

STATUTORY INTERPRETATION

CALEB NELSON

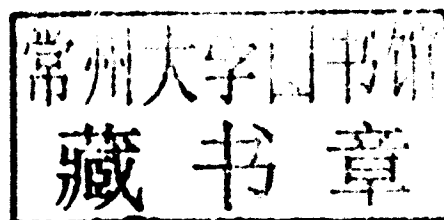
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STATUTORY INTERPRETATION

by

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*For my parents, David and Mary Nelson—
my first, best, and much-loved teachers*

AUTHOR'S NOTE

This book grows out of lecture notes and materials that I have assembled over the years for the course on statutory interpretation that I teach at the University of Virginia School of Law. When I first started teaching that course, I used the pathbreaking casebook by Professors William N. Eskridge, Jr., and Philip P. Frickey (and, later, Elizabeth Garrett). I have also taught the course from the foundational materials prepared in the 1950s by Henry M. Hart, Jr., and Albert M. Sacks, which Professors Eskridge and Frickey generously shepherded into print in 1994. The imprint of both those books is stamped on this one.

Of course, *all* current casebooks in this field owe a great debt both to Professors Hart and Sacks (whose materials provided a lasting structure for academic inquiry into the interpretation and application of statutes) and to Professors Eskridge and Frickey (whose casebook revived a largely moribund field and showed the richness and subtlety of the issues that statutory interpretation raises). But my debt is larger than most. For one thing, some of the materials in this book began as companions to or commentary upon either Eskridge, Frickey, and Garrett or Hart and Sacks. More generally, those books set the mold for my conception of a course on statutory interpretation. While I have tried to cite and credit both books throughout these materials, I am sure that they have informed and influenced my thinking in ways that I cannot adequately acknowledge.

I am also indebted to the academic culture of the University of Virginia School of Law, which is nurtured by the entire faculty and student body. John Harrison deserves special thanks for his patience in educating me for the last twelve years. Fred Schauer generously volunteered to read the manuscript and offered helpful comments. Other colleagues—including Ann Woolhandler, Michael Collins, Barry Cushman, Rachel Harmon, Paul Mahoney, and George Rutherglen—have shared both their friendship and their expertise on various questions that crop up in this book. Reference librarians Xinh Luu, Amy Wharton, and Alison White cheerfully helped track down details about *Riggs v. Palmer*. In addition, many talented and engaged students over the years contributed ideas that have corrected and shaped both this book's analysis and its presentation.

Some passages in Chapter 5.C reflect correspondence with Judge Stephen F. Williams (without whom I would not be a law professor at all). Of course, neither he nor any of the people mentioned in the previous paragraph should be blamed for the views that I express or for the mistakes that I have undoubtedly made.

As with all writing projects that I undertake, this one has generated its share of mood swings. I am grateful to Liz (my wife of nearly twenty years) and Max and Katy (our two wonderful children) for putting up with them, and with me.

My father died just as this book was going to press. He was a man of unflinching grace and wisdom, and I wish that I could offer him a better memorial than the pages that follow.

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- Whitfield v. United States, 543 U.S. 209, 125 S.Ct. 687, 160 L.Ed.2d 611 (2005), 374
- Whitman v. American Trucking Associations, 531 U.S. 457, 121 S.Ct. 903, 149 L.Ed.2d 1 (2001), 160
- Wilko v. Swan, 346 U.S. 427, 74 S.Ct. 182, 98 L.Ed. 168 (1953), 546
- Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304, 105 L.Ed.2d 45 (1989), 784
- Williamson v. Mazda Motor of America, Inc., 84 Cal.Rptr.3d 545 (Cal.App. 4 Dist.2008), 893
- Wilson v. Omaha Indian Tribe, 442 U.S. 653, 99 S.Ct. 2529, 61 L.Ed.2d 153 (1979), 785
- Winstar Corp., United States v., 518 U.S. 839, 116 S.Ct. 2432, 135 L.Ed.2d 964 (1996), 560