



# EX ANTE

## OUR MISTAKES

The “Part 2” on the cover of our Summer 2017 issue (it’s right after “A Generous Judicial Parabolist”) should not be there. It is an embarrassing indicator of our simple-minded, duplicate-the-document-then-copy-and-paste approach to journal production. But we are what we are – simple-minded (and sometimes sloppy) – and there is no denying it.

We also have the umpteenth installment in the saga of the *Green Bag*’s limited ability to detect and correct spelling errors. Gentle and good-humored reader David Roe helps out this time:

From *Judge Dave* on, you have attuned your readers so well to the gentle humor in law that I was able to enjoy this juxtaposition from the Summer 2017 issue:

“But there is one jurist who can point us in the direction of eternal truth . . . . That name is, of course, *Holmes* [emphasis in original] . . . .” (20 Green Bag 2d at 377)

“Justice Alito, quoting Justice Oliver Wendall [sic] Holmes . . . .” (20 Green Bag 2d at 357).

## GORDON WOOD SPEAKS FOR ALL OF US

In the “Acknowledgments” section near the back of his new book, *Friends Divided: John Adams and Thomas Jefferson*, Gordon Wood explains the dedication near the front of the book:

## *Ex Ante*

I have dedicated this book to the editors of the *Papers of John Adams* and *The Papers of Thomas Jefferson*. I could not have written the book, at least not in a decent amount of time, without the documents they have edited and made available to the public. We historians write monographs and books that are inevitably ephemeral; but the editors of the papers of these two great patriots, indeed all the many documentary editors of America's past, are producing work for the ages.

All these documentary editors seldom receive the recognition and acclaim they deserve. We historians, indeed, the entire country, are deeply indebted to them for making available to us in print, whether online or in letterpress editions, the many documents of America's past. Because the coming generations of students no longer read cursive handwriting, the documentary collections like those of Adams and Jefferson will become all the more important. For most scholars and students in the future the original handwritten documents of American history will remain more or less inaccessible, expressed in a foreign language not easily deciphered.

Amen, Professor Wood.

### STIRRING UP THE WATERS OF THE UNITED STATES

We recently conducted an informal and not very scientific study. We put three things in an O'Melveny & Myers LLP/*Green Bag* paper bag: (1) a box containing a Justice Samuel A. Alito, Jr. bobblehead doll; (2) a coffee mug with "Caution! Contents May Be Waters of the United States" on it; and (3) a coffee stirrer with "Knox v. SEIU: 'promoting the sale of mushrooms'" on it. (Those are the three things that have been routinely going into O'Melveny & Myers LLP/*Green Bag* bags that are given to people who show up at the offices of O'Melveny & Myers in Washington, DC with a valid Justice Alito bobblehead certificate and comply with the conditions on that certificate.)

We then tried out our bag on 18 different people over the course of several weeks. We gave the bag, along with an 8.5 x 11-inch version of the picture on page 3 below, to a half-dozen senior lawyers, a half-dozen aspiring lawyers (that is, Millennial law students), and a half-dozen school-children. Then we asked each participant to arrange the contents of the bag to look like the picture. The most interesting results were: