Research organization

<reference type=”originalism”

* Information to be collected on:
  + Location (can this implicitly be marked up with hierarchical structure?)
    - Footnote?
    - Part of a large list of references?
    - Standing by itself in text?
  + Purpose/ type of original intent exhibited by the use of the specific paper
    - “Original Intent” 🡪 Maggs Concise Guide p. 820-824
      * 1. Framer’s original intent
      * 2. Evidence of the Ratifiers’ Original understanding
      * 3. Evidence of the Original Objective Meaning (Scalia)
      * 4. Papers outside the realm of original intent; use as legal treatise
        + *See* William N. Eskridge, Jr., *Cycling Legislative Intent*, 12 INT’L REV. L. & ECON.260, 261 (1992); David McGowan, *Ethos in Law and History: Alexander Hamilton,* The Federalist*, and the Supreme Court*, 85 MINN. L. REV. 755, 755-56 (2001).
        + For further treatment of this topic, see Dan T. Coenen, *A Rhetoric for Ratification: The Argument of* The Federalist *and Its Impact on Constitutional Interpretation*, 56 DUKE L.J. 469, 528-29, 535-37 (2006) (discussing how judges have viewed the Federalist Papersas an icon, a treatise, and as brilliant philosophy).
        + Authoritative commentary on the Constitution, without suggestion to the three above
        + Writers legal expertise, not for their insight into the original meaning
        + Justice Thomas – United States v. Lopez
  + Judge who used reference (implicit by markup – whatever opinion/dissent it is in – but what about note sections?)
  + Amendment? Interpretation of what amendment? But what about statute?
  + How much did the opinions rely on Papers?
    - Nearly impossible to tell for any individual opinion