

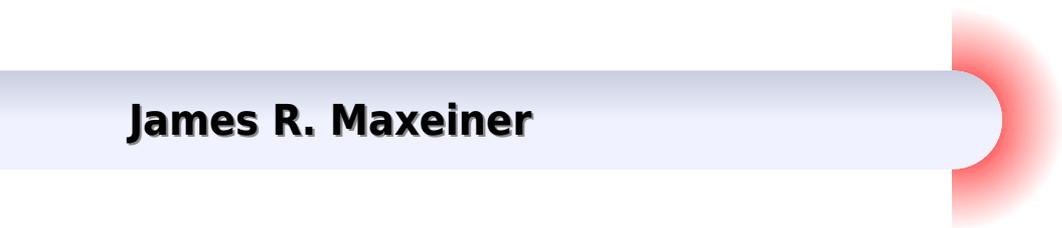
# Using Legislative History in American Statutory Interpretation

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# Using Legislative History In American Statutory Interpretation

**James R. Maxeiner**



## **Using Legislative History In American Statutory Interpretation:**

Using Legislative History in American Statutory Interpretation Christian Mammen, 2002-06-27 Justice Scalia has derided the use of legislative history as the equivalent of entering a crowded cocktail party and looking over the heads of the guests for one's friends. In Using Legislative History in American Statutory Interpretation Dr. Christian Mammen defends the use of legislative history and argues against the traditional link between legislative history and legislative intentions. Instead, he endorses the use of legislative history for its ability to provide expert analysis of information about the statutory context. Additionally, he addresses the judicial practice of using legislative history to discover what courts have called legislative intention. Using and Misusing Legislative History United States. Department of Justice. Office of Legal Policy, 1989

*Failures of American Methods of Lawmaking in Historical and Comparative Perspectives* James R. Maxeiner, 2018-03-08 In this book, James R. Maxeiner takes on the challenge of demonstrating that historically, American law makers did consider a statutory methodology as part of formulating laws. In the nineteenth century, when the people wanted laws they could understand, lawyers inflicted judge-made statute, destroying common law on them. Maxeiner offers the cure for common law in the form of sensible statute law. Building on this historical evidence, Maxeiner shows how rule-making in civil law jurisdictions in other countries makes for a far more equitable legal system. Sensible statute laws fit together; one statute governs, as opposed to several laws that even lawyers have trouble disentangling. In a statute law system, lawmakers make laws for the common good in sensible procedures, and judges apply sensible laws and do not make them. This book shows how such a system works in Germany and would be a solution for the American legal system as well. **Dynamic Statutory Interpretation** William N. Eskridge, 1994. Contrary to traditional theories of statutory interpretation which ground statutes in the original legislative text or intent, legal scholar William Eskridge argues that statutory interpretation changes in response to new political alignments, new interpreters, and new ideologies. It does so first of all because it involves richer authoritative texts than does either common law or constitutional interpretation; statutes are often complex and have a detailed legislative history. Second, Congress can and often does rewrite statutes when it disagrees with their interpretations, and agencies and courts attend to current as well as historical congressional preferences when they interpret statutes. Third, since statutory interpretation is as much agency-centered as judge-centered, and since agency executives see their creativity as more legitimate than judges see theirs, statutory interpretation in the modern regulatory state is particularly dynamic. Eskridge also considers how different normative theories of jurisprudence—liberal, legal process, and antiliberal—inform debates about statutory interpretation. He explores what theory of statutory interpretation, if any, is required by the rule of law or by democratic theory. Finally, he provides an analytical and jurisprudential history of important debates on statutory interpretation. *Statutory Interpretation and the Uses of Legislative History* United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Intellectual Property, and the Administration of Justice, 1990. *Yale Law Journal*:

*Volume 123, Number 2 - November 2013* Yale Law Journal, 2013-11-15 This November issue of The Yale Law Journal the second of Volume 123 academic year 2013 2014 features new articles and essays on law and legal theory by internationally recognized scholars Contents include Article Leviathan and Interpretive Revolution The Administrative State the Judiciary and the Rise of Legislative History 1890 1950 by Nicholas R Parrillo Essay Reconsidering Citizens United as a Press Clause Case Michael W McConnell Note The Mens Rea of Accomplice Liability Supporting Intentions Comment A First Amendment Approach to Generic Drug Manufacturer Tort Liability Comment The EU General Data Protection Regulation Toward a Property Regime for Protecting Data Privacy Quality ebook formatting includes fully linked footnotes active Table of Contents including linked Contents for individual articles active URLs in notes and properly presented tables and graphs throughout

**Nominations Hearing of U.S. Circuit and U.S. District Judges** United States. Congress. Senate. Committee on the Judiciary, 2011 *Judging Statutes* Robert A. Katzmann, 2014-08-14 In an ideal world the laws of Congress known as federal statutes would always be clearly worded and easily understood by the judges tasked with interpreting them But many laws feature ambiguous or even contradictory wording How then should judges divine their meaning Should they stick only to the text To what degree if any should they consult aids beyond the statutes themselves Are the purposes of lawmakers in writing law relevant Some judges such as Supreme Court Justice Antonin Scalia believe courts should look to the language of the statute and virtually nothing else Chief Judge Robert A Katzmann of the U S Court of Appeals for the Second Circuit respectfully disagrees In *Judging Statutes* Katzmann who is a trained political scientist as well as a judge argues that our constitutional system charges Congress with enacting laws therefore how Congress makes its purposes known through both the laws themselves and reliable accompanying materials should be respected He looks at how the American government works including how laws come to be and how various agencies construe legislation He then explains the judicial process of interpreting and applying these laws through the demonstration of two interpretative approaches purposivism focusing on the purpose of a law and textualism focusing solely on the text of the written law Katzmann draws from his experience to show how this process plays out in the real world and concludes with some suggestions to promote understanding between the courts and Congress When courts interpret the laws of Congress they should be mindful of how Congress actually functions how lawmakers signal the meaning of statutes and what those legislators expect of courts construing their laws The legislative record behind a law is in truth part of its foundation and therefore merits consideration Mastering Statutory Interpretation Linda D. Jellum, 2008 *Mastering Statutory Interpretation* explains the methods of interpreting statutes including a discussion of the various theories and canons of interpretation The book begins by exploring these theories and identifying the sources of meaning the theorists use to interpret statutes including intrinsic extrinsic and policy based Throughout the text uses the major cases in each area of study to explain how the canons work in practice Finally each chapter provides a concise roadmap and summary to introduce and encapsulate the most important material The Use of

Presidential Signing Statements United States. Congress. Senate. Committee on the Judiciary,2009      **A Dictionary of Statutory Interpretation** William D. Popkin,2007 Statutory interpretation has become the most commonly required skill of the modern lawyer A Dictionary of Statutory Interpretation provides a ready reference to the important terms and ideas that arise in connection with determining the meaning of legislation Chapter 1 includes over 100 entries including the following ambiguity the absurdity canon linguistic and substantive canons legislative intent legislative purpose legislative history textualism Legal Realism Law and Economics Each entry includes a definition an explanation of the relevance of the term and ideas for statutory interpretation some history about its use and a concise discussion of contemporary issues The author expresses his point of view in the discussion of these issues which is generally skeptical about textualism but presents all sides of the debate A reference section allows for further research on each subject Chapter 2 includes over 35 famous quotations dealing with the interpretation of statutes along with historical and critical commentary The entries include Learned Hand Holmes Calabresi Posner Easterbrook Pound Blackstone etc The book will be useful for lawyers judges law professors and law students who want an entry into the contemporary debate about how to interpret legislation along with an insight into what is at stake in those debates filled with usefully extended treatments of important and interesting legal terms The Green Bag This book will be a useful tool for readers or libraries needing a good single volume guide to statutory interpretation Summing up Highly recommended CHOICE Librarians and researchers should consider A Dictionary of Statutory Interpretation an essential reference work for a very affordable price It will likely become a go to resource when quick but in depth analysis of a statutory interpretation question is sought Legal Information Alert Volume 26 Issue 9 Alert Publications Inc Chicago IL www.alertpub.com      **Law, Courts, and Justice in America** Howard Abadinsky,2020-08-17 The eighth edition offers an updated and streamlined examination of the American system of law courts and justice Part I Law reviews the history of courts and justice common law and civil law systems as well as law schools and legal education Part II Courts discusses lawyers and the practice of law unravels the structure and administration of federal and state court systems delineates the appellate process the Supreme Court and judicial review and describes the roles of judges prosecutors and criminal defense attorneys Part III Justice demystifies the criminal justice process negotiated justice civil justice juvenile justice and alternative forms of justice Throughout the book landmark cases important historical events illustrative examples and boxed items highlight or expand chapter content Each of the twelve chapters concludes with an extensive summary a list of key terms and review questions There is also a glossary that provides a summary of important terms      **New York Court of Appeals. Records and Briefs.** New York (State).,      **Peare V. McFarland** ,1984  
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