

LAW LIBRARY  
APR 07 1994

# THE NATIONAL LAW JOURNAL

VOL. 16, NO. 32 • 1994 THE NEW YORK LAW PUBLISHING COMPANY

*The Weekly Newspaper for the Profession*

PRICE \$3.00 • MONDAY, APRIL 11, 1994

Monday, April 11, 1994

THE NATIONAL LAW JOURNAL

WASHINGTON BRIEF

A11

## 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