

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:

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What's in the Green Bag's bag?

First: Everyone – all 18 of our quite reasonable, quite good-natured participants – immediately pulled the box and the mug out of the bag, but with the coffee stirrer there was substantial variation by age: 4 of the senior

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lawyers pulled the stirrer out at the outset of the exercise, while just 3 of the Millennials and 1 of the children did so.

Second: Everyone then unpacked the bobblehead and the mug, and placed the mug either next to the bobblehead or on the front of its base. That must've been the easy part.

Third: Of the 2 senior lawyers who had not pulled the coffee stirrer out of the bag at the outset, neither went back to the bag and found the stirrer. Instead, they simply said we had failed to give them a stirrer in the first place.

Fourth: Of the 3 Millennials who had not pulled the coffee stirrer out of the bag at the outset, all went back to the bag and 2 of them found the stirrer. The 1 who did not find the stirrer said we had failed to provide a stirrer.

Fifth: Of the 5 children who had not pulled the coffee stirrer out of the bag at the outset, all went back to the bag and found the stirrer. It took some of them a long time to find it, but they persisted. Obviously, none of them accused us of depriving them of a stirrer.

Our primary conclusion: Perhaps Robert Fulghum should be teaching CLE.

Our secondary conclusion: Perhaps Millennials today are at least as diligent as today's senior lawyers were in the good old days.

Our tertiary conclusion: We should provide some sort of consolation to any senior lawyers and Millennial future lawyers out there who may feel they were deprived of a coffee stirrer. Fortunately, Doyle Baker, an extraordinarily thoughtful and resourceful subscriber gave us an idea: "I'm wondering if (as was the case with the Clarence Thomas bobblehead) there is a supplement that we can download from the Internet to complete the look."

We've decided to do as Baker tactfully suggests, and also go one step further. Cut-out versions of the stirrer are printed on the back cover of this issue.

Note: We should add that a few participants did become distracted during our experiment. None of the schoolchildren did, but they were unfairly advantaged by the fact that they did not have cell phones – either that or evolution is favoring humans who can ignore their phones for short periods of time.