LIVREBLEU 17: LES CONSÉQUENCES TRAGIQUES FORGÉES PAR LE PROFESSEUR RÉPUGNANT NOMMÉ GRANTMORE†

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In a stellar example of investigative journalism in the Woodward-Bernstein tradition, Professor LaFave here presents his exposé of the Bluebook *seventeenth edition scandal, revealing: (1) where in the latest* Bluebook *there is an inexplicable 180º shift in citation policy; (2) who provoked that change; (3) why he did it; (4) what* Bluebook *purists can do about it; and (5) when the next bus leaves for Peoria. Pulitzer Prize Committee, take note!*

It is probably an *erreur très grande* to write for publication while in a state of elevated dander[1] and escalated hackles,[2] to say nothing of high dudgeon.[3] But I believe that not a moment should be lost in bringing to

† EDITOR'S NOTE: It should be explained to those nonplussed by this title that Professor LaFave—apparently seeking the worldwide audience heretofore denied him—first submitted this article to *Revue Juridique Internationale et Comparative de Paris*, where it was summarily rejected. On the outside chance that one of our regular subscribers or readers should pass this bilious broadside on to someone more linguistically challenged, we provide this translation: "Bluebook 17: The Tragic Consequences Wrought by the Disgusting Professor Named Grantmore." Professor LaFave permitted us to translate his text and footnotes into English when we assured him that this was a necessary part of our regular editorial process for all articles accepted for publication. (In this case, we may have missed a few words here and there.)

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1. Law students and other immature individuals not steeped in American colloquialisms may overcome their *incapacité de comprendre* by considering the expressions of these yokels: E. Phelps Gay, *Portraits and Perspectives: A Look at Us*, 46 LA. B.J. 308, 312 (1998) ("Pappy was sitting at the head table there by the rostrum and he got his dander up."); Alex Kozinski, *Introduction to Volume Nineteen*, 19 HARV. J.L. & PUB. POL'Y 1, 3 (1995) ("[A] majority of the Court just couldn't get its dander up when it came to a violation of the Takings Clause.").

2. For the same reason expressed in the preceding footnote, ponder the remarks of these bumpkins: Ronald Chester, *To Be, Be, Be . . . Not Just to Be: Legal and Social Implications of Cloning for Human Reproduction*, 49 FLA. L. REV. 303, 314 (1997) ("[W]hole-body cloning has raised the hackles of many."); Richard L. Marcus, *Retooling American Discovery for the Twenty-First Century: Toward a New World Order?*, 7 TUL. J. INT'L & COMP. L. 153, 154 (1999) ("America's 'unique' discovery apparatus has raised hackles abroad.").

3. Presumably at approximately the same dizzying height. *See, e.g.*, making essentially the same point as in the text above, Molly Shepherd, *We May Be Putting Too Much Weight on Client Advocacy at*

the attention of the American (indeed, international) legal community the tragic consequences alluded to above. And thus, despite my personal discomfort in having to assume the posture *offensif*[4] necessitated by these circumstances, I have keyboarded[5] this screed and mendicated its immediate publication in order promptly to expose that rascal Grantmore for the "cancard worme and pestiferous coccatrice"[6] he is, and to provide the necessary *raison d'être* for undoing the despicable harm he has done! But I'm getting ahead of myself; let me start at the beginning.

A few months ago I spent a most enjoyable week[7] reading a prepublication draft of a paper authored by my *bonne amie et collègue distinguée*,[8] Professor Eva Faltreb O'Renyaw. The article, which will surely grace the pages of this or some other highly prestigious law journal in the near future, is entitled: *Top Speed: Critical Race Theory and the Indianapolis 500*.[9] She asked me to critique the paper, which I was more than glad to do, considering that her earlier book-length *tour de force* had literally

the Expense of Service to Justice, 24 MONT. LAW. 5, 8 (1999) ("We should also consider having someone else review what we have dashed off in high dudgeon.").

Being at that level seems to be characteristic of Supreme Court Justices, *see, e.g.*, Louis L. Jaffe, *Mr. Justice Jackson*, 68 HARV. L. REV. 940, 984 (1955) ("Jackson returns in high dudgeon to the theme of predictability."); Daniel C. Munson, *The Patent–Trade Secret Decision: An Industrial Perspective*, 78 J. PAT. & TRADEMARK OFF. SOC'Y 689, 713 n.64 (1996) ("Justice Douglas, in high dudgeon, concurred"); political pundits, *see, e.g.*, Book Note, 97 HARV. L. REV. 845, 847–48 (1984) ("[George] Will, in high dudgeon, now seeks to repudiate this modus vivendi."); and, yes, even law professors, *see, e.g.*, Erwin N. Griswold, Book Review, 88 HARV. L. REV. 1340, 1342 n.6 (1975) ("Some of his students will recall similar outbursts, when [Roscoe Pound, no less,] threw his seating chart, or stalked out of the classroom in high dudgeon."); to say nothing of law students, *see, e.g.*, Ellen A. Peters, *Grant Gilmore and the Illusion of Certainty*, 92 YALE L.J. 8, 8 (1982) ("The next year a student borrowed my commercial law notes from [the course taught by Grant Gilmore, no relation to Gil Grantmore, excoriated herein], only to return the notes the following day, in high dudgeon; they contained nothing but questions, interminable questions.").

4. In attempting without much success to live up to my billing as *le protecteur saint du Quatrième Amendement*, Juarez v. State, 758 S.W.2d 772, 784 (Tex. Crim. App. 1988) (Clinton, J., dissenting), I have heretofore always been forced into a defensive posture. This is not to suggest, however, that all of my previous writings are of a kind. "Replowing the same ground for so long presents special challenges, which is why in recent years I have had to resort to grotesque phantasmagoria, polysyllabical sesquipedalianism, amphigoric analecta, and even serendipitous cyberspatial sciolism in an effort to present a fresh approach." Wayne R. LaFave, *Computers, Urinals and the Fourth Amendment: Confessions of a Patron Saint*, 94 MICH. L. REV. 2553, 2556 (1996) (citing articles of each variety).

5. But without resort to the Spell Check, Grammatik, and Thesaurus functions, which I fear would stifle my creative juices.

6. RICHARD A. GRAFTON, A CHRONICLE AT LARGE ON MEERE HISTORY OF THE AFFAYRES OF ENGLAND 634 (1568). Grafton, as I understand it, was the Don Rickles of his day.

7. Time hangs heavy with those who have reached emeritus status.

8. Professor O'Renyaw is Professor of Jurisprudence and Applied Mechanics at the University of Illinois, and she now occupies the coveted Oeuvrestuphed Chair in Advanced Jurisprudential Thought.

9. This is not to suggest that the above title will survive. Surely any self-respecting law review will want to change it to something like the following, which better describes the full scope of the work: "Paradigms of Sociopolitical Postmodernist Psychoanalytic Storytelling in a Multicultural Jurisprudential Deconstruction of the Indianapolis 500: A Legal Positivist's Cost-Benefit Analysis and Empirical Exploration of the Interstices of Zen Buddhism, Cybernetic Futurism, Common Law and the Novels of Proust in Search of the Emerging Hermeneutical Synthesis of the Critical Legal Studies, Critical Race Theory and Radical Feminist Perspectives: Some Tentative Thoughts on the Implications of Reconceptualizing an Equalitarian Metatheory for Defining First Principles by Applying Game Theory to the Original Understanding of John Rawls Revisited (Part I)."

revolutionized my own field of criminal law.[10] Upon reading the article, it became apparent to me that Miss[11] O'Renyaw's highly original theory espoused therein was beyond increpation,[12] and so, *Bluebook* in hand, I was reduced to searching the footnotes for peccadillos of a more technical nature. The best I could do was to complain that she had used the signal

10. I refer, of course, to EVA FALTREB O'RENYAW, ALL SEX IS RAPE; NO RAPE IS SEX (1991).

11. Eva, an uncloseted and unabashed marsupialsexual, resides at the Champaign County, Illinois, Animal Shelter with her long-time live-in companion, a kangaroo. She remains nonconnubialized only because of the repressive and discriminatory marriage laws of Illinois (and all other states), which do not permit marriage between members of different species. *See* Anthony T. Kronman, *The Erotic Politician*, 10 YALE J.L. & HUMAN. 363, 375 (1998) ("It is true that some other animals mate for life. But marriage is unique to human beings."); Maura I. Strassberg, *Distinctions of Form or Substance: Monogamy, Polygamy and Same-Sex Marriage*, 75 N.C. L. REV. 1501, 1519 n.90 (1997) (summarizing views of another author as "arguing that those who view procreation as the essence of marriage fail to grasp the human, rather than animal, nature of this institution"); Steven M. Wise, *Recovery of Common Law Damages for Emotional Distress, Loss of Society, and Loss of Companionship for the Wrongful Death of a Companion Animal*, 4 ANIMAL L. 33, 55 (1998) (noting, with respect to requirement that plaintiff and victim be "related," disagreement whether this word "could encompass the human companion/companion animal relation, or whether it was meant in its sense of being 'connected by common ancestry or sometimes by marriage,' which would not encompass the relationship between humans and companion animals").

But see A. Mechele Dickerson, *To Love, Honor, and (Oh!) Pay: Should Spouses be Forced to Pay Other's Debts*, 78 B.U. L. REV. 961, 996 n.167 (1998) (referring to writings of another comparing "the economic relationship between spouses in traditional marriages to that '. . . between a person and his domestic animal'"); Steven G. Bradbury, Book Note, 85 MICH. L. REV. 941, 941 n.2 (1987) (reviewing RICHARD J. REGAN, S.J., THE MORAL DIMENSIONS OF POLITICS (1986)) ("[H]umans have instincts, natural in all animals, that incline us toward specific ends, like marriage . . . .").

Indeed, the cultural bias against recognizing such marriages is so intense that such unions have long been an object of derision in the popular culture, as in one of the seven vignettes making up the Woody Allen classic about sex, *Tout ce que Vous Avez Toujours Voulu Savoir sur le Sexe sans Jamais oser le Demander* (United Artists 1972).

Lest I have created a mistaken impression concerning the relationship between Eva and the kangaroo, I should point out that I have no reason to believe (i) that their "fuyr of fleisschly concupiscence," GEOFFREY CHAUCER, THE PARSON'S TALE ¶ 278 (1386), has led them to, as we say, *faisant l'amour ensemble*; (ii) if it has, that they were ever discovered *in flagrante delicto* by the police, *à la Bowers v. Hardwick*, 478 U.S. 186 (1986); or (iii) if they were so discovered, that the state's attorney of Champaign County has been guilty of *négligence du devoir* in not prosecuting them. *See* 720 ILL. COMP. STAT. § 5/12–13, covering criminal sexual penetration, defined to include that between person and animal, *id*. § 5/12–12(f), which, unlike the *Hardwick* statute, does not cover consensual conduct.

12. Although you may have assumed from the article's title that her thesis has something to do with the predominance of peckerwoods at the pole position during this preeminent perennial pastime, this is decidedly not the case.

It is difficult to capture Eva's thesis in but a few words, but the gist of it is that the swift have from the very beginnings of our legal system influenced the development of those doctrines that would confer more power upon them, to the detriment of all peoples of slowness. Surely there can be no doubt about the correctness of her position, as is clearly indicated by my colleague John Cribbet's first-hand account of the development of the early common law. *See* JOHN E. CRIBBET & CORWIN W. JOHNSON, PRINCIPLES OF THE LAW OF PROPERTY ch. 3 (3d ed.1989) (on the race to the recorder's office).

Of course, this race theory has long been an important subtext in my own field of interest, criminal law. *See* Gerald Caplan, *Criminal Justice in the Lower Courts: A Study in Continuity*, 89 MICH. L. REV. 1694, 1698 (1991) (book review) ("For example, in 1848 one paper condemned 'the miserable outcasts of society' who race to the courthouse with their petty grievances, 'each endeavoring to . . . have their opponents arrested before they were taken into custody themselves . . . expend[ing] . . . the greatest portion of the money that falls by accident within their grasp.'").

Professor O'Renyaw notes how this preoccupation with speed has now intruded into all aspects of modern life, so that, for example, the winner of the Indianapolis 500 is not, as one might think, the driver who travels 500 miles in the safest manner, but instead the driver who completes that distance *le plus rapidement*.

"*contra*" several times, although by virtue of the sixteenth edition of the *Bluebook* such use was now *verboten* rather than *de rigueur*.[13] For my troubles, I got back a testy note reading: "One foreign language at a time, you antiquated jack-pudding! And you'd better try Bluebook-17."

As usual, the irrepressible Eva was right! When I got my hands on the just-published seventeenth edition of the *Bluebook*, of which I had previously been *inconscient*, I learned that therein the editors of the latest *Un Système Uniforme de Citation*[14] had sublimated the *contra* symbol to its former *éclat*.[15] Moreover, while I have not done a *mot-pour-mot* comparison of the sixteenth and seventeenth editions (I leave that for some poor drudge trying to hypertrophy such a similitude into his or her "tenure piece"), it appeared to me that this was the only change of significance between the two editions.[16] And thus added to my humiliation was outrage, for it was *totalement incompréhensible* to me how it could be that the most sensible reform adopted in the sixteenth edition of the *Bluebook* could be so summarily disavowed—and so quickly, given that the two editions, contrary to usual practice,[17] had been published a scant four years apart.

I quickly dispatched an inquiry to the editorial boards of the Columbia, Harvard, Penn, and Yale law journals, who collectively divine the *Bluebook*'s ukases. After considerable delay, all I received back was *une réponse inutile* that purported to find some oblique comparison between the writing of the *Bluebook* and the making of sausages. It was at this point that I vowed to get to the bottom of the *contra* reincarnation, and in the intervening weeks I left *aucune pierre ne tournée pas* in an effort to find some clue as to what prompted such an abrupt retreat. As so often happens, just when I was about to abandon my perscrutation, I serendipitously

13. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 1.2(c), at 23 (Columbia Law Review Ass'n et al. eds, 16th ed. 1996). As one reviewer of the sixteenth edition lucidly put it:

> "*Contra*" has been eliminated entirely as a signal, its function having been transferred to the "*but see*" signal. While "*contra*" had been used to show authority directly contrary to the cited proposition, just as "[*no signal*]" would be used for direct support, it has now been removed from the lexicon. Thus, the most common past usages of both "*contra*" (direct contradiction) and "[*no signal*]" (direct support) have been merged into "*but see*" and "*see*" respectively.

Susan W. Fox, *Citation Form: Getting It Right*, 74 FLA. B.J. 84, 85 (2000).

14. Sometimes disparagingly described a bit differently. *See* James W. Paulsen, Book Review, *An Uninformed System of Citation*, 105 HARV. L. REV. 1780 (1992).

15. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 1.2(c), at 23 (Columbia Law Review Ass'n et al. eds., 17th ed. 2000) [hereinafter THE BLUEBOOK].

16. The editors have trumpeted the new edition in cyberspace, revealing a list of seventeen changes, all of which appear to be *petites pommes de terre* except for: "'*Contra*' is revived to indicate authority contrary to the proposition." http://www.legalbluebook.com/changes.html (last visited Apr. 1, 2001). The same statement appears in THE BLUEBOOK, *supra* note 15, at v.

17. The two editions were published just four years apart, in contrast to the usual practice in recent years to publish a new edition every five years. *See* A. Darby Dickerson, *An Un-Uniform System of Citation: Surviving with the New* Bluebook, 26 STETSON L. REV. 53, 55 n.1 (1996) (listing the publication dates for the first sixteen editions). The very first edition was A UNIFORM SYSTEM OF CITATION: ABBREVIATIONS AND FORMS OF CITATION (1926), *reprinted in* THE BLUEBOOK: A SIXTY-FIVE YEAR RETROSPECTIVE (1998). In perusing Dickerson's list, I note with interest that the longest interval was nine years for the 1958 tenth edition, which happens to be the edition I used as a law review editor. I take some pride in the fact that in those days, or so it appears, there was a greater respect for tradition and less of an urge to change things just for the purpose of change.

stumbled onto the missing link when I impulsively retrieved a recent issue of the *Stanford Law Review* from the University of Illinois Law Library's *récipient de détritus*.

I was appalled at what I found therein: a *shtikel* of *shvindel*[18] by one Professor Gil Grantmore entitled "*The Death of Contra*."[19] I was saddened to see such a precipitant deterioration in the standards of the *Stanford Law Review*, especially so soon after that journal had reached the very apogee of perfection in the publication of dynamic and innovative legal scholarship.[20] It may well be, of course, that this *mésalliance* came about because the editors of that journal wished to advance some agenda of their own.[21] I prefer to believe, however, that they were just additional victims of Professor Grantmore's relentless efforts to construct a resumé seeming to justify the encomia that his overseers at Minnesota have curiously bestowed upon him at the expense of two of his hapless colleagues.

Public academic quarrels are not my cup of tea, but I am left with no choice on this occasion because of my inability to track down the elusive Professor Grantmore so that my spleen could be vented privately, in which case Grantmore himself might have felt compelled to set about rectifying the harm he has done. My calls to his home base, the University of Minnesota Law School, have gone for naught; in response to my inquiries, the secretaries there offered only *le commentaire nébuleux* that Grantmore was away from campus pursuing his current research interests. I even went so far as to contact a faculty member there, my erstwhile student[22] and then colleague, Dan Farber, who some years back absquatulated to Minneapolis by hitching a ride on a semi carrying my remaindered casebooks and hornbooks back to West Publishing Co. Farber, however, claimed to know nothing about Grantmore or his present whereabouts, which I found *très curieux* given his recent praise of Grantmore's assistance

18. As my Jewish friends would put it. (While, as the saying goes, some of my best friends are Jewish, the truth of the matter is that I have never heard any of them utter as much as a *shushkeh* of Yiddish in my direction.)

I also wish to take this opportunity to say that my other best friends fall into all of the various classifications employed in Bureau of the Census Form D-1, Questions 7 and 8.

19. Gil Grantmore, *The Death of Contra*, 52 STAN. L. REV. 889 (2000). Although I had never laid eyes on this article before, its title seemed vaguely familiar. Perhaps I was thinking of A. Michael Froomkin, *The Death of Privacy*, 52 STAN. L. REV. 1461 (2000); Lynn M. Lopucki, *The Death of Liability*, 106 YALE L.J. 1 (1996); Laurel L. Rose, *Death of a Desert Flower*, 6 TEX. J. WOMEN & L. 309 (1997); or even Mark Tushnet, *The Death of an Author, by Himself*, 70 CHI.-KENT L. REV. 111 (1994).

20. But for my modesty, I would note that the *Review* peaked with publication of Wayne R. LaFave, Mapp *Revisited: Shakespeare, J., and Other Fourth Amendment Poets*, 47 STAN. L. REV. 261 (1995).

21. It is well known that all Stanfordians, Stanfordites, Leelanders (or whatever President George W. Bush would call them) have never passed up an opportunity to take a slap at Harvard or any of its products (presumably including the *Bluebook*) ever since some malevolent soul laid upon Stanford the *soi-disant* approbation, "The Harvard of the West." (Some Stanford students employ the redundance "the Harvard of the West, the Disneyland of the North." *See* Heather Williams, *Overhaul at Stanford*, *at* http://www.everystudent.com/features/overhaul.html (last visited Apr. 11, 2001).

22. Who I distinctly recall as a rantipoling hobbledehoy.

in Farber's publication efforts.[23] Noting that the *Contra* article also said Grantmore held a visiting professorship at a university in Düsseldorf, I tried to reach him there. I know a little German,[24] mainly phrases picked up years ago as a faithful viewer of the TV staple *Hogan's Heroes*, but they did not suffice to produce any response to my calls other than an uncomprehended "*Tropfen tot, dummer Amerikaner*."

When I shared my difficulties with my *collègues de beaucoup d'années* at Illinois, some of them suggested that Grantmore might be merely the alter ego of Farber. Certainly a case along those lines could be made. After all, Farber is known to fantasize about things.[25] And, in running a check in WESTLAW® © ™, I learned that the prolific Farber had published no less than 104 articles bearing his name. About time, it might well be thought, for him to start publishing articles under someone else's name! But I do not claim here that Farber is Grantmore, for I do not wish to purvey mere half-truths. Indeed, after *quarante voyages autour du soleil* immersed in criminal law and procedure, I am too good a detective to fall for that contention, for the evidence to the contrary is rather overwhelming. Farber and Grantmore simply cannot be one and the same, for, as I noted above, in a recent article Farber thanked Grantmore for his opitulation.[26] Even more compelling is the fact that their colleague Jim Chen, in his recent *commentaire non significatif*, thanked *both* Farber and Grantmore for their thoughtful input.[27]

No, Farber is simply another victim of the poikilothermal Grantmore's chicanery, as indeed is Chen. In the footnoted jactitation appended to the byline in the *Stanford* article, Grantmore bills himself as the "Henry J. Fletcher Professor of Law and Vance K. Opperman Research Scholar, University of Minnesota Law School." What possessed the powers that be at that institution to transfer these guerdons, the two most highly coveted honors bestowed on faculty there, to Grantmore is a mystery to me. (Was he once a tutor to members of Minnesota's basketball team, with still more tales to tell the NCAA?) But Farber and Chen were the losers in the process. Farber apparently saw this coming, for he prophetically listed himself on his website only as "the first Henry J. Fletcher Professor of Law."[28] But poor Chen was apparently blindsided by Grantmore, for he added no such qualification to his credentials.[29]

23. *See* Daniel A. Farber, *Pledging a New Allegiance: An Essay on Sovereignty and the New Federalism*, 75 NOTRE DAME L. REV. 1133, 1133 n.* (2000).

24. I just can't pass up this old wheeze, so let me say that I also know a big German, my distinguished colleague Harry D. Krause, but that is another story entirely. For too much more on Krause, see *Tributes to Harry D. Krause*, 1997 U. ILL. L. REV. 667, 671, 678, 679, 687, 691, 693.

25. *See, e.g.*, Daniel A. Farber, *Wayne LaFave in the Classroom*, 1993 U. ILL. L. REV. 177, 177–79.

26. Farber, *supra* note 23, at 1133 n.*.

27. Jim Chen, *Globalization and Its Losers*, 9 MINN. J. GLOBAL TRADE 157, 157 n.* (2000).

28. *See* University of Minnesota Law School Website, *at* http://www.law.umn.edu/FacultyProfiles/DFarber.htm (last modified Mar. 13, 2000).

29. *See* University of Minnesota Law School, *at* http://www.law.umn.edu/FacultyProfiles/JChen.htm (last modified May 23, 2000).

However Grantmore was able to pull this off, it apparently occurred to him later that he (and Minnesota Law School, for that matter) would become the laughingstock of American legal education if his resumé did not reflect some production befitting a titled academic. And thus he has belatedly undertaken to pump up his *vita* with a few law review articles. I say belated because until the year 2000 the multi-coroneted Grantmore had *zero* publications to his credit! In an effort to achieve a quick fix, he has this year managed to get pieces published in the *Stanford Law Review* and in an equally obscure journal called *Green Bag*.[30] (This suggests, which must come as a blow to all who believe in high academic standards for tenure, that Grantmore's *Contra* piece may well have served as his *article qui fournit la sécurité pour sa vie entière*!)

Little need be said about the substance of *The Death of Contra*, a logomachical lament that is nothing more than a sacrilegious *coup de pied* directed at "the Bible of citation form,"[31] the *Bluebook*. In putting forth his wambly pasquinade, Grantmore joins a disreputable band of malcontents who have beaten the *Bluebook* horse in the past.[32] The thesis of Grantmore's discordant dirge, that the *Bluebook* editors ought not have abolished *contra* as an available introductory signal, is absurd on its face.[33] The availability of the *contra* signal has merely provided an opportunity for contentious judges to complain that it, rather than some other signal, should have been used,[34] while its absence puts *Bluebook* compliance

30. Gil Grantmore, *Mark My Words*, 3 GREEN BAG 2d 121 (2000).

31. *E.g.*, Jonathan Jacobson, Book Review, 43 BROOK. L. REV. 571, 571 (1977).

32. *See, e.g.*, Jim C. Chen, *Something Old, Something New, Something Borrowed, Something Blue*, 58 U. CHI. L. REV. 157 (1991); Dickerson, *supra* note 17; John Fee, *Bluebook Blues*, CATCHLINE, Sept. 1991, at 6; James D. Gordon III, *Oh No! A New Bluebook!*, 90 MICH. L. REV. 1698 (1992) (book review); Kevin G. Gralley & John C. Aisenbrey, Book Note, 65 GEO. L.J. 871 (1977); Stephen R. Heifetz, *Blue in the Face:* The Bluebook*, the Bar Exam, and the Paradox of Our Legal Culture*, 51 RUTGERS L. REV. 695 (1999); Arnold B. Kanter, *Putting Your Best Footnote Forward*, BARRISTER, Spring 1982, at 42; Geoffrey C. Mangum, Book Review, 18 WAKE FOREST L. REV. 645 (1982); James W. Paulsen, *An Uninformed System of Citation*, 105 HARV. L. REV. 1780 (1992) (book review); Richard A. Posner, *Goodbye to the Bluebook*, 53 U. CHI. L. REV. 1343 (1986); Richard Saver, *Singing the Blues Over the Gospel of Cite Rules: Harvard's Hated Bluebook Prospers—and Grows Longer*, RECORDER, Oct. 2, 1991, at 1; William R. Slomanson, *Bluebook Review*, 28 ARIZ. L. REV. 1, 47 (1986) (book review).

33. I am saddened to report, however, that Grantmore is not alone in his *contra* fetish, and that the *Bluebook* seventeenth edition is not the only style manual endorsing its use. *See* James T. R. Jones, Book Review, 73 TEMP. L. REV. 219, 223 (2000) (touting ASS'N OF LEGAL WRITING DIRS. & DARBY DICKERSON, ALWD CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION (2000), as "a worthy competitor" to the *Bluebook* in which "the beloved (by this reviewer) '*contra*' cite is reborn").

The occasional defender of the *contra* signal should not be confused with those who believe the *Bluebook* is in need of certain other signals now lacking. *See* Mary I. Coombs, *Lowering One's Cites: A (Sort of) Review of the University of Chicago Manual of Legal Citation*, 76 VA. L. REV. 1099, 1108–11 & n.60 (1990) (book review) (proposing "Will not see in," "trust me, I've looked for it," "See, sort of," "See, randomly," "Really should see," "Pretend to have seen," "Don't you wish you could see," and "Feel, e.g.,"); James D. Gordon III, *Oh No! A New Bluebook!*, 90 MICH. L. REV. 1698, 1701 (1992) ("The *Bluebook* still leaves out some very useful signals, such as *read and weep* and *try to distinguish this one*. For contrary authority, it omits *disregard, ignore also*, and *for a really bizarre view, see*.").

34. *See, e.g.*, Czerkies v. United States Dep't of Labor, 73 F.3d 1435, 1447 (7th Cir. 1996) (en banc) (Easterbrook, J., concurring) ("*Rodrigues* gave [*Ringer*] a 'cf.' citation; the correct signal would have been

within the ken of mere mortals.[35] Moreover, as any law professor worth his or her NaCl[36] knows full well, nothing could have improved the mental health of law students more than abolition of a signal serving only to communicate the unsettling fact that legal authority on both sides of a proposition exists.[37] I thus can hardly be viewed as a gormless smellfungus when I conclude my floccinaucinihilipilification[38] of *The Death of Contra* with the observation that Grantmore's objurgation is the worst of its genre.[39]

It is interesting to note how close Grantmore's scheme came to failing completely, for absent the exposé you are presently perusing it is unlikely that many in *l'académie juridique* would ever have learned of the article's existence. You see, most law professors learn about what is new in the legal literature by relying upon the e-mail service provided by the *Current Index to Legal Periodicals*, which sends out lists of articles by subject heading each week. Because Grantmore's *Stanford* piece has "Death" as the one significant word in its title, it was perhaps inevitable that the article would be listed by some Laodicean librarian only under the "Criminal Law

'contra.'"). For more on *cf.*, see Ira P. Robbins, *Semiotics, Analogical Legal Reasoning, and the* Cf. *Citation: Getting Our Signals Uncrossed*, 48 DUKE L.J. 1043 (1999).

35. Susan Thrower writes:

> Rules are usually easiest to follow when they are few. The Sixteenth Edition conforms to this theory that less is more by streamlining signals, those shorthand clues as to the level of support a case gives to a proposition. New Rule 1.2 has abolished the signal "contra," subsuming it into "but see."

Susan E. Thrower, *What's New in the Bluebook, Sixteenth Edition*, 85 ILL. B.J. 137, 138 (1997).

And if abolition of *contra* ultimately leads to a total delatinization of approved signals, all to the good. If in this footnote I want to refer to the Chen article in footnote 27, why do I have to say *supra*? Don't people *know* that 27 comes before 35? (I hate to sound so Andy Rooney-ish, but I still have a chip on my shoulder regarding my two years of high school Latin, endured on the supposition it was a prerequisite to becoming a lawyer, although in forty years before the bar I have not once had to declare that *Gallia est omnis divisa in partes tres*.)

36. If you are befuddled by this reference, see your seventh grade science notes or, failing in that, see Jason M. Okun, Note, *To Thine Own Claim Be True: The Federal Circuit Disaster in* Exxon Chemical Patents, Inc. v. Lworizof Corp., 21 CARDOZO L. REV. 1335, 1367 n.245 (2000).

37. And in any event, impressionable students *de la loi* should not be bombarded with propaganda while using the *Bluebook*. *See* Lawrence Savell, *The Bluebook Blues*, NAT'L L.J., Apr. 10, 1995, at A19, A20 ("Enterprising marketers and propagandists appear to have inserted references to automobile models ('Accord'), political groups ('Contra'), Freudian psychotherapy concepts ('Id.') and eschatological constructs ('Hereinafter'). There should be absolutely no place for the hawking of wares in the pages of an objective rule book. Where will it all end?").

One commentator of narrower vision, apparently unable to see the *forêt* for the *arbres*, has not objected to the *contra* signal as such, but only to the requirement that it be italicized. *See* Posner, *supra* note 32, at 1345. This may be just some more of that *de loi et de sciences économiques* whizbang.

38. I thought I would test the editorial mettle of the *Review*'s editors with this word, the longest nontechnical word in the English language.

39. By which I mean legal literature dealing with the subject of *contra*, a field already occupied by such frippery as Hadely Arkes, *Scalia Contra Mundum*, 21 HARV. J.L. & PUB. POL'Y 231 (1997) (book review); Francis A. Boyle, *Determining U.S. Responsibility for Contra Operations Under International Law*, 81 AM J. INT'L L. 86 (1987); Keith R. Fisher, *Federalism Contra Federal Reservism: Bank Holding Companies and State Bank Powers*, 23 U.S.F. L. REV. 317 (1989); Douglas Nichols, *Contra Non Valentem*, 56 LA. L. REV. 337 (1995); and Joseph Pugliese, *Rationalized Violence and Legal Colonialism: Nietzsche* Contra *Nietzsche*, 8 CARDOZO STUD. IN L. & LITERATURE 277 (1996).

and Procedure" heading,[40] an ignominious *extrémité morte.* Those pathetic souls attracted to this dismal field do very little reading,[41] and in any event can't tell a law review article from a writ of habeas corpus![42]

Had that been the end of the matter, I could have just left the *chiens en sommeil* undisturbed. But it was not, for—as we have seen—Grantmore's piece apparently came to the attention of the *Bluebook*'s editors, prompting the premature seventeenth edition. Surely the editors of the Columbia, Harvard, Penn, and Yale law reviews would not stoop to examining legal periodicals originating west of the Alleghenies, and thus I can only surmise that someone placed a reprint of *The Death of Contra* into their collective hands. I wouldn't put it past Grantmore, but, sadly enough, it may have been done by the *Stanford* editors themselves, who in a rash moment could not pass up this opportunity to let the air out of the "eastern establishment." But the *Bluebook* editors, apparently wishing to obliterate any and all criticism (and to enhance their position of superiority[43]), simply changed the rules once again!

I am confident that this publication of my *analyse bien raisonnée* will itself accomplish one of my objectives: giving that blackguard Grantmore his well-deserved comeuppance. But the ultimate goal, for all of us who spend most of our waking hours providing intellectual nourishment to this nation's law reviews, is to get that damn *contra* out of our lives. I earnestly ask all of you to join me in this crusade, so that we may ensure that the eighteenth edition of the *Bluebook* and all editions thereafter eschew the *contra* signal.[44] Even my friend and colleague Professor O'Renyaw has become energized by this cause,[45] and in her revolutionary fervor has supplied a worthy *cri de bataille* for our campaign: "The *Bluebook* to the people!" To which I can only add:

Liberté, Égalité, Fraternité, Sans Contrariété

40. Makes me wonder how the *Current Index* people will classify this piece!

41. Even the five pages of *The Death of Contra* are beyond their attention span!

42. Yours truly, of course, is the exception that proves the rule.

43. *See* Savell, *supra* note 37, at A19 (revealing that "the *Bluebook* was created and is maintained by students at four leading law schools to ensure that, when they and their peers take their places at the bottom of the food chain of some prestigious firm, they will be regarded as competent in at least some small aspect of the practice of the law").

44. Lest you think this is a hopeless cause, I should note that some of the *Bluebook* editors, at least on a subconscious level, appear to regret the resurrection of *contra.* Why else, as this is being written about half a year following publication of the seventeenth edition, are contributors still being asked to follow the sixteenth edition? *See* Harvard Law Review Submission Web Page, *at* http://www.harvardlawreview.org/Submit.html (last visited Apr. 1, 2001).

45. True to her revolutionary stripe, she plans to send nonstop spam to bluebook@harvardlawreview.org. But for *le risque de litige*, see *Rice v. Paladin Enters., Inc.*, 128 F.3d 233 (4th Cir. 1997), I would encourage others to do likewise.