**Appendix**

**References to “No Reasonable Person,” the Inconceivable, or the Absurd (Absurdity, etc.) in the Supreme Court Opinions of Justices Rehnquist, Scalia, and Thomas**

***Bush v. Gore* (contested authorship of paragraph referencing the absurd and inconceivable)**

*Bush v. Gore*, 121 U.S. 98, 119 & n.4 (2000) (formally authored by Rehnquist, C.J., concurring).

***No Reasonable Person***

**Chief Justice Rehnquist (2 Opinions)**

**Rejecting that No Reasonable Person Could Reach a Result at Issue (1 Opinion):**

*Dobbert v. Florida*, 432 U.S. 282, 296 (1977) (Rehnquist, J., writing for the Court) (quoting affirmatively usage of the phrase from a decision by the Florida Supreme Court).

**Quoting Without Endorsing the Usage of Inconceivable (1 Opinion):**

*Barclay v. Florida*, 463 U.S. 939, 953, 956, 958 (1983) (Rehnquist, J., writing for the plurality).

**Justice Scalia (2 Opinions)**

**Criticizing Other Interpretive Approaches as Ones that No Reasonable Person Hold (2 Opinions):**

*Griffin v. United States*, 502 U.S. 46, 59 (1991) (Scalia, J., writing for the Court);

*PGA Tour, Inc. v. Martin*, 532 U.S. 661, 701 (2001) (Scalia, J., dissenting).

**Justice Thomas (1 Opinion)**

**Quoting a Case that Uses the Vocabulary of “No Reasonable Person” (1 Opinion):**

*Jackson v. Birmingham Board of Education*, 544 U.S. 167, 187 n.1 (2005) (Thomas, J., dissenting).

***Inconceivable***

**Chief Justice Rehnquist (19 Opinions, Excluding *Bush v. Gore*, with 1 Opinion,** **Director, *Office of Workers’ Compensation Programs v. Rasmussen*, in Two Categories)**

**Criticizing Other Interpretive Approaches as Inconceivable (12 Opinions):**

*American Bank & Trust Co. v. Dallas County*, 463 U.S. 855, 879 (1983) (Scalia, J., dissenting);

*Brooks v. Tennessee*, 406 U.S. 605, 618 (1972) (Rehnquist, J., dissenting);

*Chandler v. Miller*, 520 U.S. 305, 327 (1997) (Rehnquist, C.J., dissenting);

*Chrysler Corp. v. Brown*, 441 U.S. 281, 299 n.29 (1979) (Rehnquist, J., writing for the Court) (“all but inconceivable”);

*Davis v. United States*, 411 U.S. 233, 242 (1973) (Rehnquist, J., writing for the Court);

*Director, Office of Workers’ Compensation Programs v. Rasmussen*, 440 U.S. 29, 38 n.11 (1979) (Rehnquist, J., writing for the Court);

*Middendorf v. Henry*, 425 U.S. 25, 40 n.17 (1976) (Rehnquist, J., writing for the Court);

*Quern v. Jordan*, 440 U.S. 332, 340 n.9 (1979) (Rehnquist, J., writing for the Court);

*Santosky v. Kramer*, 455 U.S. 745, 783 (1982) (Rehnquist, J., dissenting);

*United States v. Mauro*, 436 U.S. 340, 366 (1978 (Rehnquist, J., concurring in the judgment and dissenting);

*United States v. New Mexico*, 438 U.S. 696, 707 n.14 (1978) (Rehnquist, J., writing for the Court);

*Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc.*, 435 U.S. 519, 557 (1978) (Rehnquist, J., writing for the Court).

**Rejecting that his Interpretive Conclusion Is Inconceivable (4 Opinions):**

*Blum v. Yaretsky*, 457 U.S. 991, 1001 (1982) (Rehnquist, J., writing for the Court);

*Davis v. Georgia*, 429 U.S. 122, 124 (1976) (Rehnquist, J., dissenting);

*Delaware v. Prouse*, 440 U.S. 648, 666 (1979) (Rehnquist, J., dissenting);

*Director, Office of Workers’ Compensation Programs v. Rasmussen*, 440 U.S. 29, 46 (1979) (Rehnquist, J., writing for the Court).

**Quoting Without Endorsing the Usage of Inconceivable (4 Opinions):**

*Boyde v. California*, 494 U.S. 370, 375 (1990) (Rehnquist, C.J., writing for the Court);

*Hill v. Lockhart*, 474 U.S. 52, 59 (1985) (Rehnquist, J., writing for the Court);

*United States v. American Library Association*, 539 U.S. 194, 205 (2003) (Rehnquist, C.J., writing for the plurality);

*United States v. Mendoza-Lopez*, 481 U.S. 828, 843 (1987) (Rehnquist, C.J., dissenting).

**Justice Scalia (30 Opinions)**

**Criticizing Other Interpretive Approaches as Inconceivable (23 Opinions):**

*Anza v. Ideal Steel Supply Corp.*, 547 U.S. 451, 462 (2006) (Scalia, J. concurring);

*Barnhart v. Peabody Coal Co.*, 537 U.S. 149, 182 (2003) (Scalia, J., dissenting);

*Board of County Commissioners v. Umbehr*, 518 U.S. 668, 687 (1996) (Scalia, J., dissenting);

*Brown v. Plata*, 563 U.S. 493, 552 (2011) (Scalia, J., dissenting);

*California Coastal Commission v. Granite Rock Co.*, 480 U.S. 572, 610 (1987) (Scalia, J., dissenting);

*Carden v. Arkoma*, 494 U.S. 185 (1990) (Scalia, J., writing for the Court);

*Department of the Interior v. South Dakota*, 519 U.S. 919, 921 (1996) (Scalia, J., dissenting);

*District of Columbia v. Heller*, 554 U.S. 570, 632 (2008) (Scalia, J., writing for the Court);

*Finley v. United States*, 490 U.S. 545, 555 (1989) (Scalia, J., writing for the Court);

*Gulfstream Aerospace Corp. v. Mayacamas*, 485 U.S. 271, 291 (1988) (Scalia, J., concurring);

*Harbison v. Bell*, 556 U.S. 180, 206 (2009) (Scalia, J., concurring in part and dissenting in part);

*James v. United States*, 550 U.S. 192, 215 (2007) (Scalia, J., dissenting);

*K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 319 (1988) (Scalia, J., concurring in part and dissenting in part);

*Martinez v. Ryan*, 566 U.S. 1, 20 n.3 (2012) (Scalia, J., dissenting);

*McKoy v. North Carolina*, 494 U.S. 433, 470 (1990) (Scalia, J., dissenting);

*Missouri v. Frye*, 566 U.S. 133, 153 (2012) (Scalia, J., dissenting);

*Montana v. Egelhoff*, 583 U.S. 37, 45 (1996) (Scalia, J., writing for the Court);

*National Labor Relations Board v. Canning*, 134 S. Ct. 2550, 2598 (2014) (Scalia, J., concurring in the judgment);

*Pennell v. City of San Jose*, 485 U.S. 1, 16 (1987) (Scalia, J., concurring in part and dissenting in part);

*Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 330 (2007) (Scalia, J., concurring in the judgment);

*Wiggins v. Smith*, 539 U.S. 510, 547 (2003) (Scalia, J., dissenting);

*Young v. United States ex rel. Vuitton et Fils S.A.*, 481 U.S. 787, 824 (1987) (Scalia, J., concurring in the judgment);

*Your Home Visiting Nurse Services, Inc. v. Shalala*, 525 U.S. 449, 457 (1999) (Scalia, J., writing for the Court).

**Rejecting that his Interpretive Conclusion Is Inconceivable (4 Opinion):**

*Pennsylvania v. Union Gas Co.*, 491 U.S. 1, 35 (1988) (Scalia, J., concurring in part and dissenting in part);

*Reno v. Bossier Parish School Board*, 528 U.S. 320, 335 (2000) (Scalia, J., writing for the Court);

*United States v. 92 Buena Vista Avenue*, 507 U.S. 111, 139 (1993) (Scalia, J., concurring in the judgment);

*United States v. Santos*, 553 U.S. 507, 519 (2007) (Scalia, J., writing for the plurality).

**Describing the Defendants’ Act as “of almost inconceivable cruelty” (1 Opinion):**

*Kansas v. Carr*, 136 S. Ct. 633, 646 (2016) (Scalia, J., writing for the Court).

**Rejecting as Inconceivable Attorney’s Claim of Lack of Familiarity with the Record (1 Opinion):**

*Penry v. Texas*, 515 U.S. 1304, 1306 (1995) (Scalia, J., denying as Circuit Justice application for extension of time to file certiorari petition).

**Quoting Without Endorsing the Usage of Inconceivable (1 Opinion):**

*Wyoming v. Houghton*, 526 U.S. 295, 530 (1999) (Scalia, J., writing for the Court).

**Justice Thomas (4 Opinions)**

**Criticizing Other Interpretive Approaches as Inconceivable (3 Opinions):**

*Foucha v. Louisiana*, 504 U.S. 71, 122 (1992) (Thomas, J., dissenting);

*Lee v. United States*, 137 S. Ct. 1958, 1970 (2017) (Thomas, J., dissenting);

*Stenberg v. Carhart*, 530 U.S. 914, 996 (2000) (Thomas, J., dissenting).

**Rejecting that his Interpretive Conclusion Is Inconceivable (1 Opinion):**

*California Division of Labor Standards Enforcement v. Dillingham Construction, Inc.*, 519 US 316, 331 n.7 (1997) (Thomas, J., writing for the Court).

***Absurd (Absurdity, Etc.)***

**Chief Justice Rehnquist (21 Opinions, Excluding *Bush v. Gore*)**

**Criticizing Other Interpretive Approaches as Absurd (8 Opinions):**

*Buckley v. American Constitutional Law Foundation*, 525 U.S. 182, 229 n.1 (1999) (Rehnquist, C.J., dissenting);

*Garrett v. United States*, 471 U.S. 773,785 (1985) (Rehnquist, J., writing for the Court);

*Kraft General Foods, Inc. v. Iowa Department of Revenue and Finance*, 505 U.S. 71, 84 (1992) (Rehnquist, C.J., dissenting);

*Thermtron Products, Inc. v. Hermansdorfer*, 423 U.S. 336, 357 (1976) (Rehnquist, J., dissenting);

*United States v. Dixon*, 509 U.S. 688, 719 (1993) (Rehnquist, C.J., concurring in part and dissenting in part);

*United States v. X-Citement Video, Inc.*, 513 U.S. 64, 69 (1994) (Rehnquist, C.J., writing for the Court);

*Zelman v. Simmons-Harris*, 536 U.S. 639, 657 (2002) (Rehnquist, C.J., writing for the Court);

*Zobrest v. Catalina Foothills Schools Dist.*, 509 U.S. 1, 8 (1993) (Rehnquist, C.J., writing for the Court).

**Rejecting that his Interpretive Conclusion Is Absurd (9 Opinions):**

*Chapman v. United States*, 500 U.S. 453, 463 (1991) (Rehnquist, C.J., writing for the Court);

*Department of Housing and Urban Development v. Rucker*, 535 U.S. 125, 133 (2002) (Rehnquist, C.J., writing for the Court);

*Director, Office of Workers’ Compensation Programs v. Rasmussen*, 440 U.S. 29, 46 (1979) (Rehnquist, J., writing for the Court);

*Garcia v. United States*, 469 U.S. 70, 74 (1985) (Rehnquist, J., writing for the Court);

*Griffin v. Oceanic Contractors, Inc.*, 458 U.S. 564, 574 (1982) (Rehnquist, J., writing for the Court);

*United States v. Aguilar*, 515 U.S. 593, 604 n.3 (1995) (Rehnquist, C.J., writing for the Court);

*United States v. Granderson*, 511 U.S. 39, 70, 73 n.6, 77 (1994) (Rehnquist, C.J., dissenting);

*United States v. Rodgers*, 466 U.S. 475, 484 (1984) (Rehnquist, J., writing for the Court);

*United States v. Virginia*, 518 U.S. 515, 566 (1996) (Rehnquist, C.J., concurring in the judgment).

**Quoting Without Endorsing the Language of Absurdity (3 Opinions):**

*Monell v. Department of Social Services*, 436 U.S. 658, 724 (1978) (Rehnquist, J., dissenting);

*Posadas de Puero Rico Associates v. Tourism Company of Puerto Rico*, 478 U.S. 328, 334 (1986) (Rehnquist, J., writing for the Court);

*United States v. Cherokee Nation of Oklahoma*, 480 U.S. 700, 706 n.4 (1987) (Rehnquist, C.J., writing for the Court).

**Mentioning Absurdity in Ways Not Determinative of Interpretive Conclusion (1 Opinion):**

*Nixon v. Administrator of General Services*, 433 U.S. 425, 554 (1977) (Rehnquist, J., dissenting) (“It *borders on* the absurdfor the Court [majority] to cite . . .”) (emphasis added).

**Justice Scalia (121 Opinions)**

The number of opinions listed in the subcategories below add up to a higher total than the total number of opinions listed here due to the following five opinions being listed in two subcategories: *Chan v. Korean Air Lines*; *Freeman v. Quicken Loans*; *Johnson v. United States*; *King v. Burwell*; and *United Savings Association of Texas v. Timbers of Inwood Forest Associates*.

**Criticizing Other Interpretive Approaches as Absurd (85 Opinions):**

*Alexander v. Sandoval*, 532 U.S. 275, 282 n.2 (2001) (Scalia, J., writing for the Court);

*Arizona v. Hicks*, 480 U.S. 321, 326 (1987) (Scalia, J., writing for the Court);

*Atkins v. Virginia*, 536 U.S. 304, 346 (2002) (Scalia, J., dissenting);

*Barnhart v. Peabody Coal Co.*, 537 U.S. 149, 180 (2003) (Scalia, J., dissenting);

*Blakely v. Washington*, 542 U.S. 296, 306 (2004) (Scalia, J., writing for the Court);

*Blatchford v. Native Village of Noatak*, 501 U.S. 775, 782 (1991) (Scalia, J., writing for the Court);

*Board of Trustees of the State University of New York v. Fox*, 492 U.S. 469, 484 (1989) (Scalia, J., writing for the Court);

*Bousley v. United States*, 523 U.S. 614, 635 (1998) (Scalia, J., dissenting);

*Bray v. Alexandria Women’s Health Clinic*, 506 U.S. 263, 272 n.4 (1993) (Scalia, J., writing for the Court);

*Brown v. Plata*, 563 U.S. 493, 552 (2011) (Scalia, J. dissenting);

*Chan v. Korean Air Lines, Ltd.*, 490 U.S. 122, 130, 133, 134 (1989) (Scalia, J., writing for the Court);

*Chisom v. Roemer*, 501 U.S. 680, 719 (1991) (Scalia, J., dissenting);

*City of Columbus v. Ours [sic] Garage and Wrecker Service, Inc.*, 536 U.S. 424, 449 (2002) (Scalia, J., dissenting);

*City of Cuyahoga Falls v. Buckeye Community Hope Foundation*, 538 U.S. 188, 200 (2003) (Scalia, J., concurring);

*City of Littleton v. Z.J. Gifts D-4, LLC*, 541 U.S. 774, 787 (2004) (Scalia, J., concurring in the judgment);

*Crandon v. United States*, 494 U.S. 152, 179 (1990) (Scalia, J., concurring in the judgment);

*Deal v. United States*, 508 U.S. 129, 138 (1993) (Scalia, J., writing for the Court);

*Department of Commerce v. United States House of Representatives*, 525 U.S. 316, 345 (1999) (Scalia, J., concurring in part);

*Dewsnup v. Timm*, 502 U.S. 410, 426, 427, 431, 432 (1992) (Scalia, J., dissenting);

*Dickerson v. United States*, 530 U.S. 428, 445 (2000) (Scalia, J., dissenting);

*District of Columbia v. Heller*, 554 U.S. 570, 586 (2008) (Scalia, J., writing for the Court);

*Environmental Protection Agency v. EME Homer City Generation, L.P.*, 134 S. Ct. 1584, 1613 (2014) (Scalia, J., dissenting);

*Equality Foundation of Greater Cincinnati v. City of Cincinnati*, 518 U.S. 1001, 1001 (1996) (Scalia, J., dissenting);

*Fowler v. United States*, 563 U.S. 668, 682 (2011) (Scalia, J., concurring in the judgment);

*Freeman v. Pitts*, 503 U.S. 467, 506 (1992) (Scalia, J., concurring);

*Freeman v. Quicken Loans, Inc.*, 132 S. Ct. 2034, 2044 (2012) (Scalia, J., writing for the Court);

*Garner v. Jones*, 529 U.S. 244, 258 (2000) (Scalia, J., concurring in part in the judgment);

*Georgia v. McCollum*, 505 U.S. 42, 69 (1992) (Scalia, J., dissenting);

*Global Crossing Telecommunications, Inc. v. Metrophones Telecommunications, Inc.*, 550 U.S. 45, 62 (2007) (Scalia, J., dissenting);

*Gonzalez v. Thaler*, 565 U.S. 134, 157 (2012) (Scalia, J., dissenting);

*Grady v. Corbin*, 495 U.S. 508, 543 (1990) (Scalia, J., dissenting);

*Hamdan v. Rumsfeld*, 548 U.S. 557, 583 (2006) (Scalia, J., dissenting);

*Harbison v. Bell*, 556 U.S. 180, 204, 207 (2009) (Scalia, J., concurring in part and dissenting in part);

*Harper v. Virginia Department of Taxation*, 509 U.S. 86, 107 (1993) (Scalia, J., concurring);

*Hartford Underwriters Ins. Co. v. Union Planters Bank*, 530 U.S. 1, 6 (2000) (Scalia, J., writing for the Court);

*Hein v. Freedom From Religion Foundation, Inc.*, 551 U.S. 587, 630 (2007) (Scalia, J., concurring in the judgment);

*Hill v. Colorado*, 530 U.S. 703, 734 (2000) (Scalia, J., dissenting);

*Hudson v. United States*, 522 U.S. 93, 106 (1997) (Scalia, J., concurring);

*Immigration and Naturalization Service v. Pangilinan*, 486 U.S. 875, 884 (1988) (Scalia, J., writing for the Court);

*Immigration and Naturalization Service v. St. Cyr*, 533 U.S. 289, 342 (2001) (Scalia, J., dissenting);

*Johnson v. Transportation Agency, Santa Clara County, CA*, 480 U.S. 616, 668 (1987) (Scalia, J., dissenting);

*Johnson v. United States*, 529 U.S. 694, 719 (2000) (Scalia, J., dissenting);

*Kerry v. Din*, 135 S. Ct. 2128, 2133 (2015) (Scalia, J., writing for the plurality);

*King v. Burwell*, 135 S. Ct. 2480, 2496 (2015) (Scalia, J., dissenting);

*Kyles v. Whitley*, 514 U.S. 419, 466 (1995) (Scalia, J., dissenting);

*Lafler v. Cooper*, 566 U.S. 156, 176 (2012) (Scalia, J., dissenting);

*Lee v. Weisman*, 505 U.S. 577, 638 (1992) (Scalia, J., dissenting);

*Liteky v. United States*, 510 U.S. 540, 550 (1994) (Scalia, J., writing for the Court);

*Locke v. Davey*, 540 U.S. 712, 728 n.1 (2008) (Scalia, J., dissenting);

*McCreary County, Ky v. American Civil Liberties Union of Kentucky*, 545 U.S. 844, 907 (2005) (Scalia, J., dissenting);

*McDonald v. City of Chicago*, 561 U.S. 742, 795 (2010) (Scalia, J., concurring);

*Metropolitan Life Ins. Co. v. Glenn*, 554 U.S. 105, 130 n.24 (2008) (Scalia, J., dissenting);

*Minnesota v. Carter*, 525 U.S. 83, 92 (1998) (Scalia, J., concurring);

*National Aeronautics and Space Administration v. Nelson*, 562 U.S. 134, 161, 168 (2011) (Scalia, J., concurring in the judgment);

*National Labor Relations Board v. Canning*, 134 S. Ct. 2550, 2597, 2598 (2014) (Scalia, J., concurring in the judgment);

*National Treasury Employees Union v. Von Raab*, 489 U.S. 656, 683 (1989) (Scalia, J., dissenting);

*National Labor Relations Board v. Curtin Matheson Scientific, Inc.*, 494 U.S. 775, 812 (1990) (Scalia, J., dissenting);

*Nunez v. United States*, 554 U.S. 911, 913 (2008) (Scalia, J., dissenting);

*PGA Tour, Inc. v. Martin*, 532 U.S. 661, 703 (2001) (Scalia, J., dissenting);

*Powers v. Ohio*, 499 U.S. 400, 426 (1991) (Scalia, J., dissenting);

*Rankin v. McPherson*, 483 U.S. 378, 401 (1987) (Scalia, J., dissenting);

*Rapanos v. United States*, 547 U.S. 715, 727 n.2 (2006) (Scalia, J., writing for the plurality);

*Republic of Iraq v. Beaty*, 556 U.S. 848, 861 (2009) (Scalia, J., writing for the Court);

*Romer v. Evans*, 517 U.S. 620, 647 (1996) (Scalia, J., dissenting);

*Roper v. Simmons*, 543 U.S. 551, 619 (2005) (Scalia, J., dissenting);

*St. Mary’s Honor Center v. Hicks*, 509 U.S. 502, 521 (1993) (Scalia, J., writing for the Court);

*Schad v. Arizona*, 501 U.S. 624, 650 (1991) (Scalia, J., concurring in part and concurring in the judgment);

*Schuette v. Coalition to Defend Affirmation Action*, 134 S. Ct. 1623, 1645 (2014) (Scalia, J., concurring in the judgment);

*Sekhar v. United States*, 133 S. Ct. 2720, 2727 (2013) (Scalia, J., writing for the Court);

*Smiley v. Citibank (South Dakota), N.A.*, 517 U.S. 735, 744 n.3 (1996) (Scalia, J., writing for the Court);

*Stanford v. Kentucky*, 492 U.S. 361, 374 (1989) (Scalia, J., writing for the plurality);

*Stenberg v. Carhart*, 530 U.S. 914, 953 (2000) (Scalia, J., dissenting);

*Stop the Beach Renourishment, Inc. v. Florida Department of Environmental Protection*, 560 U.S. 702, 714 (2010) (Scalia, J., writing for the plurality);

*Summit Health, Ltd. v. Pinhas*, 500 U.S. 322, 338 (1991) (Scalia, J., dissenting);

*Tangipahoa Parish Board of Education v. Freiler*, 530 U.S. 1251, 1255 (2000) (Scalia, J., dissenting);

*Texas Monthly, Inc. v. Bullock*, 489 U.S. 1, 45 (1989) (Scalia, J., dissenting);

*Thompson v. North American Stainless, LP*, 562 U.S. 170, 176 (2011) (Scalia, J., writing for the Court);

*United Savings Association of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365, 375 (1988) (Scalia, J., writing for the Court);

*United States v. Castleman*, 134 S. Ct. 1405, 1420 (2014) (Scalia, J., concurring in part and concurring in the judgment);

*United States v. Johnson*, 481 U.S. 681, 693, 695, 699 (1987) (Scalia, J., dissenting);

*United States v. Mead Corp.*, 533 U.S. 218, 245 (2001) (Scalia, J., dissenting);

*United States v. Virginia*, 518 U.S. 515, 592 (1996) (Scalia, J., dissenting);

*United States v. Windsor*, 133 S. Ct. 2675, 2707 (2013) (Scalia, J., dissenting);

*Walton v. Arizona*, 497 U.S. 639, 667 (1990) (Scalia, J., concurring in part and concurring in the judgment);

*Wiggins v. Smith*, 539 U.S. 510, 546 (2003) (Scalia, J., dissenting).

**Rejecting that his Interpretive Conclusion Is Absurd (27 Opinions):**

*American Trucking Associations, Inc. v. Scheiner*, 483 U.S. 266, 306 (1987) (Scalia, J., dissenting);

*American Trucking Associations, Inc. v. Smith*, 496 U.S. 167, 205 (1990) (Scalia, J., concurring in the judgment);

*Atlantic Mutual Insurance Co. v. Commissioner of Internal Revenue*, 523 U.S. 382, 389 (1998) (Scalia, J., writing for the Court);

*Barnhart v. Thomas*, 540 U.S. 20, 28 (2003) (Scalia, J., writing for the Court);

*Bowen v. Massachusetts*, 487 U.S. 879, 915 (1988) (Scalia, J., dissenting);

*Branch v. Smith*, 3538 U.S. 254, 279 (2003) (Scalia, J., writing for the plurality);

*Bruesewitz v. Wyeth LLC*, 562 U.S. 223, 239 n.63 (2011) (Scalia, J., writing for the Court);

*Chan v. Korean Air Lines, Ltd.*, 490 U.S. 122, 130 (1989) (Scalia, J., writing for the Court);

*Citizens Bank of Maryland v. Strumpf*, 516 U.S. 16, 18 (1995) (Scalia, J., writing for the Court);

*Clinton v. City of New York*, 524 U.S. 417, 454-55 (1998) (Scalia, J., concurring in part and dissenting in part);

*Freeman v. Quicken Loans*, 132 S. Ct. 2034, 2044 (2012) (Scalia, J., writing for the Court);

*Holloway v. United States*, 526 U.S. 1, 16 (1999) (Scalia, J., dissenting);

*Johnson v. United States*, 529 U.S. 694, 719 (2000) (Scalia, J., dissenting);

*K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 324 & n.2 (1988) (Scalia, J., concurring in part and dissenting in part);

*King v. Burwell*, 135 S. Ct. 2480, 2505 (2015) (Scalia, J., dissenting);

*Olympic Airways v. Husain*, 540 U.S. 644, 664 (2004) (Scalia, J., dissenting);

*Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471, 480 (1999) (Scalia, J., writing for the Court);

*Rogers v. Tennessee*, 532 U.S. 451, 464 (2001) (Scalia, J., dissenting);

*Shady Grove Orthopedic Associates, P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 414 n.13 (2010) (Scalia, J., writing for the Court);

*Sullivan v. Everhart*, 494 U.S. 83, 92 (1990) (Scalia, J., writing for the Court);

*Union Bank v. Wolas*, 502 U.S. 151, 163 (1991) (Scalia, J., concurring);

*United Savings Association of Texas v. Timbers of Inwood Forest Associates, Ltd.*, 484 U.S. 365, 375 (1988) (Scalia, J., writing for the Court);

*United States v. Granderson*, 511 U.S. 39, 59 (1994) (Scalia, J., concurring in the judgment);

*United States v. Santos*, 553 U.S. 507, 514 (2008) (Scalia, J., writing for the plurality);

*United States v. Sun-Diamond Growers of California*, 526 U.S. 398, 408 (1999) (Scalia, J., writing for the Court);

*United States v. X-Citement Video, Inc.*, 513 U.S. 64, 82 (1994) (Scalia, J., dissenting);

*Young v. United States ex rel. Vuitton et Fils S.A*, 481 U.S. 787, 817 (1987) (Scalia, J., concurring in the judgment).

**Endorsing Provision’s Absurdity and so Needing Revision (1 Opinion):**

*Green v. Bock Laundry Machine Co.*, 490 U.S. 504, 527, 528 (1989) (concurring in the judgment).

**Mentioning Absurdity in Ways Not Determinative of Interpretive Conclusion (4 Opinions):**

*Austin v. Michigan Chamber of Commerce*, 494 U.S. 652, 687 (1990) (Scalia, J., dissenting) (noting potential shareholder conflict with corporation could include a newpaper adopting “absurd political views”);

*Immigration and Naturalization Service v. Cardoza-Fonseca*, 480 U.S. 421, 452 (1987) (Scalia, J., concurring in the judgment) (arguing that statutory language “must be given effect – at least in the absence of a patent absurdity,” while the Court majority examines legislative history);

*Michigan v. Bryant*, 562 U.S. 344, 384, 386 (2011) (Scalia, J., dissenting) (“an absurdly easy case”);

*Pennsylvania v. Union Gas Co.*, 491 U.S. 1, 37 (1989) (Scalia, J., concurring in part and dissenting in part) (noting of a contrary supposition that it is “*almost* an absurdity on its face” (emphasis added)).

**Quoting Without Endorsing the Language of Absurdity (4 Opinions):**

*Michael H. v. Gerald D.*, 491 U.S. 110, 127 n.6 (1989) (Scalia, J., writing for the plurality);

*Pauley v. BethEnergy Mines, Inc.*, 501 U.S. 680, 704 (1991) (Scalia, J., dissenting);

*Sandifer v. United States Steel Corp.*, 134 S. Ct. 870, 880 (2014) (Scalia, J., writing for the Court);

*Sisson v. Ruby*, 497 U.S. 358, 369 (1990) (Scalia, J., concurring in the judgment).

**Justice Thomas (28 Opinions)**

**Criticizing Other Interpretive Approaches as Absurd (15 Opinions):**

*Adoptive Couple v. Baby Girl*, 133 S. Ct. 2552, 2571 (2013) (Thomas, J., concurring);

*AT&T Mobility LLC v. Concepcion*, 563 U.S. 333, 352 (2011) (Thomas, J., concurring);

*Bank of America Corp. v. City of Miami*, 137 S. Ct. 1296, 1308 (2017) (Thomas, J., concurring in part and dissenting in part);

*Brown v. Entertainment Merchants Association*, 564 U.S. 786, 799 (2011) (Thomas, J., dissenting);

*Camps Newfound/Owatonna, Inc. v. Town of Harrison*, 520 U.S. 564, 614 (1997) (Thomas, J., dissenting);

*Egelhoff v. Egelhoff ex rel. Breiner*, 532 U.S. 141, 148 n. 2 (2001) (Thomas, J., writing for the Court);

*Evans v. United States*, 504 U.S. 255, 286 (1992) (Thomas, J., dissenting);

*Gustafson v. Alloyd Co.*, 513 U.S. 561, 589 (1995) (Thomas, J., dissenting);

*Holder v. Hall*, 512 U.S. 874, 942, 943 (1994) (Thomas, J., concurring in the judgment);

*McConnell v. Federal Election Commission*, 540 U.S. 93, 285 (2003) (Thomas, J., concurring in part, concurring in the judgment in part, and dissenting in part);

*McNeill v. United States*, 563 U.S. 816, 822 (2011) (Thomas, J., writing for the Court);

*Miller-El v. Cockrell*, 537 U.S. 322, 363 (2003) (Thomas, J., dissenting);

*Panetti v. Quarterman*, 551 U.S. 930, 971 (2007) (Thomas, J., dissenting);

*Rosenberger v. Rector and Visitors of the University of Virginia*, 515 U.S. 819, 862 (1995) (Thomas, J., concurring);

*United States v. Wilson*, 503 U.S. 329, 334 (1992) (Thomas, J., writing for the Court).

**Rejecting that his Interpretive Conclusion Is Absurd (12 Opinions):**

*Barnhart v. Sigmon Coal Co.*, 534 U.S. 438, 450, 459 (2002) (Thomas, J., writing for the Court);

*Carter v. United States*, 530 U.S. 255, 256 (2000) (Thomas, J., writing for the majority);

*Clark v. Martinez*, 530 U.S. 255, 271, 272 (2005) (Thomas, J., dissenting);

*Elonis v. United States*, 135 S. Ct. 2001, 2023 (2015) (Thomas, J., dissenting);

*Florida Department of Revenue v. Piccadilly Cafeterias, Inc.*, 554 U.S. 33, 45, 56 (2008) (Thomas, J., writing for the Court);

*Granholm v. Heald*, 544 U.S. 460, 524 (2005) (Thomas, J., dissenting);

*Hamdan v. Rumsfeld*, 548 U.S. 557, 692 n.7 (2006) (Thomas, J., dissenting);

*Harris Trust & Savings Bank v. Salomon Smith Barney Inc.*, 530 U.S. 238, 250 (2000) (Thomas, J., writing for the Court);

*Mellouli v. Lynch*, 135 S. Ct. 1980, 1995 (2015) (Thomas, J., dissenting);

*PLIVA, Inc. v. Mensing*, 564 U.S. 604, 625 n.9 (2011) (Thomas, J., writing for the Court);

*Small v. United States*, 544 U.S. 385, 404 (2005) (Thomas, J. dissenting);

*Till v. SCS Credit Corp.*, 541 U.S. 465, 486 (2004) (Thomas, J., concurring in the judgment).

**Quoting Without Endorsing the Language of Absurdity (1 Opinion):**

*Arizona v. Inter Tribal Council of Arizona, Inc.*, 133 S. Ct. 2247, 2267 (2013) (Thomas, J., dissenting).