

not the prior judicial interpretation that is not consistent with such provision.

Section Two. This Act shall not be construed to repeal or alter any statute prescribing the jurisdiction of any court of the United States; to invalidate or reopen any final judgment or decree rendered in any case or controversy by any court; to authorize denial of full faith and credit to final judgments validly rendered by a court of competent jurisdiction; or to alter any lawful obligation of inferior federal courts to follow the prior judicial interpretations of the law rendered by the United States Supreme Court and, where applicable, by the U.S. Court of Appeals that possesses authority to review on appeal the decisions of such inferior court.

Section Three. If any part of this Act or application of this Act is held unconstitutional, all remaining parts and valid applications shall be considered severable. Any judicial decision holding any part of this Act or application of this Act unconstitutional shall be subject to the requirements of this Act in any subsequent case or controversy in which the constitutionality of any part of this Act or application of this Act is drawn in question.

Or for those who prefer plain English:

The judicial policy of stare decisis, to the extent not constitutionally mandated, is hereby abrogated in federal cases as to issues of federal constitutional, statutory, or treaty interpretation.

Michael Stokes Paulsen, *Abrogating Stare Decisis by Statute: May Congress Remove the Precedential Effect of Roe and Casey?*, 109 Yale L.J. 1535 (2000).

EARLY DISABILITY PROTECTION

THE AMERICANS WITH Disabilities Act often is cited as an indicator of our nation's new-found concern for the disabled. But the United States Code contains some evidence that the special needs of the disabled have concerned Congress since the 1950s, at least. Consider Title 15, Chapter 29 – Manufacture, Transportation,

or Distribution of Switchblade Knives:

Section 1243: Whoever within any Territory or possession of the United States ... manufactures, sells or possesses any switchblade knife, shall be fined not more than \$2000 or imprisoned not more than five years.

Section 1244: Section ... 1243 of this title shall not apply to - ... (4) the possession and transportation upon his person, of any switchblade knife with a blade three inches or less by any individual who has only one arm.

Perhaps the idea was to give one-armed combatants a fighting chance, or more plausibly if prosaically, to enable someone with one arm to do most of the things with a pocketknife that are possible for someone with two arms. There are no clues in the legislative history.

Pub. L. 85-623, §§ 3, 4, Aug. 12, 1958, 72 Stat. 562.

A CONVENIENT POCKET SIZE

THIS IS A BIG YEAR for the useful and much-maligned *Bluebook*. It marks the appearance of the seventeenth edition, and of *The Bluebook: A Sixty-Five Year Retrospective*, W.S. Hein's compilation of the first through fifteenth editions. The Hein compilation also includes material that casts some doubt on the conventional wisdom that the *Harvard Law Review* is the birthplace of the *Bluebook*. In its February 1955 promotional blurb for the ninth edition of the *Bluebook*, the *Law Review* offered the fullest public expression of its own views on the subject:

A reader with an eye for the minute and a technical turn of mind may spot a few citations in this issue whose forms are a trifle irregular. They will, we trust, soon lose their novelty. For it is with this issue that the *Review* adopts the citation forms prescribed by the ninth edition of *A Uniform System of Citation*, which has just been published.

Colloquially known as the "Blue Book," from its cover which in recent years has ranged from calamine to ultra-marine, the publication dates

from 1931. The idea was to establish a systematic uniform method of citation out of the prevailing chaos. The law reviews at Columbia, Pennsylvania, and Yale joined with Harvard in collecting and organizing for the first time what was thought to be the most sensible of the forms then in use by the reviews, courts, and lawyers. Early editions, as the present one, gave suggested forms for citing American and foreign cases and reports, periodicals, treatises, services, restatements, government publications, and international materials, as well as prescribing rules for capitalization, italicization, and punctuation. In the back were rather full listings of legal abbreviations. And the first edition, as the ninth, was published in a convenient pocket size.

The files now bulge with the hot arguments that took place then and before each of the eight subsequent revisions. We welcome all our readers and all users of the Blue Book to join the fun. We always appreciate suggestions for improvement. Since a new edition is published every few years, they will not go long before fulfillment.

Active work on the present revision of the Blue Book began in the fall of 1953. Letters were sent out to the nation's law reviews and other Blue Book users, soliciting comments. Editors went to work checking through libraries and listings to bring the abbreviations up to date. The esoteric field of United Nations and foreign language citations underwent a complete revision. The Topical Index was expanded and checked. Finally this fall a conference of the participating law reviews was held to work out final agreement.

As with past revisions, the system as a whole has been left essentially the same; the main effort was directed toward carefully eliminating possible ambiguities and confusion. The present wide acceptance of Blue Book citation forms, not only by legal publications but by an increasing number of law offices, judges, and textbook writers, made it advisable to leave settled all that could be, consistent with clarity and uniformity.

Copies of the Blue Book are fifty cents each, and may be obtained from the Harvard Law Review Association, Gannett House, Cambridge 38, Massachusetts.

With the Editors . . ., 68 Harv. L. Rev. vii-x (Feb. 1955). As Hein's new *Sixty-Five Year Retrospective* shows, the 1955 editors were unaware of two earlier editions of the *Bluebook*, dated 1926 and 1928.

In 1987, during festivities marking the *Law Review's* 100th anniversary, Erwin Griswold transformed Harvard's implicit claim to primacy in the development of the *Bluebook* into an open assertion of exclusive forefatherhood. Griswold reported that

other law reviews heard about it, and made suggestions for its improvement. This led to a meeting of the Presidents of the *Harvard, Columbia, and University of Pennsylvania Law Reviews*, and the *Yale Law Journal*. As a result of this meeting, the four journals now publish the *Bluebook* jointly and share the revenues; but virtually all the editorial work is still done at Harvard, which earns the largest share of the income.

Erwin N. Griswold, *The Harvard Law Review – Glimpses Of Its History As Seen By An Aficionado*, in *Harvard Law Review Centennial Album* 12 (1987).

Volume 2, Appendix A of the Hein compilation sheds new light on the subject. It contains the 1921 edition of the *Yale Law Journal Abbreviations and Form of Citation*; Appendix B is the 1924 edition. Even a quick comparison of the Yale citation guide with the early *Bluebooks* of the 1920s and 30s makes clear that the form and some of the content of the *Bluebook* have their roots in New Haven, not Cambridge.

But the story does not end with the Hein appendices, because the "it" that Griswold claimed "other law reviews heard about" was not a pamphlet dedicated to citation form. Rather, he was recalling another publication of the *Harvard Law Review*, a publication not included in the otherwise comprehensive Hein volumes: the *Harvard Law Review Instructions for Editorial Work*. The oldest available edition of this work is dated 1922, of which pages 9 through 14 presage the eventual tone

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and much of the content of the *Bluebook* and thus require Yale to concede to Harvard at least an equal share of credit for the genesis of uniform citation.

Finally, page 13 of the 1927 edition of Harvard's *Instructions for Editorial Work* includes the following news of the *Bluebook*, confirming some but not all of Griswold's recollections:

D. Uniform Citation Plan.

In 1926 the HARVARD LAW REVIEW, the COLUMBIA LAW REVIEW, and the YALE LAW JOURNAL adopted a uniform system of citation. Since that time several other law reviews and legal publications have acceded to the plan. In all write-ups for the REVIEW use the forms given in the Uniform Citation booklet. (Since the system was inaugurated several changes have been found desirable or necessary. Consequently, until a new edition of the citation booklet is published, it will be necessary to use the old citation booklet, together with a mimeographed supplement.)

The *Green Bag* welcomes any information about when the *University of Pennsylvania Law Review* got its oar in the water.

**SILICON FOUNDERS ☺
DIGITAL JUSTICES**

THE HIGH-TECH ACTION may be on the coasts, but in law the cutting edge runs through the Midwest. West Publishing is in St. Paul, Minnesota, and Lexis is in Dayton, Ohio. Findlaw (in Mountain View, California) is the exception that proves the rule. Now, far from the daily coastal planting and harvesting of .coms, other Midwesterners are producing some useful and entertaining legal source material on CDROM and the Internet. The University of Chicago Press and the Liberty Fund have converted *The Founders' Constitution* (Chicago 1987) – the widely admired and very expensive (on paper) five-volume collection of documents relating to the U.S. Constitution and its first twelve amendments – into a free searchable Internet site (press-pubs.uchicago.edu/founders). For those without Web access, or with limited patience for ethereal logjams, there is a CDROM version as well. Northwestern University Press has a nifty new CDROM of its own, *The Supreme Court's Greatest Hits*, available in the gift shop at the high court and, we hope, at stores everywhere. Based on the "Oyez" website (oyez.nwu.edu), *Greatest Hits* features hour after hour of complete oral arguments from dozens of leading cases and even announcements of a few decisions, plus a variety of visual accessories.

IN MEMORIAM

"PRETTY MUCH EVERYBODY will want to print some sort of tribute to Charles Alan Wright," observes Derek Chan, a former student of Professor Wright at the University of Texas. "You can ruminate all you