SUPREME COURT OF THE UNITED STATES

No. 91–1353

THOMAS F. CONROY, PETITIONER *v.* WALTER ANISKOFF, JR., ET AL.

ON WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT OF MAINE

[March 31, 1993]

JUSTICE STEVENS delivered the opinion of the Court.[1]

The Soldiers' and Sailors' Civil Relief Act of 1940, 54 Stat. 1178, as amended, 50 U. S. C. App. §501 *et seq*. (Act), suspends various civil liabilities of persons in military service. At issue in this case is the provision in §525 that the "period of military service shall not be included in computing any period . . . provided by any law for the redemption of real property sold or forfeited to enforce any obligation, tax, or assessment."[2] The question presented is whether a

[1]JUSTICE THOMAS joins all but footnote 12 of the opinion.

[2]The full text of §525 presently reads as follows:

"The period of military service shall not be included in computing any period now or hereafter to be limited by any law, regulation, or order for the bringing of any action or proceeding in any court, board, bureau, commission, department, or other agency of government by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action or the right or privilege to institute such action or proceeding shall have accrued prior to or during the period of such service, nor shall any part of such period which occurs after the date of enactment of the Soldiers' and Sailors' Civil Relief Act Amendments of 1942 [Oct. 6, 1942] be included in computing any period now or hereafter provided by any law for the

member of the Armed Services must show that his military service prejudiced his ability to redeem title to property before he can qualify for the statutory suspension of time.

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redemption of real property sold or forfeited to enforce any obligation, tax, or assessment."

A technical amendment enacted in 1991 has no bearing on the question we decide. See 105 Stat. 39.

Petitioner is an officer in the United States Army. He was on active duty continuously from 1966 until the time of trial. In 1973 he purchased a parcel of vacant land in the town of Danforth, Maine. He paid taxes on the property for 10 years, but failed to pay the 1984, 1985, and 1986 local real estate taxes.[3] In 1986, following the Maine statutory procedures that authorize it to acquire tax-delinquent real estate, the town sold the property.[4]

In 1987 petitioner brought suit in the Maine District Court against the town and the two purchasers. He claimed that §525 of the Act tolled the redemption period while he was in military service, and federal law therefore prevented the town from acquiring good title to the property even though the State's statutory procedures had been followed. The trial court rejected the claim. In an unreported opinion, it noted that some courts had construed §525 literally, but it elected to follow a line of

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[3]He testified that he did not receive tax bills for those years and that his letters asking for tax bills were not answered by the town.

[4]Under Maine law a taxing authority has a lien against real estate until properly assessed taxes are paid. If taxes remain unpaid for 30 days after a notice of lien and demand for payment has been sent to the owner, the tax collector may record a tax lien certificate to create a tax lien mortgage. The taxpayer then has an 18-month period of redemption in which he may recover his property by paying the overdue taxes plus interest and costs. See Me. Rev. Stat. Ann., Tit. 36, §§552, 942, 943 (1990). It is stipulated that the required procedures were followed in this case and that the town's title was perfected, unless petitioner's objection based on §525 requires a different result.

decisions that refused to toll the redemption period unless the taxpayer could show that "military service resulted in hardship excusing timely legal action."[5] It agreed with those courts that it would be "absurd and illogical" to toll limitations periods for career service personnel who had not been "handicapped by their military status."[6] The Supreme Judicial Court of Maine affirmed by an equally divided court.[7] We granted certiorari to resolve the conflict in the interpretation of §525. 505 U. S. ___ (1992).

The statutory command in §525 is unambiguous, unequivocal, and unlimited. It states that the period of military service "shall not be included" in the computation of "any period now or hereafter provided by any law for the redemption of real property . . . ." Respondents do not dispute the plain meaning of this text. Rather, they argue that when §525 is read in the context of the entire statute, it implicitly conditions its protection on a demonstration of hardship or prejudice resulting from military service. They make three points in support of this argument: that the history of the Act reveals an intent to provide protection only to those whose lives have been temporarily disrupted by military service; that other provisions of the Act are expressly conditioned on a showing of prejudice; and that a literal interpretation produces illogical and absurd results. Neither separately nor in combination do these points justify a departure from the unambiguous statutory text.

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[5]Pet. for Cert. 33. The court particularly relied on *Pannell* v. *Continental Can Co.,* 554 F. 2d 216 (CA5 1977); *Bailey* v. *Barranca*, 83 N.M. 90, 488 P. 2d 725 (1971); *King* v. *Zagorski*, 207 So. 2d 61 (Fla. App. 1968).

[6]Pet for Cert. 34.

[7]*Conroy* v. *Danforth,* 599 A. 2d 426 (Me. 1992).

Respondents correctly describe the immediate cause for the statute's enactment in 1940, the year before our entry into World War II. Congress stated its purpose to "expedite the national defense under the emergent conditions which are threatening the peace and security of the United States . . . ." 50 U. S. C. App. §510. That purpose undoubtedly contemplated the special hardship that military duty imposed on those suddenly drafted into service by the national emergency.[8] Neither that emergency, nor a particular legislative interest in easing sudden transfers from civilian to military status, however, justifies the conclusion that Congress did not intend all members of the Armed Forces, including career personnel, to receive the Act's protections. Indeed, because Congress extended the life of the Act indefinitely in 1948,[9] well after the end of World War II, the complete legislative history confirms a congressional intent to protect all military personnel on active duty, just as the statutory language provides.

Respondents also correctly remind us to "follow the cardinal rule that a statute is to be read as a whole, see *Massachusetts* v. *Morash*, 490 U. S. 107, 115 (1989), since the meaning of statutory language,

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[8]Respondents emphasize that the statement of purposes refers to the "temporary suspension of legal proceedings and transactions." Brief for Respondents 8, quoting 50 U. S. C. App. §510. The length of a suspension that lasts as long as the period of active service is "temporary," however, whether it applies to a short enlistment or a long career.

[9]Section 14 of the Selective Service Act of 1948, 62 Stat. 623, provided that the 1940 Act "shall be applicable to all persons in the armed forces of the United States" until the 1940 Act "is repealed or otherwise terminated by subsequent Act of the Congress."

plain or not, depends on context." *King* v. *St. Vincent's Hospital*, 502 U. S. ___, ___ (1991) (slip op., at 6). But as in *King*, the context of this statute actually supports the conclusion that Congress meant what §525 says. Several provisions of the statute condition the protection they offer on a showing that military service adversely affected the ability to assert or protect a legal right. To choose one of many examples, §532(2) authorizes a stay of enforcement of secured obligations unless "the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service." [10] The comprehensive character of the entire statute indicates that Congress included a prejudice requirement whenever it considered it appropriate to do so, and that its omission of any such requirement in §525 was deliberate.

Finally, both the history of this carefully reticulated statute, and our history of interpreting it, refute any argument that a literal construction of §525 is so absurd or illogical that Congress could not have intended it. In many respects the 1940 Act was a re-enactment of World War I legislation that had, in turn, been modeled after legislation that several States adopted during the Civil War. See *Boone* v. *Lightner*, 319 U. S. 561, 565–569 (1943). The Court had emphasized the comprehensive character and

[10]Similar qualifications appear in §520(4) (applying to the reopening of judgments against an absent service member); §§521 and 523 (providing for stays of legal proceedings, attachments and garnishments); §526 (regulating interest rates on obligations incurred prior to military service); §530(3) (covering eviction and distress proceedings); §531(3) (involving the termination of installment contracts);§535(1) (involving the assignment of insurance coverage); and §535(2) (limiting the right to enforce liens for the storage of personal property).

carefully segregated arrangement of the various provisions of the World War I statute in *Ebert* v. *Poston*, 266 U. S. 548, 554 (1925), and it had considered the consequences of requiring a showing of prejudice when it construed the World War II statute in *Boone, supra*. Since we presume that Congress was familiar with those cases,[11] we also assume that Congress considered the decision in *Ebert* to interpret and apply each provision of the Act separately when it temporarily re-established the law as a whole in 1940, and then considered *Boone*'s analysis of a prejudice requirement when it permanently extended the Act in 1948.

Legislative history confirms that assumption. Since the enactment of the 1918 Act, Congress has expressed its understanding that absolute exemptions might save time or money for service members only at the cost of injuring their own credit, their family's credit, and the domestic economy;[12] it

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[11]See *Cannon* v. *University of Chicago*, 441 U. S. 677, 696–697 (1979).

[12]The House Report on the suspension of suits in the 1918 Act, for example, provided in part:

"The lesson of the stay laws of the Civil War teaches that an arbitrary and rigid protection against suits is as much a mistaken kindness to the soldier as it is unnecessary. A total suspension for the period of the war of all rights against a soldier defeats its own purpose. In time of war credit is of even more importance than in time of peace, and if there were a total prohibition upon enforcing obligations against one in military service, the credit of a soldier and his family would be utterly cut off. No one could be found who would extend them credit." H.R. Rep. No. 181, 65th Cong, 1st Sess., 2–3 (1917).

And Congressman Webb, Chairman of the House Judiciary Committe, stated:

"Manifestly, if this Congress should undertake to

presumably required a showing of prejudice only when it seemed necessary to confer on the service member a genuine benefit. By distinguishing sharply between the two types of protections, Congress unquestionably contemplated the ways that either type of protection would affect both military debtors and their civilian creditors.

The long and consistent history and the structure of this legislation therefore lead us to conclude that—just as the language of §525 suggests—Congress made a deliberate policy judgment placing a higher value on firmly protecting the service member's redemption rights than on occasionally burdening the tax collection process. Given the limited number of situations in which this precisely structured statute offers such absolute protection, we cannot say that Congress would have found our straightforward interpretation and application of its words either absurd or illogical.[13] If the consequences of that inter-

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pass an arbitrary stay law providing that no creditor should ever sue or bring proceedings against any soldier while in the military service of his country, that would upset business very largely in many parts of the country. In the next place, it would be unfair to the creditor as well as to the soldier. It would disturb the soldier's credit probably in many cases and would deny the right of the creditor to his just debts from a person who was amply able to pay and whose military service did not in the least impair his ability to meet the obligation." 55 Cong. Rec. 7787 (1917). See *Boone* v. *Lightner*, 319 U. S. 561, 566, 567, 568 (1943).

[13]In his 11 page opinion concurring in the judgment, JUSTICE SCALIA suggests that our response to respondent's reliance on legislative history "is not merely a waste of research time and ink," but also "a false and disruptive lesson in the law." *Post*, at 1. His "hapless law clerk," *post*, at 10, has found a good

pretation had been—or prove to be—as unjust as respondents contend, we are confident that Congress would have corrected the injustice—or will do so in the future.

The judgment of the Supreme Judicial Court of Maine is reversed.

It is so ordered.

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deal of evidence in the legislative history that many provisions of this statute were intended to confer discretion on trial judges. That, of course, is precisely our point: it is reasonable to conclude that Congress intended to authorize such discretion when it expressly provided for it and to deny such discretion when it did not. A jurisprudence that confines a court's inquiry to the "law as it is passed," and is wholly unconcerned about "the intentions of legislators," *post*, at 1, would enforce an unambiguous statutory text even when it produces manifestly unintended and profoundly unwise consequences. Respondent has argued that this is such a case. We disagree. JUSTICE SCALIA, however, is apparently willing to assume that this is such a case, but would nevertheless conclude that we have a duty to enforce the statute as written even if fully convinced that every Member of the enacting Congress, as well as the President who signed the Act, intended a different result. Again, we disagree. See *Wisconsin Public Intervenor* v. *Mortier*, 501 U. S. ___, ___, n. 4 (1991) (slip op., at 11–12, n. 4).