

MAEVA MARCUS

I've been asked to say a few words about our outgoing president, Maeva Marcus.

Maeva and I were born in the same year. That was long enough ago that neither of us wants to get too precise about it. Suffice it to say here that we antedate the Baby Boomers, though not by much.

Our acquaintance goes back a long way. Maeva married my law school classmate and fellow law journal editor Dan Marcus while he was in law school. Sheila and I also married while I was in law school. We all began what one might call "real life" in Washington, DC, and we saw quite a bit of each other. Neither Maeva nor Sheila is a lawyer. What they said to each other as they contemplated what they had gotten into Dan and I will never know. That's probably just as well.

Maeva, unlike Sheila, was backing her way into law. She was working on a doctorate in American history at Columbia and completed it with a dissertation on the *Steel Seizure Case* of 1952. This was published as a book in 1977, and you can still get a copy through Amazon.com. The topic remains a timely one, dealing as it does with the limits of presidential power. There are not many doctoral dissertations written more than 30 years ago that are still being cited as "the word" on the topic.

In the same year, if I have the dates right, Maeva became the general editor of the *Documentary History of the Supreme Court of the United States, 1789-1800*. This was a pretty radical shift for Maeva, at least for someone viewing it from the outside. She moved from a monographic work on contemporary history, a one-person effort, to a documentary history of an institution that was barely out of the colonial period and that involved supervising a whole team of researchers and editors. She was also, let us be blunt, working for an organization that collectively did not have the foggiest idea of what was involved. I remember well that there were those who were involved in massive documentary histories of figures from this period, sponsored by respectable academic institutions, who publicly expressed doubt whether Maeva could pull it off.

They need not have had doubts. It took thirty years, but we now have eight superb volumes that will never have to be redone. The organizational effort and skill that Maeva put into it was, of course, enormous. On the one side the documents had to be assembled, transcribed, edited, organized, and printed; on the other side, the operation had to be funded over a long period when there was no reliable institution to support it. Maeva learned the meaning of the now popular phrase "herding cats."

One can take on a job like this and turn one's self into a manager. If one is good at it, as Maeva obviously is, one will have made a substantial contribution. The volumes themselves will vary somewhat in quality; there will be different editorial principles at work in different volumes, but the job will get done, and what gets produced will certainly be better than nothing at all. That is not, however, what a really good general editor does. With a really good general editor, nothing goes out the door until the general editor has edited it.

Maeva is a really good editor. She has an eye for detail with which few are endowed. She can spot a typographical error across the room. It would embarrass me to tell you the number of times that I have received a quiet little message saying that an ASLH web page would look better if it didn't have three typos and one misspelled name on it. But editing historical documents involves more than just spotting errors. It involves trying to get

into the minds of those who produced the documents and explaining to reader what a puzzling phrase or sentence might mean. We had a number of conversations over the years about what our early federalist lawyers might have meant by a Latin phrase that they used or abused. Others in the room will remember how widely she cast her net as she was trying to figure out what the documents might mean. Editing historical documents also involves presenting them in a way that will answer the questions that a modern researcher is posing. I certainly can claim no expertise in the field of early Supreme Court history, but looking at Maeva's volumes makes me think that I might be able to do it. They produce the reaction that historians sometimes have when they wander out of their bailiwicks and encounter a first-class piece of work that gives them confidence that they can build on it.

As we all know, Maeva went directly from herding the cats that circled around the documentary history of the Supreme Court to herding another group of cats, us. I'm sure that she is a bit disappointed that she could not do more to moving the ASLH to sponsoring a revival of American constitutional history. She will not be the first president of the ASLH who came into the job with a vision and may be leaving it thinking that all she did was keep the organization going. Looking at it somewhat from the outside I know that she leaves the organization in far better shape than it was when I dumped it on her two years ago. The number of accomplishments that she has to report on Saturday is truly impressive. Once more from the outside, I'm not even sure that a revival of American constitutional history isn't happening. What I can say with certainty is that we are all grateful for the two years that she has devoted to the task, and that we regret, as I suspect that she does not, that she will be leaving the job to return full-time to the post of director of the Institute for Constitutional History at the GW Law School and the NY Historical Society.

Let me close with something a bit more personal. While we were in Washington Dan and Maeva invited us to their seder. It was the first seder that Sheila and I had ever been to. Many years later Maeva told me that it was the first seder she had ever organized, and that she feared that she really did not know what she was doing. It looked pretty good to us. Maeva blessed the candles in Hebrew. The youngest guy at the table (who wasn't much younger than the rest of us) asked the four questions of the *Ma nishtana*, again in Hebrew, and the two goys at the table hung onto the translation for dear life. When we got to the Great Hallel, I noticed from the translation that one of the psalms, the one that begins 'When Israel went forth from Egypt', was one for which I knew a special Gregorian chant cantillation. So I sang it. *In exitu Israel de Aegypto domus Jacob de populo barbaro*. Some years later, I found out that a great musicologist at Harvard had found a small group Sephardim in Yemen singing a special psalm cantillation: *Beshet Israel mimizrayim, beth jacob me am lo es*. The rhythm is different, but that's clearly the same tune. Not only that—I see a couple of you already smiling—it's the same psalm. Sometime in the Middle Ages, probably in Spain, some Jew taught some Christian this neat cantillation for this particular psalm. In all the dreadful stories about Jewish-Christian relations in the Middle Ages and beyond, it's nice to know that there are some exceptions.

Welcome back to the world of scholarship, Maeva. We'll miss you in your current job, but we hope to see a lot of you doing what this organization is really all about.

Charlie Donahue