

To the Bag

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Supreme Court of the United States
Reporter of Decisions
Washington, D. C. 20543

MEMORANDUM TO THE CONFERENCE April 22, 1986

FROM: Henry C. Lind, Reporter of Decisions

RE: Spelling of "marijuana"

I have now received all votes but one. There were four votes for "marijuana," one vote for "marihuana," and three Justices gave me their proxies, which I have cast for "marijuana." Therefore, the spelling from now on should be with a "j." I hope that this will settle the matter.

HCL
HCL

To the Bag:

I enjoyed Professor Myers's careful study of when "the United States" became clearly a singular noun in the Supreme Court. *Supreme Court Usage and the Making of an 'Is'*, 11 GREEN BAG 2D 457. Along the lines of the saying about progress in science, I believe this article shows that writing styles evolve more through old writers dying off than through living writers changing their habits.

Robert A. James
Pillsbury Winthrop Shaw Pittman LLP
San Francisco, CA

To the Bag:

The recent article by Minor Myers, *Supreme Court Usage and the Making of an 'Is'* (11 GREEN BAG 2D 457), depicts in abundant detail how Supreme Court prevailing usage started off to say "the United States are" as if the plural was describing a collection of independent states. That was before the Civil War. The article went on to demonstrate how after the Civil War, although somewhat gradually – and a little more slowly than has sometimes been thought – the prevailing Supreme Court usage in opinions shifted to the singular "the United States is."

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A small addendum will show that the prevailing plural style in the pre-Civil War period did not turn merely on any idiosyncrasies of the verbs “are” versus “is.” Thus, taken from a random sampling, in Chief Justice Marshall’s opinion in the notable case of *Cohens v. Virginia*, 6 Wheat. (19 U.S.) 264, 413 (1821), we find The Great Chief Justice writing “That the United States form, for many, and for most important purposes, a single nation, has not yet been denied.” Not “the United States forms.” Or in a nearby opinion, *The Gran Para*, 7 Wheat. (20 U.S.) 471, 486 (1822), Marshall writes “against a nation with whom the United States were at peace.” Not “the United States was at peace.” It might also be noted that Marshall and some of his brethren had a habit of often writing about “the Union” where they might have said “the United States,” so to that extent this grammatical nicety would not even arise.

Bennett Boskey
Washington, DC

WHERE ARE THE BOBBLEAPPERS?

To the *Bag*:

I looked long and hard in my copy of the Summer 2008 *Green Bag* for the *Ex Post* article “Bobblenapping” by the BLA. Ok, not that long or that hard, but I did look for it. It’s mentioned on the cover, but not in the table of contents inside. And I can’t find it at the end of the issue. Editing problem with the cover, perhaps?

Michael Kwun
Electronic Frontier Foundation
San Francisco, CA

To the *Bag*:

I received my copy of the Summer 2008 *Green Bag*, and after a quick perusal, I am having it preserved in acid-free, temperature- and light-controlled storage because of its obvious value: It seems that instead of the *Ex Post* article, *Bobblenapping*, by the BLA, listed on the front cover, in my copy there were printed four “Subscription Information” pages, not counting the inside back cover. I’m