

Justice Antonin Scalia claims to apply a textualist approach to both statutory and constitutional interpretation, an approach that accords primacy to the language of legal texts rather than to the intentions of those who wrote or voted for them. In reality, however, Scalia often reads constitutional texts more narrowly than the language naturally suggests. Here, I argue that Scalia is not a textualist at all in constitutional matters, but instead employs a methodology strongly reminiscent of traditional equitable interpretation.