



To the Bag



Don't Stay Too Long!

To the *Bag*:

Bennett Boskey's delightful piece about tea with Justice Brandeis (8 GREEN BAG 2D 17) took me back in memory to a wonderful lawyer I knew in Washington in the 1950's, Joseph A. Fanelli. (He represented a victim of the federal loyalty-security program, Abraham Chasanow, about whom I wrote for the Washington Daily News. With Joe Fanelli's help, Chasanow was cleared and got his government job back.) Fanelli told me the following story.

Fanelli graduated from the Harvard Law School in 1935 and went to work in Washington. Some time later he had a telephone call from Justice and Mrs. Brandeis's butler, Poindexter, saying that he was invited for tea. Fanelli assumed that his name had been suggested by Professor Felix Frankfurter. On the appointed day he turned up at the Brandeis apartment. Poindexter was at the door. "Mr. Fanelli," Poindexter said, "stand against the wall and someone will bring you a cup of tea. No smoking!" In due course the Justice came around and said, "I'm sorry, I don't know your name." "It's Fanelli, Mr. Justice." "What do you do, Mr. Fanelli?" "I'm with the Reconstruction Fi-

nance Corporation.” “Don’t stay too long!” With that, the justice moved on.

The next year Poindexter telephoned again. He knew that Fanelli had married, and he invited both to tea. Once again Fanelli was served a cup of tea and waited. Brandeis came around and said, “I’m sorry, I don’t remember your name.” “It’s Fanelli, Mr. Justice.” “What do you do, Mr. Fanelli?” Fanelli was working for another federal agency by then – I forget which – and he told the justice. “Don’t stay too long!” Brandeis said, and moved on.

A year or two later the Fanellis were so senior that Mary was asked to help pour the tea, a great honor. Joe was determined to break the conversational cycle. It began as before. “I’m sorry, I don’t remember your name,” the justice said. “It’s Fanelli, Mr. Justice.” “Ah yes, Mr. Fanelli. What do you do?” “I’m with the Board of Immigration Appeals, Mr. Justice.” “Don’t stay too long!” Quickly, before Brandeis could move, Fanelli asked, “Why do you say that, Mr. Justice?” “Because, Mr. Fanelli, I believe that every man should get back to his hinterland.” “But Mr. Justice, I come from New York. I don’t have any hinterland.” To which Brandeis replied, “That, sir, is your misfortune.” And moved on.

Anthony Lewis
Cambridge, MA



But-For Wealth and Power

To the Bag:

I read with interest and pleasure Jacob Stein’s “Laidlaw, Sage, Prosser & Choate” (Winter 2005 issue). And though I don’t use *Prosser on Torts* in my Torts course here at George Mason, I make abundant use of *Laidlaw v Sage*, 158 N.Y. 73 (1899) (which, alas, Professor Epstein has not chosen to include in the casebook that my students purchase).