however, noted “that the only law dictionary the Court cites, Black’s Law Dictionary, defines ‘carry arms or weapons’ restrictively.” Moreover, the dissent found that Black’s definition was “[s]urely a most familiar meaning” of “carry arms or weapons.” 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.

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.” 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.

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

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*, Justice Brennan echoed Justice Holmes' view that "the dictionary is hardly the final word on the meaning of constitutional language."

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*, Justice Thomas

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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.
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. In doing so, Justice Thomas relied on dictionaries published around the time the Constitution was drafted as well as a more recent dictionary discussing the etymology of the word to argue that the Constitution uses the word "commerce" in a narrower sense than the Court's case law suggested.

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

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. 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 

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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 
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.").
(emphasis added).
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").
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); Aprill, 
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.' 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." On the other hand, Justice Brennan observed that the Congress enacting the McCarran-Ferguson Act "was composed of neither insurance experts nor dictionary editors," 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." 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."

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

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).
Justice Act,\textsuperscript{318} the Court noted that "[t]he word 'under' has many dictionary definitions and must draw its meaning from its context."\textsuperscript{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."\textsuperscript{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,"\textsuperscript{321} noting that "[w]ords, like syllables, acquire meaning not in isolation but within their context."\textsuperscript{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,"\textsuperscript{323} in most cases, the Court "must probe more deeply to avoid a patently bizarre result."\textsuperscript{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."\textsuperscript{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."\textsuperscript{326} In such a case, "[r]ather

\textsuperscript{321} Helvering v. Hammel, 311 U.S. 504, 507 (1941) (construing "sale" after citing dictionary for proposition that word can have many meanings).
\textsuperscript{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").
\textsuperscript{324} Id.
\textsuperscript{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).
\textsuperscript{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.\footnote{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)).}

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

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.\footnote{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).}

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.\footnote{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).} 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-
USE OF DICTIONARIES

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. Justice Stevens, who frequently cites the dictionary, 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.

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, 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,

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333. See infra Appendix B.
and there is no reason to suppose that judges do otherwise.\textsuperscript{336} In \textit{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.\textsuperscript{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.\textsuperscript{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."\textsuperscript{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 \textit{variety} of interpretations is what makes it (facially) unconstitutional.\textsuperscript{337} 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 \textit{does} act with consideration of compunction or clemency?\textsuperscript{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

\textsuperscript{336} Id. at 472.
\textsuperscript{337} Id. at 471.
\textsuperscript{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. \textit{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. \textit{See id.} at 476.
\textsuperscript{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))).
\textsuperscript{340} Id. at 482.
\textsuperscript{341} Id. at 481-82 (citations omitted).
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. 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. held that contractually contemplated arbitration should have been ordered. 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 only by reference to the background which gave rise to their inclusion.

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

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. 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." More than a century later, in a dissent in *Ullmann v. United States*, Justice Douglas unremarkably cited to *Saint-Edme, Dictionnaire De La Penalité Dans Toutes Les Parties Du Monde Connu* to define "trainer sur la claie," the long version of "la claie," which translates to "the means used to drag the condemned to execution." More

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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”).


349. Patapsco Ins. Co. v. Coulter, 28 U.S. 222, 230 (1830) (defining "prevariqués" 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.


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*, 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. 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. After finding that the text of the Convention did not define “accident,” 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.” Those sources, including French dictionaries, showed that “accident” could mean either “the event of a person’s injury” or, sometimes, “a cause of injury.” *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.” Only then did the Court consider the negotiating history of the Warsaw Convention, the parties’ conduct and judicial interpretations. Conclud-

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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 FRANCAISE (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).

359. Id.
ing that these sources were consistent with the dictionary-based definition, the Court found that the airline was not liable.\textsuperscript{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 \textit{Saks}. In \textit{Eastern Airlines, Inc. v. Floyd},\textsuperscript{361} passengers sued an airline for infliction of emotional distress due to the loss of power on a flight.\textsuperscript{362} That dispute required the Court to decide whether "\textit{lesion corporelle}" in the French text of the Article included purely emotional distress.\textsuperscript{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.\textsuperscript{364} The Court, however, criticized reliance on the dictionary in \textit{Saks}, finding "that dictionary definitions may be too general for purposes of treaty interpretation."\textsuperscript{365} Rather, \textit{Floyd} considered French legislation, judicial decisions and scholarly writing to determine "whether French jurists' contemporary understanding of the term '\textit{lesion corporelle}' differed from its translated meaning."\textsuperscript{366} These sources did not suggest a different meaning,\textsuperscript{367} nor did the context of Article 17.\textsuperscript{368}

"[B]ecause a broader interpretation of '\textit{lesion corporelle}' reaching purely mental injuries is plausible, and the term is both ambiguous and difficult," the Court then turned to other sources.\textsuperscript{369} The negotiating history,\textsuperscript{370} the "primary pur-
pose of the contracting parties to the Convention" and the 
"conduct' and 'interpretation' of the signatories" 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 reasoning" and because following that foreign 
court's decision "would be controversial for most signatory 
countries." Accordingly, and with little reliance on the 
dictionary, the Court concluded that "lesion corporelle" did 
not include purely mental injuries.

Two years later, in Sale v. Haitian Centers Council, Inc., the Court used an approach substantially similar to 
Floyd. In Sale, individual Haitians and organizations repre-
sent- ing interdicted Haitians argued that Article 33 of the 
United Nations Convention Relating to the Status of Refu-
gees 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. 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. 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' . . . ." Although 
referring to French dictionary definitions of "refouler," 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 Francaise de Droit Aerien, at 
243-245). 
374. Id. at 177-78.
375. 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.
376. Id. at 180-81.
378. 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.
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 "to 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.
383. See Sale, 509 U.S. at 182-87; Floyd, 499 U.S. at 537.
385. See Sale, 509 U.S. at 180-87; Floyd, 499 U.S. at 537-43.
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. Moreover, with some frequency, both the majority and the dissent have relied on dictionaries to support diametrically opposed conclusions. 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. 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. 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
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. CUTFILP & 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. 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. 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.

394. See generally supra Part I.C.
396. See Aprill, 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. As a result, descriptive dictionaries cannot be relied on to describe all possible meanings of a word comprehensively and accurately. 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. 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


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. 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.

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." 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.

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

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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." Aprill, supra note 35, at 312.

402. Mellinkoff, supra note 89, at 436.


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.

Id.
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."\textsuperscript{404} For example, in Georgia, a person who receives a prison sentence but does not serve jail time is referred to as being "probated,"\textsuperscript{405} but in Oregon such a person is placed "on probation"\textsuperscript{406} and wills are "probated."\textsuperscript{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 \textit{Black's Law Dictionary} has warned, "a legal dictionary should only be used as a 'starting point' for definitions."\textsuperscript{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.\textsuperscript{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,\textsuperscript{410} the analysis generally is

\begin{itemize}
\item \textsuperscript{404} Mellinkoff, \textit{supra} note 89, at 439. The regional difference examples cited here are based on those suggestions in Mellinkoff, \textit{supra} note 89, at 439.
\item \textsuperscript{405} Jackson v. State, 498 S.E.2d 780, 782 (Ga. Ct. App. 1998).
\item \textsuperscript{406} State v. Balukovic, 956 P.2d 250, 253 (Or. Ct. App. 1998).
\item \textsuperscript{407} Davis v. Somers, 915 P.2d 1047, 1048 (Or. Ct. App. 1996).
\item \textsuperscript{408} \textit{BLACK'S LAW DICTIONARY} 1302 (6th ed. 1990). \textit{See also} Aprill, \textit{supra} note 35, at 309.
\item \textsuperscript{409} \textit{See} Aprill, \textit{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").
\item \textsuperscript{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. 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. 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. 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" 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 commentator identified Smith v. United States 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, which contains an exemption for torts "arising in a foreign country," 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. 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.


418. Id. § 2680(k).

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

Like 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, the Court construed the word "cattle" to include "hogs." 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." Nearly seventy years ago, after citing Decatur Bank, the Court in Ash Sheep Co. v. United States construed "cattle" to include "sheep." 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. 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. 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.” 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.” 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.

The 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

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 "ample 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.
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."
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

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
Grand Larousse de la Langue Francaise (1971)
Le Grand, Dictionnaire Usual de Droit (1931)

Acquire
Webster's Third New Int'l Dictionary (unabr. 1966)
Act
ANDERSON'S LAW DICTIONARY (1996)
BLACK'S LAW DICTIONARY
CENTURY DICTIONARY

Adjustment
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Administer
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
WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

Affiant
(Thomas, J., dissenting)
BLACK'S LAW DICTIONARY (4th ed. 1951)

Aggregate
(White, J.)
WEBSTER'S COLLEGIATE DICTIONARY (9th ed. 1983)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)
Aid and Abet
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
BLACK'S LAW DICTIONARY (5th ed. 1979)

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

Amortized
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.)

 Anonymous


Any


Appeal


Application


Appropriate


Arbitrary


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APPENDIX A: TERMS DEFINED

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

Assignee
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
(Brennan, J.)
BLACK’S LAW DICTIONARY (5th ed. 1979)
WEBSTER’S THIRD NEW INT’L DICTIONARY (1976)

Authorized
(Rehnquist, J., dissenting)
BLACK’S LAW DICTIONARY (4th ed. 1968)

Automobile
WEBSTER’S NINTH NEW COLLEGIATE DICTIONARY (1983)

Avoid
BLACK’S LAW DICTIONARY (6th ed. 1990)

BBB

Banishment
BLACK’S LAW DICTIONARY
RAPALJE & LAWRENCE’S LAW DICTIONARY
Banks
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
Random House Dictionary (2d ed. 1987)
Webster's Third New Int'l Dictionary (1976)

Based
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 ETYMLOGICAL ENGLISH DICTIONARY (1742)
BAILEY, UNIVERSAL ETYMLOGICAL 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)
Appendix A: Terms Defined

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)
Cyclopedic Dictionary of Law (1901)

Bodily Harm
Jéraute, Vocabulaire Français-anglais et Anglais-français de termes et locutions juridiques (1953)

Bodily Injury
Jéraute, 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
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

Boycott
(Scalia, J., partial opinion of Court)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)
WEBSTER’S NEW INT’L DICTIONARY (2d ed. 1950)

BLACK’S LAW DICTIONARY (4th ed. 1968)
OXFORD ENGLISH DICTIONARY (1933)
WEBSTER’S SECOND NEW INT’L DICTIONARY (1949)

Business
(Souter, J., partial opinion of Court)
WEBSTER’S NEW INT’L DICTIONARY (2d ed. 1942)

CCC

Camper
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
(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
WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. unabr. 1979)

Carry
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)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

Carry Arms or Weapons
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)

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

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)

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

Certified Public Accountant
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)
Certify
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Challenge
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
BLACK'S LAW DICTIONARY (5th ed. 1979)
RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)

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

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

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

Coining
Legal Tender Cases, 79 U.S. 457, 584 (1870) (Chase, C.J., dissenting)
JOHNSON'S DICTIONARY

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

Cold-Blooded
BLACK'S LAW DICTIONARY (6th ed. 1990)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

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

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

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

Combination Printing
ENCYCLOPAEDIC DICTIONARY OF PHOTOGRAPHY (1896)
Commercer
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)

RICHARDSON'S DICTIONARY

Commercial
(Scalia, J.)
BLACK'S LAW DICTIONARY (6th ed. 1990)

Common Law
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.)
BLACK'S LAW DICTIONARY

Community
Jacobellis v. Ohio, 378 U.S. 184, 193 n.9 (1964) (Brennan, J.,
judgment & plurality opinion)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

Commutation
Schick v. Reed, 419 U.S. 256, 273 n.8 (1974) (Marshall, J.,
dissenting)
BLACK'S LAW DICTIONARY (4th ed. 1968)
**Compassion**

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)

**Compensation**

Regents of Univ. of California v. Public Employment Relations Bd.,

*Webster's American Dictionary of the English Language* (C. Goodrich ed., 1849)

**Compilation**

(Blackmun, J.)

*Webster's Ninth New Collegiate Dictionary* (1983)


**Complaint**


*Webster's Second New Int'l Dictionary* (unabr. 1957)

**Concert**


**Concurrent**

Rhode Island v. Palmer, 253 U.S. 350, 396-97 n.2 (1920) (McKenna, J., dissenting)

*Century Dictionary*

*Webster's Dictionary*
Concurrent Jurisdiction

Rhode Island v. Palmer, 253 U.S. 350, 398 (1920) (McKenna, J., dissenting)

BOUVIER'S LAW DICTIONARY

Conditions


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

Condition Precedent

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


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


OXFORD ENGLISH DICTIONARY (2d ed. 1989)

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

Confidential


WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)
Congress
A COMPLETE DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1796)
A DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 1773)

Consider
National Endowment for the Arts v. Finley, 118 S. Ct. 2168, 2189 (1998) (Souter, J., dissenting)
WEBSTER’S SECOND NEW INT’L DICTIONARY (1949)

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)

Conveyance

Context
WEBSTER’S NEW INT’L DICTIONARY (2d ed. 1942)

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

Contrivance
WEBSTER’S SECOND NEW INT’L DICTIONARY (1934)


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

**Conviction**  
BLACK'S LAW DICTIONARY (6th ed. 1990)  
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

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

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

**Corporation**  
Ngiraingas v. Sanchez, 495 U.S. 182, 202 n.8 (1990) (Brennan, J., 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)

**Corporation Sole**  
(Brennan, J., dissenting)  
B Burrill, A LAW DICTIONARY & GLOSSARY (2d ed. 1871)
Corruptly
United States v. Aguilar, 515 U.S. 593, 616 (1995) (Scalia, J.,
concurring in part & dissenting in part)
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Course
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(1998) (Scalia, J., concurring)
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J.)
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Criterion
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Creation
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concurring)
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Curriculum
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(1990) (O'Connor, J.)
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Curtilage
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dissenting)
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DDD

Damage
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dissenting)
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American Stevedores, Inc. v. Porello, 330 U.S. 446, 450 n.6 (1947) (Reed, J.)
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Webster's Third New Int'l Dictionary (1961)

_Debauchery_

Century Dictionary (Rev. ed.)
Oxford English Dictionary
Debt For
BLACK'S LAW DICTIONARY (6th ed. 1990)
THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE
(3d ed. 1992)

Dedicate
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Defile
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Delay
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Century Dictionary

Deprive
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Derivative Suit
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Design
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Device
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(Marshall, J.)
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Doubt
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(1998) (Scalia, J.)
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Draft
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Drug
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784, 800 n.20 (1969) (Warren, C.J.)
DORLAND'S ILLUSTRATED MEDICAL DICTIONARY (24th ed. 1965)
**Duty**

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

*BAILEY, AN UNIVERSAL ETYMOLOGICAL ENGLISH DICTIONARY* (26th ed. 1789)
*A DICTIONARY OF THE ENGLISH LANGUAGE* (7th ed. 1785)

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**Editor**

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*WEBSTER'S DICTIONARY*

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**Efficient**

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

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**Election**

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**Eligible**

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"Webster"

Embryo

(Blackmun, J.)
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Emplane

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Employ

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

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Endeavors

concurring in part & dissenting in part)
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Endorsement

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Ensure

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81 (1998) (Scalia, J., concurring)
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Entertainment

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Entitle

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**Envelope**  
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J., dissenting)  
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**Equitable**  
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AMERICAN HERITAGE DICTIONARY (3d ed. 1992)  
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

**Equity**  
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C.J.)  
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr.)

**Establishment**  
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dissenting)  
WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE  
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**Ethnic**  
BPOE Lodge No. 2043 v. Ingraham, 411 U.S. 924, 926 (1973)  
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federal question)  
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Evade
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Evolution
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Ex Post Facto
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Excessive
JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1785)
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Lichter v. United States, 334 U.S. 742, 786 n.37 (1948) (Burton, J.)
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Excise
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BLACK'S LAW DICTIONARY
BOUVIER'S LAW DICTIONARY
CENTURY DICTIONARY
JOHNSON'S DICTIONARY
WEBSTER'S INT'L DICTIONARY

Exclusive
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

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

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

Exercise
A NEW ENGLISH DICTIONARY ON HISTORICAL PRINCIPLES (J. Murry ed., 1897)

Expressly
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WEBSTER'S NEW INT'L DICTIONARY

FFF

False Making
BALLENTINE'S LAW DICTIONARY (2d ed. 1948)
BLACK'S LAW DICTIONARY (6th ed. 1990)
Fear
WEBSTER'S THIRD NEW INT'L DICTIONARY (16th ed. 1971)

Feasible
FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1957)
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Felony
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WEBSTER'S DICTIONARY

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

Filthy
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1956)
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Finding of Fact
BLACK'S LAW DICTIONARY (5th ed. 1979)
Fine

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A Critical Pronouncing Dictionary (1791)
A General Dictionary of the English Language (1780)
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Sheridan, A General Dictionary of the English Language (1780)
Walker, A Critical Pronouncing Dictionary (1791)

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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

Bouvier, Law Dictionary (4th ed. 1852)
Cunningham, A New and Complete Law-Dictionary (2d ed. 1771)
Tomlin's Law Dictionary (1836)

Firm

Ballentine's Law Dictionary (2d ed. 1948)
Black's Law Dictionary (4th ed. 1951)
Bouvier, Law Dictionary (8th ed. 1914)
Clark & Gottfried, Dictionary of Business & Finance (1957)
Crowell's Dictionary of Business & Finance (rev. ed. 1930)
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KERSEY, A NEW ENGLISH DICTIONARY (1702)
A NEW ENGLISH DICTIONARY (1702)

Foreiture
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J.)
SHERIDAN, A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE
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WALKER, A CRITICAL PRONOUNCING DICTIONARY (1791)

Forge
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dissenting)
WEBSTER’S SECOND NEW INT’L DICTIONARY (1945)

Forged
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Forthwith
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Freebase
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Freight
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ANDERSON'S LAW DICTIONARY (1996)
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BURRILL'S LAW DICTIONARY
CENTURY DICTIONARY
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GGG

Game
WEBSTER'S SECOND NEW INT'L DICTIONARY

Gang
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CENTURY DICTIONARY & ENCYCLOPEDIA (1902)
FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1915)
OXFORD ENGLISH DICTIONARY (1933)
WEBSTER'S SECOND NEW INT'L DICTIONARY

Garnishment
BOUVIER'S LAW DICTIONARY
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(Frankfurter, J., concurring in judgment)  
MATHEWS, A SURVEY OF ENGLISH DICTIONARIES (1933)  

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

Burstyn, Inc. v. Wilson, 343 U.S. 495, 533 app. n.* (1952)  
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MATHEWS, A SURVEY OF ENGLISH DICTIONARIES (1933)  
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**Gerrymander**  
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concurring in part & dissenting in part)  
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**Good Will**  
Regents of Univ. of California v. Public Employment Relations Bd.,  
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**HHH**  

**Habeas Corpus**  
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**Harm**  
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Harsh
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Hawkers
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TOMLIN'S LAW DICTIONARY

Head
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Health
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Hearing
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Hematoma
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Hideous

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High Seas

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Imbecile

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Immediate

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Imminent

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A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)

Impound
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BOUVIER, LAW DICTIONARY (8th ed. 1914)

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

In Pari Delicto Potior Est Conditio Defendentis
BLACK'S LAW DICTIONARY (5th ed. 1979)

In Relation To
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Incident
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Incidents Of Ownership
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Incompetency
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BOUVIER'S LAW DICTIONARY (Rawles 3d rev., 1914)
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WEBSTER'S NEW INT'L DICTIONARY

Indecent
WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

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

Inferiour
JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1785)

Initiated
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Injure
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)
Injury
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Insanity
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BOUVIER, LAW DICTIONARY (8th ed. 1914)

Institute
BLACK'S LAW DICTIONARY (6th ed. 1990)
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RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. unabr. 1987)

Institution
WEBSTER'S SECOND NEW INT'L DICTIONARY

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

Insurance
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1958)

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Intended
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Intent
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Interest
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2 PALGRAVE’S DICTIONARY OF POLITICAL ECONOMY (H. Higgs ed., 1925)

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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
(Stevens, J., concurring)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Intervene
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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
(Warren, C.J.)
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Invidious
WEBSTER'S SECOND INT'L DICTIONARY (1954)

Involving
(Breyer, J.)
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Irregularity
WEBSTER'S SECOND INT'L DICTIONARY (1950)

Islands
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Jurisdiction
BLACK'S LAW DICTIONARY (5th ed. 1979)
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Knowledge
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

Lay-off
OXFORD ENGLISH DICTIONARY

Legacy
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WORCESTER'S DICTIONARY
Legislative Officer
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BOUVIER’S LAW DICTIONARY (1897)

Lesser Offense
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Lesion
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Par 362

**Parens Patriae**
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**Price/Earnings Ratio**
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WEBSTER'S NEW INT'L DICTIONARY

Prime Mover
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Principal
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QQQ

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RRR

Race
CENTURY DICTIONARY & CYCLOPEDIA (1911)
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BLACK'S LAW DICTIONARY (1891)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Require
(Blackmun, J., concurring in part, concurring in judgment in part & dissenting in part)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

Required
THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)

Respect
(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 (6th ed. 1796)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1988)
**Restitution**

BLACK'S LAW DICTIONARY (5th ed. 1979)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

**Retail**

WEBSTER'S SECOND NEW INT'L DICTIONARY (1938)

**Retroactive Statute**

Landgraf v. USI Film Prods., 511 U.S. 244, 269 n.23 (1994)
(Stevens, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)

**Return**

LAROUSSE MODERN FRENCH-ENGLISH DICTIONARY (1978)
NEW CASSELL'S FRENCH DICTIONARY (1973)

(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
STANDARD DICTIONARY
WEBSTER'S NEW INT'L DICTIONARY

**Right**

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

Chelentis v. Luckenback S.S. Co., 247 U.S. 372, 384 (1918)
(McReynolds, J.)
BOUVIER'S LAW DICTIONARY
**Ritual**


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

**Roach**


*AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE* (1980)

*LINGEMAN, DRUGS FROM A TO Z: A DICTIONARY* (1969)

**Robbery**

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

*BOUVIER'S LAW DICTIONARY*

**Running Board**

Shields v. Atlantic Coast Line R.R. Co., 350 U.S. 318, 326 n.2 (1956) (Reed, J., dissenting)

*THE CAR-BUILDER'S DICTIONARY* (1879)

**Rubberoid**


*CENTURY DICTIONARY*

**SSS**

**Sacrifice**


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

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)

BAILEY, UNIVERSAL ETYMOLICAL ENGLISH DICTIONARY (1742)

BAILEY, UNIVERSAL ETYMOLICAL 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)

CUMBERLAND, ENGLISH DICTIONARIE (10th ed. 1651)

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)

FUNK & WAGNALLS’ NEW STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1913)

FUNK & WAGNALLS’ STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1895)

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)

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)

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

WEBSTER’S NEW INT’L DICTIONARY (1909)
WEBSTER’S INT’L DICTIONARY (1890)
WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH
LANGUAGE (1828)
WEBSTER’S COMPRENDIOUS DICTIONARY OF THE ENGLISH LANGUAGE
(1806)

Sacrilegious
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 Dicitionary (1777)
Entick, New Spelling Dictionary (1786)
Funk & Wagnalls’ New Standard Dictionary (1937)
Phillips, The New World of Words (3d ed. 1671)
WEBSTER’S COMPRENDIOUS 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)

Salary
Crandon v. United States, 494 U.S. 152, 171-72 (1990) (Scalia, J.,
concurring in judgment)
WEBSTER’S SECOND NEW INT’L DICTIONARY (1957)

Sale
Helvering v. Hammel, 311 U.S. 504, 507 (1941) (Stone, J.)
WEBSTER’S NEW INT’L DICTIONARY

Salmonid
Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 366 n.6
(1989) (Stevens, J.)
WEBSTER’S THIRD NEW INT’L DICTIONARY (1981)
Salvage Value
Massey Motors, Inc. v. United States, 364 U.S. 92, 106 n.7 (1960)
(Clark, J.)
KOHLER, A DICTIONARY FOR ACCOUNTANTS (1952)

Sanction
BALLENTINE’S LAW DICTIONARY (3d ed. 1969)
BLACK’S LAW DICTIONARY (6th ed. 1990)

Sauce
Boggle v. Maggone, 152 U.S. 623, 626 (1894) (Gray, J.)
WEBSTER’S DICTIONARY

Scab
Old Dominion Branch No. 496 v. Austin, 418 U.S. 264, 283 (1974)
(Marshall, J.)
WEBSTER’S THIRD NEW INT’L DICTIONARY (unabr. 1961)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)

Scheme
WEBSTER’S SECOND NEW INT’L DICTIONARY (1934)

Scientific
WEBSTER’S THIRD NEW INT’L DICTIONARY (1986)

Seaworthiness
Martin v. Steamship Southwark, 191 U.S. 1, 8 (1903) (Day, J.)
BOUVIER’S LAW DICTIONARY
Segregate
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
BLACK'S LAW DICTIONARY (6th ed. 1990)
BOUVIER, A LAW DICTIONARY (6th ed. 1856)
WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)

Seminary
OXFORD ENGLISH DICTIONARY (2d ed. 1989)

Seniority
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)
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)

Sentence
BLACK'S LAW DICTIONARY (6th ed. 1990)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)
Service of Process
BLACK'S LAW DICTIONARY (5th ed. 1979)

Servitude
FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1913)
FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1944)
OXFORD ENGLISH DICTIONARY (1933)
WEBSTER'S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1869)
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
DICTIONARY OF MODERN LEGAL USAGE (2d ed. 1995)
MELLINKOFF'S DICTIONARY OF AMERICAN LEGAL USAGE (1992)

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

Sheriff
BOUVIER'S LAW DICTIONARY (Rawles 3d rev., 1914)
Ship
Western Union Tel. Co. v. Lenroot, 323 U.S. 490, 512 (1945)
(Murphy, J., dissenting)
WEBSTER'S SECOND NEW INT'L DICTIONARY

Shows
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

Slave
Hodges v. United States, 203 U.S. 1, 17 (1906) (Brewer, J.)
“Webster”

Slavery
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.,
dissenting)
JOHNSON'S DICTIONARY

Smugglers
Keck v. United States, 172 U.S. 434, 461 (1899) (Brown, J.,
dissenting)
BURN, A NEW LAW DICTIONARY (1792)

Smuggling
Keck v. United States, 172 U.S. 434, 461-62 (1899) (Brown, J.,
dissenting)
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
APPENDIX A: TERMS DEFINED

Sole
WEBSTER’S THIRD NEW INT’L DICTIONARY (1971)

Solicit
Wisconsin Dep’t of Revenue v. William Wrigley, Jr., Co., 505 U.S. 214, 223 (1992) (Scalia, J.)
WEBSTER’S THIRD NEW INT’L DICTIONARY (1981)

Solicitation
Wisconsin Dep’t of Revenue v. William Wrigley, Jr., Co., 505 U.S. 214, 223 (1992) (Scalia, J.)
BLACK’S LAW DICTIONARY (6th ed. 1990)

Specifically
BLACK’S LAW DICTIONARY (6th ed. 1990)

Speedy
WEBSTER’S SECOND NEW INT’L DICTIONARY (1934)

Spirituous Liquors
Sarls v. United States, 152 U.S. 570, 572 (1894) (Shiras, J.)
CENTURY DICTIONARY

Stare Decisis
BLACK’S LAW DICTIONARY (6th ed. 1990)
State
(Thomas, J., dissenting)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1957)

Statement
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

Brogan v. United States, 118 S. Ct. 805, 808 (1998) (Scalia, J., opinion of the Court)
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.)

OXFORD ENGLISH DICTIONARY

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

Stolen
WEBSTER'S SECOND NEW INT'L DICTIONARY (1953)

Subject To
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)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1994)

concurring in part & concurring in judgment)
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)

Suit
Case of the Sewing Machine Cos., 85 U.S. 553, 585 n.++ (1873)
(Clifford, J.)
BOUVIER'S LAW DICTIONARY
WEBSTER'S DICTIONARY

Railroad Co. v. Mississippi, 102 U.S. 135, 143 (1880) (Miller, J.,
dissenting)
BOUVIER'S LAW DICTIONARY
WEBSTER'S DICTIONARY
WORCESTER'S DICTIONARY

Supreme Being
WEBSTER'S SECOND NEW INT'L DICTIONARY (1958)

Surrender
STANDARD DICTIONARY
WEBSTER'S INT'L DICTIONARY

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
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
WEBSTER’S THIRD NEW INT’L DICTIONARY (1976)
Termination
(Marshall, J.)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Testimony
BLACK'S LAW DICTIONARY (6th ed. 1990)
BLACK'S LAW DICTIONARY (5th ed. 1979)

Theft
BOUVIER'S LAW DICTIONARY (3d rev. ed. 1914)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1953)

Theism
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
WEBSTER'S NEW INT'L DICTIONARY OF ENGLISH LANGUAGE (2d ed. 1950)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1939)
To Carry On
WEBSTER'S DICTIONARY
WORCESTER'S DICTIONARY

To Print
MCELRATH'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
BLACK'S LAW DICTIONARY (6th ed. 1990)
WEBSTER'S NEW INT'L DICTIONARY OF ENGLISH LANGUAGE (2d ed. 1950)

Tonality
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
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, DICTIOUNNAIRE 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
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)

Un

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
BLACK'S LAW DICTIONARY (6th ed. 1990)
WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1949)

(O'Connor, J.)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1939)

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

Viable
(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
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1956)
WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1961)

Village
JOHNSON'S DICTIONARY
OGILVIE'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
(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**

(Marshall, J., dissenting)

*Black’s Law Dictionary* (5th ed. 1979)


*Black’s Law Dictionary* (5th ed. 1979)

**With Reference To**

Banco Mexicano de Commercio e Industria v. Deutsche Bank, 263 U.S. 591, 601 (1924) (McKenna, J.)

*Standard Dictionary*

**Withholding**


**Witness**


*Webster, An American Dictionary of the English Language* (1828)


*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
  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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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)

(Health)
WEBSTER'S DICTIONARY

(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.)

(Counterfeit)
WEBSTER'S NEW INT'L DICTIONARY (1914)

24 cases (1.00/year) and 36 terms (1.50/year)

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

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)
(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)

(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)

(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)
(Anonymous)
WEBSTER’S NINTH NEW COLLEGIATE DICTIONARY (1983)

(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)

(Interest)
2 PALGRAVE’S DICTIONARY OF POLITICAL ECONOMY (H. Higgs ed. 1925)

(Relate)
BLACK’S LAW DICTIONARY (5th ed. 1979)

(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)

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

(Acquire)
WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1966)

(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)
(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)

(Pattern)
OXFORD ENGLISH DICTIONARY (2d ed. 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)
CYCLOPEDIC DICTIONARY OF LAW (1901)
(Body Politic)
(Corporation Sole)
BURRELL, 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)

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

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

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

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

(Prohibit)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

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

(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)

(Complaint)
WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1957)
(In Pari Delicto Potior Est Conditio Defendentis)
BLACK’S LAW DICTIONARY (5th ed. 1979)

(Derivative Suit)
BLACK’S LAW DICTIONARY (5th ed. 1979)

(Feasible)
FUNK & WAGNALLS’ NEW STANDARD DICTIONARY OF THE ENGLISH
LANGUAGE (1957)
OXFORD ENGLISH DICTIONARY (1933)
WEBSTER’S THIRD NEW INT’L DICTIONARY (1976)

(Authorize)
BLACK’S LAW DICTIONARY (5th ed. 1979)
WEBSTER’S THIRD NEW INT’L DICTIONARY (1976)

(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)

(Preserve)
(Intent)
WEBSTER’S NEW COLLEGIATE DICTIONARY (1974)
(Opprobrious)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

(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)

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

(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

(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)

(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)

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

(Employee)
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)
BLACK'S LAW DICTIONARY (6th ed. 1990)

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

Milwaukee Brewery Workers' Pension Plan v. Schlitz Brewing Co.,
(Amortization Plan)
BLACK'S LAW DICTIONARY (5th ed. 1979)

OXFORD ENGLISH DICTIONARY (1983)
(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

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)

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

(Hideous)  
No specific dictionary listed
APPENDIX B: JUSTICES

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)
PORNORPHY
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
1939) and construing Pennsylvania law)
(Incompetency)
BLACK'S LAW DICTIONARY (3d ed.)
BOUVIER'S LAW DICTIONARY (Rawles 3d rev., 1914)
FUNK & WAGNALLS' STANARD DICTIONARY
WEBSTER'S NEW INT'L DICTIONARY

(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)

(Aribitrary)  
FUNK & WAGNALLS' NEW STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1944)  
(Aribitrary)  
(Capricious)  
WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

(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)
APPENDIX B: JUSTICES

(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)
KOHLER, 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
(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)

(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)

(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.)
APPENDIX B: JUSTICES

(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

(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

(Of)
OXFORD ENGLISH DICTIONARY

('Trainer sur la Claie')
SAINT-EDME, DICTIOANNAIRE DE LA PENALITÉ DANS TOUTES LES PARTIES DU MONDE CONNU (1825)
(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

(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)


(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)

(Sacredigious)

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)
Barclay, A Complete & Universal English Dictionary (1782)
(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)
Matthews, 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)

(Ginsburg, J., dissenting)
(Carry Arms or Weapons)
BLACK'S LAW DICTIONARY (6th ed. 1990)
(Carry)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

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

(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)

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

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) (Vicuñalling 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

(Religion)  
WEBSTER’S SECOND NEW INT’L DICTIONARY (unabr. 1934)

(Intention)  
BLACK’S LAW DICTIONARY (4th ed. 1968)
(Harlan, J., dissenting)
(Refuse Matter)
WEBSTER’S THIRD NEW INT’L DICTIONARY

(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
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)
(Turptitude)
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”

Associate Justice Anthony Kennedy (1987-Present)
7 cases (0.64/year) and 9 terms (0.82/year)
(Promote)
(Manifest)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)
BLACK’S LAW DICTIONARY (2d ed. 1910)

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

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

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)

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
19 cases (0.79/year) and 29 terms (1.21/year)

(Discharge)
BLACK’S LAW DICTIONARY (6th ed. 1990)

(Bodily Harm)
(Bodily Injury)
(Lesion)
(Corporel)
(Lesión Corporelle)
JERAUTE, VOCABULAIRE FRANÇAIS-ANGLAIS ET ANGLAIS-FRANÇAIS DE TERMES ET LOCUTIONS JURIDIQUES (1953)

(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)

(Tonality)


(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)

(Minerals)
CENTURY DICTIONARY

(Nunnery)
OXFORD ENGLISH DICTIONARY (1933)

(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)

(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 Commercio 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

(Rubberoid)
(Oid)

CENTURY DICTIONARY

Associate Justice James McReynolds (1914-1941)
9 cases (0.33/year) and 12 terms (0.44/year)

(Dispute)

WEBSTER’S NEW INT’L DICTIONARY
(Operate)
WEBSTER'S NEW INT'L DICTIONARY

(Reedem)
WEBSTER'S NEW INT'L DICTIONARY
(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.)*

**Associate Justice Sandra Day O'Connor (1981-present)**

25 cases (1.47/year) and 30 terms (1.76/year)

  - (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)*

  - (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)

(Imminent)
WEBSTER’S NEW INT’L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1934)

(Use)
BLACK’S LAW DICTIONARY (6th ed. 1990)
WEBSTER’S NEW INT’L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1949)

(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)

(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)

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)

BLACK'S LAW DICTIONARY (6th ed. 1990) (Pitiless)
(Cold-Blooded)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1986)

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

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)

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)

(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)
LE GRAND, Dictionnaire Usual de Droit (1931)
GRAND LAROUSSE DE LA LANGUE FRANÇAISE (1971)

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)

(Creation)
(Evolution)
WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1981)

(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)

(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)

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(Policy)
WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY (2d ed. 1979)
(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)

(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)
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)
The Black's Law Dictionary

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)

(Sheriff)
Bouvier's Law Dictionary (8th ed. 1914)

(Doctrine of Laches)
Federal Election Comm’n v. NRA Political Victory Fund, 513 U.S. 88, 93 (1994)
(Appeal)
BLACK’S LAW DICTIONARY (6th ed. 1990)

(Original)
(Sentence)
BLACK’S LAW DICTIONARY (6th ed. 1990)
WEBSTER’S THIRD NEW INT’L DICTIONARY (1971)

(Affect)
WEBSTER’S THIRD NEW INT’L DICTIONARY (1966)

(Country)
WEBSTER’S NEW INT’L DICTIONARY (2d ed. 1945)
WEBSTER’S SECOND NEW INT’L DICTIONARY (1945)

(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)

(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)

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(Caricature)
WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. unabr. 1979)

(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)
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(Initiated)
No specific dictionary listed

(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
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WORCESTER'S DICTIONARY (1860)
(Redress)
OXFORD ENGLISH DICTIONARY (1933)

(Rehnquist, J., dissenting)
(Authorized)
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(Lesser Offense)
BLACK'S LAW DICTIONARY (4th ed. 1968)
(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)
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United States v. Dubilier Condenser Corp., 289 U.S. 178, 186 & n.6 (1933)
(Monopoly)
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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)

(Ensure)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)

(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)

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)
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(Licentious)
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Commissioner v. Estate of Hubert, 520 U.S. 93, 128 (1997) (Scalia, J., dissenting)


OXFORD ENGLISH DICTIONARY (1933)
(Take)
(Proximate)
WEBSTER'S NEW INT'L DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1949)

(Corruptly)
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(Endeavors)
THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

(Market)
OXFORD UNIVERSAL DICTIONARY (3d ed. 1955)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

(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)

(Market Value)
BLACK'S LAW DICTIONARY (6th ed. 1990)
(Partiality)  
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)  
(Scalia, J., concurring)  
(Understand)  
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)  

(Scalia, J., partial opinion of Court)  
(Boycott)  
OXFORD ENGLISH DICTIONARY (2d ed. 1989)  
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)  

(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)  

(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)

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

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

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

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

(Department)  
WEBSTER, AMERICAN DICTIONARY (1828)

(Representatives)  
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)

(Seizure)  
BLACK'S LAW DICTIONARY (6th ed. 1990)  
BOUVIER, A LAW DICTIONARY (6th ed. 1856)  
WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)
(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)

(Witness)
WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)

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

(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)
(Adjustment)  
(Recovery)  
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

(Irregularity)  
WEBSTER'S SECOND INT'L DICTIONARY (1950)

(Criteria)  
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)

(Damages)  
BLACK'S LAW DICTIONARY (5th ed. 1979)  
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

(Inferior)  
JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1785)

(Substantial)  
WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)

(Oven)  
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

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

(Inc)come

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)


(Act)
Black’s Law Dictionary
Century Dictionary

Sarlls v. United States, 152 U.S. 570, 572 (1894)
(Spiruous Liquors)
(Malt Liquor)
Century Dictionary
(Ardent Spirits)
Webster’s Dictionary
Worcester’s Dictionary
(Spiruous)
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)

(Operate)
Webster’s Second New Int’l Dictionary (1958)
(Election)
AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1869)

(Price/Earnings Ratio)
NEW PALGRAVE DICTIONARY OF MONEY & FINANCE (1992)

(Souter, J., dissenting)
(Shall)
BLACK'S LAW DICTIONARY (6th ed. 1990)

(Seminary)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)

(Injury)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1957)

(Parody)
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)

(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)

(Amortized)
(Depreciated)
BLACK'S LAW DICTIONARY (6th ed. 1990)
(Base)
BLACK'S LAW DICTIONARY (6th ed. 1990)
RANDOM HOUSE DICTIONARY (2d ed. 1987)
(Base)
(Based)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

(Conduct)
OXFORD ENGLISH DICTIONARY (2d ed. 1989)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)

(Context)
(Poverty)
WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

(Sanction)
BALLENTINE'S LAW DICTIONARY (3d ed. 1969)
BLACK'S LAW DICTIONARY (6th ed. 1990)

(Institute)
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)

Associate Justice John Paul Stevens (1975-present)
35 cases (1.52/year) and 44 terms (1.91/year)

(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)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1981)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)

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)

LAROUSSE MODERN FRENCH-ENGLISH DICTIONARY (1978)
NEW CASSELL'S FRENCH DICTIONARY (1973)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)


(Salmonid)  

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)  

(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)  

(Material)  
*Webster's Ninth New Collegiate Dictionary* (1983)  

Regents of Univ. of California v. Public Employment Relations Bd.,  
(Good Will)  
*Black's Law Dictionary* (5th ed. 1979)  

(Defraud)  
*Anderson, A Dictionary of Law* (1893)  
*Bouvier's Law Dictionary* (1897)  
*Burrill's Law Dictionary* (1859)  

(Propaganda)  
*Webster's New World Dictionary* (College ed. 1968)  
(Disclose)  
WEBSTER'S NEW COLLEGIATE DICTIONARY (1977)  
WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)  

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

(Damage)  
(Damages)  
BOUVIER, LAW DICTIONARY (8th ed. 1914)  

(Automobile)  
(Camper)  
(Motor Home)  
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)  

(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)

(Indecent)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)

(Stevens, J., concurring)
(Interference)
WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)

(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)

(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)

(Insurance)
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)

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

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)

DANA, DICTIONARY OF SEA TERMS

(legacy)

Worcester's Dictionary

United States v. Bhagat Singh Thind, 261 U.S. 204, 211 & n.1 (1923)
(Caucasian)


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
Cowell's Law Dictionary (1708)

Lapeyre v. United States, 84 U.S. 191, 195-97 & n.++ (1872)
(Proclamation)

Cowell'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
Associate Justice Clarence Thomas (1991-present)

25 cases (3.57/year) and 29 terms (4.14/year)

(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)

(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)

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

(Impost)
BARCLAY'S UNIVERSAL ENGLISH DICTIONARY (B. Woodward rev., 1782)
BLAUNT, 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
APPENDIX B: JUSTICES

ed. 1789)

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

(Motion)

RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)

dissenting)
(Forthwith)

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

(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)

(Thomas, J., dissenting)
(Congress)

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

A DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 1773)

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)
(Discharge)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)

(Delay)
AMERICAN HERITAGE DICTIONARY (3d ed. 1992)

(Cognizable)
BLACK’S LAW DICTIONARY (6th ed. 1990)

(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)

(Provide For)
AMERICAN HERITAGE DICTIONARY (10th ed. 1981)

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


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

2 cases (0.13/year) and 3 terms (0.20/year)

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

(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)

(Legislative Officer)
BLACK'S LAW DICTIONARY
(Legislative Officers)
BOUVIER'S LAW DICTIONARY (1897)
(Officer)
CENTURY DICTIONARY
(Office)
WEBSTER'S NEW INT'L DICTIONARY
(Surrender)  
STANDARD DICTIONARY  
WEBSTER’S INT'L DICTIONARY

Fidelity & Deposit Co. v. Courtney, 186 U.S. 342, 346 (1902)  
(Immediate)  
CENTURY DICTIONARY

(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)

(Aggregate)  
WEBSTER’S COLLEGIATE DICTIONARY (9th ed. 1983)  
WEBSTER’S NINTH NEW COLLEGIATE DICTIONARY (1983)

(Remedial)  
(Relief)  
(Remedy)  
WEBSTER’S NINTH NEW COLLEGIATE DICTIONARY (1983)

(Cover)  
WEBSTER’S THIRD NEW INT’L DICTIONARY (1961)

(Neglect)  
WEBSTER’S NINTH NEW COLLEGIATE DICTIONARY (1983)


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)


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)


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

(quoting Roth v. United States, 354 U.S. 476, 487 n.20 (1957)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 5th ed. 1981)

Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio, 471 U.S. 626, 630 n.2 (1985)

URDANG DICTIONARY OF CURRENT MEDICAL TERMS (1981)


WEBSTER'S THIRD NEW INT'L DICTIONARY (P. Gove ed., 1976)


BLACK'S LAW DICTIONARY (5th ed. 1979)
Colautti v. Franklin, 439 U.S. 379, 402 (1979) (White, J., dissenting)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1958)
(Dedicate)
WEBSTER’S THIRD NEW INT’L DICTIONARY (1961)

(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)

(Firm)
BALLENTINE’S LAW DICTIONARY (2d ed. 1948)
BLACK’S LAW DICTIONARY (4th ed. 1951)
BOUVIER, LAW DICTIONARY (8th ed. 1914)
CLARK & GOTTFRIED, 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
XXX
YYY
ZZZ
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)
(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)
(Election)

* VERSIONS OF AMERICAN HERITAGE DICTIONARY *

AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (3d ed.
1992)
(Debt for)

Allentown Mack Sales & Serv., Inc. v. NLRB, 118 S. Ct.
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520 U.S. 564, 637 n.20 (1997) (Thomas, J., dissenting)
(Impost)

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n.7 (1995) (Thomas, J., dissenting)
(Congress)

(Thomas, J., concurring)
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Inman Steamship Co. v. Tinker, 94 U.S. 238, 243 (1876)
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A CRITICAL PRONOUNCING DICTIONARY (1791)
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(Blackmun, J.)
(Fine)
(Forfeit)
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(White, J.)
(Firm)

CUNNINGHAM, A NEW AND COMPLETE LAw-DICTIONARY (2d ed. 1771)
(Blackmun, J.)
(Fines for Offenses)
(Damages)

(Stevens, J., dissenting)
(Witness)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 537 app. (1952) (Frankfurter, J., concurring in judgment)
(Blasphemy)
(Sacrilege)

CUNNINGHAM, A NEW AND COMPLETE LAW DICTIONARY (1771)
(Punishment)

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(Thomas, J.)
(Punitive Damages)

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(Rehnquist, C.J., concurring in part & dissenting in part)
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(Bodies Politic and Corporate)

DDD

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(Watch)

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(Abandonment)

(Abandonment)

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(Blasphemy)
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(Refouler)

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Grady v. Corbin, 495 U.S. 508, 529 (1990) (Scalia, J., dissenting)
(Offence)

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A DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 1773)
(Congress)

(Thomas, J., concurring)
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A DICTIONARY OF THE ENGLISH LANGUAGE (7th ed. 1785)
(Duty)
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A DICTIONARY OF THE ENGLISH LANGUAGE (1796)
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DICTIONARY OF ENGLISH LAW (1959)
(White, J.)
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DICTIONARY OF FOREIGN TRADE (Henius 2d ed. 1947)
(White, J.)
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DICTIONARY OF MODERN LEGAL USAGE (2d ed. 1995)
(Shall)

DICTIONARY OF OCCUPATIONAL TITLES (3d ed. 1965)
(Working Conditions)
United States v. Bhagat Singh Thind, 261 U.S. 204, 211
& n.1 (1923) (Sutherland, J.)
(Caucasian)

DONALD, CHAMBER'S ETYMOLOGICAL DICTIONARY OF THE ENGLISH
LANGUAGE (1871)
Saint Francis College v. Al-Khazraji, 481 U.S. 604, 611
(1987) (White, J.)
(Race)

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(1973) (Blackmun, J.)
(Quickening)
(Embryo)
(Fetus)
(Viable)

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784, 800 n.20 (1969) (Warren, C.J.)
(Drug)

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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)
(Stone, J.)
(Combination Printing)
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ENTICK, NEW SPELLING DICTIONARY (1786)
Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 538 app. (1952)
(Frankfurter, J., concurring in judgment)
(Blasphemy)
(Blasphemer)
(Sacrilege)
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FAIRCCHILD, DICTIONARY OF SOCIOLOGY (1944)
Palmer v. Ashe, 342 U.S. 134, 140 n.* (1952) (Minton, J., dissenting)
(Imbecile)

(Scalia, J., dissenting)
(Embargo)

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

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Saffle v. Parks, 494 U.S. 484, 514 (1990) (Brennan, J., dissenting)
(Compassion)

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Yates v. United States, 354 U.S. 298, 305-07 n.7 (1957)
(Harlan, J.)
(Organize)

FUNK & WAGNALLS’ NEW STANDARD DICTIONARY OF THE ENGLISH LANGUAGE (1944)
United States v. Carmack, 329 U.S. 230, 244, 246 n.14 1947 (Burton, J.)
(Aribitrary)
(Brennan, J., concurring)
(Servitude)

FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1937)
Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 520 n.28
(1952) (Frankfurter, J., concurring in judgment)
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FUNK & WAGNALLS' NEW STANDARD DICTIONARY (1915)
Lanzetta v. New Jersey, 306 U.S. 451, 454-55 & n.3 (1939)
(Butler, J.)
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United States v. Kozminski, 487 U.S. 931, 961-62
(1988) (Brennan, J., concurring)
(Servitude)

FUNK & WAGNALLS' STANDARD DICTIONARY OF THE ENGLISH LANGUAGE
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FUNK & WAGNALLS' NEW 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)
  (Burton, J.) (quoting Horosko v. Mt. Pleasant Sch. Dist.,
  6 A.2d 866, 868, 869-70 (Pa. 1939))
  (Incompetency)

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A GENERAL DICTIONARY OF THE ENGLISH LANGUAGE (1780)
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  J., concurring)
  (Punishment)

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

  J., dissenting)
  (Punishment)

GORDON & MARCHANT, A NEW COMPLETE ENGLISH DICTIONARY (1760)
  Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 536
  app. (1952) (Frankfurter, J., concurring in judgment)
  (Blasphemy)
  (Sacrilege)

LE GRAND, DICTIOINNAIRE USUAL DE DROIT (1931)
  Air France v. Saks, 470 U.S. 392, 399-400 n.3 (1985)
  (O'Connor, J.)
  (Accident)

GRAND LAROUSSE DE LA LANGUE FRANÇAISE (1987)
  (Marshall, J.)
  (Lesion)

GRAND LAROUSSE DE LA LANGUE FRANÇAISE (1971)
  (O'Connor)
  (Accident)
"Huxley"

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IMPERIAL DICTIONARY

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(Draft)
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The Britannia, 153 U.S. 130, 148 (1894) (Brown, J., dissenting)
(Course)

Horner v. United States, 147 U.S. 449, 458-59 (1893)
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JACOB'S LAW DICTIONARY
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Lapeyre v. United States, 84 U.S. 191, 195-97 & n.*
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JERAUTE, VOCABULAIRE FRANÇAIS-ANGLAIS ET ANGLAIS-FRANÇAIS DE TERMES ET LOCUTIONS JURIDIQUES (1953)
(Marshall, J.)
(Bodily Harm)
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JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (1785)
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JOHNSON, A DICTIONARY OF THE ENGLISH LANGUAGE (6th ed. 1785)
United States v. Bajakajian, 118 S. Ct. 2028, 2037
(1998) (Thomas, J.)
(Excessive)

Morrison v. Olson, 487 U.S. 654, 719 (1988) (Scalia, J.,
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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 app. (1952) (Frankfurter, J., concurring in judgment)
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Legal Tender Cases, 79 U.S. 457, 584 (1870) (Chase, C.J., dissenting)
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KENRICK, A NEW DICTIONARY OF THE ENGLISH LANGUAGE (1773)
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(Blasphemy)
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KERSEY, A NEW ENGLISH DICTIONARY (1702)
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(Blackmun, J.)
(Forfeit)
Grady v. Corbin, 495 U.S. 508, 529 (1990) (Scalia, J., dissenting)
(Offence)

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(Blasphemy)
(Sacrilege)

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(Swayne, J.)
(Wrench)

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(Salvage Value)
(Useful life)

Larousse Modern French-English Dictionary (1978)
(Return)
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A Law Dictionary (6th ed. 1856)
(Interest)

A Law Dictionary (1883)
(Scalia, J.)
(Incident)

A Law Dictionary and Glossary (2d ed. 1860)
(Interest)
THE LAW DICTIONARY: EXPLAINING THE RISE, PROGRESS, AND PRESENT STATE OF THE ENGLISH LAW (1811)
   (Punishment)

LAW LEXICON OR DICTIONARY OF JURISPRUDENCE (2d Amer. ed. 1860)
   (Interest)

LINGEMAN, DRUGS FROM A TO Z: A DICTIONARY (1969)
   (Roach)

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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)
   (Blasphemy)
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MATHEWNS, 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)

McElrath's Commercial Dictionary  
(To Print)  
(Lithograph)

(Depreciation)

Mellinkoff's Dictionary of American Legal Usage (1992)  
(Shall)

NNN

New Cassell's French Dictionary (1973)  
(Return)  
(Refouler)

A New and Complete Law-Dictionary (1771)  
(Punishment)

A New English Dictionary (1702)  
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(Blackmun, J.)  
(Fine)  
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A NEW ENGLISH DICTIONARY ON HISTORICAL PRINCIPLES (J. Murry ed., 1897)
(Exercise)

NEW PALGRAVE DICTIONARY OF MONEY & FINANCE (1992)
(Souter, J.)
(Price/Earnings Ratio)

(Marshall, J., dissenting)
(Tonality)

THE NEW SHORTER OXFORD ENGLISH DICTIONARY (1993)
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(Doubt)

Commissioner v. Estate of Hubert, 520 U.S. 93, 128 (1997) (Scalia, J., dissenting)
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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)
(Carry)

OXFORD ENGLISH DICTIONARY (2d ed. 1989)
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(Seminary)

(Thomas, J., concurring)
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*See also* entries under THE NEW SHORTER OXFORD ENGLISH DICTIONARY.
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(Boycott)

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Oklahoma v. New Mexico, 501 U.S. 221, 244 (1991)
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(Originate)

(Rehnquist, C.J.)
(Mixture)

Breininger 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)

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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)
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OXFORD ENGLISH DICTIONARY (Compact ed. 1981)
(Attorney)

OXFORD ENGLISH DICTIONARY (1933)
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(Policy)

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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.)
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OXFORD ENGLISH DICTIONARY
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(Primarily)
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OXFORD UNIVERSAL DICTIONARY (3d ed. 1955)
(Market)

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2 PALGRAVE'S DICTIONARY OF POLITICAL ECONOMY (H. Higgs ed., 1925)
(Interest)

PHILLIPS, THE NEW WORLD OF WORDS (3d ed. 1671)
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RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (2d ed. 1987)

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RANDOM HOUSE DICTIONARY OF ENGLISH USAGE (2d ed. 1987)

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RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (1979)
    (Blackmun, J.)
    (Interest)

RANDOM HOUSE DICTIONARY (1966)
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    (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)
    concurring in part & dissenting in part)
    (Fine)

  Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 539 app.
    (1952) (Frankfurter, J., concurring in judgment)
    (Blasphemy)
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RIDER, A NEW UNIVERSAL ENGLISH DICTIONARY (1759)
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ROBERTS' DICTIONARY OF INDUSTRIAL RELATIONS (1966)
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SAINT-EDME, DICTIOANNAIRE DE LA PENALITÉ DANS TOUCES LES PARTIES DU MONDE CONNU (1825)
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(Douglas, J., dissenting)
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SCOTT, DICTIONARY OF THE ENGLISH LANGUAGE (1797)
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(Respect)

(Fine)

Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 538 app. (1952) (Frankfurter, J., concurring in judgment)
(Blasphemy)
(Sacrilege)

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

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(Blackmun, J.)
(Fine)
(Forfeiture)

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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 Commercio e Industria v. Deutsche Bank, 263 U.S. 591, 601 (1924) (McKenna, J.)
(With Reference To)
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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(Day, J., dissenting)
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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.)
(Return)

Keck v. United States, 172 U.S. 434, 462 (1899) (Brown,
J., dissenting)
(Smuggling)

STAUTON, 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)
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(Hematoma)

STORMOUTH'S ENGLISH DICTIONARY (1885)
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  (Goldberg, J., concurring)
  (Victualling House)

STROUD’S JUDICIAL DICTIONARY
- Burton v. United States, 202 U.S. 344, 371 (1906)
  (Harlan, J.)
  (Interested)

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  (Blackmun, J.)
  (Fines for Offences)
  (Damages)

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  (Ex Post Facto)

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- 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)
  (Swayne, J.)
  (Duty)

- Ex Parte Garland, 71 U.S. 333, 337 (1866) (Miller, J., dissenting)
  (Attainder)
Urdang Dictionary of Current Medical Terms (1981)
Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio, 471 U.S. 626, 630 n.2 (1985) (White, J.)
(Intrauterine Device)

Walker, A Critical Pronouncing Dictionary (1791)
Austin v. United States, 509 U.S. 602, 614 n.7 (1993)
(Blackmun, J.)
(Fine)
(Foreiture)

(Punishment)

Grady v. Corbin, 495 U.S. 508, 529 (1990) (Scalia, J., dissenting)
(Offence)

Watt's Dictionary of Chemistry (1866)
Cochrane v. Badische Anilin & Soda Fabrik, 111 U.S. 293, 299 (1884) (Blatchford, J.)
(Alizarin)

* Versions of Webster's American Dictionary *

Webster, An American Dictionary of the English Language (W. Wheeler ed., 1887)
(Race)
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WEBSTER’S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1869)
(Servitude)

Smith v. Wade, 461 U.S. 30, 60 n.3 (1983) (Rehnquist, J., dissenting)
(Malice)
(Wanton)
(Wantonly)
(Lewdly)

(Envelope)

WEBSTER’S AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (C. Goodrich ed., 1849)
(Compensation)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1841)
(Race)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1830)
(Race)

WEBSTER, AMERICAN DICTIONARY (1828)
(Scalia, J., dissenting)
(Department)

WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828)
(Excessive)
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(Peace)  

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(Witness)  

(Seizure)  

Grady v. Corbin, 495 U.S. 508, 529 (1990) (Scalia, J., dissenting)  
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Joseph Burstyn, Inc. v. Wilson, 343 U.S. 495, 525 n.47 (1952)  
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WEBSTER, AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE  
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* VERSIONS OF WEBSTER'S COLLEGIATE DICTIONARY *  

WEBSTER'S COLLEGIATE DICTIONARY (10th ed. 1994)  
(Rehnquist, C.J., concurring in part & dissenting in part)  
(Major)
WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1991)
(Application)
(Present)

(Thomas, J., dissenting)
(Administer)

(Injure)

(Modify)

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 (1988)
County of Allegheny v. ACLU, 492 U.S. 573, 649 & n.5 (1989) (Stevens, J., concurring in part & dissenting in part)
(Respect)

WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1986)
(Race)

WEBSTER'S COLLEGIATE DICTIONARY (9th ed. 1983)
Shaw v. Reno, 509 U.S. 630, 671 n.7 (1993) (White, J., dissenting)
(Segregate)

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WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY (1983)
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Shaw v. Reno, 509 U.S. 630, 671 n.7 (1993) (White, J., dissenting)
(Segregate)

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(White, J., dissenting)
(Relief)
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Pioneer Investment Servs. Co. v. Brunswick Assocs.,
(Neglect)

(Anonymous)

(Compilation)

(Scalia, J.)
(Criteria)

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Lyng v. Northwest Indian Cemetery Protective Ass'n,
(Prohibit)
(Brennan, J., dissenting)  
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City of Oklahoma City v. Tuttle, 471 U.S. 808, 823 n.6  
(1985) (Rehnquist, J.)  
(Policy)

(Stevens, J., dissenting)  
(Automobile)  
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(Motor Home)

WEBSTER'S NEW COLLEGIATE DICTIONARY (1977)  
United States v. John Doe, Inc. I, 481 U.S. 102, 109 n.4  
(1987) (Stevens, J.)  
(Disclose)

WEBSTER'S NEW COLLEGIATE DICTIONARY (1975)  
Kay v. Ehrler, 499 U.S. 432, 436 n.6 (1991) (Stevens, J.)  
(Attorney)

WEBSTER'S NEW COLLEGIATE DICTIONARY (1974)  
Sandstrom v. Montana, 442 U.S. 510, 517, 521 n.11  
(1979) (Brennan, J.)  
(Presume)  
(Intent)

WEBSTER'S NEW COLLEGIATE DICTIONARY (1973)  
MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218,  
226 n.2 (1994) (Scalia, J.)  
(Modify)

P.C. Pfeiffer Co. v. Ford, 444 U.S. 69, 77 n.7 (1979)  
(Powell, J.)  
(Including)

WEBSTER'S SEVENTH NEW COLLEGIATE DICTIONARY (1963)  
MCI Telecomm. Corp. v. American Tel. & Tel. Co., 512 U.S. 218,  
227 (1994) (Scalia, J.)  
(Modify)
(Modify)

WEBSTER'S NEW COLLEGIATE DICTIONARY (1949)
(Modify)

United States v. Seeger, 380 U.S. 163, 174 & n.2 (1965)
(Clark, J.)
(Theism)

WEBSTER'S COLLEGIATE DICTIONARY (4th ed. 1934)
(Modify)

(Modify)

WEBSTER'S COLLEGIATE DICTIONARY (3d ed. 1916)
(Race)

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

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(Pitiless)
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(Thomas, J.)
(Assignee)

(Rehnquist, C.J.)
(Mixture)

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)

(Certificate)

(Certify)

(Certified Public Accountant)

Hughey v. United States, 495 U.S. 411, 416 (1990)

(Marshall, J.)

(Restitution)

WEBSTER’S THIRD NEW INT’L DICTIONARY (unabr. 5th ed. 1981)

(Lust)

WEBSTER’S THIRD NEW INT’L DICTIONARY (unabr. 1981)

(Powell, J., concurring)

(Creation)

(Evolution)

WEBSTER’S THIRD NEW INT’L DICTIONARY (1981)

(Breyer, J.)

(On Account Of)


(Concert)


(Modify)

Victor v. Nebraska, 511 U.S. 1, 14, 19 (1994) (O’Connor, J.)

(Moral Certainty)

(Substantial)


(Require)
Wisconsin Dep’t of Revenue v. William Wrigley, Jr., Co., 505 U.S. 214, 223 (1992) (Scalia, J.)
(Solicit)

(Withholding)

(Adjustment)
(Recovery)

(Stevens, J., concurring in part & dissenting in part)
(Regularly)

Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 366 n.6 (1989) (Stevens, J.)
(Salmonid)

Mallard v. United States Dist. Court for the S. Dist. of Iowa, 490 U.S. 296, 301 (1989) (Brennan, J.)
(Request)
(Scalia, J., dissenting)
(Damages)

(Picketing)

(Oven)

(Scalia, J., dissenting)
(Embargo)

Honig v. Doe, 484 U.S. 305, 334, 335 (1988) (Scalia, J., dissenting)
(Likely)
(Or)
(Stevens, J.)
(Propaganda)

Pembaur v. City of Cincinnati, 475 U.S. 469, 481 n.9
(1986) (Brennan, J.)
(Policy)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unab. 4th ed. 1976)
Brockett v. Spokane Arcades, Inc., 472 U.S. 491, 500
n.10 (1985) (White, J.)
(Prurient)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unab. 1976)
(White, J., dissenting)
(Prompt)

WEBSTER'S THIRD NEW INT'L DICTIONARY (P. Gove ed., 1976)
Philko Aviation, Inc. v. Shacket, 462 U.S. 406, 411
(1983) (White, J.)
(Conveyance)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1976)
(Souter, J.)
(Base)
(Based)

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

(Souter, J., dissenting)
(concurring in part, dissenting in part & concurring in
judgment)
(Policy)

United States v. Eichman, 496 U.S. 310, 317 n.7 (1990) (Brennan, J.) (Defile) (Trample)


Breininger 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)


(Blackmun, J.)  
(Interest)

(Rehnquist, J.)  
(Appropriate)

(Feasible)

(Authorize)

Steadman v. SEC, 450 U.S. 91, 98 n.16 (1981)  
(Brennan, J.)  
(Substantial)

(Feasible)

(Any)

(Procedure)

(Modify)

(Souter, J.)  
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WEBSTER'S THIRD NEW INT'L DICTIONARY (1971)
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(Sentence)

(Sacrifice)
(Ritual)

(Try)
(Sole)

(Principal)

(Fine)

(Race)

(Manipulation)
WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1969)
Miller v. California, 413 U.S. 15, 20 n.2 (1973) (Burger, C.J.)
(Obscene)
(Pornography)

WEBSTER'S THIRD NEW INT'L DICTIONARY (unabr. 1966)
(Acquire)

WEBSTER'S THIRD NEW INT'L DICTIONARY (1966)
(Harm)

(Affect)

(Principal)

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(Indecent)

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

California Brewers Ass'n v. Bryant, 444 U.S. 598, 605 n.12, 606 n.15 (1980) (Stevens, J.)
(Seniority)
(System)
California Brewers Ass'n v. Bryant, 444 U.S. 598, 612 n.3 (1980) (Marshall, J., dissenting) (Seniority)


WEBSTER'S THIRD NEW INT'L DICTIONARY (1961)
44 Liquormart, Inc. v. Rhode Island, 517 U.S. 484, 491 n.4 (1996) (Stevens, J.) (Temperance)

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(Compilation)

United States v. James, 478 U.S. 597, 605 n.6 (1986)
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(Burger, C.J.)
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(Burger, C.J.)
(Unequivocal)

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(Dedicate)

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Gooding v. Wilson, 405 U.S. 518, 525 (1972) (Brennan, J.)
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Grayned v. City of Rockford, 408 U.S. 104, 112 n.16 (1972) (Marshall, J.)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1961)

Herbert v. Lando, 441 U.S. 153, 199 n.1 (1979)
(Stewart, J., dissenting)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1958)

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440 U.S. 205, 211 (1979) (Stewart, J.)
(Insurance)

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McElroy, 367 U.S. 886, 892 n.6 (1961) (Stewart, J.)
(Tradesman)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1958)

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United States v. LaBonte, 520 U.S. 751, 757 (1997)
(Thomas, J.)
(Maximum)

Colautti v. Franklin, 439 U.S. 379, 402 (1979) (White, J., dissenting)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1957)

Saffle v. Parks, 494 U.S. 484, 514 (1990) (Brennan, J., dissenting)
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Cheng Fan Kwok v. INS, 392 U.S. 206, 218 n.* (1968)
(White, J., dissenting)
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WEBSTER’S SECOND NEW INT’L DICTIONARY (1957)
(State)

(Thomas, J., dissenting)
(Administer)

(Injury)

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

(Scalia, J., concurring in judgment)
(Salary)

(Design)

Shadwick v. City of Tampa, 407 U.S. 345, 349 n.7
(1972) (Powell, J.)
(Magistrate)

WEBSTER’S SECOND NEW INT’L DICTIONARY (unabr. 1956)
(Harlan, J., judgment & plurality opinion)
(Obscene)
(Lewd)
(Indecent)
(Filthy)
(Vile)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1954)
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WEBSTER'S SECOND INT'L DICTIONARY (1954)
(Invidious)

WEBSTER'S SECOND NEW INT'L DICTIONARY (1953)
Dalia v. United States, 441 U.S. 238, 240 n.2 (1979) (Powell, J.)
(Covert)

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(Theft)

WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1950)
(For)

Brogan v. United States, 118 S. Ct. 805, 808 (1998) (Scalia, J., opinion of Court)
(No)

Commissioner v. Estate of Hubert, 520 U.S. 93, 128 (1997) (Scalia, J., dissenting)
(Material)

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(Have)

(Endorsement)
(Scalia, J., concurring in part & dissenting in part)
(Endeavors)

Asgrow Seed Co. v. Winterboer, 513 U.S. 179, 187
(1995) (Scalia, J.)
(Market)

Hartford Fire Ins. Co. v. California, 509 U.S. 764, 801
(1993) (Scalia, J., partial opinion of Court)
(Boycott)

(Scalia, J., concurring in part & concurring in
judgment)
(Payment)

Chisom v. Roemer, 501 U.S. 380, 410 (1991) (Scalia, J.,
dissenting)
(Representatives)

Davis v. United States, 495 U.S. 472, 479 (1990)
(O'Connor)
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WEBSTER'S SECOND INT'L DICTIONARY (1950)
Chan v. Korean Air Lines, Ltd., 490 U.S. 122, 128
(1989) (Scalia, J.)
(Irregularity)

WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1949)
Brockett v. Spokane Arcades, Inc., 472 U.S. 491, 496, 500 n.10
(1985) (White, J.) (quoting Roth v. United States, 354 U.S. 476,
487 n.20 (1957))
(Lust)
(Prurient)
(Pruriency)

Roth v. United States, 354 U.S. 476, 487 n.20 (1957)
(Brennan, J.)
(Prurient)
(Pruriency)
WEBSTER'S SECOND NEW INT'L DICTIONARY (1949)
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(Take Into Consideration)
(Consideration)
(Consider)

(Eligible)
(Participate)

(Carry)

(Court)

(Notwithstanding)

Allentown Mack Sales & Serv., Inc. v. NLRB, 118 S. Ct. 818, 824 (1998) (Scalia, J.)
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(Brennan, J., concurring)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1945)
(Rehnquist, C.J.)
(Country)

(Scalia, J., dissenting)
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(Forge)

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(Deprive)

(Burton, J.)
(Aribitrary)
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WEBSTER'S NEW INT'L DICTIONARY (2d ed. 1942)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1939)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr. 1934)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (1934)
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21 (1975) (Powell, J.)
(Device)
(Contrivance)
(Contrive)
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(1952) (Frankfurter, J., concurring in judgment)
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WEBSTER'S SECOND NEW INT'L DICTIONARY (unabr.)
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WEBSTER'S SECOND NEW INT'L DICTIONARY
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(Invents)
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(Murphy, J., dissenting)
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(Ship)

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(Alternative)

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(McReynolds, J.)
(Puzzle)
(Game)

United States v. Giles, 300 U.S. 41, 48 (1937)
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(Blackmun, J., concurring)
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WEBSTER’S NEW INT’L DICTIONARY (1913)
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440 U.S. 472, 480 n.10 (1979) (Blackmun, J.)
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(Servitude)

WEBSTER’S NEW INT’L DICTIONARY (1909)
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(1952) (Frankfurter, J., concurring in judgment)
(Sacrilege)
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WEBSTER’S INT’L DICTIONARY (1890)
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(1952) (Frankfurter, J., concurring in judgment)
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Pembaur v. City of Cincinnati, 475 U.S. 469, 481 n.9
(1986) (Brennan, J.)
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Pembaur v. City of Cincinnati, 475 U.S. 469, 499-500
(1986) (Powell, J., dissenting)
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