Teaching Lawyers about Using Corpus Linguistics

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14th American Association for Corpus Linguistics Conference
Friday, September 21, 2018 2:00 pm
Room SCE 217, Student Center East, Georgia State University, Atlanta

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Justice Antonin Scalia

- "Find the ordinary meaning of the language in its textual context.
- Ask whether there is any clear indication that some meaning other than the ordinary meaning applies.
- If not, we apply that ordinary meaning."
  - Chison v Roemer (1991)

Justice Antonin Scalia

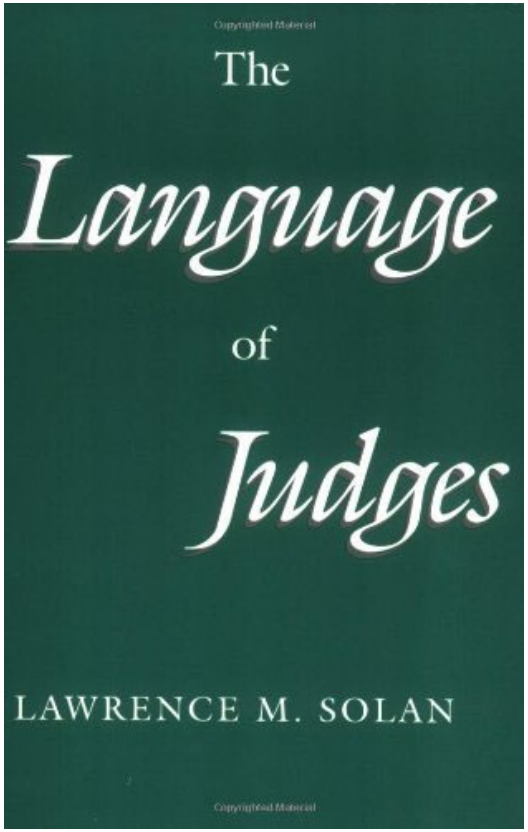
- "The Constitution was written to be understood by the voters
- Its words and phrases were used in their normal and ordinary as distinguished from technical meaning."

- District of Columbia v Heller (2008)(quoting US v Sprague 1931)

Justice Elena Kagan

- "I think we're all textualists now in a way that just was not remotely true when Justice Scalia joined the bench."
- Quoted in Brett M. Kavanaugh, Fixing Statutory Interpretation, 129 Harvard Law Review 2118 (2016)
- and
- Neil M. Gorsuch, 66 Case Western Reserve Law Review 905 (2016)

Univ of Chicago Press 1993



The Yale Law Journal

Plain Meaning and Hard Cases

by

Clark D. Cunningham, Judith N. Levi,
Georgia M. Green, and Jeffrey P. Kaplan

103 YALE L.J. 1561

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Plain Meaning and Hard Cases

The Language of Judges. By Lawrence M. Solan.* *Chicago: University of Chicago Press*, 1993. Pp. xii, 218. $45.00 (cloth), $16.95 (paper).

Clark D. Cunningham,† Judith N. Levi,†† Georgia M. Green,††† and Jeffrey P. Kaplan††††

If the language of a statute is plain, how can interpreting that statute create a hard case? And if a case is hard, how can recourse to the statutory language help resolve the case? This essay will explore the apparent paradoxes raised by these questions. In his recent book, *The Language of Judges*, Lawrence Solan, a lawyer first trained as a linguist, uses linguistics to critique a variety of opinions in which he believes the Supreme Court has erroneously claimed that its decision was based on the plain meaning of a statute. After examining Solan's conclusions, this essay will use his book to show how linguists can provide very useful information as to whether a text is ambiguous. In doing so, we hope to go beyond Solan's intentionally narrow undertaking—using linguistics to critique judicial decisions after the fact for treating ambiguous texts as if they were plain—to experiment with ways that analysis of ambiguous texts by linguists could actually assist judges in identifying and choosing among possible interpretations in a principled and objective way that remains grounded in the textual language.

It is probably safe to assume that most statutory interpretation cases before the Supreme Court present hard problems of textual analysis, especially where there has been a split among the circuit courts of appeal. When this essay was commissioned in July 1993, Cunningham[1] reviewed all of the cases in which

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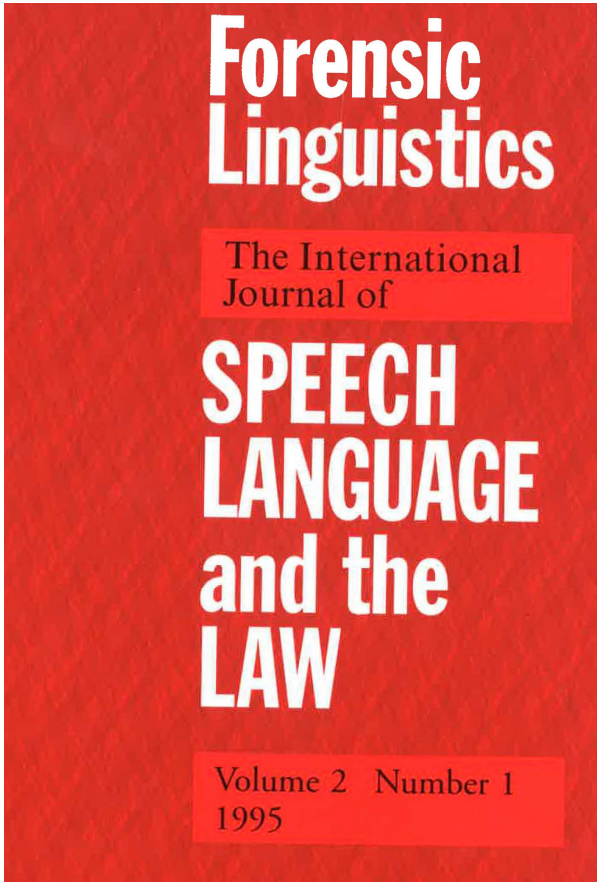
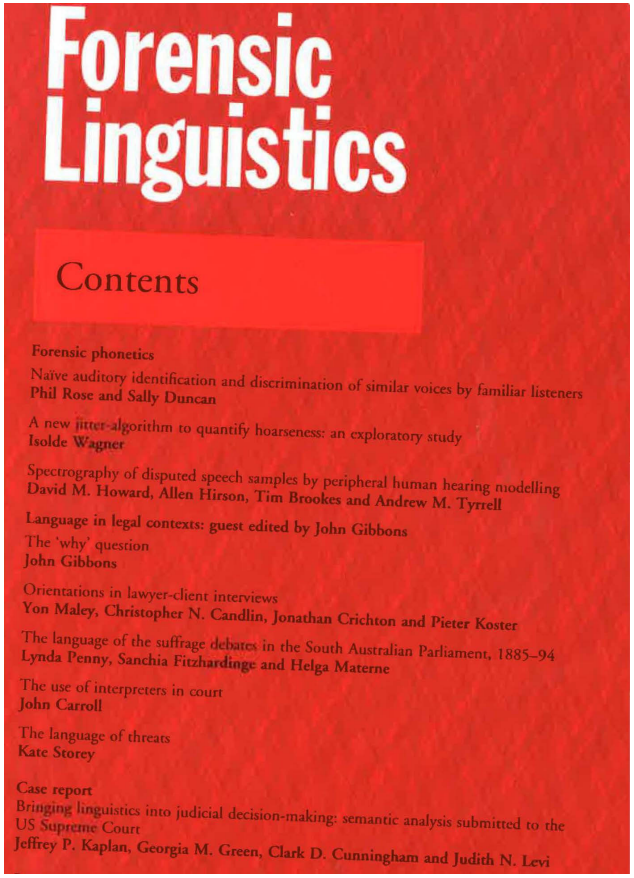
the Supreme Court had granted certiorari in the ten weeks immediately preceding its summer recess, with the thought that these cases would be deferred long enough for one or more linguists to analyze the disputed texts prior to the oral arguments. He selected three cases in which the outcome might turn on the meaning of a statutory provision in ordinary language.[2] Cunningham then contacted Levi[3] to help him identify and recruit academic linguists willing to analyze the statutory provisions at issue in these cases using the methods of modern linguistics.[4] He prepared one-page summaries of each of the cases and sent them to the linguists identified by Levi. Two, Kaplan[5] and Green,[6] agreed to take on major responsibility for the project, along with Levi.

In each case, our analysis demonstrates that the disputed text is ambiguous and reveals that the lower courts' efforts to resolve the ambiguity are seriously flawed as a matter of ordinary language interpretation.[7] The linguists' analysis

What happened at the Supreme Court





Bringing Linguistics into Judicial Decisionmaking
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- In its 1993-4 term, the US Supreme Court had the opportunity to see, during deliberations, the results of linguistic research focused directly on three cases before the Court: US v. Granderson, US v. Staples, and NOW v. Scheidler.
- The results of this research reached the Court in the form of a review article in the Yale Law journal entitled 'Plain Meaning and Hard Cases' which included a detailed analysis of the contested language in each of the three cases.
- In one of the cases, we have reason to believe that the team's analysis contributed to the Court's opinion;
- in another, the concurring opinion seems to have rested directly on the team's analysis;
- and in the third case, although the opinion showed no reliance on the team's research, the decision was nonetheless in line with the general direction of the team's findings.

THE NATIONAL LAW JOURNAL

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WASHINGTON BRIEF

High Court Relies On Linguistic Sleuths in Case

A TEAM OF LAW and linguistic sleuths recently offered the U.S. Supreme Court some clues to the meaning of disputed language in the 1988 federal Anti-Drug Abuse Act—clues that may have contributed to a rare high court victory for a criminal defendant.

The clues were contained in an upcoming Yale Law Journal article by Prof. Clark D. Cunningham of Washington University School of Law and linguistic Profs. Georgia Green of the University of Illinois, Judith Levi of Northwestern University and Jeffrey Kaplan of San Diego State University. Last summer, the linguistic detectives selected four high court cases this term that seemed amenable to linguistic analysis, did their investigation and presented their results to the justices and counsel in the cases.

In one of the cases, *U.S. v Granderson*, 92-1662, the federal government and Gregory S. Smith, an Atlanta federal defender representing Ralph S. Granderson Jr., clashed over the meaning of "original sentence" in a provision that says a court that has revoked a defendant's probation must resentence the defendant to "not less than one third of the original sentence."

On March 22, the high court, led by Justice Ruth Bader Ginsburg, agreed with Mr. Smith's interpretation that the minimum revocation sentence for Mr. Granderson was one-third of the maximum imprisonment for the original offense—two months instead of the 20 months in prison he received. Justice Ginsburg's analysis contained a footnote citing the Yale article.

The high court linguistic study, says Professor Cunningham, is the first time academics from law and linguistics have worked together to analyze pending Supreme Court cases and have presented their findings to the justices and parties before decisions have come down. "Our tentative plan is to do it again."

—MARCIA COYLE

Justice Ruth Bader Ginsburg

- *Communicating and Commenting on the Court's Work*, 83 Georgetown Law Journal 2119, 2127 (1995)
- "If law journal citations in Supreme Court opinions are less numerous than they once were, it may be because some in the academy are writing on topics or in a language ordinary judges and lawyers do not comprehend.
- But articles accessible and useful to judges remain in vogue.
- Last Term, for example, a Yale Law Journal article sensibly discussing "Plain Meaning and Hard Cases" received credit lines in three Supreme Court opinions (two of them mine).
- Cited in
- Director, Office of Workers' Compensation Programs v. Greenwich Collieries, 114 S.Ct. 2251, 2255 (1994)(O'Connor, J.)
- Staples v. United States, 114 S.Ct. 1793, 1806 (1994)(Ginsburg, J., concurring in judgment)
- United States v. Granderson, 114 S.Ct. 1259, 1267 n.10 (1994)(Ginsburg, J.)]."

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WHAT IS MEANING IN A LEGAL TEXT?

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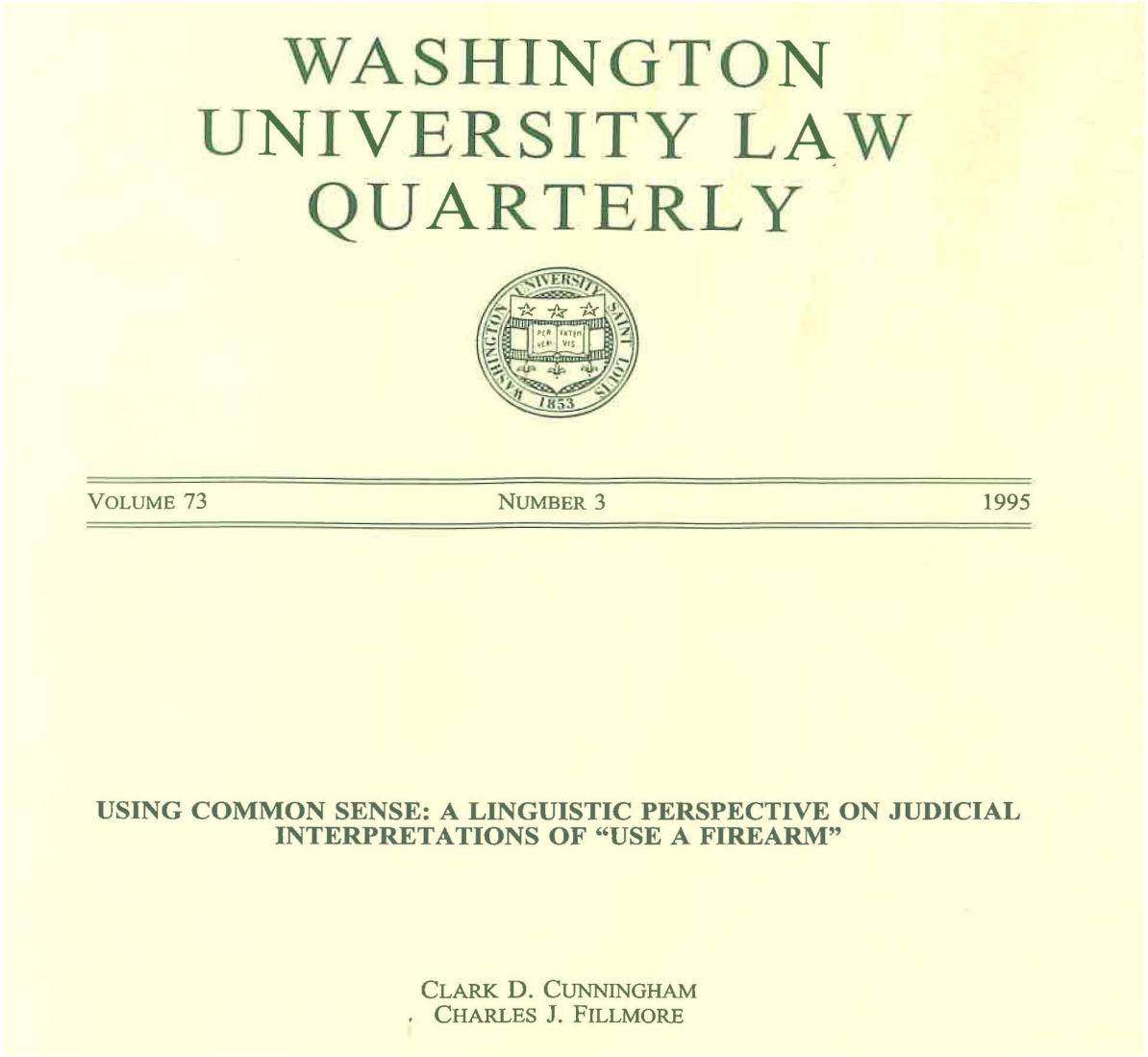

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USING COMMON SENSE: A LINGUISTIC PERSPECTIVE ON JUDICIAL INTERPRETATIONS OF "USE A FIREARM"

CLARK D. CUNNINGHAM*
CHARLES J. FILLMORE**

This Article will show how analytical methods of legal and linguistic scholarship can interact to examine a legal text, in particular a provision of

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the federal criminal code, the interpretation of which has been hotly contested within the legal system. We will first analyze one interpretive problem that was the subject of the divided Supreme Court decision of *United States v. Smith*[1] in 1993, and then turn to another interpretive problem that divided the nine judges of the federal court of appeals from the District of Columbia and will be argued before the Supreme Court during the fall of 1995 in the consolidated cases of *United States v. Bailey*[2] and *United States v. Robinson*[3] ("the *Bailey* case").

Are there linguistic features of the statutory text itself that generate such demonstrably "hard" cases? Our analysis does identify such features, but also derives from "common sense" understanding of the text linguistic principles for distinguishing between competing interpretations. By including in our analysis an interpretive problem yet to be definitively resolved by the Supreme Court we continue the experimental approach of combining law and linguistics reported in the 1994 article, *Plain Meaning and Hard Cases*[4] that brings the two disciplines together not merely to critique past judicial decisionmaking but to imagine ways such interdisciplinary collaboration could actually be of practical use to judges faced with the challenge of deciding hard cases.

The two interpretive problems focus on the meaning of "uses" in the phrase "uses or carries a firearm" in section 924(c) of Title 18.[5] Because

Bailey v US 516 U.S. 137, 116 S. Ct. 501 (1995)

THE NEW YORK TIMES **NATIONAL** TUESDAY, OCTOBER 31, 1995 L+ A19

Justices Explore Elusive Meaning of a Word That Seems So Simple

By LINDA GREENHOUSE

WASHINGTON, Oct. 30 — This was not one of those Supreme Court arguments that deploy the specialized vocabulary of the law, leaving casual spectators in the dark as the lawyers and the Justices carry on in a language of their own. Rather, a case argued before the Justices today turned on the meaning of a common, everyday, three-letter and — this being the Supreme Court — deceptively simple English word: use.

A Federal law imposes a mandatory five-year sentence on anyone who "uses or carries" a gun in connection with a drug offense. Does a defendant use a gun if the gun is kept, unloaded and locked in a box, in a closet in an apartment from which drugs are sold? Does a defendant carrying packets of cocaine under the driver's seat of his car use a gun that is hidden in the trunk under several bags of old clothes?

The United States Court of Appeals for the Federal Circuit answered yes in both instances, but the Justices today appeared far less convinced as they heard the defendants' appeals of the five-year sentences that were added to their sentences for drug violations.

At the least, several Justices suggested, a criminal prosecution should not be based on any law as shrouded in ambiguity as this 1984 statute, known as Section 924(c)(1).

"The dictionary, at least to me, doesn't answer the question" of what use means, Justice Stephen G. Breyer said to Michael R. Dreeben, a Deputy Solicitor General arguing for the Government's broad interpretation, under which use is essentially synonymous with possess.

Illustrating the ambiguity, Justice Breyer said an advertisement for the sale of a gun that had been kept in a drawer and never fired might, with accuracy, read, "used gun, never used." Justice Ruth Bader Ginsburg illustrated another pair of meanings: "I bought a gun but I've never used it," versus "It's in my drawer and I use it for protection."

Mr. Dreeben argued that even if a drug-dealing defendant had never used a gun in the ordinary sense of shooting or threatening anyone with it, its hidden presence could provide comfort and security to the dealer during a drug transaction — a use of the gun that comes within the statute, he said.

The Justices were skeptical. Under that theory, the five-year sentence would be an almost automatic addition to any drug conviction as long as the defendant owned a gun, Justice David H. Souter said, adding, "The jury will always be free to find he was comforted by having a gun."

Justice Antonin Scalia demanded, "Is this a real legal issue, whether he was comforted?"

Justice Anthony M. Kennedy said that under the Government's theory "the 71 percent of rural Americans who have guns use them for almost everything they do." That interpretation "seems strange," Justice Kennedy said.

The case, Bailey v. U.S., No. 94-7448, reached the Court with a history. In a sharply disputed decision in 1993, the Court interpreted the same law in a different context: whether someone used a machine gun when he traded it for cocaine. The vote in that case, Smith v. U.S., was 6 to 3, with a majority opinion by Justice Sandra Day O'Connor finding that the defendant had used his gun within the meaning of the law.

Justice Scalia dissented in an opinion that Justice Souter and Justice John Paul Stevens joined. "When someone asks, 'Do you use a cane?' he is not inquiring whether you have your grandfather's silver-handled walking-stick on display in the hall," Justice Scalia said in his dissenting opinion. "He wants to know whether you *walk* with a cane."

Arguing the defendants' appeal in today's case, Alan Untereiner said the Court's acceptance of a broad meaning of use in 1993 did not hurt his clients' chances in this case. Trading a gun for drugs is an "active deployment" of the gun, Mr. Untereiner said, while his clients' guns had remained passively where they had been placed.

In Mr. Untereiner's view, use requires some activity with the gun, including openly displaying it or, possibly, referring to it. The Court's 1993 decision bolstered his argument for an active-passive dichotomy, Mr. Untereiner said. Then, evidently not wanting to embrace the 1993 ruling too warmly, he said to Justice Scalia, "I think the dissent had a good point."

Justice Scalia laughed, as did Justice O'Connor, who said, "Well, I'm not sure it did."

Bailey v US 516 U.S. 137, 116 S. Ct. 501 (1995)

Brief for Bailey:

- The error of the government's reading is confirmed by the linguistic analysis of Section 924(c) in a forthcoming article (which has been lodged with the Clerk). See Clark Cunningham & Charles Fillmore, Using Common Sense: A Linguistic Perspective on Judicial Interpretations of "Use a Firearm," 73 WASH. U.L.Q. 1159 (1995).
- Cunningham and Fillmore analyze the ordinary meaning of the phrase "uses * * * a firearm" by examining instances where that phrase (or its equivalent) occurs in newspaper articles and in Title 18 of the United States Code. See id. at 1162, 1174-1175 & n. 92.
- They conclude that the government's interpretation is "contrary to linguistic 'common sense.' " Id. at 1203.

Bailey v US 516 U.S. 137, 116 S. Ct. 501 (1995)

Brief for Bailey:

"Cunningham and Fillmore distinguish between "eventive" and "designative" meanings.

An eventive meaning is one in which "a reader would understand that a specific event took place in which the gun played an instrumental role." 73 WASH. U.L.Q. at 1183.

Thus, the statement "John used a gun in self-defense" is eventive because it suggests that "[u]sing the gun was a specific time-bound act."

By contrast, a "designative" meaning "does not bring to mind a specific event" but rather "designate[s] the firearm to a particular purpose * * * or * * * agent." Id. at 1182.

As an example of a "designative" usage, Cunningham and Fillmore cite an illustration: a gun kept in a drawer beside one's bed for fear of an intruder is "used for domestic protection."

In such a designative usage, "it becomes difficult to identify an activity * * * for which the gun served an instrumental role." 73 WASH. U.L.Q. at 1181."

Cunningham & Fillmore, 73 Washington University Law Quarterly 1159,1174-75 (1995)

The first data set we used was the British National Corpus [BNC].

[We reviewed] sentences from the [BNC] that contained the word *use* and one or more of the words *gun*, *weapon*, *firearm*, *rifle*, *pistol*, *shotgun*.

[We also searched] selected American newspaper articles, a much smaller set used as a control against possible dialect differences.

[Finally we searched] the entire text of Title 18 of the United States Code, which includes most federal criminal law.

Cunningham & Fillmore, 73 Washington University Law Quarterly 1159,1186 (1995)

- [Consider] the following examples:
  - Take a look at this fine fur coat I bought in England.
  - Have you actually used it?
  - No, I'm waiting until the first snowfall.

  - This is the gun I use for domestic protection.
  - Have you actually used it?
  - No, thank God, I've never had to use it.

Bailey v US 516 U.S. 137, 116 S. Ct. 501 (1995)

Oral argument at the Supreme Court

Justice Ginsburg:
"It was an active use, and you have suggested that one might say the gun that's hidden in my drawer, I use the gun for protection, but one might equally say about a gun that one has bought and never fired, I bought a gun but I've never used it, or I don't use it. Those are two uses of the word use. … I just gave you two distinct uses. One is, it's in my drawer, I've never fired it, but I say, I use it for protection."

Justice O'Connor:
"If the distinction is active versus passive, it was an active use to the extent we're concerned about that. … So there was no ambiguity as among, or as between several active, possible active uses, but there still can be an ambiguity as between active and passive use. … what we have here is a choice between active and passive."

Bailey v US 516 U.S. 137, 116 S. Ct. 501 (1995)

Opinion by Justice O'Connor for a unanimous Court

"Consider the paradoxical statement: "I use a gun to protect my house, but I've never had to use it." …

"[U]se" must connote more than mere possession of a firearm by a person who commits a drug offense. …

We conclude that the language, context, and history of § 924(c)(1) indicate that the Government must show active employment of the firearm.

We start, as we must, with the language of the statute.

The word "use" in the statute must be given its "ordinary or natural" meaning, a meaning variously defined as "[t]o convert to one's service," "to employ," "to avail oneself of," and "to carry out a purpose or action by means of."

These various definitions of "use" imply action and implementation."

Lawrence Solan, *The New Textualists' New Text*, 38 Loyola Law Review 2027, 2049(2005)
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- [In Bailey] the strongest argument was a linguistic one. The Court gave the following example: "I use a gun to protect my house but I've never had to use it." The Court surmised that in enacting the statute, the legislature contemplated the second occurrence of "use" in that sentence: active use of some kind.
- If the argument sounds more linguistically sophisticated than we should expect for a judge not trained in linguistics – it is.

Lawrence Solan, *The New Textualists' New Text*, 38 Loyola Law Review 2027, 2049(2005)
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- As the Court was deciding *Bailey*, Clark Cunningham, a law professor, and Charles Fillmore, a linguist, published an article using the precise example contained in the Court's opinion.
- They made the linguistic argument that the court relied upon.
- The opinion did not mention the article, which clearly influenced the Court's thinking.

Prof. Lawrence Solan Brooklyn Law School

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Solan - Books

- Peter Tiersma & Lawrence Solan, SPEAKING OF CRIME: THE LANGUAGE OF CRIMINAL JUSTICE (Cambridge University Press 2005)
- Lawrence Solan, THE LANGUAGE OF STATUTES: LAWS AND THEIR INTERPRETATION, (University of Chicago Press 2010)
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- Law School, Lead Articles Editor, BYU Law Review, Award for Outstanding Legal Writing
- *The Dictionary Is Not a Fortress: Definitional Fallacies and a Corpus-Based Approach to Plain Meaning*, 2010 BYU Law Review 1915
- 2010-2011, Clerk to Justice Thomas Lee, Utah Supreme Court
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- *Judging Ordinary Meaning*, 127 Yale Law Journal 788 (2018) (with Thomas R. Lee)

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- James C. Phillips, Daniel M. Ortner, & Thomas R. Lee, Corpus Linguistics & Original Public Meaning: A New Tool To Make Originalism More Empirical, 126 Yale Law Journal Forum 21 (2016)
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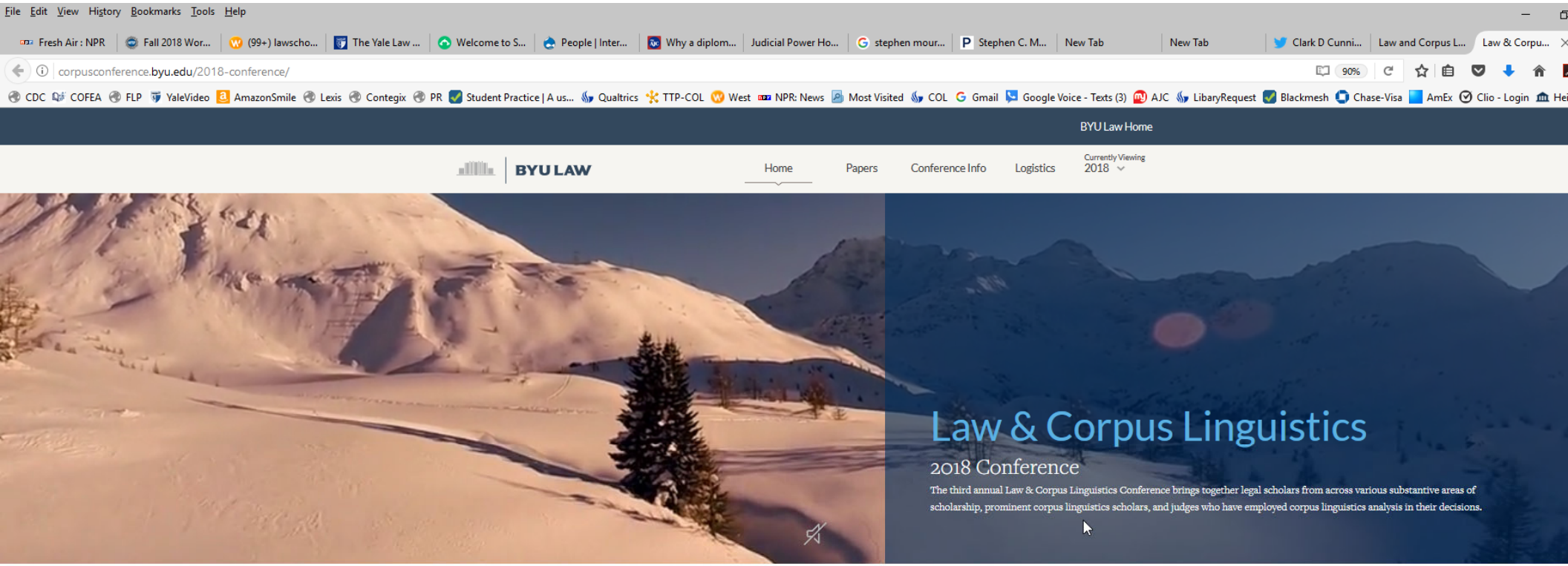
- Thomas R. Lee & James C. Phillips, Data-Driven Originalism, University of Pennsylvania Law Review (forthcoming 2018) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3036206



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Articles available at https://lcl.byu.edu/scholarship/

- Neal Goldfarb, *A Lawyer's Introduction to Meaning in the Framework of Corpus Linguistics*, 2017 BYU L. Rev. 1359 (2018)
- Jennifer L. Mascott, *Who Are "Officers of the United States"?,* 70 Stanford L. Rev. 443 (2018).
- Stefan Th. Gries and Brian G. Slocum, *Ordinary Meaning and Corpus Linguistics*, 2017 BYU L. Rev. 1417 (2018).
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- Lawrence M. Solan and Tammy Gales, *Corpus Linguistics as a Tool in Legal Interpretation*, 2017 BYU L. Rev. 1311 (2018).

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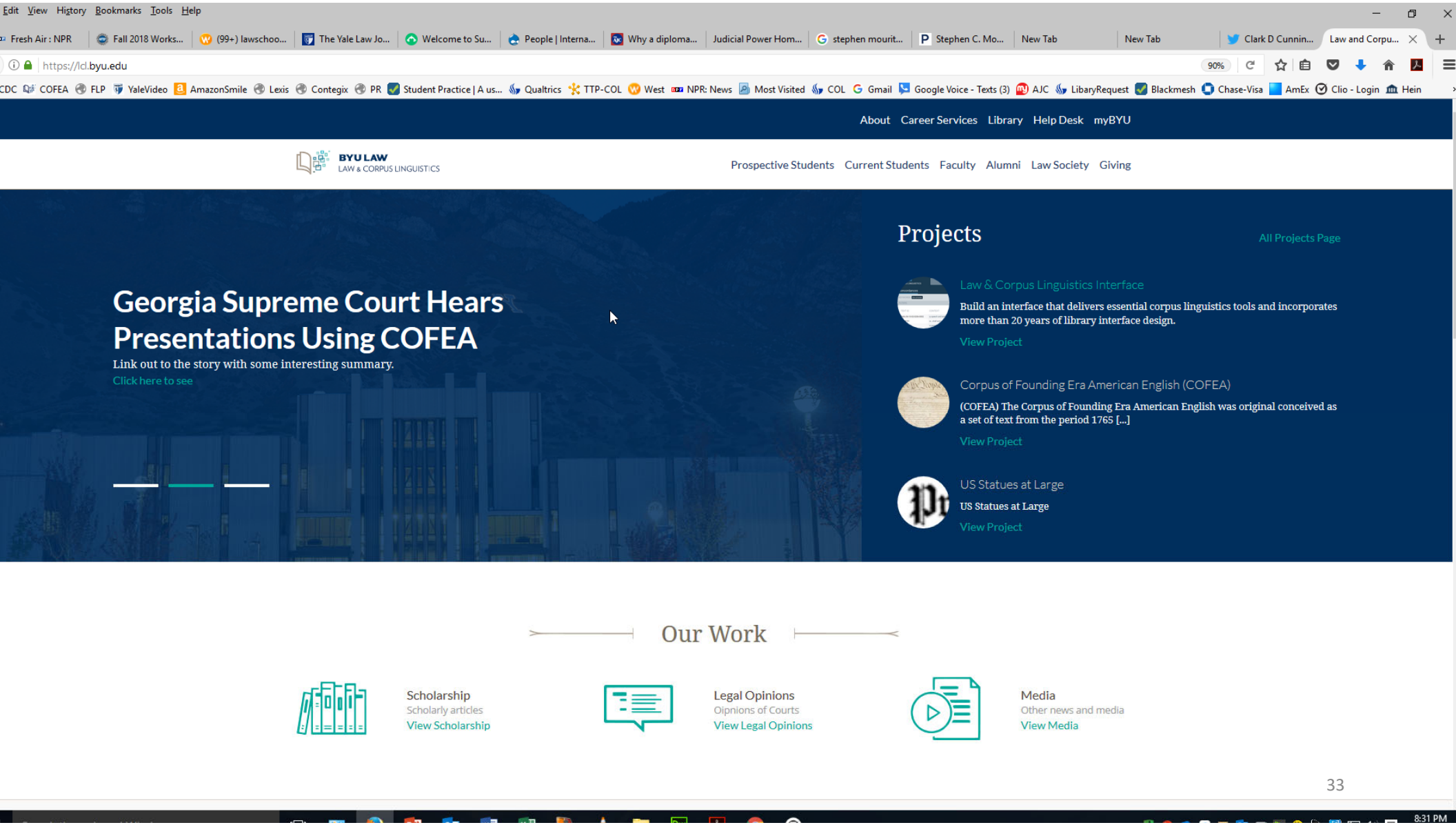
- James Cleith Phillips & Sara White, *The Meaning of the Three Emoluments Clauses in the U.S Constitution: A Corpus Linguistic Analysis of American English, 1760-1799*, 59 S. Tex. L. Rev. (forthcoming, issue 2, 2018)
- James C. Phillips, Jacob Crump, & Benjamin Lee, *Investigating the Original Meaning of "Officers of The United States" With the Corpus of Founding-Era American English* (2018) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3126975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Georgia State University College of Law

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W. Lee Burge Chair in Law & Ethics
Spring Semester 2018

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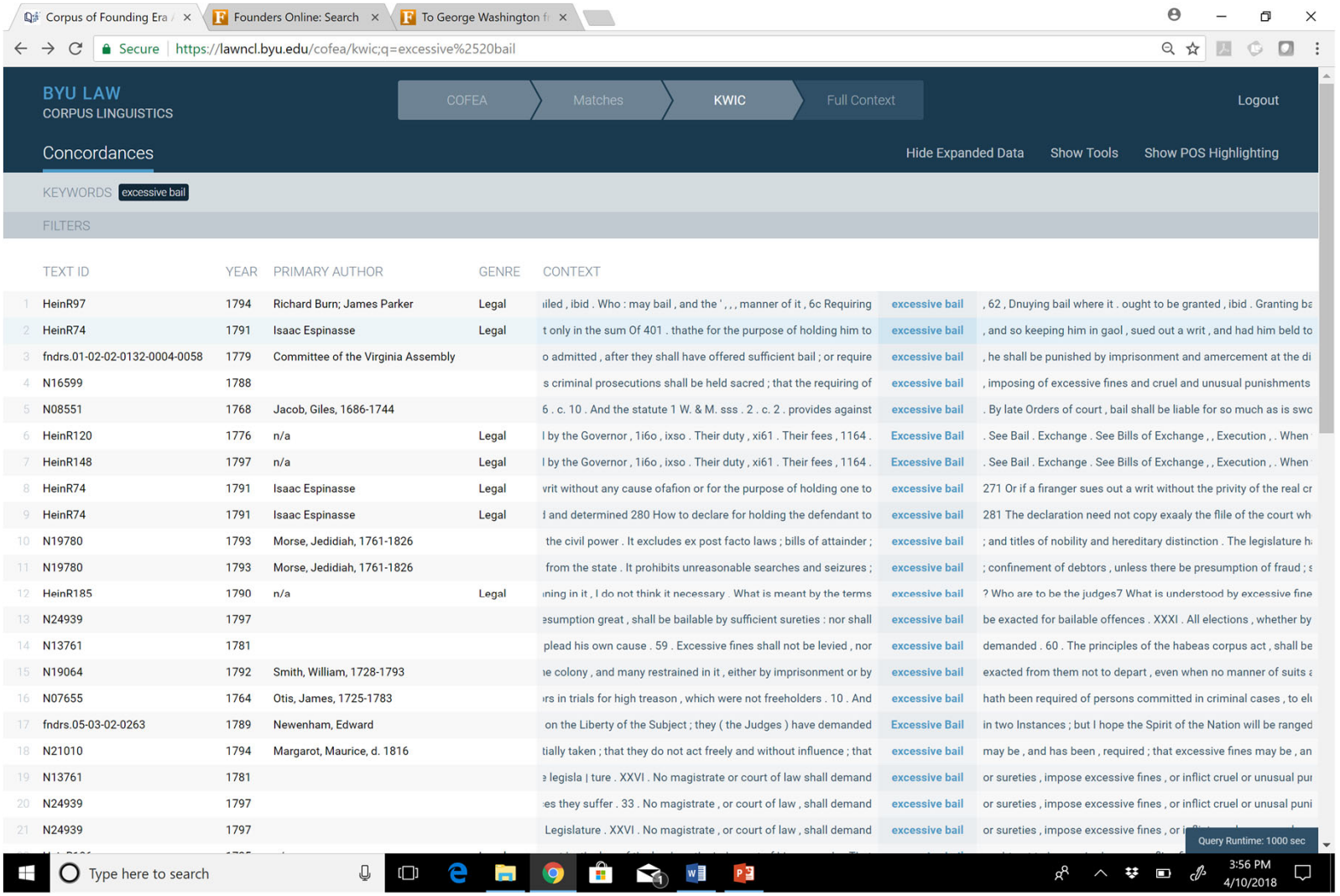
Isaac Godfrey 8th Amendment
“Excessive bail shall not be required …”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1 HeinR97 1794 Richard Burn; James Parker Legal iiled , ibid . Who : may bail , and the ' , , , manner of it , 6c Requiring excessive bail , 62 , Dnuying bail where it . ought to be granted , ibid . Granting ba
2 HeinR74 1791 Isaac Espinasse Legal t only in the sum Of 401 . thathe for the purpose of holding him to excessive bail , and so keeping him in gaol , sued out a writ , and had him beld to
3 fndrs.01-02-02-0132-0004-0058 1779 Committee of the Virginia Assembly o admitted , after they shall have offered sufficient bail ; or require excessive bail , he shall be punished by imprisonment and amercement at the di
4 N16599 1788 s criminal prosecutions shall be held sacred ; that the requiring of excessive bail , imposing of excessive fines and cruel and unusual punishments
5 N08551 1768 Jacob, Giles, 1686-1744 6 . c. 10 . And the statute 1 W. & M. sss . 2 . c. 2 . provides against excessive bail . By late Orders of court , bail shall be liable for so much as is swc
6 HeinR120 1776 n/a Legal l by the Governor , 1i6o , ixso . Their duty , xi61 . Their fees , 1164 . Excessive Bail . See Bail . Exchange . See Bills of Exchange , , Execution , . When
7 HeinR148 1797 n/a Legal l by the Governor , 1i6o , ixso . Their duty , xi61 . Their fees , 1164 . Excessive Bail . See Bail . Exchange . See Bills of Exchange , , Execution , . When
8 HeinR74 1791 Isaac Espinasse Legal vrit without any cause ofafion or for the purpose of holding one to excessive bail 271 Or if a firanger sues out a writ without the privity of the real cr
9 HeinR74 1791 Isaac Espinasse Legal l and determined 280 How to declare for holding the defendant to excessive bail 281 The declaration need not copy exaaly the flile of the court wh
10 N19780 1793 Morse, Jedidiah, 1761-1826 the civil power . It excludes ex post facto laws ; bills of attainder ; excessive bail ; and titles of nobility and hereditary distinction . The legislature h
11 N19780 1793 Morse, Jedidiah, 1761-1826 from the state . It prohibits unreasonable searches and seizures ; excessive bail ; confinement of debtors , unless there be presumption of fraud ;
12 HeinR185 1790 n/a Legal ining in it , I do not think it necessary . What is meant by the terms excessive bail ? Who are to be the judges7 What is understood by excessive fine
13 N24939 1797 esumption great , shall be bailable by sufficient sureties : nor shall excessive bail be exacted for bailable offences . XXXI . All elections , whether by
14 N13761 1781 plead his own cause . 59 . Excessive fines shall not be levied , nor excessive bail demanded . 60 . The principles of the habeas corpus act , shall be
15 N19064 1792 Smith, William, 1728-1793 e colony , and many restrained in it , either by imprisonment or by excessive bail exacted from them not to depart , even when no manner of suits
16 N07655 1764 Otis, James, 1725-1783 rs in trials for high treason , which were not freeholders . 10 . And excessive bail hath been required of persons committed in criminal cases , to el
17 fndrs.05-03-02-0263 1789 Newenham, Edward on the Liberty of the Subject ; they (the Judges) have demanded Excessive Bail in two Instances ; but I hope the Spirit of the Nation will be ranged
18 N21010 1794 Margarot, Maurice, d. 1816 tially taken ; that they do not act freely and without influence ; that excessive bail may be , and has been , required ; that excessive fines may be , an
19 N13761 1781 e legisla | ture . XXVI . No magistrate or court of law shall demand excessive bail or sureties , impose excessive fines , or inflict cruel or unusual pu
20 N24939 1797 es they suffer . 33 . No magistrate , or court of law , shall demand excessive bail or sureties , impose excessive fines , or inflict cruel or unusal puni
21 N24939 1797 Legislature . XXVI . No magistrate , or court of law , shall demand excessive bail or sureties , impose excessive fines , or
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Type here to search
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4/10/2018

Pearson Cunningham & William Lasker

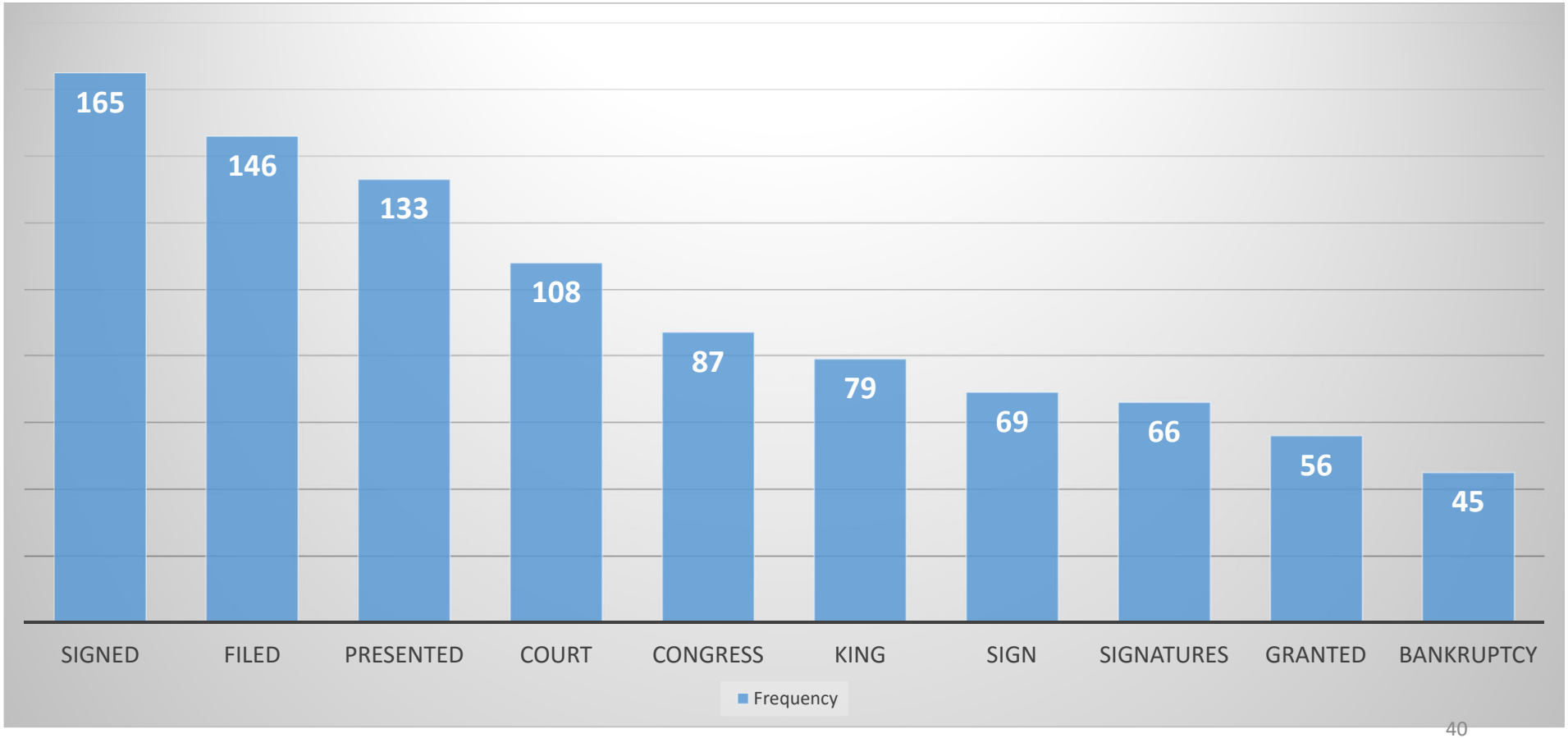
"Congress shall make no law . . . abridging . . . the right of the people . . . to petition the Government for a redress of grievances"

Different Senses of Petition – Which to Apply?

- Petition = Prayer
- Petition = A written request signed by a lot of people asking someone in authority to do something or change something
- Petition = lawsuit

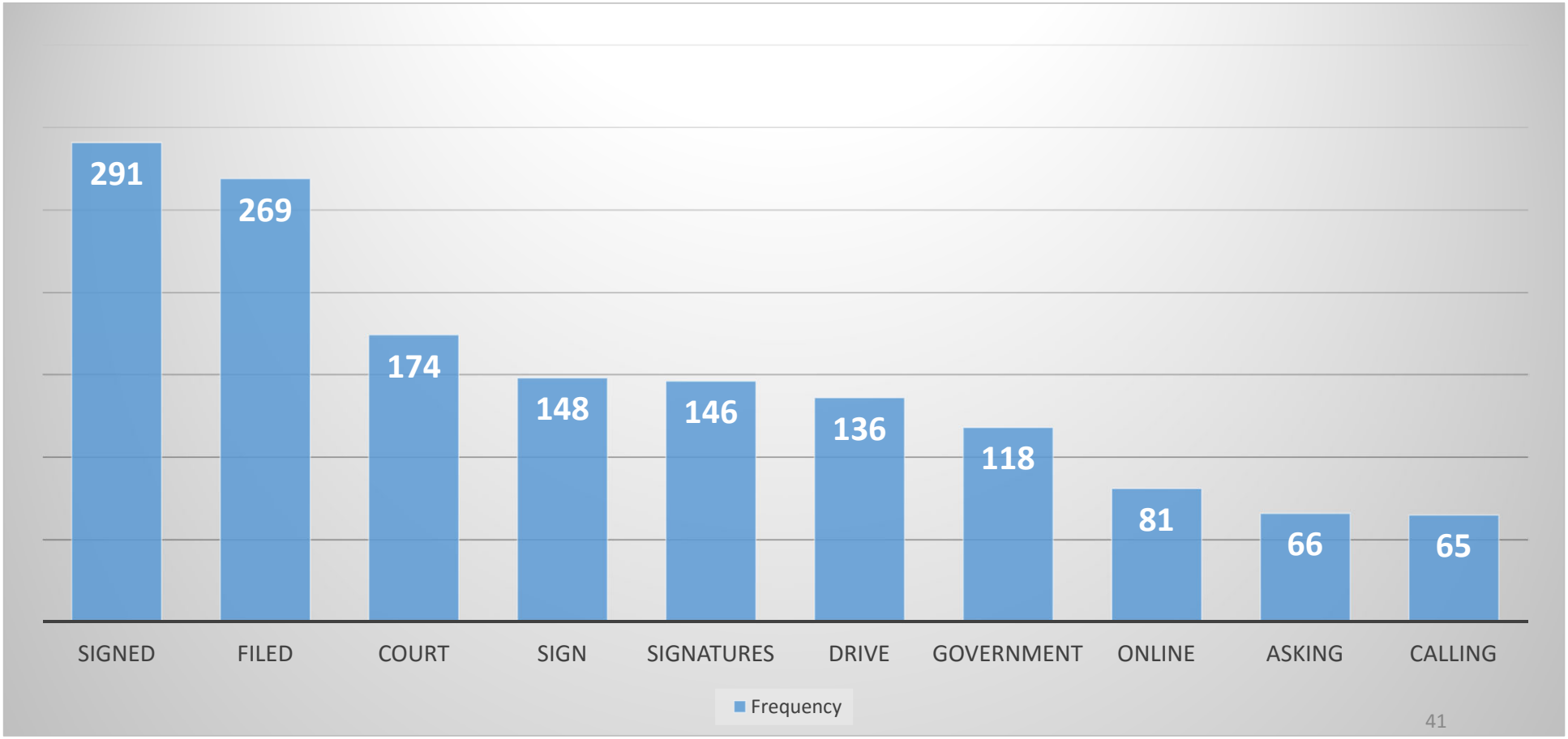
Corpus of Historical American English

400 million words of text from the 1810s-2000s

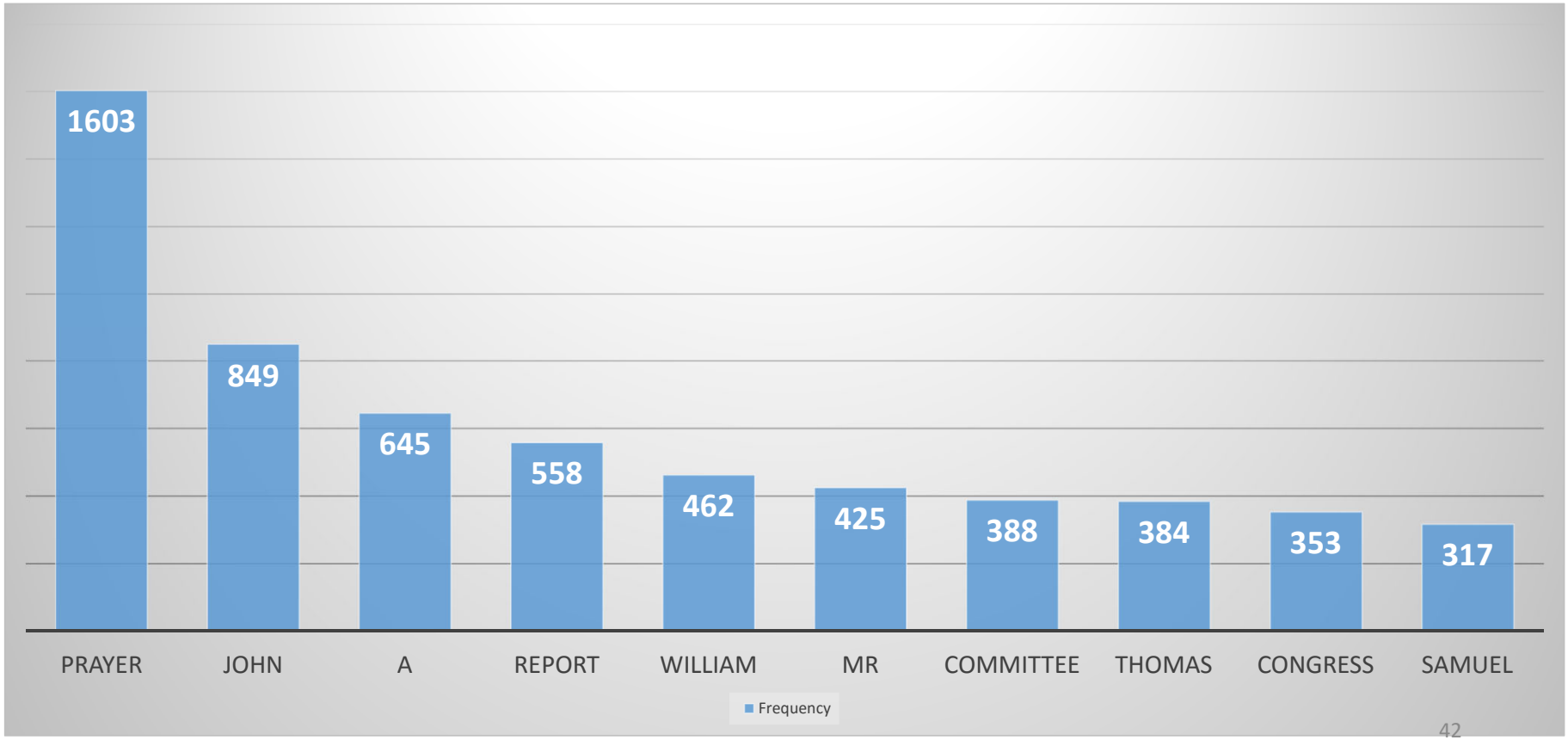


Corpus of Contemporary American English

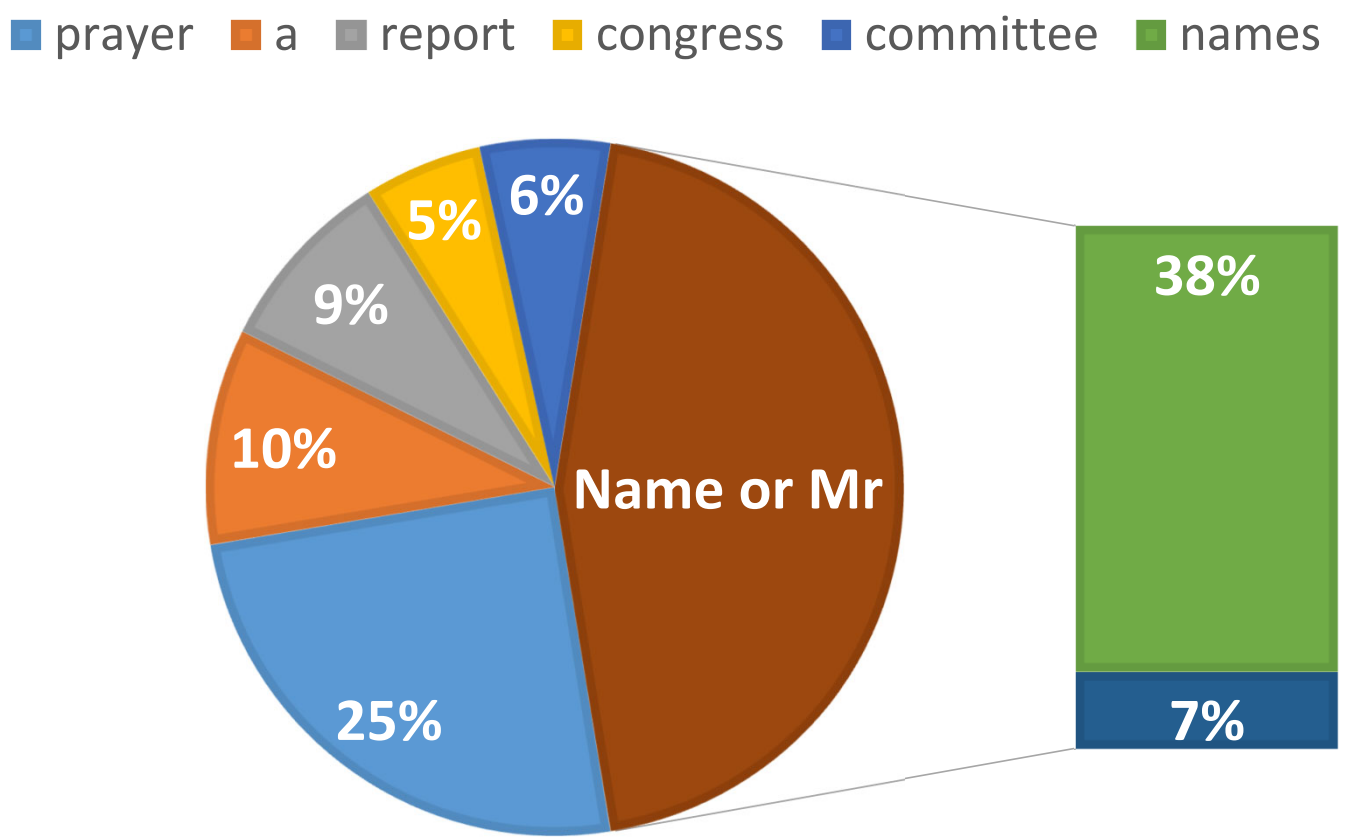
560+ million words of text (1990-2017)



Corpus of Founders Era English



Corpus of Founding Era English



Eleanor Miller & Heather Obelgoner

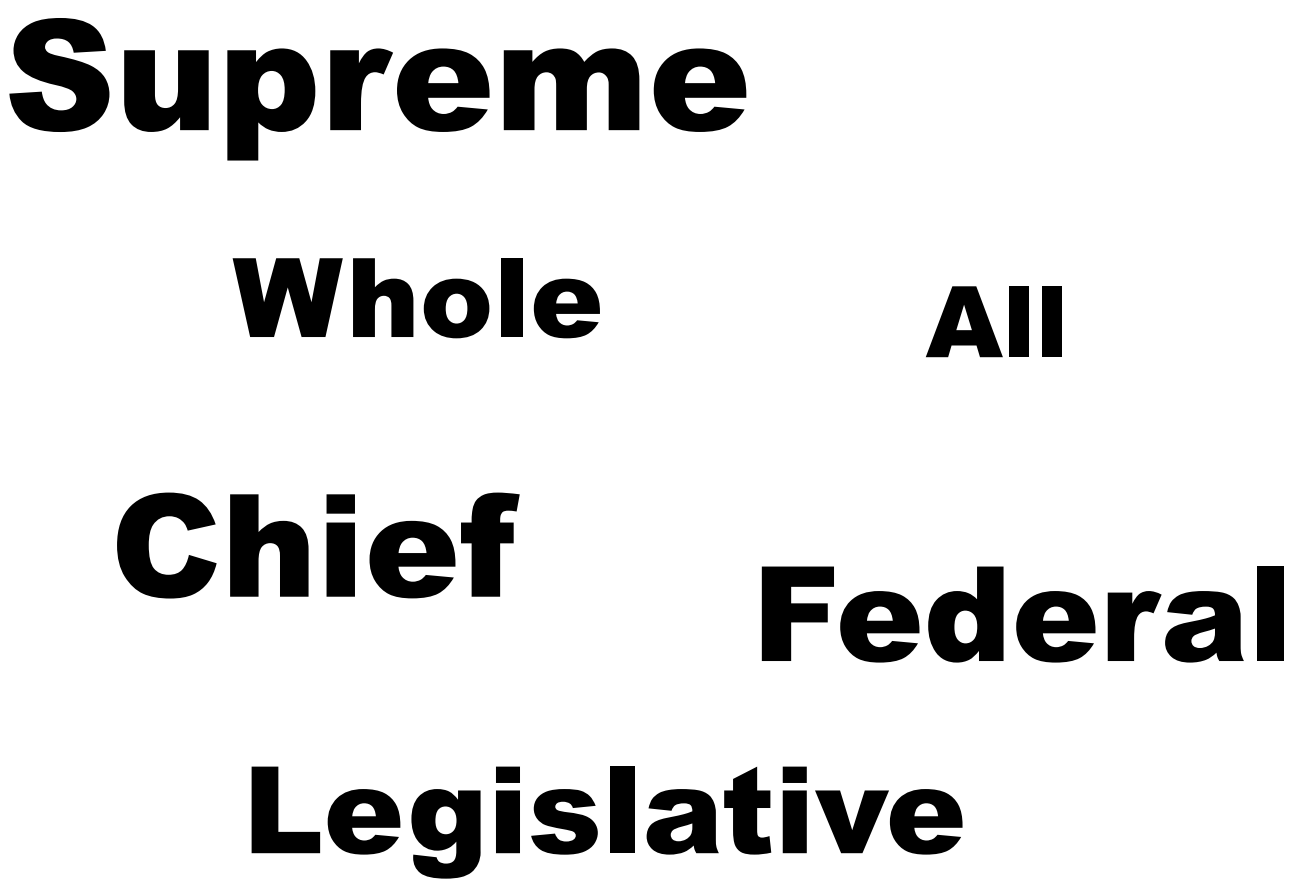
Article II: The executive power shall be vested in a President of the United States of America.

Article I: All legislative powers herein granted shall be vested in a Congress of the United States

Article III: The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish

Linguistic Drift – COCA Results

Linguistic Drift – COFEA Results



Don’t Be Cruel: A Corpus Analysis of the Cruel and Unusual Punishments Clause

Aaron Smothers and Cecelia Howard

Excessive bail shall not be required, nor excessive fines imposed, ***nor cruel and unusual punishments inflicted.***

Cruel

Cruel and

1. Cruel and **unjust**;
2. Cruel and **ignominious**;
3. Cruel and **wicked**;
4. Cruel and **unheard of**;
5. Cruel and **oppressive**;
6. Cruel and **contrary**;
7. Cruel and **unnatural**;
8. Cruel and **shocking**;
9. Cruel and **horrid**;
10. Cruel and **unrelenting** or **relentless**.

and Cruel

1. **Unjust** and cruel;
2. **Bloody** and cruel;
3. **Sanguinary** and cruel;
4. **Oppressive** and cruel;
5. **Dreadful** and cruel;
6. **Great** . . . and cruel;
7. **Unkind** . . . and cruel;
8. **Proud**, **arrogant**, and cruel;
9. **Ungenerous**, **base**, **defamatory**, and cruel;
10. **Iniquitous** and cruel.

Cruel

Action-Based

1. Cruel and **unjust**;
2. Cruel and **unheard of**;
3. Cruel and **contrary**;
4. Cruel and **unnatural**;
5. Cruel and **shocking**;
6. Cruel and **horrid**;
7. **Bloody** and cruel;
8. **Sanguinary** and cruel;
9. **Dreadful** and cruel;
10. **Great** . . . and cruel;
11. **Iniquitous** and cruel.

Actor-Based

1. Cruel and **unjust**;
2. Cruel and **ignominious**;
3. Cruel and **wicked**;
4. Cruel and **oppressive**;
5. Cruel and **unrelenting** or relentless.
6. **Unkind** . . . and cruel;
7. **Proud**, **arrogant**, and cruel;
8. **Ungenerous**, **base**, **defamatory**, and cruel.

GSU Law Students Present Research: April 11, 2018

Big Data Meets the Constitution in New Originalism Project:
Georgia appellate judges evaluate cutting-edge inquiries into what the Constitution's framers meant from Georgia State University law students.

Meredith Hobbs, Daily Report, May 1, 2018

"This is revolutionary," said Georgia Appeals Court Chief Judge Stephen Dillard. "It's like Westlaw for originalism."

- Students Present New Insights on Original Meaning of Constitution to Judges using "Big Data"of Corpus Linguistics

  GSU College of Law News, May 21, 2018

- **"I thought the students were all exceptionally well prepared, the writing was very strong, the research was very strong, and it's grappling with some of the most difficult questions that courts have to deal with today."**

  Justice Nels Peterson, Supreme Court of Georgia