It is in vain to say human beings ought to be satisfied with tranquility; they must have action; and they will make it if they cannot find it. Millions are condemned to a stiller doom than mine, and millions are in silent revolt against their lot. Nobody knows how many rebellions, besides political rebellions, ferment in the masses of life which people earth.

Jane Eyre

Currer Bell (aka Charlotte Brontë), Jane Eyre: An Autobiography ch. 12 (1847)
## CONTENTS

SECOND SERIES • VOLUME 15, NUMBER 4 • SUMMER 2012

### EX ANTE

*Our Mistakes* ........................................... 365  
*The Bad Paterno* ........................................... 365  
*Mr. Justice Precedent* .................................... 366  
*York v. Yale* ............................................. 367  
*The Green Bag’s Cumulative Confessional* ............... 367  

### TO THE BAG

Peter Owen................................................. 371  
   *Heading in Another Direction*  
Nicholas Frankovich........................................ 372  
   *What Harm “Harmless”?*

### ARTICLES

Edward L. Carter & Edward E. Adams................. 375  
   *Justice Owen J. Roberts on 1937*  
Erwin Chemerinsky........................................ 389  
   *It’s Now the John Roberts Court*  
John P. Elwood & Eric A. White ....................... 405  
   *What Were They Thinking: The Supreme Court in Revue, October Term 2011*  
Kyle Graham............................................... 421  
   *Who Shot Charles Summers?*
## Contents

Sally Pei et al. ................................................................. 433

*A Pronouncing Dictionary of the Supreme Court of the United States*

### FROM THE BAG

Ross E. Davies ................................................................. 445

*Marshall’s Maps, the U.S. Reports, and the New Judicial Restraint*

John Marshall ................................................................. 453

*Atlas to Marshall’s Life of Washington*

### REVIEW

Alfred L. Brophy ................................................................. 465

*Multivariate Analysis Through Narrative History*

G. Edward White, *Law in American History: From the Colonial Years Through the Civil War*  
(Oxford University Press 2012)

### EX POST

Andrew Frape & Cattleya Concepcion ................................. 473

*The Supreme Court of Canada, Brick by Brick*

Acknowledgments, Credits & Featured Books........................ 479