

Errata

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/mlr>

Recommended Citation

Errata, 50 Md. L. Rev. 1350 (1991)

Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol50/iss4/6>

This End Matter is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Law Review by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact smccarty@law.umaryland.edu.

ERRATA

In its continuing effort to improve accuracy and scholarship, the Maryland Law Review presents the following exchange of letters which were brought to its attention by Dean Michael J. Kelly, of the University of Maryland School of Law.

To Shale Stiller, Esquire, on September 16, 1990.

The signs of improved quality in an institution come in various forms: the credentials of its students, the fame of its faculty, the seriousness of its educational program, etc. Generally overlooked in the usual indices of quality is the moral style of the organization, the way it handles serious ethical challenges.

I enclose recent correspondence between two faculty members at this law school about a matter of academic integrity of the highest importance: the attribution of a quotation and its validity and source. I believe you will agree that the high moral tone, analytical sophistication, and inventiveness of this correspondence is further evidence of the coming of age of the University of Maryland School of Law.

Best wishes,

Sincerely,

/s/ Mike Kelly

To Professor David Luban on September 10, 1990.

Duty compels me to this painful communication. The other day I picked up [number 2, volume 49] of the *Maryland Law Review* and began to read your piece. On the very first page, I came to an abrupt stop. There is an attribution to Benny Goodman of a statement about a clarinet: that it is "an ill woodwind that nobody blows good." No source is given at all.

What bothered me initially was that Goodman was supposedly speaking of his own instrument. From the little I know of him, he would not have been compelled by excessive modesty to deny his own merits as a player, even if he had doubts as to the abilities of others. I seem further to recall musicians' descriptions of the clari-

net as among the easiest of instruments to learn to play tolerably well.

I had got no further until the middle of last night, when I awakened with a recollection of reading the "Goodman" quotation (in slightly different form) as made, not about the clarinet, but about the oboe. Laborious research has confirmed this. See L. McKinney, *People of Note* 31 (Crowell-Collier 1940), which described the oboe thusly:

Hard to pronounce and play, the OBOE—
(With cultured folk it rhymes with "doughboy")
Though many an intellectual hobo
Insists that we should call it oboe)
However, be that as it may,
Whene'er the oboe sounds its A
All of the others start their tuning
And there is fiddling and bassooning.
Its plaintive note presaging gloom
Brings anguish to the concert room,
Even the player holds his breath
And scares the audience to death
For fear he may get off the key,
Which happens not infrequently
This makes the saying understood:
"It's an ill wood wind no one blows good."

The quotation is without attribution, but I doubt that Goodman was the author, and, if he was, he was speaking about the oboe, notoriously difficult to play, and not the clarinet.

I am forced to one of two conclusions: (1) you dimly and wrongly remembered the tag about some instrument, and without checking your sources, cavalierly attributed it to Goodman and the clarinet, or (2) you consulted some authority so dubious that you were ashamed to make an attribution. It is difficult to imagine a respectable scholar, especially when writing on the topic of ethics, doing either of those things. I stopped reading your work at the point of the purported quotation, because it seemed to me that I could no longer trust anything I read.

You might try to defend yourself by claiming that "kind hearts are more than clarinets (or, is it cornets?)," but I do not think that the scholarly world will accept such an attempt to wriggle out of your difficulty. Forthright repentance and confession is required.

I postpone writing to the New York Times and the Journal of Music and Morality to give you an opportunity to state whatever feeble defense you may have. Should it turn out that you do have

good authority for stating that Benny Goodman actually made the statement about the clarinet, I will of course apologize, asking only why you chose to begin this controversy by slyly withholding your sources.

Sincerely,

/s/ John M. Brumbaugh
Professor of Law

To Professor John Brumbaugh on September 12, 1990.

In the mouthpiece of the clarinet the reed is only one;
And that is why performing on it doesn't cause much trouble.
But with the oboe, you can bet a dark, chromatic run
Provokes appalling mews and squeaks, because the reed is double.

These facts are common knowledge, so there's really no excuse
For my hasty and horrendous clarinet misattribution.
I suppose I could deny it, but I know that it's no use,
So instead I must 'fess up and offer humble restitution.

Alas! I have confused the two—an error most egregious.
My scholarship's deficient, and it fills me with dismay.
I've sullied our dear law review, a journal most prestigious.
It's as bad as if I'd called the clarinet a *cor anglais*.

As if I'd called the piccolo a fife or a recorder,
Mistaken late Beethoven for the early Grateful Dead,
Explained the movements of sonata form in garbled order,
I've announced McKinney's epigram as something Goodman said.

Contritely yours,

/s/ David Luban

An "itinerant piano player," Mr. M. Sigmund Shapiro learns of the debate from Shale Stiller and responds to Dean Kelly on September 26, 1990.

Shale shared with me the profound correspondence conducted between Dr. David Luban and Professor John Brumbaugh, regarding oboes, clarinets and their ilk.

First of all I knew Benny Goodman. Benny Goodman was a friend of mine. Benny Goodman was no phrase maker.

Secondly and more importantly, I believe that the source for the quote cited by Professor Brumbaugh may be in error.

I first encountered the quote in a song "Anatole of Paris" written by Sylvia Fine for her husband Danny Kaye. The opening stanza is:

It all began when I was born a month too soon.
My Ma was frightened by a runaway saloon.
Pa was forced to be a hobo,
Because he played the oboe;
And the oboe, it is clearly understood
Is an ill wind that no one blows good.

The song goes on in much the same vein and I will be happy to perform it for you, with appropriate accompaniment after an injection of Slivovitz at Chez Stiller—if his piano is in tune.

I trust you will pass on these comments to the two learned gentlemen involved.

Best regards.

Sincerely,

/s/ M. Sigmund Shapiro

Professor John Brumbaugh researches the issue further and sends his findings to Dean Kelly on October 5, 1990.

I have taken a further look, enlightened by your letter from Mr. M. Sigmund Shapiro, and with the kind assistance of the Music Department of the Enoch Pratt Library, at the history of this comic definition. Some of the fog has dissipated, but Truth remains hiding in the wisps.

Pratt reports that in "Encyclopedia of Quotations about Music," compiled by Nat [relationship to M. Sigmund Shapiro, if any, unknown] Shapiro in 1977, the definition is tagged anonymous. Mr. Shapiro may not have known of Sylvia Fine's song or of McKinney's verse. On the other hand he may have known about either or both, but also known that the definition was from some earlier, unknown source.

I originally reported a date of 1940 for McKinney, who by putting the phrase in quotation marks suggested that he did not originate it. The date was the last copyright date on his book, but it also bears an earlier date of 1939, so his verse may have appeared in that year.

Nineteen thirty-nine was also the year, according to Pratt, of the composition of "Anatole of Paris," written for "Straw Hat Revue" by Sylvia Fine for Danny Kaye. Perhaps the phrase, "it is clearly understood," referring to the definition, suggests that it was not original with Fine. Although either McKinney or Fine might have originated the phrase, it seems more probable to me that McKinney got it from Fine than the other way around. It is perhaps equally probable that the origin was earlier and the source remains unknown.

Plainly, it is up to David Luban to sort this thing out. A beginning might be made by his undertaking to have an errata sheet inserted in the next issue of the *Maryland Law Review*, to read more or less as follows:

p. 424:

Line 19: *For* clarinet, *read* oboe.

For Benny Goodman, *read* Sylvia Fine.¹

Line 20: *For* woodwind, *read* wood wind.²

I will leave to David the problem of checking the Pratt sources and renumbering his footnotes. He will, of course, wish to carry the research further.

1. The phrase:

And the oboe, it is clearly understood
Is an ill wind that no one blows good.,

appears in "Anatole of Paris," a song composed for Danny Kaye's use in "Straw Hat Revue" in 1939. It also appears in "People of Note," at page 31, a book of light verse by L. McKinney, in the following form:

This makes the saying understood:

It's an ill wood wind no one blows good.

McKinney's verse was written in or prior to 1940, according to the copyright notice in the book. It is not entirely clear that McKinney got the definition from Fine; it may have been the other way around. The "Encyclopedia of Quotations about Music," compiled by Nat Shapiro in 1977, lists the definition as anonymous. Perhaps it preceded both Fine and McKinney.

2. Or, possibly, "wind." See fn. 1.