

# Researching the History or Intent of Legislation

Eddie Weeks  
Legislative Librarian  
Tennessee General Assembly

Tennessee Court Cases cited (chronological listing):

STATE V. LUSKY

Supreme Court of Tennessee, at Nashville  
196 Tenn. 326; 267 S.W.2d 106; 1954 Tenn. LEXIS 384  
April 6, 1954

WILLIAM W. FARRIS ET AL., v. LEONARD RAY BLANTON ET AL.

Supreme Court of Tennessee  
528 S.W.2d 549; 1975 Tenn. LEXIS 628  
October 10, 1975

CASSANDRA LYNN LIPSCOMB v. JOHN DOE

Supreme Court of Tennessee, Western Section, at Jackson  
32 S.W.3d 840; 2000 Tenn. LEXIS 663  
November 30, 2000

LINDA F. SEALS v. H & F, INC. ET AL.

Supreme Court of Tennessee, at Nashville  
301 S.W.3d 237; 2010 Tenn. LEXIS 12  
January 15, 2010

Papers cited (chronological listing):

William T. Alderson, *Legislative Recording by the Tennessee Archives*. *The American Archivist*, Vol. 19, No. 1 (Jan. 1956), pp. 11-17.

James J. Brudney and Corey Ditslear, *The Decline and Fall of Legislative History? Patterns of Supreme Court Reliance in the Burger and Rehnquist Eras*. 89 *Judicature* 220 (2006); Ohio State Public Law Working Paper No. 57. Also available at SSRN: <http://ssrn.com/abstract=896746>

Tanjima Islam, Note and Comment, *The Fourth Circuit's Rejection of Legislative History: Placing Guns in the Hands of Domestic Violence Perpetrators*. 18 *American University Journal of Gender, Social Policy & the Law* 341 (2010).

Justice Scalia's comments on Legislative History:

[Legislative history] "accustoms us to believing that what is said by a single person in a floor debate or by a committee report represents the view of Congress as a whole... There is no basis either in law or in reality for this naive belief. Moreover, if legislative history is relevant when it confirms the plain meaning of the statutory text, it should also be relevant when it contradicts the plain meaning, thus rendering what is plain ambiguous. Because the use of legislative history is illegitimate and ill advised in the interpretation of any statute—and especially a statute that is clear on its face—I do not join this portion of the Court's opinion."

ZEDNER v. UNITED STATES

United States Supreme Court

547 U.S. 789; 126 S. Ct. 1976; 164 L. Ed. 2d 749; 2006 U.S. LEXIS 4509 (2006)

(Justice Scalia, concurring in part and concurring in the judgment)

Also please see:

Joseph L. Gerken, What Good Is Legislative History?: Justice Scalia in the Federal Courts of Appeals (Fred B. Rothman & Co.; 2007)

Tennessee State Library and Archives:

<http://www.tennessee.gov/tsla/>

TSLA Legislative History and Recording:

<http://www.tennessee.gov/tsla/legislative.htm>

Tennessee General Assembly:

<http://www.capitol.tn.gov/>