

Ex Ante

United States v. United Foods, Inc.,¹ and to a sequel, *Johanns v. Livestock Marketing Association*.² The second is for “Painless Parker, Dentist” – a nod to Breyer’s opinion in *California Dental Association v. Federal Trade Commission*.³ Below those is a fragment of a third ad. If you could see the whole thing it would read “J. McMachinery & Friend, Ltd.” – a nod to two admirably forthright and characteristically practical jurisdictional opinions by Breyer in *J. McIntyre Machinery, Ltd. v. Nicastro*⁴ and *Hertz Corp. v. Friend*.⁵

We could say more, and maybe we will someday, but for now we’ll just say “play baseball.”⁶

WE’RE IN KANSAS EVERMORE

After the U.S. Supreme Court decided *South Dakota v. Wayfair*, we had to stop doing business with the good people of Kansas. We were sad about that. See *Wayfair and Farewell*, 23 Green Bag 2d 2 (2019).

But now we can joyfully report that while *Wayfair* has not changed, Kansas’s tax laws have changed in ways that make transacting with Kansas feasible again. See *An Act Concerning Taxation*, 2021 Kansas Laws Ch. 93 (S.B. 50). So, we send many thanks to the Senate and the House of Representatives of Kansas. And we will happily send *Green Bags* (and, when appropriate, other treasures) to subscribers in Kansas.



¹ 533 U.S. 405, 419 (2001) (Breyer, J., dissenting).

² 544 U.S. 550, 569 (2005) (Breyer, J., concurring).

³ 526 U.S. 756, 781, 785 (1999) (Breyer, J., concurring in part and dissenting in part).

⁴ 564 U.S. 873, 887 (2011) (Breyer, J., concurring in the judgment).

⁵ 559 U.S. 77 (2010).

⁶ 536 U.S. 822, 841 (2002) (Breyer, J., concurring).