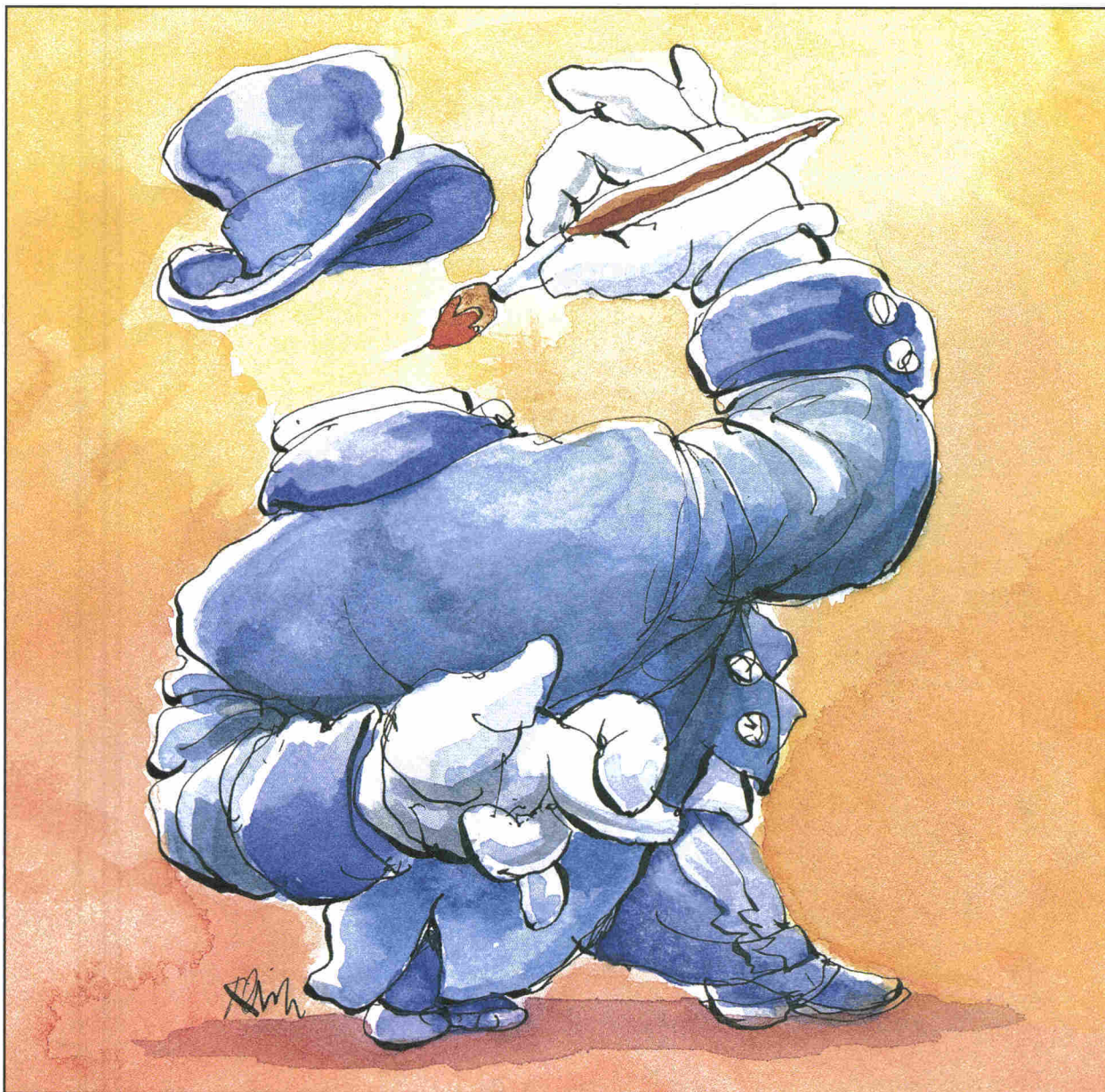


AUTHORS GUILD

Spring 2006

BULLETIN



TRUTH & MEMOIR: A Conversation with William Zinsser

Roy Blount Jr. Elected Guild President

Symposium: Freelancing Without Freefalling

Small Claims Court for Copyright? The Guild's Testimony

Adopted by Everyone: A Proposal for "Orphan" Works

LETTERS TO THE EDITOR

An initial skim through the Bulletin's Google Symposium transcript was sufficiently disappointing as to dissuade me from doing a close reading. (I speak, b/t/w, as one of the Old Network Boys, one of whose subspecialties was network security.) The key point is that apparently there was nobody there, on stage or in audience, who really knows computers, much less intercomputer networking.

Either that or the transcript suppressed what should have been at least a couple of extremely raucous reactions had there been anybody around who "had clue," as the current generation of the neterati often phrase it.

When the Guy from Google said that all They were doing was showing "snippets," he should have been hooted off the stage. It's precisely because once They've scanned and OCR'd the entire book They *can't really* limit what users can see to "snippets" that Their whole case falls to the ground. And it's not only the possibility that Their "database" could be penetrated or misappropriated in some to-be-determined fashion: within 10 minutes of my becoming aware of the Guild's lawsuit last year, I'd found—using Google—a grad student who'd already broken Google's at-the-time protection mechanism against re-

The Guild encourages members to write to the Bulletin. Letters should be sent to "Letters to the Editor," The Authors Guild, 116 West 23rd Street, New York, NY 10011. They can also be faxed to (212) 564-5363, or sent via e-mail to staff@authorsguild.org (type "Letters to the Editor" in the subject line). Letters may be edited for length, grammar and clarity.

peated inquiries and written a program that would allow an entire work to be exposed a "snippet" at a time. Though They've changed the implementation since, the entire history of "digital rights management" argues against an impenetrable protection mechanism ever being developed.

When the Guy from Stanford—or perhaps from the Stanford Chamber of Commerce Cheerleading Squad—essentially credited the Internet to "a Stanford student with his professor" he should have been hooted off the stage even before he went on to credit the Web to a "Swiss researcher," which is also nonsense. While neither the Stanford student nor the Stanford faculty member, both of whom are friends of mine, can be said to have invented the 'Net, as Lessig almost implied they had, it was in fact the

professor, not the student, who could claim to be at least co-inventor (along with a Princeton Ph.D.) if he chose to. Instead, some months ago, he scrupulously said, "We all invented the Internet."

And while Tim Berners-Lee was indeed working at a research facility in Switzerland (CERN, actually) when he came up with the Worldwide Web, he's not Swiss.

Continued on page 47

ALONG PUBLISHERS ROW

BY CAMPBELL GEESLIN

How did the book business stack up last year? **David Rosenthal**, publisher of Simon & Schuster, said, "If there's any theme to the year, it's that people only want to read the truth." He said nonfiction sales were generally good, but fiction sales were [expletive deleted].

Edward Wyatt, in *The New York Times*, said, "This continues a trend that began at least four years ago, when, after 9/11, a large segment of readers seemed to give up on fiction, flocking instead to nonfiction works . . ." Examples were **Jimmy Carter's** *Our Endangered Values* and **Kurt Vonnegut's** essays, *A Man Without a Country*.

The fiction that did do well last fall included two first novels: *The Historian*, by **Elizabeth Kostova**, and *The Widow of the South*, by **Robert Hicks**. Credit for the

success of both books went to a series of dinners that the publishers arranged with booksellers around the country just as early copies were being shipped.

Wyatt quoted a publisher: "Such early meetings between authors and bookstore representatives have become as important to a book's marketing as the traditional author tour and book signing after a book is released."

ROLL CALL: According to PW, the Romance Writers of America has 9,500 members, but only about 1,600 of them have published books. Anyone can join for \$75.

THE END: **Jan Karon's** ninth and final book in her Mitford series is *Light from Heaven*. When asked on tel-

Continued on page 26

THE AUTHORS GUILD BULLETIN

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Overheard

"If Viswanathan weren't young, attractive, and a student at the best brand name in higher education, wouldn't she be James Frey II?"

—Jane Genova, marketing consultant and blogger (janegenova.com), on the plagiarism charges that forced the recall of 19 year old Harvard student Kaavya Viswanathan's *How Opal Mehta Got Kissed, Got Wild and Got a Life*.
April 27, 2006

SPRING 2006

Articles

Opening Lines:
Contesting Fate
By Nicholas Weinstock
Page 5

Annual Meeting
By Abigail Montague
Page 6

Truth & Memoir: A Conversation
with William Zinsser
Page 7

Small Claims Court for Writers?
Page 10

Copyright's Orphans
By Anita Fore
Page 11

Trademark Bill
By Michael Gross
Page 11

Symposium
Freelancing Without Freefalling
Page 13

Departments

<i>Along Publishers Row</i>	2
<i>Letter from the President</i>	4
<i>Censorship Watch</i>	12
<i>Members Make News</i>	38
<i>Books by Members</i>	39
<i>Bulletin Board</i>	41
<i>Legal Watch</i>	44

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About the Cover

From the President

BY ROY BLOUNT JR.



When she was growing up in 19th century high-society New York, recalled Edith Wharton, "authorship was still regarded as something between a black art and a form of manual labor."

Sounds pretty good to me. Honorable territory, the nexus of uncanny notions and dogged typing. But that doesn't necessarily mean authorship *pays* as well as either necromancy (see Karl Rove) or those forms of handwork that are skilled and/or organized. We write because we want to tell something, but unless we are willing to squeeze in a few hours of telling after a hard day of sorcery or plumbing, what we tell has got to sell.

And books, those lunky bricks of paper that seemed so cutting-edge in 1454, are looking like anachronistic packages. Actual physical tomes aren't exactly quaint yet. They're still vendable to people of taste, like free-range chicken and artisanal bread, but chicken and bread don't accumulate like books do. You don't find yourself looking at a \$24.95 chicken and wondering why you bought it in 1999. You don't have to keep building new shelves for your bread.

It's not hard to remember where you put the chicken or the bread you're looking for. And when you do find the book you have in mind, you have to provide your own search engine—it may take hours of thumbing before you conclude that the passage you're looking for is not in that book after all. Meanwhile, if you're like me, you will have been enjoying yourself thoroughly, finding books and passages you weren't looking for, learning things you never expected to, and congratulating yourself for having held on to a pleasantly palpable volume that you paid \$4.95 for in 1958. A book with friendly type, hand-appeal and memories. Nothing is ever going to replace books for me. Even if they do invent a laptop that you can spill tomato sauce on, shake sand out of and read in the tub.

But. I am 64. *Already*, as a man in Mississippi told me once. No telling how old I'll be before I know it. I realized several years ago that the printed word was in transition, when a younger friend told me she had read something "on The New York Times."

"On the Times?" I asked her.

"That's right," she said. For her, *on* was the natural preposition, because of course she read the Times online.

I read things *in* the Times. I disappear into the Times, and other ever-so-slightly ink-shedding sheaves of newsprint, every day of my life, and I intend to keep on doing it. Which means that every week I recycle enough paper to wrap . . . (Well I was going to make a fish-wrapper reference, but that's really old technology.) It also means that my house may contain a greater volume of clippings than of furniture.

Marshal McLuhan divided media into hot and cool. He might also have divided them into in and on. We say we saw something in *The Godfather* and on *The*

***Nothing is ever going to replace books
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that you can spill tomato sauce on,
shake sand out of and read in the tub.***

Sopranos. In Time and on *Sixty Minutes*. You write something in a diary, you post it on a blog. The theater is sort of in-between: Plays are mounted on stage, but you saw (I hope) Patti LuPone in *Sweeney Todd*.

I guess people still say "in *Bleak House*," because even though it is on TV, *Masterpiece Theatre* is grandfathered into a classic frame of reference. However, I notice that after each installment of *Bleak House*, PBS offers to sell it to you either on DVD or in "the companion volume." That being—Hello?—the *book*, the *text*, the *original entity*. . .

Maybe someday people will say, "I read it on *War and Peace*." You'll be able to log onto Pierre and Natasha anytime you feel like it (assuming a virus hasn't jammed your access). Tolstoy might have approved of that, actually. But Tolstoy had money.

Which brings us to why the Authors Guild is suing Google to keep it from digitizing copyrighted books without applying to the copyright holders for the license to do so. Google says it won't let anything more than just "snippets" of these books get out into free availability on the web. But what constitutes a snippet? Is it bigger than a tidbit? A witticism? How many snippets in *A Million Little Pieces*?

And how reliable is Google's control over what it

Continued on page 36

Opening Lines

Contesting Fate

BY NICHOLAS WEINSTOCK

Published authors are generally viewed as the luckiest people in the world. And fair enough, given the rarity of the chance (and rarer still, the professional entitlement) to pursue a creative impulse for years at a time. Add to that the good fortune necessary to land your project in the right person's hands at the right place and at the right time; not to mention the serendipity of selecting a topic judged to have the potential to appeal to thousands of members of the public you've never met. Every author of every book on every shelf of a bookstore has lucked out. Yet it's easy to overlook how hard and long most of them labor in order to be around when luck happens to strike.

When Ronna Wineberg was touched by the hand of fate, she had been quietly courting that hand for 18 years. A graduate of the University of Denver College of Law, Wineberg worked as a public defender for Colorado Legal Services in Denver and as a public defender in Littleton, Colorado. She met her husband, a doctor, in Colorado, and moved with him and their three young children to Nashville, Tennessee when he was offered a job at Vanderbilt University. While devoting herself full-time to the kids, Wineberg found that her longtime interest in writing (she used to pen snippets of fiction while waiting for her cases to get underway in court) could not be ignored. So she joined a local writers' group, took evening classes in writing, and—in the small and smaller pockets of time between family caretaking—got going.

"My goal when I started to write," Wineberg recalls, "was to complete a short story that worked well enough to be published. I had limited time, young children to take care of, and couldn't imagine any achievement in writing greater than a published story." But

Nicholas Weinstock is the author, most recently, of *The Golden Hour*. He has been a member of the Authors Guild Council since 1999.



Ronna Wineberg

when she began to land stories in literary magazines—one in the *Colorado Review*, another two years later in *Midstream*, then one in an anthology of Tennessee

writers three years after that—Wineberg began to aim higher, and longer. She wrote two novels—one, naturally, about a public defender—that were never published, but are still alive in a drawer, and later published stories in a wide array of literary magazines, including *So To Speak*, the *South Dakota Review*, *Controlled Burn*, *Sou'wester* and *Writers' Forum*. Then she discovered short story contests.

"There are a huge number of contests out there," Wineberg says. "In a way, each one I entered became a goal for me. They served as deadlines. By the entry date, I had to have a manuscript in finished shape. You have to se-

lect carefully, though. Most contests charge a fee to enter, which can become expensive. I once sent a manuscript to a contest—and that year they didn't choose a winner. You have to be realistic about contests, too. Since there is just one winner, the chance of success is small. It's a risky way to get your hopes up." But it's an effective way as well. When in 2000 Wineberg was a finalist for the Willa Cather Prize in Fiction given by Helicon Nine Editions, "it was wonderful. For the first time, really, I had the feeling that I might be able to publish a book."

For seven years Wineberg diligently submitted stories and collections to contests, working between the deadlines to rewrite and reorganize her pieces. Six years ago she and her family moved to New York City when her husband got another job. There Wineberg was one of the founding editors of the *Bellevue Literary Review*, a literary journal devoted to themes of health, healing and the body that is published by the Department of Medicine at New York University, and became its first fiction editor, a job she still holds. She was a finalist in the *Moment Magazine* short story contest of 2002. A year later she made it into the last round of the New Millennium Writings Awards Contest XV. Then, in June of 2004, when Wineberg was typically busy hosting family and planning a party for her daughter's college graduation, she got a call from the New Rivers Press Many Voices Project Literary Competition to let her know that she'd won.

Continued on page 25

Annual Meeting

BY ABIGAIL MONTAGUE

The Authors Guild held its Annual Meeting on February 28 at the New York Academy of Science in New York City. Guild President Nick Taylor called the meeting to order, collected the final ballots for elections to the Authors League Board and the Authors Guild Council, and, after a vote, approved the minutes from last year's meeting.

Mr. Taylor began his report with a discussion of the two major issues with which the Guild has been involved over the last year, the electronic database class-action lawsuit and the Google lawsuit. The database class-action settlement is on hold while it is being appealed. He also reported on the record number of panels, roundtable discussions and phone seminars hosted by the Guild, a total of 78.

Paul Aiken, Guild executive director, paid tribute to Kay Murray, the Guild's general counsel for 11 years, who left the Guild last July to become senior counsel at the Tribune Company, and to John Merchant, director of web services for five years, who left last August to attend Brooklyn Law School. He also introduced new general counsel Jan Constantine and chief operating officer Simon Marcus [see page 45], and reported on recent Guild activities and developments:

- The Guild gained 895 new members in 2005, an increase second only to 2004's. Membership now stands at 8,847.
- Our web services department now hosts 1,600 sites that were created with our sitebuilder software. We are in the process of upgrading our sitebuilder software.
- The Authors Registry has paid out more than \$3.8 million to writers since its inception. The majority of the money comes from photocopy royalties collected in the UK.
- The Guild is installed in temporary office space at 116 West 23rd Street, awaiting completion of our new offices at 31 East 32nd Street, on which we have signed a 10-year lease, and which are being renovated at a cost of roughly half a million dollars. The Guild will also be investing an estimated \$25,000 to upgrade our current office technology, including new computers, new servers, a new printer and new software updates.

Mr. Aiken then reviewed advocacy efforts in which the Guild was involved over the last year. The Trademark Dilution Revision Act is currently being considered in the Senate. The proposed bill, which passed the House, would have dropped protection for non-commercial use of a trademark, meaning that an author who mentioned a trademark in an article or a story could be charged with dilution of the mark. In an e-mail alert sent in February, the Guild asked members to write their senators who sat on the Senate Judiciary Committee, requesting that they reinsert language that protects non-commercial use of trademark. [For more on the trademark issue, see page 10.]

Mr. Aiken also expanded on Mr. Taylor's account of the Electronic Database Class-Action lawsuit. It is unlikely that a decision will be reached before the fall, meaning that authors who filed claims are unlikely to be paid until late this year or early 2007.

Authors Guild Foundation President Sidney Offit noted the year's many successful programs and discussed the Authors Guild Foundation Benefit to be held April 3. This year's honoree is bookseller Ruebén Martínez, who is being honored for his contributions to literacy within the Latino community.

Anita Fore, director of legal services, briefly reviewed the legal department's activities for the year, reporting that she and staff attorney Michael Gross handled or supervised the handling of 923 individual matters.

Peter Petre gave the Treasurer's Report. The Guild's increase in net assets for the year approached half a million dollars, largely due to a spike in income that we received from Europe for photocopy royalties. The Guild spends about 70 percent of its budget directly on member services and advocacy, Mr. Petre reported the Guild's endowment has grown to \$598,000 and the Foundation's to \$554,000.

Sarah Heller, filling in for children's book group chair Rachel Vail, reported on the group's activities. The committee's main events last year were its annual wine and cheese party, at which members signed copies of their books to be donated to the Reece School, a special needs school in New York, and a school visits panel.

Mr. Aiken then discussed the Google litigation. He restated the Guild's belief that books should be searchable online, but that search engines must have a license for that right, instead of simply appropriating it. Other search engines, such as Yahoo and Microsoft, have similar scanning programs, but with the major difference that their search engines are scanning only books whose copyright has expired or whose authors

Continued on page 36

Truth & Memoir:

A Conversation with William Zinsser

In the wake of the recent uproar over James Frey's and JT LeRoy's fraudulent memoirs, the Authors Guild asked William Zinsser, editor of *Inventing the Truth: The Art and Craft of Memoir* and author of *Writing About Your Life*, to join Nick Taylor at the Annual Meeting for a brief conversation on what it means, and why it matters. Mr. Taylor opened the discussion by reading the opening of Chapter 10 of Zinsser's last book, *Writing About Your Life*.

"The 1990s were the decade of the memoir. Never had personal narratives gushed so profusely out of the American soil. Everybody had a story to tell, and everybody was telling it. It was the best of times for the form, producing many writers who recalled their early lives with sensitivity and grace, like Frank McCourt, author of *Angela's Ashes*, and Mary Karr, author of *The Liars' Club*.

"It was also the worst of times, producing a torrent of memoirs that wallowed in self-pity and self-revelation. Until then, memoir writers tended to stop short of full disclosure, cloaking with modesty their most private and shameful memories. Now, suddenly, no episode was too sordid, no family too dysfunctional to be trotted out for the wonderment of the masses in books and magazines and on the talk shows."

NICK TAYLOR: Bill, what I'd like to know from you, having written those two paragraphs, what was your reaction to James Frey and the whole flap?

WILLIAM ZINSSER: Part of my hesitancy in coming here today was that I thought there was nothing new

we could say that everybody hasn't already said. The clamor that continues to surround the Frey episode is a journalistic oddity because it's not, objectively, an important news story. It's one writer stretching his life narrative. And yet the story refuses to die; it keeps turning up in the media and on the Internet, and in jokes and conversations. Why does it still nag at us so insistently? I think Frey's story has become a metaphor for a deeper anxiety running through the American people—which is that the truth no longer matters to the people who are in charge of our lives. The White House has repeatedly lied to us; corporations repeatedly lie to their stockholders by manipulating their figures, which enables them to ransack the companies and their pension funds; medical manufacturers lie to their patients about the defective implants in their hearts; Congress is less than honest about the extent to which lobbyists are writing the laws of the land.

Another oddity is that not many people seem to mind. Where are the cries of outrage from the traditional guardians of moral authority? Where are the ministers, where are the bishops, where are the rabbis, where are the college presidents? The only people who are consistently speaking out, it seems to me, are the so-called ordinary men and women, of every political persuasion, who write letters to their local papers, day after day, week after week, expressing not only anger but sorrow that the fundamental decencies of this country are being eroded. There is a truth crisis, and everybody except our leaders knows it. We should probably all be out marching in the streets, the way we were in the '60s, but there is no marching in the streets. Instead, the Frey story has become a surrogate for our national anxiety.

TAYLOR: So does it blow over now that he's been whipped and hung out to dry on Oprah?

ZINSSER: There's no killing the story. It won't go away. I think most people have a deep yearning for the truth,

Literary Hoaxes of the 20th and 21st Centuries

1916

Former Harvard buddies Witter Bynner and Arthur Davidson Ficke invent the "Spectrism" school of poetry upon the publication of their book, *Spectra*, written under the pseudonyms Emanuel Morgan and Anne Knish. Much like the 1944 Ern Malley hoax, Spectrism poked fun at Modernist poetry, but was taken seriously by other writers and poets.

1917

H. L. Mencken publishes "A Neglected Anniversary" on the history of the bathtub. The essay was composed entirely of made-up facts, yet was published as truth by a number of newspapers and was even included in medical and reference books.

1921

Philip Grave, in the London Times, debunks the *Protocols of the Elders of Zion*—supposed "minutes" of secret meetings by Jewish leaders plotting to take over the world—as "clumsy plagiarism" of an unrelated work of satire published in France in the 1860s. The first 20th century version of the virulently anti-Semitic work was published in 1903 in Russia.

1944

Australian poets James McAuley and Harold Stewart invent the poet Ern Malley in a hoax meant to criticize Modernist poetry. Poems by Malley, described as a salesman who left behind a trove of unpublished work when he died at age 25, were published by the literary journal *Angry Penguins* and the publishing company Reed & Harris before McAuley and Stewart exposed their secret.

1947

The William and Mary Quarterly pronounces *The Horn Papers* to be forgeries created by William F. Horn, who had attributed the documents to his great-great-grandfather. The papers were published in two Pennsylvania newspapers during the 1930s and compiled in book form in 1945.

and when it is tampered with, as it has been so cynically in this country, including by the publishers, including by Frey, a great unease runs through the country.

TAYLOR: Let me ask this question, Bill, because the book you edited, *Inventing the Truth*, which is about memoir writing, would seem to suggest that one can just make it up. Clearly that's what James Frey thought. My view is that if he had been a better writer, he could have made his three hours in jail seem like the three months he said it was. But he was too lazy, so he made it up. And he might argue that he had invented the truth, but I'm sure that's not what you meant.

ZINSSER: My book *Inventing the Truth* grew out of a series of lectures held at the New York Public Library, that I helped to launch when I was at the Book-of-the-Month Club many years ago. The idea was to have a series once a year in which writers would talk about how they do what they do. The first was a series on writing American biography, and it had writers like David McCullough, Robert Caro and Jean Strouse. The next year the subject was memoir, and the writers included Alfred Kazin, Annie Dillard, Russell Baker, and Toni Morrison. Later the book was expanded to include types of memoir that hadn't been represented in the earlier edition—people like Frank McCourt, Jill Ker Conway, Ian Frazier, Eileen Simpson, and Henry Louis Gates, Jr. One of the inspiring or dismaying things about the book is that three of the nine authors rewrote their books from scratch because the first version was no good.

One of them was Russell Baker, whose *Growing Up* was, as you all know, a wonderful book. Because he had never written a memoir before, and because he was a reporter and the book was about a boy and his mother contending with the Depression, he set out to write a book about the Depression. He interviewed all the old people in his family who had lived through the

Depression, and he gathered a tremendous number of facts and figures about the Depression, 450 pages' worth, and he wrote what he called an intensely responsible book. Being a responsible journalist, he kept himself out of it, and, not wanting to invade the privacy of his mother, he kept *her* out of it.

He sent it off to his editor, Tom Congdon, and waited. He said, "I'll give him 24 hours to get back to me and tell me what a wonderful book this is." And of course nobody called, and he started to read it himself and found out that he was nodding off after about page 11, because it was nothing but journalism. He realized that he had been dishonest; since the fulcrum of the book was his relationship with his mother, it had to be about her. The title comes from what he said to his wife, Mimi, when he realized he was going to have to write the whole damn book again—I mean, literally, he had written a 450-page book and he was going to have to rewrite it. He said, "Although nobody's life makes any sense, if you're going to write a book about it you might as well make it into a story." And he said to Mimi, "I'm now going upstairs to invent the story of my life."

Well, of course, he didn't invent the story of his life. But it makes a wonderful title; *Inventing the Truth* might be the best imaginable title for a book about memoir. People used to say to me before I wrote my book, *Writing About Your Life*, "You've had such an interesting life. When are you going to write your memoir?" Well, the problem is that an interesting life doesn't make an interesting memoir. Only pieces of a life make an interesting memoir. The rest is just getting through the day—going to work, raising a family, helping out in the community, maintaining friendships. Even people who had a so-called interesting life, like Eisenhower and Churchill, spent decades of dreary servitude in the peacetime American army and the backwaters of British politics. So if you want to write a

1956

Writer and radio personality Jean Shepherd urges his listeners to request a non-existent historical novel about the exploits of an 18th century womanizer at their local bookstores in an effort to get it on the New York Times Best Sellers list. The book, *I, Libertine*, was written about in The New York Times Book Review, Publishers Weekly, Time, Life, the New York Post, and Newsweek. The Wall Street Journal exposed the hoax a month later.

1956

T. Lobsang Rampa publishes *The Third Eye*, a memoir describing his upbringing in Tibet, his studies to become a lama, and an operation to open the "third eye" in his forehead, thereby giving him psychic powers. A private investigator discovered Cyril Henry Hoskins, a British man who'd never been to Tibet, to be the true author.

1967

In the midst of the Vietnam War, Dial Press publishes *The Report from Iron Mountain on the Possibility and Desirability of Peace*, an anonymous work purporting to be a report compiled by a government-created organization on the economic desirability of war. Leonard Lewin, a freelance writer and author of a book on political satire, confessed to fabricating the report in a New York Times article in 1972.

1969

Newsday columnist Mike McGrady, with the help of two dozen Newsday staffers, writes the sensational pulp novel *Naked Came the Stranger* under the pseudonym Penelope Ashe. The novel, about the exploits of a suburban housewife who exacts revenge upon her unfaithful husband by sleeping with her neighbors, was meant to demonstrate declining literary standards, which it did: The book sold well, both before and after the hoax was revealed.

1971

Clifford Irving convinces McGraw-Hill that billionaire tycoon Howard Hughes commissioned him to co-write his autobiography, providing forged letters from Hughes as proof. In 1972, the reclusive Hughes made a rare public statement denouncing Irving's claim. The book was never published and Irving confessed. He was ordered to return his \$765,000 advance to the publisher and served time in prison.

memoir you have to realize that you are the protagonist, you are the tour guide. You have to invent a narrative trajectory that makes sense, that draws people along. Which can mean compressing, collapsing or col-lating events. But underneath all the “inventing”—you may be altering the chronological order, or the place where certain things took place—you are not tampering with the essential truth of the story. Finally, I think the truth is sacred and you have to stick to the facts.

TAYLOR: Absolutely. But in writing about your life, you’ve made what apparently seem to be mundane facts really quite special. And I just rely on my memory here, because I read this book when it came out, which was probably a year ago, your father, your family had a company that made shellac. And since there are very few Zinssers, perhaps only one in the phone book, people who still want to find or wanted to find this very high quality shellac would not find it in the yellow pages, they would look in the phone book and they would find ‘Zinsser.’ So they would call William Zinsser to ask, “What happened to the shellac and why can’t I get it anymore?” Those hapless phone calls from people who are looking for his father’s product are a way of opening up a memory of childhood, just one example of the wonderful ways in which the simplest and most ordinary seeming happenstance can inform a memoir. But let’s talk about James Frey again.

ZINSSER: It won’t go away.

TAYLOR: No, it won’t go away. But if it goes to your point about there being too many memoirs which are not written well enough and don’t have enough to say, then maybe it’s a good thing. Maybe this will separate the good memoirists from the bad ones.

ZINSSER: No, the larger point of the two paragraphs of mine that you read earlier is what happened in the mid-’90s. Until that decade, writers observed agreed-

upon codes of civility; there were certain things that happened in your life that you drew a veil over and were just not going to reveal. Then talk shows came into their own and shame went out the window. The voracious maw of the talk show host had to be stuffed hourly, daily, so at that point memoir became therapy. Everybody was writing about their struggle with anorexia and co-dependency and all the other talk show syndromes. Everybody was a victim, and there was a great deal of bashing of parents, bashing of adults, bashing of everybody who had ever done you wrong. But we don’t remember any of those books today; readers won’t put up with whining.

The memoirs that we do remember from the ’90s are books like Tobias Wolff’s *This Boy’s Life*, Mary Karr’s *The Liars’ Club*, Pete Hamill’s *A Drinking Life*, and Frank McCourt’s *Angela’s Ashes*, and to me the difference is that those books were written with forgiveness. The authors all had terrible childhoods. Frank McCourt in the second sentence of *Angela’s Ashes* says it’s a marvel he survived his own childhood. He survived it not only with gallantry and grace; he survived it with humor. The book has tremendous humor—I think that’s the only way he got through his childhood and got through writing the book. But all those writers are as hard on their younger selves as they are on their elders. They say, in effect, “We are not victims; we come from a tribe of fallible people, and we have survived to get on with our lives without resentment.”

Memoirs that survive, it seems to me, especially those that are written about childhood, are written with love and compassion. The only criterion should be: Is it a good memoir or a bad memoir? The book by Kathryn Harrison called *The Kiss*, about her affair with her father, well, the reviewers were so outraged by the affair that they spent their reviews chastising Harrison

Continued on page 42

1975

Prolific French author Romain Gary won the Prix Goncourt—which an author may win only once—for *Les Racines du Ciel*, in 1956. Nineteen years later, under the pseudonym Émile Ajar, he won the Goncourt again, for *La Vie Devant Soi*. When Gary’s cousin’s son, claiming to be

the pseudonymous Ajar, retrieved the prize, suspicions were raised about who was the real author. In a posthumously published memoir titled *Vie et Mort d’Émile Ajar* Gary—who committed suicide in 1980—confessed to his double authorship.

1976

Historian Hugh Trevor-Roper publishes *Hermit of Peking: The Hidden Life of Sir Edmund Backhouse*, exposing Backhouse, a China scholar who died in 1944, as a fraud who built his career on fabricated documents. Backhouse’s best known forgery was *The Diary of His Excellency Ching-shan*, a memoir he claimed to have discovered in 1900.

1976

Asa Carter, a speechwriter for George Wallace and former Ku Klux Klan member who had been charged with attempted murder, publishes *The Education of Little Tree* under the pseudonym Forrest Carter. The autobiographical work tells of an orphan who

discovers his Native American roots. Carter’s true identity was exposed later that year, but neither the controversy nor the book’s popularity died down. The book has remained in print since 1976 and a 25th anniversary edition was published in 2001.

Small Claims Court for Writers?

Guild's Congressional Testimony

On March 29, Authors Guild Executive Director Paul Aiken testified before the House Judiciary Committee's Subcommittee on Courts, the Internet and Intellectual Property on the need for a small claims court for copyright infringement. We present a lightly edited excerpt of that testimony here.

Every year, Authors Guild staff attorneys advise members on nearly 1,000 separate matters pertaining to the business aspects of their writing careers. These attorneys have long had strong anecdotal evidence that authors were frustrated in pursuing legitimate copyright infringement claims because of the costs and complications attending such litigation.

In preparation for today's hearing, we sought to quantify that evidence, and conducted a two-part survey of our membership of published authors. More than 1,200 authors completed the survey, which confirmed our attorneys' anecdotal evidence: Most authors do not have effective access to the courts for many of their copyright infringement claims. Fifty-five percent of the respondents agreed that creating a small claims court was a good idea. Seventeen percent did not think it was a good idea; the remaining 28 percent were neutral on the issue.

Such a court isn't without risks for authors. Authors, particularly nonfiction authors, use other authors' copyrighted works frequently in their works. Much of that use is fair use, in the proper, traditional, genuinely transformative sense of fair use—excerpting a limited amount of another's work to assist in the creation of a new work. Authors could find themselves the defendants in small-claims copyright infringement suits if a rights holder deemed a use to exceed the bounds of the fair use doctrine. Even among authors who say they frequently make fair use of others' copyrighted works in their own work, 4 percent favor the creation of a small claims infringement proceeding. Twenty-three percent of these authors oppose the creation of a small claims court; the remaining 28 percent are neutral.

In fact, every subgroup of respondents we can identify favors the creation of a small claims court for copyright infringement. Even the tiny subgroup that had been sued for copyright infringement favors it—

54 percent of such respondents favor the creation of a small claims court for copyright infringement, while 38 percent of them oppose it.

A substantial percentage of all respondents, 31 percent, said that they would have used such a small claims court if one were available. We would expect that many respondents who contemplate bringing such a claim in the abstract would not act on that notion and that, in reality, a far smaller percentage of authors would commence such actions.

Why Most Authors Favor a Small Claims Court (and Why Many Don't)

More than 75 percent of authors who favor the creation of a small claims court for copyright infringement cited three factors they saw as supporting their view: That such a court would reduce litigation costs, that it would be more convenient, and that they could proceed without an attorney. Fifty-six percent said that such a court was a good idea because of the increase in copyright infringement on the Internet.

The most frequently cited reason for opposing the creation of a small claims court for copyright infringement was that the respondent didn't believe the procedure would be "simple, effective and/or inexpensive." Many respondents feared that the creation of such a court would lead to frivolous and harassing lawsuits that would be costly to writers. A substantial number also had concerns about the competency of a small claims court to adjudicate copyright claims.

Most authors clearly favor the creation of a small claims court for copyright infringement. The minority who oppose the creation of such a court raised valid concerns about such a court, however. The success of such a court depends on addressing those concerns—about the simplicity and expense of the court's proceedings, of the court's copyright expertise, and, perhaps most critically, of the avoidance of frivolous, harassing suits.

Authors Guild Recommendations

1. *Avoid harassment suits by requiring a prima facie showing of copyright infringement before the defendant is obligated to appear.* Most frivolous, harassing claims would almost certainly be caught by compelling the plaintiff to make a *prima facie* documentary showing of infringement. Failing such a showing, the court should be obliged to dismiss the suit, with no requirement that defendant appear or respond.

Continued on page 37

Copyright's Orphans

BY ANITA FORE

After soliciting public opinion and conducting a series of roundtable discussions, the U.S. Copyright Office has completed its report on orphan works and offered its recommendations for resolving the problems that arise when authors, libraries and other permission-seekers want to make use of them. Orphan works are copyright-protected works whose owners are exceptionally difficult or impossible to locate. Under existing copyright law, users who have not obtained the appropriate permissions can be charged with copyright infringement if the copyright owner emerges at a later date, and are subject to injunctions

Anita Fore is Director of Legal Services of the Authors Guild.

Trademark Bill Nearing a Vote

BY MICHAEL GROSS

Federal trademark law allows someone to identify the source of his or her product or service by using a distinguishing mark. This mark may take the form of a word, a phrase, a picture or even a sound. A trademark signifies that 1) all products and services that carry the mark come from the same source; 2) all products and services that carry the trademark have a standard quality level; and 3) the trademark is the primary advertising and marketing vehicle for selling the products and services that bear the mark.

Writers of both fiction and nonfiction inevitably incorporate trademarks into their work. Nonfiction writers write pieces about the business identified by the mark, and often refer to the mark when referring to the business. Fiction writers frequently reference trademarks in passing, much as ordinary people do in daily conversation. Until now, these types of trademark references were protected by Section 43 (c)(4) of the Lanham Act, which specifically permitted the use of a trademark by another person in comparative commercial advertising, news reporting, and most important,

Michael Gross is a staff attorney of the Authors Guild.

to prevent or end the use, as well as punitive damages, attorneys' fees and court costs.

Many of the over 850 organizations and institutions that responded to the Copyright Office's call for comments expressed concern that the uncertainty surrounding orphan works could stifle creativity and limit access to important historical records, archives and scholarship. Before submitting our comments, the Authors Guild conducted an e-mail poll of Guild members, which asked for information concerning their experiences seeking permissions for use in their own works. The survey showed that an overwhelming majority of respondents (85 percent) had "never" or "rarely" failed to locate a rights holder when seeking permission to use copyright-protected work, suggesting that the problem of orphan works may have been exaggerated. Nevertheless, the Guild recognized that in cases where a failed search does cause real difficulties, a solution that would balance the public ben-

Continued on page 46

general noncommercial use. Unfortunately, the passage of H.R. 683 threatens to end this protected use.

After passing the House last spring, the Trademark Dilution Revision Act was considered by the Senate Judiciary Committee on February 16, 2006. The proposed act would have removed statutory protections contained in Section 43 (c)(4)(B) of the Lanham Act that protect the noncommercial use of a trademark. The House version of the bill proposed to eliminate protection for references of trademarked words and images in noncommercial speech. Accordingly, any time a trademarked product was mentioned in written or pictorial form in any type of publication, including electronic publications, the author of the work could be liable for dilution under the Lanham Act. (Unlike infringement, which occurs when a party uses a trademark in a way likely to confuse an audience about the source of a product or service, dilution arises when a trademark is used in a way that may not confuse the audience, but dilutes the trademark's distinctive quality in some way).

The new version would needlessly chill expression, in the Guild's view, and legitimate changes to trademark law's antidilution provisions could be made without affecting current exceptions from liability. We urged our members to contact their senators about the elimination of the "non-commercial" exception.

We are pleased to announce that our campaign worked—sort of. The bill adopted by the Judiciary Committee restored the noncommercial use defense for trademark dilution cases but still eliminated the defense in trademark infringement cases. ♦

Live from London

On March 5, the McNally-Robinson bookstore in New York City held a meet and greet event unlike any other: Best-selling author Margaret Atwood, tucked away in a corner of the Platinum Room at the London Book Fair, was scheduled to sign books for fans in New York with the help of a two-way video screen and a robotic arm called "The LongPen." Atwood got the idea for the contraption after signing a few too many books in the course of "yet another demented" book tour to promote her novel *Oryx and Crake* in 2004. She founded a one-product company, Unotchit ("You No Touch It") to develop the gadget, which works by capturing written impressions on a bit map and transmitting them by way of the Internet. The mechanical arm in the second location copies out the signature or message, producing an exact replica, in real ink. The idea is to make it possible for authors to sign books from anywhere—a Lakers' game, a poker tournament, a box at the Met—while still providing readers with a chance to interact, sort of, with their favorite writers and take home a signed book.



On the eve of its debut, the machine inexplicably—or perhaps predictably—malfunctioned. Next day, a cheerful Atwood chatted with fans via video hookup and signed their books the old-fashioned way. Staff members at McNally-Robinson collected names and addresses of purchasers and promised to have the books shipped to New York free of charge.

CENSORSHIP WATCH

United States Sixth on Jailed Journalists List. The Committee to Protect Journalists reported that as of December 1, 2005, the United States was holding five journalists behind bars and, in doing so, shared sixth place with Myanmar (formerly Burma) on the committee's list of countries with the most journalists in jail. The committee takes its tally on December 1 of every year. Although this is not the first time the United States has appeared on the annual list—other journalists have been held by the United States for refusing to name sources—it is the first time the jailed journalists were held without specific charges. Four of the journalists were Iraqis detained in Iraq, and one was a Sudanese Al Jazeera cameraman held at Guantanamo Bay. According to the CPJ, 125 journalists were being held in jails worldwide on December 1, 2005. No American journalists were among them. China took first place on the list, with 32 journalists in custody.

Google, Yahoo Congressional Testimony on Censorship in China. On February 15, 2006, Internet and technology companies Google, Yahoo, Microsoft and Cisco testified before a House subcommittee on human rights. The companies faced harsh questioning concerning their controversial business relations with China. Google closely cooperates with Chinese officials to limit the availability of information, images and links, such as pictures of the Dalai Lama and reports on the Tianamen Square massacre, that the government does not want users of Google.cn to be able to access. Yahoo's willingness to provide e-mail account information has helped the Chinese government arrest and convict dissidents including Li Zhi, sentenced to eight years in 2003, and Shi Tao. Microsoft agreed to shut down a blog deemed offensive by Chinese censors, and Cisco supplied the Beijing government with screening software to restrict access to certain websites.

—Anita Fore

AUTHORS GUILD FOUNDATION SYMPOSIUM

Leaving the Staff: Freelancing Without Freefalling

The high-wire life of the freelance writer was the subject of a panel discussion sponsored by the Authors Guild Foundation at Scandinavia House in New York in January. The panelists were Susan Dominus, a former editor at New York Magazine, the American Lawyer and Glamour and the founding editor of the short-lived Electric Nerve Magazine, currently a contributing writer for The New York Times Magazine and Glamour; Meryl Gordon, a former newspaper writer and TV journalist, and since 1985, a prolific and widely published freelancer who has written profiles of, among others, Kofi Annan, Tipper Gore and Ted Koppel; William Georgiades, a former editor in chief at Black Book Magazine and Perkins Press, and former editor at Esquire, who has written for Vanity Fair, GQ and Talk, and regularly contributes to the London Times and the New York Post; Michael Greenberg, the only panelist who has never held a straight job, writes a freelance column for the Times Literary Supplement of London; his memoir about the mysteries of madness will be published by Other Press in 2007. The discussion was moderated by Nick Taylor, the Guild's outgoing president, and a successful freelancer for many years.

NICK TAYLOR: I'm going to start with the most obvious question, which is: Why freelance? Let's start with Susan.

SUSAN DOMINUS: I started as an editor. Everybody told me that freelancing was too hard to do and too insecure and so I was an editor until I was 30. When Electric Nerve Magazine folded, it seemed like a pretty good time to make the jump. I had been freelancing, I had been writing a little bit while I was on staff at Nerve. I had done record cover stories for the Times Magazine. That gave me a little bit of credibility so I could launch a writing career. And I got very lucky because I had good relationships at two magazines, New York Magazine and Glamour, where I'd been an editor. I was fortunate enough to get contracts with them, union contracts, as soon as I left my staff job. It was something I always wanted to do and it worked out well. I figured I'd kind of give it a shot. And I love it. I love working at home. I love not having any one boss.

TAYLOR: William?

WILLIAM GEORGIADES: My experience is more of a push and pull thing. I was very lucky when I moved to New York to get a job as an assistant, a glorified secretary, for a magazine. I spent about three years there,

processing things and looking at freelance life from a cubicle. It was extremely attractive to me that you could make a living as a writer and avoid clerical work. I don't know that I could have made the decision myself but I was very fortunate, as we had a change; a dozen people were fired from Esquire Magazine one day. I was one of those people and then it really was a sink or swim situation. I had to either figure out how to do it or leave New York. That was really what got me started as a freelancer. I've been offered a few jobs since. I don't think I've said no to a single staff job that I've been offered—I think there were three. [Meaning you have been on staff on and off? Unclear. Ed.] As I've said, over the past 10 years, it's just a lot more enjoyable for me to be a writer than to be an editor, as editing tends to be rewriting other people's work. I prefer writing my own.

TAYLOR: Meryl?

MERYL GORDON: Apparently there's a theme. I can be the third person to say I lost my job too and that's how I became a freelancer. I had worked for a number of years as a newspaper reporter in Cincinnati, in Rochester, and then in Washington, D.C. I was an economics and business writer for a number of years.

After I came to New York, because my husband was transferred here, I spent a year writing for Gannett News Service, then I went to work for a TV show. When the show was canceled we all lost our jobs and I began job hunting. At that point, I had spent seven years writing about business and economics, which wasn't necessarily the thing that I was most in love with. As I began searching for jobs I discovered that I started to get a batch of assignments, and they were about a wide range of topics. The assignments were coming fast and furious and the job offers were not. I did not expect to be doing this 20 years later.

At one point I went to work for a magazine called New York Woman as an editor and I discovered that in some ways I'd really lost what I thought was an in-the-office personality; I discovered that I really loved being independent, I really loved working my 80 hours not theirs, and also that I'm a writer. There have been lots of ups and downs over the years. The upside has been having a contract with New York Magazine, which I've had for a couple of years, though I also write for other magazines. When you have just one regular gig it makes your life infinitely easier. There have been other periods where, you know, you earn a thousand dollars one month, fourteen thousand dollars the next month. It's a little hard to juggle the paying of bills. But essentially it's really fun.

MICHAEL GREENBERG: One doesn't set out to become a freelancer. It's like the criminals say after they've been arrested, I really didn't mean to do it. I never worked for a publisher or a magazine, nor did I want to. My aspiration was to be a novelist. So my approach to making a living was to do whatever required the least mental effort so that the "profounder" part of my mind might be free for writing. Little did I know that I could not make a living as a novelist. I had children young, so I just followed Daniel Defoe's advice: You have to write with both hands. Freelancers are always moaning about the deadline, but I find the deadline to be the fire under the behind that you need. So freelancing took over and I was lucky enough to get a column with the Times Literary Supplement of London and from that flows other work.

TAYLOR: You write about freelancing for the Times Literary Supplement, yes?

GREENBERG: Yes. The name of the column is "Freelance." It's supposed to be about the writer's life. It's in a European tradition in Europe, *Feuilleton* the French call it. The essay about life as lived—memoir, literary matters, curious events, observations, journalism, the peccadilloes of your neighbor, all rolled into a single free-roaming story. It has a certain flavor. It's a wonderful form.



Moderator and former Authors Guild President Nick Taylor, panelists Meryl Gordon, Susan Dominus, William Georgiades and Michael Greenberg

TAYLOR: Let me go down the panel again with one question. So you lose a job and you become a freelancer. What is the first thing you should do when you become a freelancer?

DOMINUS: I'd been an editor, so the first thing I did was let all my editor friends know that I was going to be freelancing. I also think it's important to figure out your office space. You should be able to work everywhere, but actually it is kind of important to have a space of quiet and a place to leave all your things. Figure out pretty quickly if you can work at home or not. Some people love it, some people really can't stand it. If you're going to start freelancing, it also helps to make sure you have a little bit of a nest egg. One of the nice things about getting fired from a job before going freelance is you might have a couple of months' salary to fall back on. But if you're planning on leaving on your own, one of the things you learn quickly is, even if you write quickly the check often comes slowly. Astonishingly slowly.

GEORGIADES: I would echo all of that. I sort of back into things generally, so I would say the practical thing that I did was to turn off the television, because, obviously, after I was fired from the job it seemed to be the thing to do. So turn that thing off. And generally to treat it as a job and not as a casual thing, which I'm sort of semi-successful at. But the terror of being fired from a job that I enjoyed propelled me into acting a little bit more professionally than I often am. I was fortunate to get space at the Writers' Room, which is on lower Broadway. So I got this office space and I started writing extremely polite notes to editors. I find being very polite in the beginning is very helpful. I haven't kept up with that but it helps.

TAYLOR: Meryl?

GORDON: I felt like I had to learn to write in a very different way because I had always written for newspapers, which is much more of "Just the facts, Ma'am." For many of the early assignments, people would kick them back and say, "What do you think?" I thought, You want to know what I *think*? When I started doing this I wrote for anybody who would take me. I wrote for Working Mother Magazine: I have no children; I know nothing about parenting. I wrote for a magazine called Channels, which Norman Lear owned, which was a cable TV magazine. Literally, I would write for anybody who would pay me. At that point it was a buck a word or whatever. I'd take the assignments. It was a way of learning, it was a way of meeting people. You figure out what kind of stories you're good at. I discovered those women's magazine stories which begin, you know, "Jane (not her real name) . . ." I can't

do them. They're high concept, you know, but I realized ultimately I really wasn't good with those fuzzy things.

One of the useful things about the year I spent as an editor was realizing from ideas that other people pitched, what works and what didn't. If a story idea comes up and I can't think of the first five people I would call then it's not right for me. If you say yes—and I'm sure everybody at this table at some point has said yes to something that they didn't feel quite right about but seemed like it might be neat—you're so sorry because what you get paid on a lot of these pieces is in fact no reflection of how much time you put in. And you can put in an enormous amount of time on something that goes absolutely nowhere.

The other thing I had to learn is how to write a pitch letter. Initially, I didn't quite know how to write a pitch letter or how to come up with ideas that other people would be interested in. When you see that Julia Roberts is in a new play on Broadway, that's not an idea. That's an idea any magazine can come up with without your help. What they want from outsiders is something new, something different, that they haven't heard about, they haven't thought about, they haven't done.

In 1991, my husband had a fellowship in Japan, and I was out of the country for six months. When I came back, I could not get an assignment. But I knew someone who knew someone at The New York Times and I came up with some wacky ideas. One of them was, where do psychoanalysts buy their couches? There is a place in Brooklyn and I went there and it was very funny. And the magazine had me go back to stores with shrinks and describe, This is the nervous couch, this is the upset couch, and they paid me maybe \$400 for two weeks' work, but it was the Times. A few weeks later I was thinking, There are all these new stores in my neighborhood with these weird names, so I rode the bus all over Manhattan and did a piece on funny store names. So a lot of figuring out how to do this is figuring out what you know, and what interests you. What do you know that somebody else doesn't know?

GREENBERG: I agree completely. You really have to know who you are when you're writing a piece. When you take a piece and you're not sure of what the voice is, what the vocabulary is, you regret it and you work too hard on it. Recently I did a travel piece for a magazine. I'm not a travel writer, however, and I don't know how to conjure that. I'd never written travel, I don't know how to do that "Come hither, buy-me" ambience. I worked like hell on the piece. I thought, Oh, this is easy, I've read travel magazines. But I really didn't know who I was while writing this piece.

Secondly, I write a column, so the trick, of course, was to also turn the experience into a column. In my column I do know who I am. And not surprisingly, the column was much better than the piece. It got me in trouble with the editors because it was wrong of me to discuss the subject of the piece prior to its appearance in the travel magazine. But I was also somewhat flattered when the editor called me up and said, "Did you think I wasn't going to see this, Michael?" The answer was, Yeah, I didn't think you were going to see it. But I worked like hell on this piece and it's a simple travel piece. So it's true, you have to know who you are. That said, you can't turn things down when you're a freelancer. So it's a difficult proposition, I think. I've done just the most wild kind of writing, way out of my area of expertise. I've never played golf but I wrote a two-hour voiceover for a TV program called *The Game That Defined a Century: Golf*. You do it. And it's fun actually, when you get into it. But you find yourself having to reinvent the wheel.

TAYLOR: I'd like to talk about lining up assignments and how you go through the thought process of thinking up the idea of, Where do psychiatrists get their couches? How do you brainstorm with yourself or with others to find assignments you can sell and that you would enjoy working on? Susan?

DOMINUS: I can testify that I'm a terrible idea generator, so I'm quite eager to hear what these guys have to say. But I do think that the best stories are the ones that you come up with yourself, because you feel most passionately about them. Unfortunately, I find them hard to generate. It sort of has to hit me over the head. It's the kind of things that your friends start talking about and that they seem really impassioned about and that you find yourself repeating to other people. "This creepy thing happened, my friend told me about it." That's the kind of thing for which you actually see a little lightbulb going off over your head. *Oh, that could be a story.*

What drives me crazy is when I have some kind of strong reaction to something and don't react. I went to a very early preview of Sarah Silverman's movie *Jesus Is Magic*, and I was talking to everybody about Sarah Silverman, what an intriguing woman she was, a new kind of comedian and where'd she come from? Why didn't I pitch this as a profile? I don't know. I had months before the movie was going to come out and sure enough there was a profile in *The New Yorker* of her two months later and I just hit myself. The fact that I couldn't stop talking about her should have been my cue that that was a great story.

But my favorite story was about a young single

woman in New York who was a kind of Carrie Bradshaw, who decided to go to Russia to adopt a ten-year-old handicapped orphan, which completely turned her life around. One of my good friends and I were talking about kids and she told me about this woman. I couldn't stop asking questions about her and I wanted to know everything about her. And then I realized I could go with her. I could write about this. It was an incredibly liberating experience and I was really passionate about it. So that's my best advice.

It's hard to sit down and brainstorm, although you do need to read the paper with a pen in your hand—write things down, cut things out. If things are going to hit you over the head, you've got to read everything and be reading with that in mind. You're not reading the paper over coffee, you know, taking your old sweet time. No, you're looking for story ideas. And you'll find that you read the paper or flip through the *Economist* very differently when you're constantly trying to think of story ideas compared to when you're just reading it to pass time.

GEORGIADES: There was a magazine for a while called *Gear*, which no longer exists and they called me up and were very kind to me, very flattering, said some lovely things about past work I'd done, and then they asked me to send in some ideas. I think this went on for months and then they said, "You're OK at writing, but you have the worst ideas of anybody I've ever dealt with." I think I ended up with two little stories in there, two little celebrity profiles that they came up with. I think the best stuff that I've ever worked on has been the idea of the editor. I've been very fortunate to have some editors who have been very kind, who come up with ideas. And those are the stories that tend to be guaranteed to end up in the publication.

Juan Morales was an editor of a magazine called *Detour* and he had me spend a week at Madison Square Garden at the Sweet Sixteen of top female tennis players, which was kind of a lovely assignment as assignments go. And then I've also had a few sort of steady gigs like *Film View* and things of that nature. What I've found is that my ideas are about as good as anybody's ideas, they're OK, but it's the matter of getting someone to listen to them which I expect to be questioned a little bit later on, which is the real trick. I can have all the best ideas in the world, but it's a matter of getting someone to pay attention to me, and that can be frustrating.

TAYLOR: You said earlier that you were doing a lot of book reviewing now. Does that follow the same process? Do you choose the book you want to review or do you get assignments for that?

GEORGIADES: I generally get excited about certain books and suggest them to the editor, and then he lets me do about half of them usually.

TAYLOR: Meryl, give us a little more insight into your brainstorming process.

GORDON: I would say at this point about 70 percent of the story ideas come from magazines and 30 percent are mine. At the same time, the ones you come up with yourself often are the things you really care about. One of the things about managing your time as a freelancer is either there's too much work or there's not enough. You feel you're taking on too much and the story's falling apart, or you suddenly realize you're left with huge holes in your life. So I've learned to say yes to both things and try to juggle. In terms of story ideas, you try to look at the paper and other media with a slightly different eye. I saw a cover story once in Time magazine about adoptions and there was some line about how Texas was one of the easier states in the country in which to adopt. I thought that was interesting. The laws there were so liberal to adopting parents that all over the country people were putting ads in newspapers—"Loving parents search for child." And if a woman answered that ad, the couple would literally ship her to Texas so she could have the baby there, and they could adopt it. I found a couple of sort of adoption factories in which women who had flown in from all over the country were being put up in these apartment complexes. It was a great story, but it came about from noticing one interesting fact about Texas having so many adoptions.

I went to a magazine called More to meet with the editors and I was making a joke about how I could never write fashion. Ha ha ha, I still have clothes in my closet from when I was 12 years old. They said, "You do?" They convinced me to do a story on my closet. It was a funny story about what clothes I had saved and why. I had the dress I had lost my virginity in. (I've had it dry-cleaned though.) My father was really upset about the story, but you know, I said, Hey, \$3,000 for writing captions. And they took a picture of me—it was my only supermodel experience—in a black silk slip peeking out a doorway as if I was trying to decide what to wear. That was one of the easier things I've done in terms of work.

But I wanted to say a little bit about pitching stories. When you're starting out, all of life is a writing test. [Writing to an editor,] you've got to say something in the first three lines that conveys that you can write, you're fun, you're interesting. I mean, if you're not really into it by sentence one, sentence two, no editor will be. So there really is a lot of time invested in trying to get the assignment initially.



"When you're starting out, all of life is a writing test. [Writing to an editor,] you've got to say something in the first three lines that conveys that you can write, you're fun, you're interesting. I mean, if you're not really into it by sentence one, sentence two, no editor will be."

—Meryl Gordon

GREENBERG: I'm constantly desperate and hungry for story ideas and it's really changed the way I live. I walk around looking for them. It's amazing how many stories there are right under your nose when you start thinking about them, looking that way. It requires a quarter turn of the brain, and voila, there they are. Pitching them is painful. I did some screenwriting for a while, where pitching is horrendous and humiliating and you have a few minutes to do it and it's all verbal. I actually find the query letter with a story idea to be a protected and kind of a nice way to go to an editor because you can control the situation, you can present the story the way you see it, and you do it in the solitude of your room—which is presumably why you're a writer, because that's where you feel most comfortable.

TAYLOR: Would any of you propose a tried and true clincher in a pitch or in a query letter?



*"The only thing I would advise is
don't pitch the editor in chief,
don't pitch the managing editor,
do not even pitch the senior editor;
cultivate a relationship with
the associate editor. That's who's
looking for new writers."*

—Susan Dominus

DOMINUS: The only thing I would advise is don't pitch the editor in chief, don't pitch the managing editor, do not even pitch the senior editor; cultivate a relationship with the associate editor. That's who's looking for new writers. Because they're junior, they're friendly, so you can call them. And also they answer their own phones. So you would want to call an associate editor and introduce yourself in a very charming manner. And maybe the associate editor has written something in the magazine and you notice it and you compliment it. And then you follow up with a letter to the associate editor, because it's so much easier to build that relationship. Also that associate editor will go on to be a senior editor somewhere else and maybe an editor in chief. But they are so far and away the most likely person to respond and to relate to you, because they're not so far from what you're doing.

GEORGIADES: This is one talent I just haven't developed at all. I really don't get this part. The bit that I get

wrong over and over again is I'll come up with one idea and then they'll think I have another dozen that are just as good. And so I'll overwhelm editors. Basically I overwhelm them, I send them 15 ideas, this one terrific one, but they're wading through 14. They're looking at the first two, they just shrug. So I should really listen to what people have to say about this.

GORDON: My system is so basic you're going to think it's incredibly dumb, but it's: Read the magazine you're writing for. You have no idea how often people will come in and pitch stories the magazine ran two months ago, three weeks ago, whatever it is, and there's a certain level of, Jesus, they don't even read the magazine. Let me say that I recently pitched a piece to New York that they did six months ago, which I had forgotten they did. So I'm guilty too. It's a lot easier right now because you can probably go on Google and make sure they didn't do it. But it's one of these things that make a difference.

GREENBERG: I think that's true. I think also you want to give a sense, very briefly, of why you like the magazine and why you think you'd fit there. Such and such a story on the autistic family was really fantastic. I loved the way you handled it. I was wondering, etc., etc. It gives the sense that you're on the same wavelength as the magazine, even though perhaps you loathe the magazine. But you're a freelancer. So you're presumably always for sale.

TAYLOR: Let's talk for a minute about the other aspects of freelance life, like remembering to pay your quarterly tax returns or getting health insurance. Just talk about the nuts and bolts of organizing your lives.

DOMINUS: I can tell you what I think I should do; it's not what I actually do. I do pay quarterly taxes. You know that a certain percentage of every check is going to end up going toward your quarterly tax, so, ideally, every time you deposit a check you will put x percent into your tax account, a special account that you reserve just for that purpose. So that then when that hideous quarterly payment comes around, it's painless because you've already taken the money out, you haven't spent it, you haven't gotten ahead of yourself. Mostly I do sort of a rough estimate in my mind, and after all these years I'm finally no longer horrified when it comes along. What's painful about this is you think you should be happy, you have more work than you ever dreamt you would have, but what it means is at the end of the year you obviously underpaid your taxes in a way that you weren't quite able to maybe imagine. You think, That's great, I did more work this year than I thought I was going to do. But no, you owe a lot of taxes and that can be kind of painful. So if

you're going to be a freelancer, overestimate what you think you're going to earn. You'll get it back at the end.

GORDON: I pay quarterly. The one great upside about freelancing is everything in your life is deductible. Home office—deductible. Cable television—deductible. Plays, movies. I'm not religious about keeping a weekly diary of where I've been, what I do. I have these envelopes full of stuff. The upside is every now and then when I've looked at what other people are making in staff jobs and realized out-of-pocket costs of dry cleaning and lunch, I'm sort of ahead.

TAYLOR: We're going to talk about getting paid. But let's talk about the outflow for the moment.

GREENBERG: The outflow, yeah. Hats off to the Authors Guild for offering group insurance to writers. Health insurance, for anyone who is not with a corporation of some kind, is just horrendous. The one thing that makes me wish I weren't a freelancer is the health insurance problem. It's just so damn expensive and it feels so worthless and unnecessary. It's really a freelancer's bugaboo, and not just for writers. But perhaps one day we'll answer this question.

TAYLOR: Let's talk about getting paid. I just happened to be poking around the Internet and I looked at what Wikipedia had to say about freelance, and of course it had this surprising revelation: Payment for freelance work varies widely. I'm sure that's a surprise to all of you, but I guess what I want to ask is, how hard is it to make what you consider a fair living?

DOMINUS: That's different than actually getting them to send you a check.

TAYLOR: Well, we can talk about that too. I've had to camp on doorsteps and I guess perhaps all of you have.

DOMINUS: If we're going to talk about how to get paid, once again I would say, cultivate a relationship with someone low on the totem pole because that is the person who is actually doing the paperwork. So befriend your editor's editorial assistant. The reason I know this is because I was an editorial assistant and I was not as good about getting those writers paid as I should have been. And of course I've been repaid for that many times over, or punished for it. I actually am on really great terms now with Faye, who's the accounts payable person at the Sunday Telegraph Magazine. I don't bother my editor when I haven't been paid. I have a very friendly relationship with Faye. "Sorry to bother you, could you let me know when?" And it's much more direct that way. As for making a living, I think I've been lucky because right off the bat I started out with two contracts, which meant that I

had guaranteed income every month. At the end of the year, I would sort of do a balance and make sure I had done the appropriate amount of work. I was able to make a living from the get-go, but sometimes I think I've never had as good a year as that again.

A lot of people balance the literary writing they do—the book reviews, the essays—with assignments from a women's magazine, which can pay very well.

GEORGIADES: I think having a couple of steady outlets, which I've been fortunate to have, is always good. As people were saying at the very beginning, never say no to work. I don't really say no to much and I find that the steady small paying jobs, the \$200 column in the New York Sun, for instance, those things do pile up and are very helpful to the bottom line. I write for the Style Magazine of the Sunday Times in London and I have a very fabulous editor. I wish I could emulate her life somewhat. And I always feel when I'm approaching the more fabulous editors in my orbit that I'm sully their fare whenever I talk about money. We had an exchange recently where she had me write a column, and she said, "I'll put the payment through right away." Two months have gone by and the check hasn't appeared, but I know from past experience that if I bring it up with her it's impolite, essentially. But also that there are other departments at the Sunday Times that I can speak to.

GORDON: Magazines assign by the piece, but they also assign by the word. The pay can range from a dollar a word to four dollars a word. I wish the four-dollars-a-word pieces would come more often but they don't. Magazines will often under-assign. They'll assign a piece that's, say, two thousand words. But then they'll just keep asking for more material and the story will get longer and larger, and you have to fight sometimes to get the extra money. When I started out, magazines ran longer stories, and you could actually earn more money. Even though rates have gone up a bit for me, since the word counts have gone down it's really hard to get ahead.

GREENBERG: I think it's a miracle that anyone can make a living doing this. I never expected to make a living as a writer because I thought that it was just impossible. On the other hand, I never had a backup profession either, so I guess I was in for the long haul. The only reason I can barely make a living is because the English pound is so artificially pumped up and I write for a British publication. As for getting paid, I find that it's the same thing as movie writing: They love you until you've given them what they want. And they're constantly in touch with you. Once you've handed in your piece, however, silence. You're trying to find out, are

they going to take it, are they going to spike it? Now they have what they want from you, and I find this to be a difficult and ugly situation almost always—unless you're very friendly with the editor and the editor's protecting a certain relationship with you beyond the professional. Collecting in a timely way is a problem, because your bills are coming but the check is two months, three months late. The two-month wait is common. So you really have to be very wily and used to times when you're broke. And that's the deal.

TAYLOR: Yeah, and that's not a lot of fun. Magazine work can be frustrating, editors can be capricious, pieces can be killed. Let me ask each of you what would you do to change the rules?

DOMINUS: If I could rewrite all the rules?

TAYLOR: Yes.

DOMINUS: A standard kill fee is 25 percent. Freelancing for magazines is precarious enough that I just won't do something for a 25 percent kill fee. I say I'll do it if you give me a 50 percent kill fee. And thank God I have, because a couple of times that's exactly what happened. So that's the first thing I would do—raise the kill fee.

I also think if you're writing a piece for a magazine and they are promising you a 25 percent kill fee, they might as well pay you the 25 percent up front—just in case, God forbid, it did not work out. For some reason they can't do that. They guarantee you the money anyway. Instead, you're in an all or nothing kind of cycle, where you've got nothing for two months and suddenly \$12,000 comes in but you eat cat food for two weeks. There's no reason magazines couldn't do that and I think they should.

GEORGIADES: When I was an assistant at *Esquire* I would see these big-shot writers, and they would hand sloppy copy in three weeks late and then scream at me to get their check. I would think to myself, If I ever get the opportunity that they have I'm going to turn in such clean copy that no editor will need to red mark it. I won't ask for payment and I'll turn it in early. The minute I started doing this regularly, well, I could see where the habits begin. But that said, having freelanced and complained about it I found that the rules are the same for editors as they are for writers. I've been a dishwasher and a construction worker and done all sorts of things for money and I've complained bitterly about every job that I've ever had in my life. This is no different. It's just the most luxurious and pleasant work that I've ever had in my life. I would change the personalities of editors.

DOMINUS: All editors.

GEORGIADES: Not all editors. Well, most of them. Auberon Waugh, who's no longer with us, wrote a wonderful book called *Will This Do?* He wrote about the relationship between freelancers and editors. He said that if you're not tweaking an editor you're just not doing your job; you've given up. I recommend that book to anybody who's interested in writing or writers.

GORDON: The topic of kill fees is always loaded because there's nothing worse than working incredibly hard and having your work not turn out. I think one of the issues is that magazines will change their minds and it won't seem quite right to them. So I have also become much tougher. If it's a new magazine, and it's a celebrity profile, you know they'll run it. If it's a piece that's a little more iffy, I actually will refuse to take a kill fee because I don't want to take the risk at this point in my life. Mike also referred to something that is interesting. You know, you turn in the story. You do the victory dance in the house. And then you wait. And I think that's one of the harder things. I've learned to get used to some of the rhythms of editors. But I've had editors at magazines, at *New York Magazine*, who called me within two hours. You're just so happy. And then I've had magazines where I've literally sat for months, and then they want a complete and total rewrite. And you're thinking, what were you doing the last month?

DOMINUS: And they want it in four days.

GORDON: They want it in four days. So I think the uncertainty is one of the hardest parts of doing this. But at the same time, there is the chance to learn all of these new things. I spent three months last winter following around Kofi Annan. It was in the middle of the scandal with his son. He spent an enormous amount of time with me. Last week I went with Susan Sarandon and Tim Robbins to their son's basketball game, which was a hoot. It's wonderful to get this interesting array of worlds and opportunities.

GREENBERG: That's right. Suddenly you're engaged in life in a way that you weren't before. And that's the beauty of it. That's why people put up with the difficulty of it. The wait is the most excruciating thing. If I could demand anything, it would be an immediate response from my editors, even if it is just, "Received it, won't be able to look at it for two weeks." I would so appreciate that. And that said, I do like almost all the editors I've worked with, with a few exceptions, and it's very important to trust them and their eye. Very often they're right. They know. And a good editor is as rare and valuable—probably more valuable—than a good writer. Definitely as rare.

GORDON: It's difficult because you work in a void when you're a freelancer. That void is what you're constantly contending with and trying to give shape to. And the recipient of your work is the person that has the power to give that shape. Please, let me know.

TAYLOR: I've talked to freelance writers who were very proud about working all day in their bathrobes or in sweat clothes, and I've talked to other freelance writers who put on a jacket and tie as if they're going to an office and they do indeed go to an office. So I'd like to ask each of you what you wear when you're writing.

DOMINUS: What usually happens is I go to the gym in my building and I work out and then I come up and I think, I'll just answer a couple of e-mails before I jump in the shower. And then at three o'clock I'm still wearing my nasty workout clothing. So that is, I would say, what I'm usually wearing.

GEORGIADES: I think this is my uniform. I'm wearing it right now.

GORDON: I had just come from doing a lot of Wall Street and business stuff, I'd been wearing a lot of suits and pumps and stockings. So when I first began freelancing I went so far the other way I was wearing mismatched socks. I was wearing sweats. And I suddenly realized that that wasn't terribly attractive. I didn't feel great about it. I don't think my husband really appreciated it. I'm often in jeans or khakis. I try to look slightly nice. And then, you know, you've got to be ready. You never want to say to someone, I'm so sorry I was late for that 11 o'clock appointment but I was getting dressed. But you are half the time.

GREENBERG: Most of you know the John Cheever story. He used to dress up in a suit as if he were going to the office, leave his house in Ossining with a briefcase. He'd walk to the station, he'd watch everyone get on the commuter train, and then he'd go back home and start writing. But one does become a bit of a slob while working at home. People in your building think you're completely insane. What is this person doing home? They become suspicious of you.

TAYLOR: People think you're really quite louche if you're around the house all day. Some years ago my wife and I had a foster child. And he and his friends, suddenly after several weeks of just being in the house, decided that they wanted to become writers. And I knew that it was because I didn't work. I didn't go to work, I was there all the time.

Let's open the floor to questions.

Q: Have you had the experience of submitting an idea,



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—Michael Greenberg

and later having it turn up in the magazine, written by a staff person? Has that ever happened to any of you and what would you do about it?

DOMINUS: I had maybe one when I was just starting out. I pitched an idea to New York Magazine, and for some reason they said, Actually, we'd rather have someone on staff here write it. I'd never written anything before, they had no reason to think that I could write or I couldn't. They did give me fifty bucks for the idea. So it actually wasn't bad. And it was really the only time.

GEORGIADES: It's happened to me. It burned me up at the time. I consider it to be the price of admission. It's very frustrating, but there you are. It does happen.

Q: Do you write on spec?

GEORGIADES: When I'm passionate about a subject I do write on spec. I imagine I'm probably the only person on this panel who does.

GORDON: I've written personal essays on spec.

Personal essays are really hard to place, and you can't really pitch it to someone. They need to see it and read it. I haven't done a lot of them, and have had only mixed success in placing them. Early on I had pitched an idea to somebody and then I saw the idea in print. But I think often enough, the ideas you come with, like Julia Roberts on Broadway, aren't great ideas that a writer could claim were specific to her.

GREENBERG: I write on spec, although I try not to anymore. But I did for a long time write a great deal on spec—mainly because I was writing fiction. I once had a story stolen from me by an editor at the Partisan Review, of all places. This was way back when I was just beginning as a writer. They refused to send me the story back. And they refused to reject it. And then one of the editors came out with a novel that was exactly the story. With character names and long passages lifted verbatim. I was stunned. I didn't do a thing about it. But I've been dutifully paranoid ever since.

Q: When I came to the States about 10 years ago and I didn't have any track record here, I contacted a magazine with an essay idea. I spoke to the editor in chief and he said he had never written on spec in his life before and he'd been a journalist for 20 years. But he said, Go ahead, write it. I got it into the magazine. If you take the time to actually write something on spec, and get it to the right person, you're in. It's better than a thousand pitches. So I would say to people, If you want to take the time to write a spec piece, do it.

TAYLOR: I guess one would have to say that if you invest enough time and research to make the pitch, often you can just write the piece because you've already done the research. Does that ever happen? The panelists can elaborate on this if they wish.

GREENBERG: I think the more you know about a piece, the better.

Q: I've found that if I know an editor personally it's much easier to get into a magazine. Cold calling hasn't worked. But I wonder if there are any places where you can meet editors face-to-face and get that kind of personal relationship going.

DOMINUS: Women of the World To Be run something called Mediabistro, and put up these parties once a month for people in journalism. The website is Mediabistro.com and I'm sure they'll have a listing. At least when I used to go, editors did go. I haven't been in a long time and I'm imagining it's probably more junior editors, but they're the ones who are looking for new writers. So that's definitely worth hitting.

GREENBERG: This is one of the reasons that work-

shops are so popular. Not because anyone thinks he's going to learn how to write, which in my opinion is unteachable anyway. But because you network. To entice people to come, workshops hold out the carrot of agents and editors who are going to be there. One can make contacts that way although I never have. But it's one of the reasons they exist. The other thing is you have to rely on your writer friends—as I have in my life—to say, You really have to meet this editor. Writers aren't the most generous people in the world, but you know, friends are important.

TAYLOR: Editors often move from magazine to magazine. Do you tend to follow the ones that you like working with?

GORDON: Absolutely. I think one of the reasons my career has done so well over the years is because people have gone from place to place to place. So that when someone leaves a magazine, at first there's this clutchy feeling of, Oh my God, I've lost my editor. But the odds are extremely good that they'll wind up somewhere else. A slightly old story, but a number of years ago there was a magazine named *Seven Days*, which was edited by Adam Moss, now the editor of *New York Magazine*. I had been doing a story on Dan Rather for them. There were all these rumors that the magazine was in trouble. I called them Friday, they really wanted my story. Monday morning I called, and I said, I'm done. They said, so are we, which was a rather dramatic thing, and I was very anxious about it. I was lucky in that situation because I got paid. At the same time all those editors were job hunting. And it was a funny story. So they told the funny story. And the next thing you know, I sold the piece to another magazine. So I was paid twice for this piece.

Q: Michael, you had mentioned that you feel that you get recognized for your writing style. But Meryl, in the beginning, you said that you did politics, media and food. So I wonder what's the balance between style and your subject of expertise and how do you walk between those two?

GREENBERG: Yeah, it's the paradox of the freelancer's life because as a freelancer you're not really an expert on anything by definition. You're a quick study. I think that your voice and your sensibility, the way you look at the world comes out, even in the most incidental piece for the least demanding publication. It always comes out in one way or another. It's recognizable, one hopes.

TAYLOR: Perhaps the question also had to do with how you choose. Do you choose pieces based on their contents' appeal to you and your ability to apply your

style, or do you just sometimes go based on content alone, just because you have the assignment, even if it doesn't appeal to you stylistically?

GORDON: My impression is we're all generalists. There are some people who become known as, They write about law, they only write about food, they have a certain expertise. I think there's a real upside to that when a magazine is looking for a story on that topic. They will think of you because you are their expert. One of the reasons I write about food is a guy I knew went to work for New York Magazine before I did. And the first piece he called me about was the making of a celebrity restaurant. It was Robert De Niro's first restaurant downtown. Once I had done a food-related story, suddenly I was a food expert, so I've written about a dozen of those type of pieces.

My style isn't always the same. You realize certain stories urge you to use the anecdote lead, with others you do the straight lead. I think we all have our little writing tricks. Some people write with metaphors; you have your style. But I think there's a certain effort to vary it from time to time, so that your voice stands out but people don't say, My God, did she use that same sequence or kind of thing the last seventeen times she put something together?

GEORGIADES: I position myself to be up for most of the soft kind of journalism that's available. When I was writing for the New York Sun, I was writing restaurant reviews, travel stories, film reviews, book reviews, and interviews. And I think I probably spread myself a little bit thin so that when they would think of one of those topics, they wouldn't think of me because I was chomping at the bit to do all of them. So I've had to scale back a little on my enthusiasm for everything.

DOMINUS: I feel like I've been a little bit buffered by my editors, who have an idea of what I'm good at. It's much easier to take an assignment with an editor who comes to you than to generate your own ideas. On the other hand, somebody might think you're good at something, but it's not the only thing you want to be writing about.

Q: If you do have a particular area of expertise, what would be the most successful way of establishing yourself with editors as an expert? If you are a specialist, but you're not doing freelance writing as a specialist, what would be the most successful way to get yourself known to editors?

GORDON: Books are sexy to editors. They think, Oh my God, this person can write if they've been published. If you actually have a book out, I think you have a huge leg up. Also, people like having "experts,"



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—William Georgiades

so if you're a psychologist or you're in Wall Street, that's sexy because you know things that other people don't know. So it's really a matter of trying to convey, in a pitch letter, what you bring to it. Also, it's getting clips any way you can. I mean, I have a friend who started writing movie reviews for her local community newspaper, so she had clips to show.

Q: I'm trying to figure out how I do those first three lines that capture somebody. The pitch is really what gets me, when I'm not totally sure where it's going to go.

DOMINUS: You can have a great idea, but if they don't know how you're going to handle it, what they'll say is, great idea, but it's really all in the execution, and who knows. So the pitch letter has to sound like the ac-

tual article. If you could actually write the first two paragraphs of the piece in your pitch letter, it would help. Say you have a great idea about X, Y and Z. You know—sort of a snappy starter. And then launch into the piece, so they see that you know how to write like a magazine writer, that you have the specificity to carry it off. And then they'll look at your clips. You can write a beautifully written pitch that isn't written like a magazine article, and it won't get you anywhere. You need to have magazine-style writing, scene setting, anecdote-starting, in the pitch. Then they can imagine this story. It doesn't have to be the actual lead that you would end up using, but fake it until you can get there. When I was an editor that was extremely helpful for me.

Q: I'd like to ask Meryl and Michael to comment on their published writing and screenwriting. Is the process the same, where you query someone and make a five-minute pitch, sink or swim?

GREENBERG: It's very different. The pitches I've done for screenwriting have been with ideas that I'd already developed with a director. He wanted the writer by his side, as a sort of a sidekick. The writer in television, which I've written very rarely for, has more status and more power than in film, where the writer is basically a sidekick to the real creative power, who is the director. Or so they would like us to believe.

GORDON: I wrote a screenplay for 20th Century Fox that was just a total fluke. I pitched an idea with the help of a friend, and they bought it on spec. Literally, I had to go out and buy a "how to write a screenplay" book. I got the contract first. So I was very lucky. But they didn't make it into a movie. I was hoping to launch a second career as a screenwriter, but I found it incredibly hard, possibly because it wasn't my world. I had an agent, but I was so low on the food chain that I couldn't really get in the door. That said, that one check was, you know, much higher than anything I've made as a freelance writer.

Q: So you really can't say, here's a script I've done.

GREENBERG: It's an arcane and byzantine pecking order that no one's quite figured out. But speaking of writing on spec, to be a screenwriter you have to have spec screenplays in your drawer that you know are not going to get made but that show what you can do as a screenwriter. The lady in the front row asked about things being stolen. Well, that is an epidemic in the film world. And the reason people want to do *print* writing—I mean the reason I do, and I assume all of us here—is because we have complete control. It's paid a little less, a lot less sometimes, but you have the con-

trol and the satisfaction of it being your work and your work alone.

Q: Two of you have written for British publications. Can you tell me how you make those contacts and how you develop them?

GEORGIADES: Sure. That's the one area where being sociable has been helpful to me. When I was running the magazine *Blackbook* in New York, I hired a lot of British writers for particular stories, especially ones based over there. I developed a rapport with these writers, and I don't mean to demean New York publishing at all, but I have found that in London, there's a tendency to be extremely encouraging to each other and, if you don't feel you're right for a particular story, to mention somebody else. Anyway, I've gotten a lot of work from London just by word of mouth. I would say I've tried almost not at all to get work in London, but I've gotten a lot more there. Here it's been like pushing a rock up a hill.

GREENBERG: It's true. One of the things is it's more of a writers' market in England. The British read more and they have a tremendous number of dailies. And newspaper writers, even freelance writers, are quite well paid compared to here. If you do a profile for the *Guardian*, an eighteen-hundred word profile, it's very common to get two thousand pounds for it.

Q: Do you think that's better than we get in the States?

GREENBERG: I do, yeah, certainly for literary work, and work with a deeper content. Literary writing is paid better over there. And by the way, if anyone is interested in literary writing, one way to get attention is the anniversary, the hundredth year of the birth or death, you can always sell a piece on that. I do a lot of writing for London papers and like writing for them. I find the English to be very good editors as well.

Q: How do you know what a publication pays? And how do you know whether you can move up?

GORDON: That is such a loaded question and I wish I knew the answer. At New York Magazine none of us talks to each other about what we earn because it would be sort of considered rude.

DOMINUS: Having been an editor was very helpful because when I was negotiating my contract I had a sense of what they were paying.

AUDIENCE: In addition to the Authors Guild, I belong to the American Society of Journalists and Authors and in their monthly newsletter, there's a confidential section where people report on assignments they've gotten and how much they've been paid for

them. It's sort of hit and miss, but you do get a sense of what various magazines are paying.

Q: Are agents of any use out there?

GEORGIADES: No. I had an agent take me out to lunch once and he said it's not worth his time to pick up the phone and call up magazines because the percentage of magazine commissions just wasn't worth the effort. But then he bought me lunch, so—

GREENBERG: Most agents stipulate that they won't handle magazine work when they sign you up. When you're in the higher echelons it's very good to have an agent, because you can double your fee. I know it's gauche to talk about what you're paid, but it's difficult to make a living and you do have to worry about this. And you are wondering what the next guy is getting.

TAYLOR: Some agencies assign younger staff members to try and sell magazine articles for their book authors just to keep their names out there. I want to ask

one more question. Would you recommend this life to your children?

GREENBERG: I'd recommend it to anyone but my children.

GORDON: I find it almost impossible to answer just because it's really fun, but at this point in my life, not having a pension plan and all that stuff, it makes me think maybe 10 years ago I might have gone in a different artistic direction.

GEORGIADES: I'll find out when I have some.

DOMINUS: I love it so much. That's why it's worth all of the difficulties. I love not having a boss, and I love traveling, and all of those things make it worth it. But I guess it depends. They'd have to really love it a lot. But no, I wouldn't encourage it.

TAYLOR: Love it a lot, that's the answer. Susan Dominus, William Georgiades, Meryl Gordon and Michael Greenberg, thank you so much for joining us. ♦

Opening Lines

Continued from page 5

"At first, I had forgotten I'd sent the manuscript in," Wineberg admits. "And I'd entered back in November; we were supposed to hear in April or May, so I figured that nothing had come of it. When they called, I was stunned."

While the victory was good news—her manuscript had been selected from some 450 submissions—the better news was the reward: publication of her winning collection of stories by New Rivers Press. *Second Language* came out in October of 2005, following an editorial process that was both thrilling and particularly challenging.

"I had a lot more decisions to make than I'd expected," Wineberg admits. "Most of the stories in the book were written in the last five years, but a few stories were 10 or 12 years old. Reading them again, and seeing how differently I would have written them now, I had to restrain myself from taking them apart and rewriting them." There were also the peculiar problems that come from working on diverse batches of fiction over years. "When you write stories over a

span of time, you run the risk of repeating names and situations from story to story without realizing it. One of my readers pointed out to me that I had mentioned the same disease in a few stories. So I went through the manuscript and came up with a new illness."

Nonetheless, Wineberg's outlook has never been healthier. She is working on a new novel, investigating agents, and—as always—tinkering with an array of short stories. For the first time in her writing life, she may not have to win a contest in order to get her next book published. But that doesn't mean she won't enter any. "There's something about contests that you see listed in magazines, in *Poets & Writers* or the *AWP Chronicle*, that is encouraging for a writer," she says. "They do give you the feeling that one day something can happen." ♦

Correction

In the introduction to our transcript of the New York Public Library panel on Google, we gave the date of the discussion as November 29, 2005. The event took place on November 17, 2005.

Along Publishers Row

Continued from page 2

elevision why she thinks she's sold tens of millions of copies, Karon replied, "I think people really have been wanting a decent, clean read, something that wouldn't frighten them to death as they read at night."

Karon's series is about a small town clergyman.

The author wrote her first novel when she was 10 years old. She told PW, "When my sister found it, she discovered the one curse word I had, with pounding heart, included in someone's speech. For Pete's sake, hasn't Rhett Butler used that very same word and gotten away with it? After my grandmother's exceedingly focused reproof, I've written books without cussin' ever since."

BACK IN THE SADDLE: After not working on children's books for a while, **Maurice Sendak** told The New York Times that he was completing one that he had given up on in the mid-90's because back then it had seemed too "light." His first pop-up book, *Mommy?*, with a text by **Arthur Yorinks**, will be out this fall.

He joked about how hard it was to do the separate little drawings for pop-up parts. "'You know, the sleeve, the penis,' he said, smiling." There isn't really any penis in Mommy, he said, then added, "But I'll do a pop-up penis someday. The penis has to have its time." In 1970, Sendak famously drew a naked boy for *In the Night Kitchen*.

THE ART OF ESSAY: **Philip Lopate** is the author of two novels and two poetry collections, but he is best known for his essays, which have appeared in *Portrait of My Body* and *Getting Personal: Selected Writing*. His newest book is *Waterfront: A Journey Around Manhattan*. He said

about the art of the personal essay: "The question isn't 'Why do I want to hear about a writer's past?' but rather 'What is he or she going to make of their past? What are they going to make of their experiences?' There's what happened, and then there's what the writer makes of it."

COMPLEX: The late **Susan Sontag** said, "If I thought what I'm doing when I write is expressing myself, I'd junk the typewriter. Writing is a much more complicated activity than that."

COVER NOTE: *By Its Cover: Modern American Book Cover Design*, by **Ned Drew** and **Paul Sternberger**, was reviewed by **John Updike** for The New Yorker.

Updike observed: "Publishing forms a minor branch of the entertainment industry, and book design is increasingly a matter of fashion—that is, of attention-getting. In the visual clamor of a bookstore, the important thing is to be different; a whisper becomes a shout and the ugly becomes beautiful if it attracts attention."

Updike concludes his essay: "You can, possibly, tell a book by its cover, but the cover isn't the contents."

POTTER IN U.S.A.: The **Eric Carle** Museum in Amherst, Mass., exhibited "Beatrix Potter in America." The show was a collection of original artwork and other ephemera from American collections.

Potter, the creator of *The Tale of Peter Rabbit* and 22 other books for children, was born in England in 1866 and died in 1943.

In 1927, a 13-year-old Boston boy, **Henry P. Coolidge**, visited the author and then sent her two guinea pigs to replace Potter's favorite, Tuppenny, who had died. Coolidge became a lifelong friend and pen pal. Potter gave him more than 20 drawings and dedicated her 1929

book, *The Fairy Caravan*, to him. The Coolidge collection was part of the exhibition.

Actress **Renee Zellweger** will star in *Miss Potter*, a bio movie.

NEW IMPRINT: 50 Cent, described by The New York Times as a rapper and actor, is starting his own imprint, G-Unit Books. The books will "tell the truth about the Life: the sex, guns, and cash." The publishing director at MTV said that the books "will be very action-packed and very dramatic. We hope to bring the spirit of a fast video game or a movie onto the page."

JOB TRAINING: **Lisbeth Zindel** is the daughter of **Paul Zindel**, Y-A author and Pulitzer Prize-winning playwright. She has written a Y-A novel, *Girl of the Moment*, about a high school girl's summer job working as an assistant to a teenage idol. PW reported that Zindel works as a producer with **Madonna's** entertainment company.

SO LOAF: **James Norman Hall** said, "Loafing is the most productive part of a writer's life."

DEFINITION: **Jane Smiley's** novel *A Thousand Acres* won a Pulitzer. Her latest book is *13 Ways of Looking at the Novel*. In it she writes: "A novel is (1) *lengthy*, (2) *written*, (3) *prose*, (4) *narrative* with a (5) *protagonist*. . . . All additional characteristics—characters, plot, themes, setting, style, point of view, tone, historical accuracy, philosophical profundity, revolutionary or revelatory effect, pleasure, enlightenment, transcendence, and truth—grow out of the ironclad relationships among these five elements. A novel is an experience, but the experience takes place within the boundaries of writing, prose, length, narrative, and protagonist."

Smiley, who has written 11 novels and a biography of **Charles**

Dickens, also said: "For novelists, a novel is experience as well as a product, and part of the experience is the post-publication fate of the novel as well as the novelist's further thoughts and feelings about the characters and the situation. After publication, the world speaks back to the novelist about what had once been his private thoughts. . . ."

NOT FOR KIDS: *The Norton Anthology of Children's Literature* is for adults. It is 2,471 pages and includes 350 years of alphabet books, fairy tales and animal fables. It took five editors four years to compile. Some stories are reprinted in full, sometimes with illustrations. Others are excerpted.

The anthology includes what is probably the first book for children, *Orbig Sensualium Pictus*, an illustrated Latin grammar by **Johann Amos Comedius**, published in 1658.

The general editor, **Jack Zipes** of the University of Minnesota, told *The New York Times*, "These works reflect how we view children, and something about us."

In another *Times* article about the anthology, **Edward Rothstein** pointed out that many stories for children are read aloud by a parent and thus are given an extra layer of meaning. Rothstein wrote, "A great children's book does not reflect the world or its reader. It plays within the world. It explores possibilities. It confounds expectations. That is why the anthology's academic function makes me wary. The child, with the adult near at hand, never has a single perspective. Almost anything can happen. And usually does."

NOW A NOVEL: **Roger Rosenblatt** is the author of 10 books of nonfiction and what he calls "TV Pieces" for Public TV's *News Hour*. He once wrote essays for *Time* magazine, and now he has produced a novel, *Lapham Rising*.

Rosenblatt told PW: "A satirical

novel is like an essay standing on its head and sticking out its tongue. The point comes through the back door."

TRICKS: **Joan Didion** wrote, "Quite often you want to tell somebody your dream, your nightmare. Well, nobody wants to hear about someone else's dream, good or bad; nobody wants to walk around with it. The writer is always tricking the reader into listening to the dream."

SALES DECLINE: PW reported that sales of picture books for children continued to slide. **Doug White-man**, head of the Penguin Young Readers Group, said that there was a similar downturn in the early '90s. He said, "We have not seen any decline in **Jan Brett**, **Tomie dePaola** or celebrity titles. What's been hurt is the 'midlist' picture book."

George Nicholson at Sterling Lord Literistic, said, "There's no way to sell an unusual picture book these days unless it wins a medal or has a theme." He added, "By and large, I'm turning down clients who want to write picture books."

SHAGGY TALE: Senator **Edward M. Kennedy** is joining the ranks of celebrity authors with *My Senator and Me: A Dog's Eye View of Washington, D.C.* His 56-page book for children is illustrated by **David Small**, winner of the 2001 Caldecott Medal.

TESTING: An entire book, *Go It Alone! The Secret to Building a Successful Business On Your Own*, by **Bruce Judson**, was made available online along with advertisements. The book was first published in November 2004 and the paperback came out last December. The *New York Times* described the move as "another test of how books will survive in a digital world." Judson is a senior faculty fellow at the Yale School of Management. You can read his book on www.brucejudson.com.

CRANKING: *Red Lily* is the title of the 162nd novel that **Nora Roberts** has written since 1981.

AT HOME: *Writers of the American South: Their Literary Landscapes*, by **Hugh Howard**, has color photos of authors' homes by **Roger Straus III**.

One of the writers featured is **Flannery O'Connor**, who is quoted as having said: "The great advantage of being a Southern writer is that we don't have to go anywhere to look for manners; bad or good, we've got them in abundance. We in the South live in a society that is rich in contradiction, rich in irony, rich in contrast, and particularly rich in its speech."

Among other homes in the book are those of **James Lee Burke**, **Kate Chopin**, **William Faulkner**, **Shelby Foote**, **Allan Gurganus**, **Margaret Mitchell**, **Eudora Welty** and **Thomas Wolfe**. But what is **Ernest Hemingway** doing here? Does having a house in Key West, for a few years make him a Southern writer?

ACTIVIST: **Margaret Atwood**, the Canadian novelist, is the author of 35 books, including *The Handmaid's Tale* and *Cat's Eye*. According to *The Washington Post*, Atwood is an activist "as ferocious as the avenging Furies."

The author told *Book World* editor **Marie Arana**, "Giving a speech against racism is not the same as writing a novel. The object is very clear in the fight against racism; you have a reason why you're opposed to it. But when you're writing a novel, you don't want the reader to come out of it voting yes or no. Life is more complicated than that."

BRAVE STAND: St. Andrew's Episcopal School in Austin, Texas, was told to remove **Annie Proulx's** short story "Brokeback Mountain" from its reading list or lose a \$3 million gift to its building fund.

The gift had been made by **Cary McNair**, a film producer who has

two children in the school. He asked, "Why would St. Andrew's School promote classroom discussion on pornographic material concerning deviant behavior?"

School officials gave up the money, and PW said that writers around the country were so inspired that they formed a group of young-adult authors called ASIF (Authors Supporting Intellectual Freedom).

COLLECTION: **Anita Thompson**, widow of **Hunter S. Thompson** who shot himself to death last year, is putting together a collection of witticisms, aphorisms and other excerpts from the 14 books he wrote. The working title is *Hunter's Wisdom*.

BREAKING IN: **Taylor Branch** has been promoting his third volume on the Civil Rights Movement, *At Canaan's Edge*.

He told PW: "I broke into books out of magazines as a ghostwriter, which was common back then—this was the mid-'70s. My first book was with **John Dean**, called *Blind Ambition*, about Watergate, and then I thought if I were going to be a writer, a real writer was a novelist. And ghostwriting was practice for becoming a novelist because you write in the voice and heart of another person. I picked the next ghostwriting offer from the person most different from Dean and did a book with **Bill Russell**, who played center for the Celtics."

PRE NOVELS: **Sidney Sheldon**, author of 18 best-selling novels, wrote 25 movies and six plays before he turned to writing books. His latest is a memoir, *The Other Side of Me*, about his life before he became a fiction factory.

CLAIM: British mystery writer **P. D. James** (whose latest is *The Lighthouse*) told PW: "Women certainly do excel in the traditional classical detective story. . . . It may be that

women find the format construction of the detective story psychologically supportive, so that we are able to deal within this structure with violent events which we might not so confidently tackle in the so-called straight novel."

Will *The Lighthouse* be James's last mystery starring detective Adam Dalglish?

James told *The Montreal Gazette*, "If I can't do it well, I'll stop doing it. One should never fall into temptation of just accepting something because it will make money or because people want another one."

NOT FUNNY? The title of **Paul Beatty's** book is *Hokum: An Anthology of Afro-American Humor*.

PW reported that because of the jacket, which shows a mostly-devoured slice of watermelon (that looks like a big smile), the author's invitation to be interviewed on National Public Radio was cancelled.

BOOKMAN: **Nicholas Basbanes** writes books about books. His latest is *Every Book Its Reader: The Power of the Printed Word to Stir the World*. He told PW: "I'm always looking for great stories; with enough of them you can write about anything, and get people to read you."

Basbanes claims that his books always sell better than the publisher expects. He said, "I have a readership—people fascinated with book culture—and there are far more of them than publishers imagine."

ADVENTURER: **Eudora Welty** wrote: "Each story is like a new challenge or a new adventure, and I don't find help anywhere, or look for it anywhere, except inside."

FEW PLOTS: **Jayne Ann Krentz's** latest novel is *All Night Long*. She told PW: "Ever heard the old saw that there are only five plots in fiction? When you start writing, you find out just how true that is, and

that is because there are finite numbers of conflicts. Plot depends on conflict. We're either out to get something, we've got to escape from something, we've got to create and protect a family."

MYSTERIES: A few bookstore owners have gone into publishing mystery novels because, according to PW, "they faced so many requests for books that big publishers had either dropped, failed to bring out in American editions or would not publish because potential sales were considered too small."

Otto Penzler, owner of New York's Mysterious Bookshop said, "It's the greatest market research you can do to sit in your store and hear what people love." Penzler has headed his own imprint at three major houses.

The Rue Morgue Press at the Rue Morgue Bookstore in Lyons, Colo., reprints mysteries that were published from 1913 to 1953.

David Thompson works at Houston's Murder by the Bookstore and started The Busted Flush Press in 2004. He said it's because of "major publishers' lack of interest in classic mysteries."

Jim Huang of the Mystery Company bookstore in Carmel, Ind., founded the Crum Creek Press in 1989.

Kate Mattes of Kate's Mystery Books in Cambridge, Mass., said, "We are aware of reader demand." She publishes new fiction as well as English imports and reprints first books in a series.

SOURCE: **Charlie Huston's** first novel was *Caught Stealing*. Huston told PW how his second, *Already Dead*, began: "The dedicatees are a bunch of guys I used to hang with in my early teens. We were all pretty heavy SF, horror and fantasy geeks. In between getting into a little trouble here and there, we'd do some gaming. No paper or pens, just us

making up worlds and populating them with characters. It was as much communal storytelling as it was gaming. So with *Already Dead*, the idea of my creating what is essentially a fantasy world probably goes back to hanging with that gang."

ON THE SCREEN: In a movie called *Winter Passing*, actor **Ed Harris** played a reclusive writer with a wife, an author of literary romances, who has committed suicide. Reviewer **Stephen Holden** of The New York Times described the characters as "a fictionalized mix-and-match stew of **J. D. Salinger**, **Ken Kesey**, **Ted Hughes** and **Sylvia Plath**, with dollops of **Jack Kerouac** and **Ernest Hemingway**." **Adam Rapp** was the screenwriter and director.

In another movie last fall, *The Squid and the Whale*, two of the characters were a writing couple. Actor **Jeff Daniels** played a bearded, failing novelist. His wife, played by actress **Laura Linney**, found him so boring that she had affairs and became a big success by selling a story to The New Yorker. **Kafka** was mentioned more than once.

POLITICS: **Sean Wilentz** teaches history at Princeton. He is the author of *The Rise of American Democracy*. In an essay for The New York Times Book Review, Wilentz wrote, "Contemporary party politics, which once inspired writers as different as **James Fenimore Cooper**, **Mark Twain** and **Robert Penn Warren**, is terra incognita. The separation of literature and state seems to have become absolute."

Wilentz concluded: "The memory of a time when American party politics was worthy of a writer's respect, let alone professional involvement, has almost disappeared. American literature has distanced itself from an essential part of national life, and American politics has debased what was once an uplifting language of democracy."

BIG DAY: **Ayelet Waldman** is married to novelist **Michael Chabon**. They have four small children. Waldman's new book is *Love and Other Impossible Pursuits*.

She told PW that once, while at the MacDowell Colony in New Hampshire, "There was a day I wrote 8,500 words. The pads of my fingers were numb; I thought I had worn off my fingerprints."

SO WHAT: According to The New York Times's **Janet Maslin**, "So what books have been proliferating." She describes these as books that are meant to be opened at random so that they can reveal "weird, little-known factoids that are meant to astonish. . . . unfortunately, the most common response is, 'So what?'"

A few of the titles she listed included *Accommodating Broccoli in the Cemetery, or Why Can't Anybody Spell* by **Vivian Cook**; *Comma Sense: A Fun-Damental Guide to Punctuation* by **Richard Lederer** and **John Shore**; *One Letter Words, A Dictionary* by **Craig Conley**; *Odds'R: The Odds on Everything Book* by **Roger L. Schlaifer**; *Vitamin Q: A Temple of Trivia Lists and Curious Words* by **Roddy Lumsden**, and *Why Do Men Have Nipples?* by **Mark Leyner** and **Billy Goldberg**, M.D.

ON THE WEB: HarperCollins is creating its own digital library of all of its books and audio content to make it available to consumers on the Internet. Web users will be able to search the archive via Google, Yahoo or retailers like Amazon.com.

The New York Times said, "The move is intended to allow HarperCollins to maintain control over digital content rather than cede that control to other companies."

SOLD: **Edith Wharton's** library of 2,600 volumes has been sold to the Mount, the writer's estate in Lenox, Mass., for \$2.6 million. According to

The New York Times, the books will provide scholars and Wharton aficionados with an opportunity to see the collection that not only shaped Wharton's development but also reflected the broad sweep of her interests, from European drama to the novels of her peers.

MOODS: **Fannie Hurst** once said, "I'm not happy when I'm writing, but I'm more unhappy when I'm not."

MEETING: While in Boston promoting his new book, *Teacher Man*, **Frank McCourt** spoke at the Kennedy Library. As reported by PW, the former teacher, an inspiration to many of his students, described an encounter on a New York street with a former student. McCourt's account:

"He said, 'Hi, Mr. McCourt.'

"I said, 'Hi, Moose.'

"You know my name?"

"I said, 'Yeah, Moose Kline.'

"He said, 'I was in your class fifteen years ago!'

"I said, 'I know, Moose. So, how are you doing?'

"He said, 'I was in your class for a year and a half and now I'm a poet, and I'm starving. And f—you!'"

MY OWN MEMOIR: **Cervantes's** *Don Quixote* was required reading in college. I remember it as slap stick funny, but eventually tedious and too long.

I picked up the new translation by **Edith Grossman** and found that I now identify totally with the Don. His vision of the world was insane, warped by reading too many novels about knighthood. I have been driven mad by my fantasies about what the publishing world should be like. Everyone in *Don Quixote* knows that the old fool is crazy. They tease him and use him for cruel, sadistic entertainment. That's how I feel about the way writers are

treated by editors and agents and everyone else in the book business.

I can hardly wait to read again the famous death scene at the end of the book to see how things are going to turn out. I vaguely recall that at the end, the Don has a period of sanity before he dies.

REAL FICTION: Asked by a New York Times interviewer about his use of **Arthur Conan Doyle** as a character in his novel *Arthur & George*, **Julian Barnes** said: "I think serious writers, as you call us, have always worked with the past. **Shakespeare** did it a lot. He used some source like **Plutarch** and then made the rest up for his own purposes. Are you going to say that **Julius Caesar** isn't really a play because it has got real people?"

KING FAN: **Nicholas Sparks**, author of *At First Sight*, told PW that he reads 125 books a year. He said the only contemporary writer that he can guarantee will be read 100 years from now is **Stephen King**.

INVASION: German authors are in the midst of a breakthrough "that is propelling their work to hitherto un-found success abroad." The New York Times said that the trend began in 1999 with **Bernard Schlink**'s novel *The Reader*. **Sven Regener**'s novel, *Herr Lehmann*, has become a bestseller in Norway. *Der Schach-automat* by **Robert Lohr**, about a puppet that plays chess, will be published in North America. "Once content to write for a small circle of readers at home, they have tuned their antennae toward the rest of the world, testing out ideas on publishers with an eye toward eventual sales abroad."

AGENT MAN: **Laurence J. Kirshbaum**, 61, former top man at Time Warner Books, has opened an agency, LJK Literary Management. He told The New York Times, "Publish-

ing is built on an economic model that is really very painful for the people working there. It is still a little bit of a medieval guild system." Where editors once spent most of their time polishing manuscripts and nurturing relationships, they now have a greater role in marketing and sales.

Kirshbaum said, "A nonfiction author has to bring a platform with him—radio, a TV show or some kind of recognizable vehicle to help launch them. And the agent is really necessary to represent all of the business interests of the author."

Kirschbaum said, "The name of the game is not to make a quick buck for the author and make the publisher take a write-off" on a big advance. "What really matters is what happens after the deal. If the books are selling, the money will follow."

HOT TOPICS: Only eight self-published books have managed to climb into the No. 1 slot on PW's bestseller list: *Natural Cures* "They" Don't Want You to Know About, *The One-Minute Manager*, *The Celestine Prophecy*, *Life's Little Instruction Book*, *The Christmas Box*, *How to Be Your Own Best Friend*, *In Search of Excellence* and *Mutant Message Down Under*.

BEGINNINGS: The American Book Review, in its January–February issue, published a list of the 100 best first lines in novels.

The top three were: "Call me Ishmael," from **Herman Melville**'s *Moby-Dick*; "It is a truth universally acknowledged, that a single man in possession of a good fortune, must be in want of a wife," **Jane Austen**'s *Pride and Prejudice*; and "A screaming comes across the sky." **Thomas Pynchon** kicked off *Gravity's Rainbow* with that sentence.

THE END: **J. K. Rowling** is devoting 2006 to writing the seventh and final book in the Harry Potter series.

She said on her website: "I contemplate the task with mingled feelings and excitement and dread, because I can't wait to get started, to tell the final part of the story and at last to answer all the questions (will I ever answer all of the questions? Let's aim for most of the questions); and yet it will all be over at last and I can't quite imagine life without Harry."

Last year, *Harry Potter and the Half-Blood Prince* sold more than 7 million copies, 4.1 million on the first day of publication. The first six volumes have sold more than 300 million copies.

In an article in the Science section of The New York Times, it was reported that British researchers found that on the weekends the last two volumes came out, admission rates at an Oxford emergency room fell by almost half.

"It may therefore be hypothesized," the authors of the report wrote, "that there is a place for a committee of safety-conscious, talented writers who could produce high-quality books for the purpose of injury prevention."

ADVICE: **George R. R. Martin**'s current bestseller is *A Feast for Crows*.

The sci-fi writer told PW: "Given the realities of today's market in science fiction and fantasy, I would suggest that any aspiring writer begin with short stories. Short stories help you learn your craft . . . and they are still the best way for a young writer to break in, since the magazines are always hungry for short SF and fantasy stories. Once you've been selling short stories for five years or so you'll have built up a name for yourself, and editors will start asking you about that first novel."

D.C. SEX: New York Times columnist **Maureen Dowd** wrote an essay about novels by politicians and proclaimed: "Reading pols' strained

attempts at steamy scenes is discomfiting. Like thinking about your parents and sex, it gives you the heebie-jeebies."

Then Dowd gave her readers the heebie-jeebies by quoting from the Senator **Barbara Boxer** (with **Mary-Rose Hayes**) novel, *A Time to Run*: "She felt his competent hands undressing her, and they fell together through the darkness onto his bed. Greg's naked body was long and elegant, and they meshed with ease and grace."

Former Representative **Newt Gringrich's** (written with **William Forstchen**) has the mistress of the president's chief of staff sit on her lover's chest and hiss that he must tell her a secret "or I will make you do terrible things."

Lynn Cheney's *Sisters* has a Republican vice president die of a heart attack during sex with his mistress. **William Cohen** and **Gary Hart**, former senators, wrote *Double Man* in 1985 and had a fictional senator couple with a lovely CIA agent: "It was fierce, two rivers of energy rushing together, gloriously, powerfully."

The quote from **Scooter Libby's** *The Apprentice* comes from a scene about little girls, all virgins, and a bear. It is so bizarre that it doesn't bear repeating.

PROMOTED: A half million copies of **Sherrilyn Kenyon's** *Unleash the Night* have been printed, and the book has sold so well as a mass market paperback that PW reported that her next, *Dark Side of the Moon*, will come out as a hardcover.

EXPOSURE: A new program called Amazon Connect was designed to link authors and their fans—and to sell more books. Amazon is adding author blogs and extended personal profile pages.

One of the authors featured was **Meg Wolitzer**, promoting her new novel, *The Position*. Wolitzer said she

felt somewhat uncertain as a blogger. "I come from a sort of butter churn and scrimshaw background. I feel ironic even using the word blog as a verb." She said she intended to write about writing. "I think so much about writing books, so if I just put something like that down, I think it will be a good thing."

FINDING: **Susan Stead**, a librarian at University College London found a manuscript of a 12-line poem by **Lord Byron** dated April 12, 1812, in a copy of an 1810 edition of *The Pleasures of Memory* by **Samuel Rogers**, a patron of the arts and a minor poet. Stead told The New York Times, "I just opened the book, and there it was." She said it appeared that the poem, published four years later, was inspired by Rogers's book.

LISTED: The New York Times creates its bestseller lists by polling both chain and independent bookstores. The Book Review reported: "Predictably, literary fiction and nonfiction tend to do better in the independent stores." Examples on the list in January included **E. L. Doctorow's** *The March*, **Gabriel Garcia Marquez's** *Memories of My Melancholy Whores*, **Zadie Smith's** *On Beauty* and **John Hodgman's** *The Areas of My Expertise*.

SALESMAN: Bad guy **Osama bin Laden**, like **Oprah Winfrey**, can sell books. Well, maybe not as many. After mentioning **William Blum's** *Rogue State: A Guide to the World's Only Superpower* (2000) on an audiotape that was widely broadcast, bin Laden's endorsement sent the book into the top 50 on Amazon.com's bestseller list and into the mid-'80s on Barnes & Noble's online list.

Blum told The New York Times that the passage bin Laden quoted actually came from the back cover of his more recent book, *Freeing the World to Death: Essays on the American Empire* (2004).

PRIZE: As the recipient of a \$25,000 scholarship, a student at Ursinus College in Collegeville, Pa., will get to live in **J. D. Salinger's** old dorm room. Professor **Jon Volkmer** told The New York Times, "As many great writers, including Salinger, have shown, the best writers are often not the best students. In the spirit of Holden Caulfield, we're looking to help out the quirky kid with unique vision. This is not just another award for the high SAT crowd."

ENCORE: **Jackie Collins** celebrated the publication of her 24th book in Los Angeles. The title is *Lovers & Players*. Collins told The New York Times that men find her intimidating "because I write good sex scenes. So every once in a while I get involved, but I'd rather be one of the boys."

CLEARED: Charges against Turkish novelist **Orhan Pamuk** finally were dropped. He had been charged with "insulting Turkish identity" by mentioning the 1915 massacres of Armenians to a Swiss interviewer last year. His novels include *My Name Is Red*, *The Black Book* and *Snow*. Turkey forbids by law any public comments that "denigrate Turkishness, the government, the army and the memory of the founder of modern Turkey, **Mustafa Kemal Atatürk**."

The New York Times reported that the trial had put the Turkish government at odds with the European Union, which is considering permitting Turkey to join.

OUT OF HIDING: If there were an award for being today's most reclusive writer, **J. D. Salinger** would probably win, but **Harper Lee**, author of *To Kill a Mockingbird*, would come in second. As a result, she made news when she appeared at an awards ceremony for student essays about her novel at the University of Alabama. The book has sold

10 million copies since it was published in 1960.

Since the movie *Capote* (in which she is a character) came out, Lee said that she spends much of her time writing demurrals to reporters who want to interview her. When it was suggested that she just reply with a form letter to such requests, she joked, "What it would say is hell, no."

SHIFT: **Martha Sherrill** received a substantial advance from Random House for a memoir about her father, **Peter Sherrill**, a polling expert and software company founder. Then a few months later "a skeleton popped out of the closet." She told *The New York Times* that "it was something that just couldn't ever be put in a book. It colored everything. It just changed the way I saw him."

She decided to use the material for a novel, *The Ruins of California*, which has been published by Penguin with a much smaller advance than she had been paid for a memoir. She explained how she had come to terms with Random House: "We worked out a payment schedule, and I write a monthly check. It feels like I'm just throwing money at the wind, frankly. But it's the honest thing to do. I spent it."

TWO JOBS: **Dana Spiotta's** new novel is *Eat the Document*, about fugitive radicals from the 1970s who are still in hiding. Spiotta is a waitress at the Rose & Kettle, a restaurant in Cherry Valley, N.Y. Her husband, an artist and musician, is the chef.

Spiotta wrote *Eat the Document* in an apartment above the restaurant between waiting on tables downstairs. She told *The New York Times* she would never stop working at the Rose & Kettle. "I love it. In the morning I lead the secret life of a writer. Then I come down here. It's a kind of structured social interaction. It doesn't require a lot of you."

"I do feel incognito. If someone is being dismissive, or treating me very servantly, I can say I have a secret life, I'm a writer."

"And it can work the other way round too. If people don't like my books, I can always say I'm a waiter."

STREET LIT: "For me," **Dewitt Gilmore** told *The New York Times*, "jail was like spending seven years in a writer's studio." Gilmore lives in New Rochelle, N.Y.

While in prison for check-cashing fraud, Gilmore wrote 30 novels. Since he got out, he has self-published 11 of them, and he has a four-book contract with St. Martin's. His pen name is Relentless Aaron, and the Times said that his "books fall into a growing genre known as street lit. With titles like *Push*, *Topless* and *Platinum Dolls*, they are saturated with sex, violence, gangsters, and drug dealers and take place in prison and on the mean streets of New York City."

Gilmore himself aggressively sells his books on sidewalks, the Internet, in small bookstores and on buses that take visitors to prisons.

Gilmore said, "Nothing could match solitary for writing. . . . There are too many distractions on the outside. Sometimes I have to lock myself in a hotel room with no phone or TV. Sometimes I just get in my truck and drive to a deserted place for a while. But I'll never have it as good as prison again. For writing, anyway."

CELEBRATED: **J.P. Donleavy**, author of *The Ginger Man*, had an 80th birthday, and the occasion triggered a major article in *The New York Times*. The novel came out 50 years ago and has sold more than 45 million copies in two dozen languages. Donleavy lives on an estate in Ireland, and has written 23 other books. Only three have ever been out of print.

Donleavy is currently trying to complete a short fable about a dog jumping out of a 17th-floor window in New York. "There are tiny little incidents that happen in New York, that take five seconds to happen," he said. "I'll take that incident and make it into a real story."

JOURNALISM? The American Association of Petroleum Geologists gave its annual journalism award to **Michael Crichton** because his latest novel, *State of Fear*, "dismisses global warming as a largely imaginary threat."

The New York Times quoted **Stephen H. Schneider**, a Stanford climatologist, describing the book as "demonstrably garbage." Petroleum geologists may like it, but only because "they are ideologically connected to their product, which fills up the gas tanks of Hummers."

Crichton's books have sold more than 150 million copies, and been translated into 36 languages. Twelve have become movies. PW said his ideal writing environment would be "a small room with the shades down, no daylight, no disturbances plus a Macintosh with a big screen and plenty of coffee." In that cocoon, Crichton wouldn't even notice how hot it's getting outside.

N.Y., N.Y.: **Janet Maslin** of *The New York Times* crammed nine novels into a single review because they used New York sites and events as scenes. These included the Metropolitan Museum and Central Park in *The Last Templar* by **Raymond Khoury**; Lincoln Center in **Linda Fairstein's** *Death Dance*; the Thanksgiving Day Parade in Richard Hawke's (a.k.a. **Tim Cockey**) *Speak of the Devil*; the Met (again) in **Ruth Francisco's** *The Secret Memoirs of Jacqueline Kennedy Onassis*; Manhattan's Upper East Side in **Galt Niederhoffer's** *A Taxonomy of Barnacles*; farther north on Fifth Avenue in **Ayelet Waldman's** *Love and Other*

Impossible Pursuits; more Upper East Side and Coney Island in **Peter Blauner's** *Slipping Into Darkness*; and the Dakota apartments and SoHo in **Lee Child's** *The Hard Way*.

Maybe non-New Yorkers should get a free map with their fiction.

KING RING: In an interview in *The Wall Street Journal*, **Stephen King** referred to cell phones as "21st-century slave bracelets." But despite his hatred of one of technology's darlings, the author allowed his publisher to promote his new novel, *Cell*, by selling two ring tones that feature King's voice. The *New York Times* reported that for \$1.99 you can have King on your cell phone say, "Beware. The next call you take may be your last."

CLUBBED: In an essay for *The New York Times Book Review*, novelist **Curtis Sittenfeld**, author of *Prep* and *The Man of My Dreams* (to be published in May), described what it's like when an author visits a book club:

"It's pretty obvious that some readers say they hate your protagonist as a more polite way of saying they hate your entire book, but when I want to hear from people who hate my book, I prefer doing it in the comfort of my own home by looking at customer reviews on Amazon. I also think some readers say they hate your protagonist as a polite way of saying they hate you. This might sound paranoid, but what else am I to assume when somebody says in one breath, 'Lee [the fictional heroine] is insufferable!' and in the next asks, 'The book's completely autobiographical, isn't it?'"

ON A ROLL: **Kate DiCamillo's** books have sold seven million copies in English. She won a Newbery Honor for her first novel, *Because of Winn-Dixie*, a National Book Award Honor for *The Tiger Rising*, and the Newbery Medal for *Despereaux*. She

spent this spring on the road (12 cities in 10 states) promoting *The Miraculous Journey of Edward Tulane*. An early-reader chapter book about a pig, *Mercy Watson Goes for a Ride*, is due out in May.

After majoring in English at the University of Florida, DiCamillo, now 41, worked the rides at Disney World and called bingo at a campground, while claiming to be a writer. She told *The New York Times*, "I kept mouthing that until the self-loathing became so great it was easier to try to write than to hate myself for not doing it anymore."

The *Times* said, "Love, spiritual salvation and emotional transformation are hallmarks of her books, but so are senseless cruelty and excruciating abandonment." In *The Miraculous Journey of Edward Tulane* a child named Sarah Ruth dies. DiCamillo's response: "This is the way things are. Death cannot be stepped around."

JOLLY TITLE: In England last Christmas, a bestseller was a book by **Alan McArthur** and **Steve Lowe** entitled *Is It Just Me or Is Everything Shit?* PW said the book is a rant against "phony ideas, cretinous people, useless products and double-speak." The U.S. will get an Americanized version next Christmas.

NEW VOICE: *The Book Thief*, a novel by a 30-year-old Australian, has an unusual narrator—Death. **Marcus Zusak**, the author, said: "I wanted Death to talk in a way that humans don't speak."

Samples: "The trees who stood" and "the sky who was this color." Death "refers to the sky and the trees and the clouds as though they're colleagues." Zusak told PW, "Whether it worked or not, you just want people to see the attempt. You want them to see you've tried, and that you did try to give them something fresh."

BORROWING: **Jon Clinch**, a former English teacher, is author of a first novel, *Pap*. It tells the story of Huck Finn's father.

SURVEY: *The Art of the Short Story*, edited by **Dana Gioia** and **R. S. Gwynn** is made up of stories by 52 famous writers. The volume also includes biographical notes, an "author's perspective" following each story, and a section of analytical and critical essays. Writers include **James Baldwin**, **John Cheever**, **Anton Chekhov**, **Henry James**, **Jack London**, **Mishima**, **Leo Tolstoy**, **John Updike**—all the usual suspects with familiar samples.

D. H. Lawrence is quoted: "... being a novelist, I consider myself superior to the saint, the scientist, the philosopher, and the poet, who are all great masters of different bits of man alive, but never get the whole hog."

"The novel is the one bright book of life. Books are not life. They are only tremulations on the ether. But the novel as a tremulation can make the whole man alive tremble. Which is more than poetry, philosophy, science or any other book-tremulation can do."

FOR CAT LOVERS: **Rita Mae Brown** has published her 15th mystery novel about a cat. The title is *Sour Puss*.

CHANCE MEETING: **Josh Kilmer-Purcell's** first book is *I Am Not Myself These Days: A Memoir*. It describes the author's life as an advertising art director by day and a drag queen by night.

He told *Writer's Digest*: "The first draft of the book was completed in an eight-month frenzy. I was seated on a plane next to a producer of **Clive Barker's** film company. After chatting through the flight, I sent him the manuscript, which both he and Clive loved. Clive sent it to his editor . . . who

then purchased it. It took ten months, from the first word until the purchase." Kilmer-Purcell's advice: "Talk to people on planes. And unplug the television."

HOT: *Blink*, a nonfiction bestseller by **Malcolm Gladwell**, sold 1,100,000 copies. PW said the book "offers insight into the pros and cons of rapid cognition vs. lengthy deliberation."

NO PROMOTER: **Alice Hoffman**, author of *Practical Magic* and *Here on Earth*, told *Writer's Digest* that she doesn't enjoy promoting her books.

She said, "When I started writing, there was no promotion expected. It's a different career now. What happens to the incredibly shy writer who just wants to write and doesn't want to go out promoting her books? Nowadays, publishers feel they want you to be behind the book. I didn't tour for the first twenty years, and it wasn't such a big deal. It just became a bigger deal. I really think that's going to change. I think there's just so much of that that it's reached its nadir."

NO CRITICS: **Robert B. Parker's** new Jesse Stone mystery is *Sea Change*. Parker told PW: "My wife Joan keeps track of what's being said in the press, and she doesn't tell me unless she thinks I need to know. I like that old **Hemingway** line: If you believe the good stuff they write about you then you have to believe the bad. I've chosen not to pay attention."

THROWBACK: **William F. Nolan** has written 82 books, 165 short stories and 45 screenplays or teleplays. He types all his work on a 1937 Smith-Corona.

Nolan told *The Writer*, "I don't have to waste time rebooting or worrying about crashes—or viruses. I sit down to type, and my machine is ready for me every time. If I make

In Memoriam

Peter Benchley
Martin Blumenson
Rona F. Jaffe
John M. Langone
Lillian O'Donnell
Gordon Parks
Alexander Ramati
Peter T. Rohrbach
Irwin Ross
June Marie Schasre
Leonard Slater
Evelyn Durkas Thompson
Jane Van Milligen
Noel Manfre Zimand

a mistake, I use correction tape. And every few years, I just replace the platen."

COMPLAINT: **Linda Sue Park** won the 2002 Newbery medal for *A Single Shard*. In an essay for PW, she said that she's tired of hearing children's book authors whine about celebrities' kids books. She doesn't blame publishers because publishing is a business, and the books sell.

Park wrote, "It's the quality of the writing that I find inexcusable. Incompetent meter and rhyme. Stories drowned by A Worthy Message. Anecdotes written with no effort to shape them as picture-book text. . . . every time a child reads a poorly written book, that's time lost forever to the possibility of reading a good book."

VOICE: First time novelist **Alice Greenway's** book is entitled *White Ghost Girls*. She told *Writer's Digest*: "The book I read over and over was **Marguerite Duras's** *The Lover*, because I think it's so evocative of Indochina, and her voice is so strong. I hear a deep, slightly husky smoker's voice and imagine the author sitting back in a darkening room in Paris."

FINALLY: From the "TBR: Inside the List" column in *The New York Times Book Review*: "Six novels, three marriages and two decades since his publishing debut, **Jay McInerney** hits a new milestone . . . he becomes a New York Times best-selling author for the first time. . . ." *Bright Lights, Big City*, now considered an "urban classic," never made the list back in 1984 when it was published.

JOB CHANGES, NEW TITLES*

Sean McDonald has been named executive editor of Riverhead.

Karen Sargent is executive editor of *Simon Spotlight*.

David Rosen, formerly at Bookspan, has been named editorial director of Abrams and a new Abrams imprint, Image.

Anita Diggs, former editor at Savoy magazine, is senior editor at Thunder's Mouth Press.

Margaret Raymo has been named editorial director of Houghton Mifflin Books for Children.

Doris Cooper has left Simon & Schuster to become editorial director at Clarkson Potter.

Michael di Capua has moved his children's book imprint from Hyperion to Scholastic.

Bill Clegg has joined the William Morris Agency as an agent.

Scott Moyers has been promoted to editor in chief at Penguin Press.

Jodi Harris has been promoted to executive editor at HarperKids Entertainment.

Jofie Ferrari-Adler, previously at Thunder's Mouth Press, is now an editor at Viking.

Jim Thomas has been promoted from senior editor at Random House Children's Books to editorial director for middle grade and young adult books.

Caroline Sutton and **Bruce Tracy** have been named executive editors at Ballantine.

Nancy Miller is executive editor at Random House, where she will head her own list.

Molly Stern has been named editorial director of fiction at Viking and **Wendy Wolf** is editorial director for nonfiction.

*Compiled from PW.

DEATHS

Sanora Babb, 98, died December 31 in Los Angeles. She was the author of *The Lost Traveler* (1958), *Whose Names Are Unknown* (2004), *An Owl on Every Post* (a memoir), *Cry of the Tinamou* (short stories) and *Told in the Seed* (poems).

Mary Hayley Bell, 94, died December 1 in London. She was the author of *Whistle Down the Wind* (1959), which was made into a movie starring her daughter **Hayley Mills**.

Peter Benchley, 65, died February 12 in Princeton, N.J. He was the author of the best-selling *Jaws* (1974), *The Deep* (1976), *The Island* (1979), and *Beast* (1991).

Selma Jeanne Cohen, 83, died December 23 in Manhattan. A critic and dance historian, she was the author of *Doris Humphrey: An Artist First* (1972), *Dance as a Theater Art* (1974), and *Next Week, Swan Lake* (1982).

Theodore Draper, 93, died February 21 in Princeton, N.J. The historian was author of *The Six Weeks War: France, May 10–June 25, 1940* (1944), *The Rediscovery of Black Nationalism* (1970) and *A Very Thin Line*.

Betty Friedan, 85, died February 4 in Manhattan. She was the author of *The Feminine Mystique* (1963), *It Changed My Life: Writings on the Women's Movement* (1976), *The Second Stage* (1981), *The Fountain of Age* (1993) and *Life So Far* (2000).

Constance L. Hays, 44, died December 5 in Manhattan. The journalist was the author *The Real Thing: Truth and Power at the Coca-Cola Company* (2004).

Milton Himmelfarb, 87, died January 4 in Manhattan. The essayist for *Commentary* was the author of several books, including *The Jews of Modernity* (1973).

Margaret Hodges, 94, died December 13 in Verona, Pa. The author of stories for children wrote *The Wave* (1964), *Saint George and the Dragon: A Golden Legend* (1984), *The Kitchen Knight: A Tale of King Arthur* (1990), *Molly Limbo* (1996) and *Up the Chimney* (1998). Two more books, *The Wee Christmas Cabin* and *Moses*, will be published in 2007.

William W. Howells, 97, died December 20 in Kittery Point, Maine. The anthropologist was author of *Mankind So Far* (1944), *Back of History: The Story of Our Own Origins* (1954), *Evolution of the Genus Homo* (1973) and *Getting Here: The Story of Human Evolution* (1997).

Rona Jaffe, 74, died December 30 while on vacation in London. She was the author of the best-selling *The Best of Everything* and 15 other books, including *Mr. Right Is Dead* (1965), *The Last Chance* (1976), *Class Reunion* (1979) and *The Room-Mating Season* (2003).

Marjorie Kellogg, 83, died December 19 in Santa Barbara, Calif. She was the author of the best-selling *Tell Me That You Love Me*, *Junie Moon* (1968) and *Like the Lion's Tooth* (1972).

Peter Ladefoged, 80, died January 24 in London. His home was in Aliso Viejo, Calif. The professor at the University of California at Los Angeles was the author of *A Course in Phonetics* (5th ed., 2006) and *The Sounds of the World's Languages* (1996).

Harry Lawton, 77, died November 20 in Dana Point, Calif. He was the author of *Willie Boy: A Desert Manhunt* (1960).

Mary A. Littauer, 93, died December 7 in Syosset, N.Y. The expert on horses in ancient times was the author of *Wheeled Vehicles and Ridden Animals in the Ancient Near*

East (1970) and *Chariots and Related Equipment from the Tomb of Tutankhamen* (1985).

Nellie Y. McKay, mid-70's, died January 22 in Fitchburg, Wis. University of Wisconsin Professor McKay was author of *Jean Toomer, Artist: A Study of His Literary Life and Work, 1894–1936* (1984) and editor of *Critical Essays on Toni Morrison* (1988) and *Incidents in the Life of a Slave Girl* (2001).

Stephen Papich, 80, died December 16 in Los Angeles. The Hollywood choreographer and stage producer was the author of *Remembering Josephine* (1976).

Gordon Parks, 93, died March 9 in Manhattan. The self-taught photographer, film director (*Shaft*), and composer was the first black photographer at *Life* magazine, and author of a series of memoirs written over a period of 40 years, including *Learning Tree* (1963), *Half Past Autumn* (1997), *A Hungry Heart* (2005) and *No Excuses* (2006).

Robert W. Peterson, 80, died February 11 in Salisbury Township, Pa. He was the author of *Only the Ball Was White* (1970), *Cages to Jump Shots: Pro Basketball's Early Years*, *Pigskin: The Early Years of Pro Football* and *The Boy Scouts: An American Adventure*.

Erica Reiner, 81, died December 31 in Hyde Park, Ill. She was the author of *Astral Magic in Babylonia* (1995), *Adventure of Great Dimension: The Launching of the Chicago Assyrian Dictionary* (2002) and the editor of *Letters from Early Mesopotamia* (1993).

Philip Ressner, 83, died December 27 in Brooklyn, N.Y. The children's author wrote *August Explains* (1965), *Dudley Pippin* (1965), *At Night* (1967), *Jerome* (1967), *The Park in the City* (1971) and *Dudley Pippin's Summer* (1979).

Roger Shattuck, 82, died December 8 in Lincoln, Vt. He was the author of 16 books, including *Forbidden Knowledge: From Prometheus to Pornography* (1996), *The Banquet*

Years: The Origins of the Avant-Garde in France, 1885 to World War I (1958), *Proust's Binoculars* (1963), *Proust's Way: A Field Guide to In Search of Lost Time* (2000) and *The Forbidden Experiment: The Story of the Wild Boy of Aveyron* (1980).

Robert Sheckley, 77, died December 9 in Red Hook, N.Y. He was

the author of 15 science fiction novels, including *Journey Beyond Tomorrow* (1962) and *Dimensions of Miracles* (1968).

Allan Temko, 81, died January 25 in Orinda, Calif. The architecture critic was author of *Notre Dame of Paris* (1955).

Rodney Whitaker, 74, died

December 14 in the West Country of England. He was better known by one of his many pen names, Trevanian. Best-selling thrillers included *The Eiger Sanction* (1972), *Shibumi* (1979), *The Loo Sanction* (1973) and *The Language of Film* (1970, under his own name.) ♦

From the President

Continued from page 4

has digitized? Within the last couple of weeks, as I write this, Google has accidentally let two bits of its own proprietary information leak out onto the web: a plan to produce a "G-drive" that can store a whole computer, and an internal financial forecast. Hey, Google, I love you, so please don't erase me from the sum of human knowledge, but don't engulf and devour me either, until we work out an arrangement.

"What's the difference, after all, between a copyrighted Web page and a copyrighted book?" writes Xenia Jardin in *The Los Angeles Times* under the headline "You Authors Are Saps to Resist Googling."

Well, a copyrighted book is something you can readily jot notes in the margins of, and something you can inscribe and wrap for just the right person's birthday, and—hey, a web page is to a book as a phone call is to a marriage proposal. (*On the phone, in a wedding.*)

OK, I got carried away there. (Depends on the book.) But I know this: A copyrighted book is something that some one person has most likely put years of blood, sweat and tears into (anyway, sweat), and accordingly that person retains the right to permit the conversion of that book to potential Internet fodder. To permit it only if duly approached and compensated.

A web page is on the Web already. And its income probably derives solely or at least primarily from the advertising it carries, whose value can only be enhanced by reproduction. A book helps provide its primary begetter with a livelihood only if enough people pay to read it.

So as much as I love Google (to which I have gratefully turned three times while writing this, once just to make sure that the P in LuPone is capitalized), I am proud to have become the titular chief executive (and let me stress *titular*: it's a ceremonial post, this presi-

dency, so you can tie ribbons to me and dance around, but don't expect me to be *effective*—that's Paul Aiken's department) of an organization that expects Google not to kill we geese who lay the (conceivably) golden eggs.

Or is it "us geese"?

I wonder if Google can tell me.

Well (15 minutes later), not so far. For one thing, an ad for The Cheesecake Factory suddenly jumped up in my face.

A minute 90 seconds into my old *Harbrace College Handbook* (author John C. Hodges), and I've got it: "us geese." Now aren't I glad I held onto that little book?

I should probably come up with a more felicitous way of referring to us authors, though. Then, too, people think of geese as silly, but if you've ever tried to do something to a goose that isn't in its nature to allow, you've had your hands full. ♦

Annual Meeting

Continued from page 6

have given them permission. Google does have an opt-out program, but as Mr. Aiken put it, that is "copyright inside out." Security of scanned books and fair compensation to authors continue to be primary concerns for the Guild, while Google continues to insist that by only showing "snippets" of the books, they are making fair use of the works. The case is now moving into discovery phase.

Kay Murray, who had directed the Guild's work with the Copyright Office on "orphan works" prior to her departure, joined Mr. Aiken to report on the Guild's efforts to improve the legislation. [For a more detailed account of the pending legislation, see page 11.]

After taking questions from the floor, Mr. Aiken saluted Mr. Taylor for his strong leadership through-

out his four years as Guild President. Whether dealing with Amazon's used book marketplace, Grokster, the electronic database lawsuit or the current Google one, said Mr. Aiken, Mr. Taylor handled his duties with "consistent intelligence, dignity, and this is really important, good humor."

Mr. Taylor responded that when he started his term, he thought that at least it would be fun, and that it was—"although it hasn't always seemed like it." He said the Guild was thriving now because it continues to focus on the needs of writers. As the Guild approaches its 100th birthday, in 2012, he said, many needs remain to be addressed, including library lending royalties, domestic photocopy royalties and fair treatment for donations to charitable institutions. But, he concluded, there is "no better organization than this for writers."

The voting tally for the Authors League Board and the Authors Guild Council having been completed, Mr. Taylor announced the results.

Robert Caro, Madeleine L'Engle, John R. MacArthur, Victor Navasky and Mary Pope Osborne were reelected to the Authors League's board.

Roy Blount Jr. was elected the new President of the Guild. He is the author of 19 books, including *Feet on the Street: Rambles around New Orleans* and *Roy Blount's Book of Southern Humor*, a panelist on National Public Radio's *Wait Wait . . . Don't Tell Me*, and a columnist for the Oxford American magazine. His essays, articles, stories, verses and drawings have appeared in 163 different periodicals and 173 books.

Guild Secretary Pat Cummings, Treasurer Peter Petre and Vice Presidents Judy Blume and James B. Stewart were all reelected, as were Council members Mary Higgins Clark, David Levering Lewis, Stephen Manes, Michele Mitchell, Victor Navasky, Rachel Vail and Nicholas Weinstock.

Newly elected members of the Council are Susan Choi, Jennifer Egan and Peg Tyre. Ms. Choi is the author of two novels: *The Foreign Student* won the Asian-American Literary Award for Fiction; *American Woman* was a finalist for the 2004 Pulitzer Prize. She has received fellowships from the National Endowment for the Arts and the Guggenheim Foundation. Ms. Egan is a novelist (*Look at Me*; finalist for the National Book Award), a journalist, and a short story writer, and has been the recipient of a National Endowment for the Arts Fellowship and a Guggenheim Fellowship. Ms. Tyre, general editor of *Newsweek*, covers social trends, women's issues, education and health. She was part of a group of reporters who won the Pulitzer Prize in 1991 for their coverage of a fatal subway crash in New York City. She has published two novels, and coauthored a nonfiction book.

Mr. Blount concluded the business part of the meeting with a brief talk, thanking Mr. Taylor and saying he hoped that he knows as much about the Guild as Mr. Taylor does by the end of his own tenure. He closed by saying that he appreciated his new position and hoped that he would be able to fill it with "well, not dignity, but apparent dignity." ♦

Small Claims Court for Writers?

Continued from page 10

2. *Minimize complexity and cost by requiring the court to dismiss without prejudice claims where there's a substantial fair use defense.* A fair use defense, where it's a close call, may require expert testimony on the effect of the use on the plaintiff's potential commercial market.

3. *Minimize complexity and cost by using mail and telephone procedures to the greatest extent permissible within the bounds of due process.* Small copyright infringement claims can generally be adjudicated largely on documentary evidence—a submission of the plaintiff's registered work and the alleged infringing work. Such procedures will allow parties to press and defend claims without traveling to the court.

4. *Avoid delegating these proceedings to inexperienced state courts; instead, assure the competence of the court by affiliating it with the Copyright Office.*

5. *Assure the effectiveness of the court by permitting it to issue injunctions in limited cases.* If a plaintiff demonstrates that a defendant has repeatedly infringed the plaintiff's copyrights with no substantial defense of fair use, then the court should be empowered to enjoin the defendant against further infringement of the plaintiff's registered works.

Conclusion

If created with care, a small claims court for copyright infringement would allow individual authors much greater access to the courts to protect their property rights, appreciably enhancing market incentives to create the literary works that the public values. ♦

MEMBERS MAKE NEWS

Howard Camner won the First Annual MiPo Literary Award in 2004 for his poem, "36 Minutes to Yeehaw Junction." The award, presented by MiPOesias, an online poetry magazine, is titled "The Coat Hanger Award."

Michael Connelly's *The Lincoln Lawyer*, **Thomas Cook's** *Red Leaves* and **Jess Walter's** *Citizen Vance* have been nominated for a 2006 Edgar Allan Poe award in the Best Novel category. **Hallie Ephron** was nominated in the Best Critical/Biographical category for *Writing and Selling Your Mystery Novel: How to Knock 'em Dead with Style. Desire Street: A True Story of Death and Deliverance in New Orleans*, by **Jed Horne**, was nominated for Best Fact Crime, and **Melinda Metz** and co-author Laura J. Burns received a nomination for *Wright and Wong: The Case of the Nana-Napper*, in the Best Juvenile category. The Edgars are sponsored by the Mystery Writers of America.

Winners of the 2006 National Book Critics Circle Awards were announced at a ceremony on March 3. **E. L. Doctorow** won the Fiction award for *The March*. Runners-up in their respective categories were **Carolyn Burke** for *Lee Miller: A Life*, in Biography; **Joan Didion**, for *The Year of Magical Thinking*, and **Vikram Seth**, for *Two Lives*, both in Autobiography; **Arthur Danto**, for *Unnatural Wonders*, and **John Updike**, for *Still Looking: Essays on American Art*, in Criticism. **Wyatt Mason** received the Nona Balakian Citation for Excellence in Reviewing. **Katherine A. Powers** was a finalist for the award.

Barnes & Noble has awarded **Nathaniel Fick** its 2005 Discover Great New Writers Award, Nonfiction, for his memoir *One Bullet Away: The Making of a Marine Officer*. Fick received a cash prize of \$10,000 and a year of marketing and advertising support from Barnes & Noble. The winners of the 13th annual Discover Awards were announced at a private ceremony on March 1, followed by a reading by the winners and finalists at the Lincoln Triangle Barnes & Noble in New York City.

Joan Frank's first novel, *Miss Kansas City*, won a national competition for the Michigan Literary Fiction Award. It will be published by the University of Michigan Press in August 2006.

The Library Journal published its Best Genre Fiction list for 2005. Included in the Mystery category is **Brad Geagley's** *Year of the Hyenas: A Novel of Murder in Ancient Egypt*. The Science Fiction and Fantasy category includes **Arthur C. Clarke** and Stephen Baxter, for *Sunstorm*. **Jill Marie Landis**, *Heartbreak Hotel*, and **Susan Elizabeth Phillips**, *Match Me If You Can*, are listed in the Romance category. The journal's Best

How-To 2005 list includes *Vegetable Love: A Book for Cooks* by **Barbara Kafka**, with Christopher Styler.

The National Press Club awarded first prize in their annual fiction contest to freelance writer **Barbara Hesselgrave**. Hesselgrave received a \$500 prize for her short story "Watching Cows in Comfort with Good Music," which will be posted on the NPC website.

Pnina Moed Kass was awarded the National Jewish Book Award, Young Adult Fiction, for *Real Time*. The book, which has been translated into German, French and Italian, and made into a German audiobook, was also awarded the Sydney Taylor Prize.

Columbia University's Graduate School of Journalism has awarded **Victor Navasky** the George Polk Award for his memoir *A Matter of Opinion*. Navasky, who received the award at a ceremony on April 19, is the George T. Delacorte Professor of Magazine Journalism at Columbia and former publisher of *The Nation*.

"The Story Hearer," an O. Henry award-winning story by **Grace Paley**, has been brought to the stage by the Traveling Jewish Theater of San Francisco in *Family Alchemy: Malamud & Paley Stories on Stage*. The show also featured Bernard Malamud's "The Magic Barrel."

Melinda Camber Porter was honored at a reception on February 2 in New York, hosted by British Consul General Sir Philip Thomas. The event featured an exhibition of Porter's paintings, the Luminous Bodies series, also shown at Oxford University last year.

Chris Raschka was awarded the 2006 Caldecott Medal by the Association for Library Services to Children, a division of the American Library Association, for his illustrations in *The Hello, Goodbye Window*, written by **Norton Juster**. The award is given annually to the illustrator of the most distinguished American picture book for children.

Sue William Silverman won the Creative Nonfiction Award in *The Mid-American Review's* annual essay contest, for "That Summer of War and Apricots." She received \$1,000 and publication in the magazine.

Glennette Tilley Turner delivered the keynote address at a celebration honoring Martin Luther King, Jr., January 16, 2006, at Lake Forest College. Turner, a Lake Forest alumna and author of *The Underground Railroad in Illinois* and *Running for Our Lives*, is a teacher and historian who frequently lectures on the Underground Railroad.

J. Craig Wheeler's novel, *The Krone Experiment*, has been adapted to film. The work, an independent, digi-

tal movie of the same name, will be available on DVD and entered in a number of film festivals worldwide.

The North American Branch of the International Association of Crime Writers has nominated **Don Winslow** for its annual Hammett Prize, which honors a work of literary excellence in the field of crime writing by an author from the United States or Canada. Winslow has been nominated for his book *The Power of the Dog*.

The Illinois Arts Council awarded an Artists Fellowship and \$7,000 to **S. L. Wisenberg** for her unpub-

lished works of creative nonfiction, "Mikvah—That Which Will Not Stay Submerged" and "The Wandering Womb." **G. K. Wuori**, author of *Nude in Tub, An American Outrage* and more than 60 short stories, was also awarded a fellowship and grant of \$7,000. **Kathleen Vyn** was a fiction finalist and received \$700 for her novel-in-progress.

Xu Xi's story "Famine" was selected for the 2006 O. Henry Prize Stories. "Famine" originally appeared in *Ploughshares*. ♦

BOOKS BY MEMBERS

Rudolfo Anaya: *The Man Who Could Fly*; **Albuquerque;** **Linda Ashman:** *Desmond and the Naughtynbugs*;

Kevin Baker: *Strivers Row*; **Molly Bang:** *In My Heart*; **Susan Shapiro Barash:** *Tripping the Prom Queen: The Truth About Women and Rivalry*; **Emily Barton:** *Brookland*; **Susan Provost Beller:** *The History Puzzle: How We Know What We Know About the Past*; **William Bernhardt:** *Capitol Murder*; **Beryl Singleton Bissell:** *The Scent of God: A Memoir*; **Paul Bodine:** *Great Application Essays for Business School; Great Personal Statements for Law School*; **Louise Borden:** *The Last Day of School*; **James O. Born:** *Escape Clause*; **Peter Bowen:** *Nails*; **Barbara Taylor Bradford:** *Just Rewards*; **Kimberly Brubaker Bradley:** *Ballerino Nate*; **Walter M. Brasch:** *America's Unpatriotic Acts; 'Unacceptable': The Federal Response to Hurricane Katrina*; **Lilian Jackson Braun:** *The Cat Who Dropped a Bombshell*; **Bill Broder:** *Taking Care of Cleo*; **Rock Brynner:** *Empire and Odyssey: The Brynners in Far East Russia and Beyond*; **Nancy Bunge:** *Master Class: Lessons from Leading Writers*;

Meg Cabot: *Avalon High*; **Laurie Carlson:** *Thomas Edison for Kids: His Life and Ideas: 21 Activities*; **Cynthia Carr:** *Our Town: A Heartland Lynching, a Haunted Town, and the Hidden History of White America*; **Tony Cohan:** *Mexican Days: Journeys Into the Heart of Mexico*; **Paula Marantz Cohen:** *Jane Austen in Scarsdale: or Love, Death, and*

the SATs; **Rachel Cohn:** *Two Steps Forward*; **Stephen Cox** (and Jim Terry): *One Fine Stooge: A Frizzy Life in Pictures*; **Nina Crews:** *Below*; **Doreen Cronin:** *Click, Clack, Splish, Splash: A Counting Adventure*;

Julie Danneberg: *Cowboy Slim; Last Day Blues*; **Angela Davis-Gardner:** *Plum Wine*; **Lulu Delacre:** *Rafi and Rosi*; **Joan Detz:** *Can You Say a Few Words?*; **Ariane Dewey** (and Jose Aruego): *The Last Laugh*; **Eric Dezenhall:** *Turnpike Flameout*; **Damon DiMarco** (and Roy Simmons): *Out of Bounds: My Life In and Out of the Closet*; **Linda Donn:** *The Little Balloonist*; **Michael Drinkard:** *Rebels, Turn Out Your Dead*; **Tony D'Souza:** *Whiteman*; **Michael Allen Dymmoch:** *The Cymry Ring*;

Julie Andrews Edwards (and Emma Walton Hamilton): *The Great American Mousical*; **Marc Eliot:** *Jimmy Stewart*; **Susan Middleton Elya:** *F is for Fiesta*;

Charles Reis Felix: *Da Gama, Cary Grant, and the Election of 1934*; **Thomas Fleming:** *The Secret Trial of Robert E. Lee*; **Douglas Florian:** *Handsprings*; **Valerie Frankel:** *Hex and the Single Girl*; **Al Franken:** *The Truth (With Jokes)*; **Russell Freedman:** *Children of the Great Depression*; **Robert Frenay:** *Pulse: The Coming of Age of Systems and Machines Inspired by Living Things*; **Dwight Fryer:** *The Legend of Quito Road*;

George Garrett: *Empty Bed Blues*; **Roberta Gellis:** *Chains of Folly*; **Jamie Gilson:** *Gotcha!*; **Julia Glass:** *The Whole World Over*; **Gloria Goldreich:** *Dinner*

with Anna Karenina; **Connie Goldsmith:** *Invisible Invaders: Dangerous Infectious Diseases*; **Allegra Goodman:** *Intuition*; **Tom Gorman:** *The Complete Idiot's Guide to Business Letters and Memos*; **Joanne Greenberg:** *Appearances*; **Joshua M. Greene:** *Here Comes the Sun: The Spiritual and Musical Journey of George Harrison*; **Nikki Grimes:** *Thanks a Million*; **James Grippando:** *Got the Look*;

Kristin Hannah: *Magic Hour*; **Robie H. Harris:** *I Love Messes!; I'm All Dressed!*; **Carolyn Hart:** *Dead Days of Summer*; **Dennis Haseley:** *The Invisible Moose*; **Barbara Shook Hazen:** *Who Is Your Favorite Monster, Mama?*; **B. G. Hennessy:** *Claire and the Unicorn Happy Ever After; The Boy Who Cried Wolf* (Adapt.); **Greg Herren:** *Mardi Gras Mambo*; **Jennifer L. Holm:** *Babymouse*; **Dean Hughes:** *Search and Destroy*;

Molly Bruce Jacobs: *Secret Girl: A Memoir*; **Marilyn Johnson:** *The Dead Beat: Lost Souls, Lucky Stiffs, and the Perverse Pleasures of Obituaries*; **Ann Jones:** *Kabul in Winter: Life Without Peace in Afghanistan*; **Erica Jong:** *Seducing the Demon: Writing for My Life*; **Suzanne Trip Jurmain:** *George Did It*;

Mal Karman: *The Foxbat Spiral*; **Pamela Kaufman:** *The Prince of Poison*; **N. M. Kelby:** *Whale Season*; **Judith Kelman:** *The Session*; **Ronald Kessler:** *Laura Bush: An Intimate Portrait of the First Lady*; **Ronald Kidd:** *Monkey Town: The Summer of the Scopes Trial*; **Eric Kimmel:** *A Horn for Louis*; **Steph-**

en King: *Cell*; **Jane A. G. Kise:** *Differentiated Coaching: A Framework for Helping Teachers Change*; **Allen Klein:** *The Love and Kisses Quote Book*; **Jon Krampner:** *Female Brando: The Legend of Kim Stanley*; **Stephen Krensky:** *Milo the Really Big Bunny*; **Jayne Ann Krentz:** *All Night Long*; **Susan Kuklin:** *Families*;

Martha LaGuardia-Kotite: *So Others May Live*; **Sara Latta:** *Stella Brite and the Dark Matter Mystery*; **Laurie Lawlor:** *He Will Go Fearless*; **Julius Lester:** *The Old African*; **Judith Levine:** *Not Buying It: My Year Without Shopping*; **Judith Lindbergh:** *The Thrall's Tale*; **Richard Lingeman:** *Double Lives: American Writers' Friendships*; **Elinor Lipman:** *My Latest Grievance*; **Robert Lipsyte:** *Heroes of Baseball: The Men Who Made It America's Favorite Game*; **Sally Lloyd-Jones:** *Time to Say Goodnight*; **Georgene Lockwood:** *The Complete Idiot's Guide to Organizing Your Life*;

Norman Mailer (and John Buffalo Mailer): *The Big Empty: Dialogues on Politics, Sex, God, Boxing, Morality, Myth, Poker and Bad Conscience in America*; **Trish Marx:** *Jeannette Rankin: First Lady of Congress*; **Howard Massey** (and Geoff Emerick): *Here, There and Everywhere: My Life Recording the Music of the Beatles*; **Gary McAvoy** (and Jane Goodall): *Harvest for Hope: A Guide to Mindful Eating*; **Emily Arnold McCully:** *Marvelous Mattie: How Margaret E. Knight Became an Inventor*; **Bernice L. McFadden:** *Nowhere Is a Place*; **Heather McGowan:** *Duchess of Nothing*; **Patrick F. McManus:** *The Blight Way*; **Mameve Medwed:** *How Elizabeth Barrett Browning Saved My Life*; **David Milgrim:** *Young MacDonald*; **Jacquelyn Mitchard:** *Cage of Stars*; **Michele Mitchell:** *Our Girl in Washington*; **Sy Montgomery:** *The Good Pig: The Extraordinary Life of Christopher Hogwood*; **Walter Mosley:** *Fortunate Son*; **Walter Dean Myers** (and Bill Miles): *The Harlem Hellfighters: When Pride Met Courage*;

Lensey Namioka: *Mismatch*; **John J. Nance:** *Orbit*; **Donna Jo Napoli:** *Ugly*; **Amy Nathan:** *Meet the Musicians*;

Phyllis Reynolds Naylor: *Roxie and the Hooligans*; **Jud Newborn** (and Annette Dumbach): *Sophie Scholl and the White Rose*; **Angela Nissel:** *Mixed: My Life in Black and White*; **Elizabeth Noble:** *The Friendship Test*; **Takayo Noda:** *Song of the Flowers*; **Jerdine Nolen:** *Plantzilla Goes to Camp*;

Susan Oleksiw: *A Murderous Innocence*; **Anna Olswanger:** *Shlemiel Crooks*; **Vincent H. O'Neil:** *Murder in Exile*; **William O'Rourke:** *On Having a Heart Attack: A Medical Memoir*; **Mary Pope Osborne:** *Pompeii: Lost and Found*;

W. B. Park: *City Heat*; **T. Jefferson Parker:** *The Fallen*; **Elizabeth Partidge:** *John Lennon: All I Want Is the Truth*; **Matteo Pericoli:** *The True Story of Stellina*; **Lila Perl:** *Cloning: Open for Debate*; **Corrie Lynne Player:** *Loving Firmness: Successfully Raising Teenagers Without Losing Your Mind*; **Alex Prud'homme** (and Julia Child): *My Life in France*; **Robin Pulver:** *Nouns and Verbs Have a Field Day*; **Sharon Pywell:** *Everything After*;

Dean Radin: *Entangled Minds: Extrasensory Experiences in a Quantum Reality*; **Doreen Rappaport and Joan Verniero:** *United No More!: Stories of the Civil War*; **M. Dylan Raskin:** *Bandanas and October Supplies*; **Carl Reiner:** *NNNNN*; **James Reston, Jr.:** *Fragile Innocence: A Father's Memoir of His Daughter's Courageous Journey*; **Peter Richmond:** *Fever: The Life and Music of Miss Peggy Lee*; **Joni Rodgers:** *The Secret Sisters*; **Roger Rosenblatt:** *Lapham Rising*; **Philip Roth:** *Everyman*;

Fred Saberhagen: *Ardneh's Sword*; **Louis Sachar:** *Small Steps*; **Lionel Rene Saporta:** *A Hole in the Water*; **Walter Satterthwait:** *Perfection*; **Mary S. Schaeffer:** *Accounts Payable & Sarbanes Oxley: Strengthening Your Internal Controls*; **Michael Schuman:** *Halle Berry: Beauty Is Not Just Physical*; **Gini Graham Scott:** *The Complete Idiot's Guide to Party Plan Selling*; **Charles Scribner, III:** *The Shadow of God: A Journey Through Memory, Art, and Faith*; **Francesca Segrè:** *Daughter of the Bride*; **Kathleen Gilles Seidel:** *A Most*

Uncommon Degree of Popularity; **Brenda Serotte:** *The Fortune Teller's Kiss*; **Michael W. Sherer:** *Death Is No Bargain*; **Seymour Shubin:** *Witness to Myself*; **Mark Shulman:** *Louis and the Dodo*; **Sue William Silverman:** *Hieroglyphics in Neon*; **Seymour Simon:** *Horses*; **David Skibbins:** *High Priestess*; **Teri Sloat:** *I'm a Duck!*; **Dominic Smith:** *The Mercury Visions of Louis Daguerre*; **Janna Malamud Smith:** *My Father Is a Book: A Memoir of Bernard Malamud*; **Richard Smoley:** *Forbidden Faith: The Gnostic Legacy from the Gospels to The Da Vinci Code*; **Wendy Corsi Staub** (as Wendy Markham): *Slightly Engaged*; *The Final Victim*; **Elizabeth Strout:** *Abide with Me*; **Jane Sutton:** *The Trouble with Cauliflower*;

Gay Talese: *A Writer's Life*; **Barbara Brown Taylor:** *Leaving Church: A Memoir of Faith*; **Carol Taylor** (Ed.): *Wanderlust: 14 Erotic Travel Tales*; **Terry Trueman:** *No Right Turn*; **Jerome Tucille:** *Heretic: Confessions of an Ex-Catholic Rebel*; **Megan Whalen Turner:** *The King of Attolia*;

Victor Villaseñor: *Little Crow to the Rescue/El Cuervoito al Rescate*;

Marissa Walsh (Ed.): *Not Like I'm Jealous or Anything: The Jealousy Book*; **Brenda Webster:** *The Beheading Game*; **Nicholas Weinstock:** *The Golden Hour*; **Fay Weldon:** *She May Not Leave*; **Rosemary Wells:** *Carry Me!*; *The Miraculous Tale of the Two Maries*; **Lawrence Weschler:** *Everything That Rises: A Book of Convergences*; **Gloria Whelan:** *The Turning*; **Edmund White:** *My Lives: An Autobiography*; **Stephen White:** *Kill Me*; **Lee Wilson:** *Fair Use, Free Use, and Use by Permission: How to Handle Copyrights in All Media*; **Elizabeth Winthrop:** *Counting on Grace*; **Ferida Wolff:** *It Is the Wind*; **Ferida Wolff** (and Harriet May Savitz): *Is a Worry Worrying You?*; **Hilma Wolitzer:** *The Doctor's Daughter*; **Nancy Wood:** *Mr. and Mrs. God in the Creation Kitchen*; **Stuart Woods:** *Dark Harbor*;

Jane Yolen: *Count Me a Rhyme: Animal Poems by the Numbers*;

Jane Breskin Zalben: *Paths to Peace: People Who Changed the World* ♦

BULLETIN BOARD

The New England Writers 19th annual Free Verse Contest presents its Robert Penn Warren Awards for the best unpublished free verse poem. The first place winner will receive \$300, the second place winner \$200, and the third place winner \$100. NEW's 10th annual Short Fiction Contest/Marjory Bartlett Sanger Award carries a cash prize of \$300. All winning poems and fiction will be published in *The Anthology of New England Writers 2007*. The contests are open to writers inside and outside New England. Visit www.newenglandwriters.org for full submission details, application fees, and word and line limits. Applications must be postmarked by **June 15, 2006**. Winners will be announced at the annual Summer Writers' Gathering on July 15, 2006. Dr. Frank Anthony, New England Writers Contest, PO Box 5, Windsor, VT 05089, (802) 674-2315. newvtpoet@aol.com.

The Red Hen Press is accepting applications for its annual Short Fiction Award for short stories up to 25 pages in length. The winner will receive a cash prize of \$1,000, publication by Red Hen Press, and be announced in *Poets & Writers* magazine. Deadline is **June 30, 2006** and there is a \$15 fee per submission. E-mail info@redhen.org or visit www.redhen.org for full requirements. To apply, send a SASE to Red Hen Press, Attn: Short Fiction Award, PO Box 3537, Granada Hills, CA 91394, (818) 831-0649.

Ghost Road Press is holding its annual Open Windows contest for short fiction. The first prize carries a cash award of \$500 and winning stories will be published in *Open Windows 2006*. The entry fee is \$15 per story; stories must be under 3,500 words. Deadline: **June 30, 2006**. Find full submission details at www.ghostroadpress.com/contest.htm. Ghost Road Press, 5303 E. Evans Avenue, #309, Denver, CO 80222.

Applications are being accepted for Ashland Poetry Press's annual Richard Snyder Award. The award, which honors the memory of Richard Snyder, poet, playwright, fiction writer, and professor of English at Ashland University, will go to an original collection of 50 to 80 poems. Submissions should contain no more than one poem per page. The award carries a cash prize of \$1,000 and publication by Ashland Poetry

Press. The winner will be announced in the AWP Writers Chronicle and *Poets & Writers* magazine. Applications are due **June 30, 2006** and require a \$20 fee. Visit www.ashland.edu/aupoetry for application requirements. English Department, 401 College Avenue, Ashland University, Ashland, OH 44805.

Verb, a literary journal, is offering its First Annual Fiction Contest for a previously unpublished story of up to 5,000 words. Winners will receive a cash prize of \$1,000 and publication in Verb. To enter, send the story with two cover sheets. The first should have the title of the story only; the second should include the title, your name, phone number, mailing address and e-mail. Include a \$15 entry fee by check, made out to Verb. Deadline: **July 1, 2006**. Verb, PO Box 2684, Decatur, GA 30031. Contest2006@verb.org, www.verb.org/contest.html.

Bard College's annual Fiction Prize is awarded to emerging writers aged 39 or younger. The winner will receive a \$30,000 grant and a one-semester appointment as writer-in-residence at Bard College. The residency includes at least one public lecture and informal meetings with students, but does not require the winner to teach traditional courses. Applicants should include a cover letter describing a project to be worked on while at Bard, a C.V., and three copies of a published book. Deadline for the 2007 prize is **July 15, 2006** and the award is open to American citizens only. Bard College, PO Box 5000, Annandale-on-Hudson, NY 12504, (845) 758-7087. bfp@bard.edu, www.bard.edu/bfp.

The University of North Texas Press is offering its annual Katherine Anne Porter Prize in Short Fiction, which can include short-shorts, short stories, and novellas. Entries should be unpublished, 100 to 200 book-length pages, with a word count between 27,500 and 50,000. Winners will receive \$1,000, publication by the University of North Texas Press, and mention in *Poets & Writers* magazine. Apply by **August 29, 2006**. Visit www.web2.unt.edu/untpress/index.cfm or e-mail rchrism@unt.edu for more details, or send entry manuscript with a SASE and \$20 application fee to Barbara Rodman, KAP Contest, PO Box 311336, Denton, TX 76203-1336, (940) 565-2142. ♦

Truth & Memoir

Continued from page 9

for the affair, which was none of their business. I think it was probably a good memoir. It was written with honesty. We may not agree with its agenda, we may be dismayed by the affair, but I don't think we have the right to be judgmental of it.

To me, intention is everything. We can write to affirm or we can write to destroy. The choice is ours. Editors may try to make us write something to satisfy some agenda of their own, but we don't have to write anything we don't want to write. We get to keep intention. To me, intention is the writer's soul, and that's what should be the crux of writing about yourself. Because if you're not going to be honest about writing about yourself, you might as well not write. You might as well stay in bed.

TAYLOR: That's absolutely true and it's very hard to do that. Those of us who've written memoirs have experienced the difficulty of being honest. Believe me, it's not easy to be honest.

ZINSSER: If I may interrupt, you've written a very good memoir yourself, *A Necessary End*, about the final years of your parents in their terrible, draining, exhausting last illnesses. That book has extraordinary honesty.

TAYLOR: Well, yeah, and that honesty is difficult, it's very difficult.

ZINSSER: Damn right it's difficult.

TAYLOR: My wife's family, knowing that she's married to a writer, is fond of saying, "Don't talk, don't tell him, don't say anything!" Because it might show up. And then, of course, the question becomes, who are

you obligated to? If you're a writer, your obligation is to the reader and to tell your story as fully and honestly as possible. I wonder if anybody in the audience has any questions.

Q: How do people remember an entire conversation, or the details of a particular incident that took place years before?

TAYLOR: My response to that is that obviously you don't remember every scrap of conversation you ever had, but if you're conveying the essence and the truth of what a particular conversation was about, then I think that's perfectly acceptable. Your own ears hear things and your own eyes see things, and your memory retains how you process those things. You're not straying from the truth if you're paraphrasing dialogue, for example.

Q: Do you think you should identify in a memoir what you are quoting from memory, as opposed to conversations you might have taped?

TAYLOR: My own view is no, you don't have to do that, because you don't want to interfere with the reader's process of experiencing your book, of reading the book.

Q: I want to know what my responsibility is to the celebrated person whose memoir I'm writing. If she wants to discuss, say, an affair that her husband had, and she wants to do it, as you say, sir, with forgiveness and kindness, can she say that it didn't happen at the office, but it happened at the marina, if it really happened at the office? Am I getting into James Frey territory if I advise her to do that? She doesn't want to hurt certain people. Can you change locales, can you change the essence of an affair?

TAYLOR: I don't think you can promise not to hurt people. If people want to tell a story, they have to tell it.

Literary Hoaxes of the 20th and 21st Centuries (cont.)

1983

Der Stern, a West German magazine, acquires several volumes of newly discovered, handwritten "Hitler diaries" for 2 million marks. Konrad Kujau, a collector, and petty forger, of Third Reich memorabilia, later admitted to creating the diaries. Kujau was sentenced to jail time, as was Gerd Heidemann, a journalist for Der Stern and Nazi enthusiast.

1985

Mark Hofmann forges "The Salamander Letter," a letter supposedly written in 1830 that would have overturned traditional Mormon beliefs. Hofmann, a critic of the Church of Latter Day Saints, was found to have forged other similar works and a poem by Emily Dickinson. The same year, he pled guilty to committing two bombing murders in Salt Lake City.

1993

Helen Demidenko, author of *The Hand That Signed the Paper*, is exposed as Helen Darville by Australia's Courier-Mail. The book is an account of the involvement of the author's Ukrainian uncle in the persecution of the Jews in the 1940s, none of which was true.

1996

New York University physics professor Alan Sokal submits an essay titled "Transgressing the Boundaries: Toward a Transformative Hermeneutics of Quantum Gravity" to the academic journal *Social Text*. The article, a parody of post-modern cultural studies, was published by the journal as a serious essay.

1997

The Day After Roswell, a memoir by retired Army Colonel and former Pentagon official Philip J. Corso, provides proof that an unidentified aircraft crashed in Roswell, New Mexico, in 1947. The book was quickly discredited, but continues to fuel UFO conspiracy theories.

ZINSSER: One of the main questions I get asked is, "What is my obligation towards not hurting the feelings of people I'm writing about?" It's a commendable question. I think the answer depends on what outlet you have in mind for your memoir. If you write a family history only for your family, there's no legal or ethical need to show it to anyone. But if you have in mind some sort of publication, however informal—if it's going to go out to 20 other people or 50 other people, some sort of mailing list—I think you owe it to your family to show them the passages in which they are mentioned. Nobody wants to be ambushed in print. That also gives your relatives their moment to say, I wish you hadn't said that about Uncle George. But finally, it's your decision; you're the writer. If your sister has a problem with your memoir she can write her own memoir, and it'll be as valid as yours. I believe that most families, at some deep level, are grateful to have a record made of their effort to be a family, however flawed that effort was, and will give their blessing to the member of the family who does all the hard work and gets it done.

Q: What about fictionalizing your material?

ZINSSER: That was very popular among British writers in the 1930s, especially travel writers. Evelyn Waugh's *Scoop*, which is probably the favorite comic novel of everybody in this room, originally began as a travel book called *They Were Still Dancing*, which Waugh wrote about his frustrated attempts to cover the grandiose coronation of Haile Selassie. Then he took the same situation and made it into the ultimate journalistic comic novel.

My main window into all this is not as a writer, but as a teacher. For many years I've been teaching adult courses in memoir writing and family history at the New School and elsewhere, and it occurs to me that the writing teacher, without signing up for it, has become one of the country's listeners, joining the thera-

pist and the priest and the rabbi. People turn up for writing classes, and they look so together, they are nicely dressed, they have been organized enough in their life to sign up for the course and to be in the right place at the right time. Then they begin to talk about the stories they want to write, and you realize that they are struggling with a tremendous residue of adversity, which you would not otherwise know about. It often seems to me that there is no functional family left. Which I guess any psychiatrist knows.

Of course the writing teacher is not a psychiatrist, and we don't have the clinical tools to help our students. What we do have, at least what I think I can provide, is writing as a mechanism whereby you will try to make sense of your life. The reason people take courses like mine is that they want to know how to think about using writing to come to some understanding of who they are, and who they once were, and what heritage they were born into. I'm struck by the courage and the honesty with which my students are trying to accomplish that.

James Frey, the subject of tonight's discourse, wrote a statement that is now included in every copy of his book. He says that the way most people cope with the past is to develop "a skewed perception" of who they were—in other words, to try to obscure the past.

But my experience as a teacher, and I find it extremely moving, is that my students are trying with courage and grace to *clarify* the past. They may not finally do it, but that is the intention. Again, with me everything comes down to intention. Good writers know there is no running away from the past, no running away from the truth. I think all of us—whether we're writers or not—really sort of know that, and that's the cause of this anxiety we're feeling in the country today. Frey may be trying to run away from the truth, but I don't think that's what most writers of memoir are aiming for. I think they are desperately trying to use writing to find the truth about their lives. ♦

1998

Binjamin Wilkomirski, Polish author of the 1995 memoir *Fragments: Memories of a Wartime Childhood*, about his upbringing during the Holocaust, is revealed to be the Swiss-born Bruno Dosssekker.

2000

Armistead Maupin publishes *The Night Listener*, a fictionalized account of a supposed real teenager with AIDS named Anthony Godby Johnson. Johnson apparently never existed, and Maupin was likely duped by Vicki Fragnals, who posed as both Johnson's stepmother and Johnson himself in phone conversations with Maupin.

2006

A popular website reveals that *A Million Little Pieces*, James Frey's best-selling memoir, includes several falsehoods. Readers tune in to his appearances on The Oprah Winfrey Show and CNN's Larry King Live to hear Frey claim that he was pressured by the book's publisher, Doubleday imprint Nan A. Talese, to market the work as a memoir, rather than a novel.

2006

After a New York magazine article questions the identity of author JT LeRoy in October 2005, the New York Times officially unmasks LeRoy as Laura Albert in January 2006. In an interview with the Times, Albert's former partner, Geoffrey Knoop, confirms that his half-sister, Savannah Knoop, had impersonated the nonexistent LeRoy in public "appearances" with a blonde wig and sunglasses.

2006

A Los Angeles Weekly article reveals Nasdijj, an award-winning, acclaimed Native American memoirist and fiction writer, to be gay-erotica writer Timothy Patrick Barrus. Nasdijj's authenticity had earlier been questioned by author Sherman Alexie, who claimed that Nasdijj borrowed elements of Alexie's plots for his books.

LEGAL WATCH

Art and Privacy Clash Again

Erno Nussenzweig v. Philip-Lorca diCorcia & PaceMacGill Inc.

Supreme Court, New York County

Philip-Lorca diCorcia has been a professional photographer for over 25 years. His work has drawn international acclaim and been exhibited at some of the most prestigious museums in the world, including New York's Museum of Modern Art and the Whitney Museum of Art. Between 1999 and 2001, diCorcia used his lens to capture many candid images of people passing by a particular location in New York's Times Square. He used special lighting to capture the images of various "passers by" and later edited and selected 17 images of people to comprise his HEADS collection. DiCorcia did not seek or obtain consent to photograph any of the people whose likenesses were used in the collection.

The HEADS collection was exhibited at the Pace Gallery during September and October of 2001, and was advertised and reviewed in local and national media, including The New York Times, Timeout New York and the Village Voice. The collection was also reproduced and reviewed in several national circulation periodicals, including the September 2001 issue of W Magazine and the Summer 2002 edition of Art Forum International. The Pace/MacGill catalog carried the entire HEADS collection, and the Pace Gallery itself was open to the public throughout this time.

However, it wasn't until sometime in 2005 that Erno Nussenzweig discovered that his likeness was included in diCorcia's HEADS collection. Nussenzweig, an Orthodox Hasidic Jew, claimed that diCorcia's use of his image without his consent for commercial and public purposes violated the Jewish religion and his deep religious convictions. He brought suit for invasion of privacy under Sections 50 and 51 of the New York Civil Rights Law, seeking money damages, an accounting, and a permanent injunction prohibiting the further reproduction and sale of the HEADS collection. In response, diCorcia and the Pace Gallery alleged that Nussenzweig's actions were barred by the statute of limitations. They also claimed that the challenged photo constituted "art" and was therefore exempt from application of the law's privacy provisions, and protected as free speech under both the New York and U.S. Constitutions.

After considering Nussenzweig's claims, the Supreme Court of the State of New York first noted that

relevant case law established that the statute of limitations for an invasion of privacy claim ran for one year from the date of the first unauthorized use. The court acknowledged that the one-year limitations period was predicated on the "single publication rule," which is meant to prevent a myriad of lawsuits that could arise from continuous publication of the disputed material. If each instance of publication was considered a separate invasion of privacy claim, the statute of limitations could potentially continue indefinitely. The Supreme Court concluded that because Nussenzweig discovered the unauthorized use of his likeness in 2005, his

"The statutes are intended to strike a balance between a potential victim's right to privacy and the potential infringer's right to free speech under the First Amendment of the Constitution."

privacy action was barred by the one-year statute of limitations. However, the court acknowledged that since there is a split of authority throughout the different New York Departments, the issue remains open to interpretation by the Appellate Division.

The court also separately considered whether Nussenzweig's rights of privacy were violated under Sections 50 and 51 of the Civil Rights Law. These statutes prohibit the nonconsensual use of a person's identity within New York State for "advertising purposes or for purposes of trade." At the outset, the court acknowledged that the rights contained in these statutes are the sole remedies intended to defend the average person from unwanted public exposure and the resulting emotional damage it can cause. At the same time, the statutes are intended to strike a balance between a potential victim's right to privacy and the potential infringer's right to free speech under the First Amendment of the Constitution.

To establish a claim under Sections 50 and 51, the court said that Nussenzweig was required to prove that diCorcia's nonconsensual use of his portrait in the HEADS Collection was for advertising or trade purposes and took place within New York State. DiCorcia

maintained that as a matter of law, the photograph of Nussenzweig constituted art, which fell outside the purview of Sections 50 and 51.

The Supreme Court agreed with diCorcia, holding that the HEADS collection did constitute “art” under New York law. The court acknowledged that diCorcia proved his general reputation as a well-known photographic artist in the international community. His description of the creative process he used to shoot, edit and select the photos for the HEADS collection lent further credence to this conclusion. Likewise, the photos comprising the HEADS collection were not only held for sale in the Pace Gallery but were also exhibited and reviewed by many art publications. Finally, none of the photos in the HEADS collection were used to advertise anything other than the HEADS exhibition, which is a permitted use under Sections 50 and 51.

Despite the court’s expressed sympathy for Nussenzweig, it was forced to dismiss the case, maintaining that the First Amendment protected diCorcia’s right to use Nussenzweig’s likeness without permission or compensation.

—Michael Gross
Staff Attorney

Nasty News But Fit to Print

Lowe v. Hearst Communications
U.S. District Court, Western District of Texas

Recently, a federal district court in Texas dismissed an invasion of privacy case brought by husband and wife attorneys Ted and Mary Roberts against the San Antonio Express-News, a daily newspaper owned by Hearst. In Summer 2004, the San Antonio Express-News published an article about the couple that described the blackmail scheme they had employed to collect between \$75,000 and \$155,000 from several local men. The article reported that the couple ran an Internet ad in which Mary Roberts sought “erotic and intellectual” partners. After a number of men began affairs with Mary, Ted Roberts prepared court papers, including settlement agreements, naming the men as defendants. Ted Roberts threatened to file suit unless the men paid the requested sum. According to the newspaper article, five men agreed to the Robertses’ demands.

The Express-News published its story on June 13, 2004. The Robertses filed for bankruptcy some time after that, and the couple’s bankruptcy trustee brought suit against Hearst. The suit sought damages for public disclosure of private facts—the blackmail scheme—

Legal Services Scorecard

From December 22, 2005 through March 29, 2006, the Authors Guild Legal Service Department handled 253 legal inquiries. Included were:

- 27 book contract reviews
- 5 agency contract reviews
- 19 reversion of rights inquiries
- 38 inquiries on copyright law, including infringement, registration, duration and fair use
- 18 inquiries regarding securing permissions and privacy releases
- 2 electronic rights inquiries
- 3 First Amendment inquiries
- 141 other inquiries (including literary estates, contract disputes, periodical and multimedia contracts, movie and television options, Internet piracy, liability insurance, finding an agent, and attorney referrals)

and intentional infliction of emotional distress. The federal court granted Hearst’s motion to dismiss on both claims.

In order to win a lawsuit for invasion of privacy, a plaintiff must show that 1) matters concerning his private life were publicized; 2) publication of those matters would be highly offensive to a reasonable person of ordinary sensibilities; 3) the publicized matters were not of legitimate public concern. The court focused on the final element of the invasion of privacy claim, and held that news reporting on possible criminal activity by attorneys—who are charged with upholding the law, not breaking it—was most certainly a matter of legitimate public concern. It also dismissed the emotional distress claim.

The court determined that it did not need to address whether the newspaper reporters obtained the background information for their story legally or not. Although the draft court papers and settlement agreements were certainly sent to the targeted men, it appears that the only other repository for the material may have been a set of sealed files for another case involving the Robertses and a former associate of their law firm. Hearst had intervened in that litigation and, in 2003, a Texas state court had decided that the potentially incriminating papers should remain sealed from

public view. Because the letters and settlement agreements were not a matter of public record, the Robertses urged the federal court to focus on the fact that sealed documents were publicized. The newspaper reporters claimed that they learned about the existence of the blackmail documents from another source, but the dismissal of the invasion of privacy and emotional distress claims cut short that inquiry.

—Anita Fore
Director of Legal Services

Copyright's Orphans

Continued from page 11

efit of accessibility against the interests of copyright owners was needed.

We endorsed an amendment that would require potential users to engage in a diligent and reasonable search for the copyright owner but limit the damages if the owner eventually surfaced. We recommended that statutory damages, attorneys' fees and court costs all be eliminated as remedies for infringement of orphan works. Instead, the user would be required to pay a reasonable license fee or royalty for using the work. We urged that injunctions against the ongoing use of the work remain an option in cases where no meaningful compensation for use of the work was possible.

The Copyright Office report recommended that the orphan works problem be resolved by amending the Copyright Act of 1976. The specific language suggested would first require the would-be user to perform a reasonably diligent search for the owner of the orphan work. If the user fails to find the owner, she would be free to make use of the orphan work; if the owner later surfaced, and sued the user for infringement, the penalty imposed against the user would be limited to reasonable compensation for use of the work. If the use was made for noncommercial advantage and discontinued expeditiously once the owner had notified the user of an infringement claim, no monetary relief would be awarded. Users would also be required to give proper attribution to owners, and the legislation would last for only ten years from the date of enactment, after which it would no longer have any effect on remedies for the infringing use of orphan works.

The Copyright Office also proposed that users who create derivative works from orphan works (e.g., a motion picture adaptation of a book) be allowed to

The Authors Guild welcomes Jan Constantine and Simon Marcus to the Staff

Jan Constantine joined the Guild's staff part-time in October as General Counsel, supervising the legal department and managing litigation along with Paul Aiken, Executive Director. Previously the Executive Vice President of News Corporation, Jan has also held positions at Macmillan, Inc., and the Civil Division of the U.S. Attorney's Office. She has more than 30 years of experience in general corporate law and litigation, focusing on the areas of intellectual property, trade regulation, and labor and employment law. Jan is a member of the Association of the Bar of the City of New York and serves on the New York State Bar Association's Media Law Committee.

Jan has been a key player in the Guild's suit against Google, as well as in our lobbying effort to revise the Trademark Dilution Bill. Since October, she has spoken on behalf of the Authors Guild in New York, California and Boston.

Simon Marcus returned to the Authors Guild in November after a stint in West Virginia as Director of Implementation for The Library Corporation. The former director of the Guild's SiteExpress website-building program, he is now Chief Operating Officer. Simon has already upgraded our web services system and implemented a more sophisticated e-mail system that will allow for greater interactivity between the Guild and our members. Through this technology, we hope to strengthen our members' involvement in our advocacy efforts.

continue to make use of the derivative work as long as (1) the derivative work features a significant proportion of creative expression by the user; and (2) the owner is reasonably compensated. In other words, the owner cannot insist that the user be enjoined from continued use of the derivative work. The recommendation suggests that injunctions remain an available remedy in cases that do not involve significant expression by the user, such as reprinting or posting a verbatim copy of the entire work on the Internet. The Copyright Office rejected suggestions that users be required to file public notice of intent to use the orphan work, and refused to recommend to Congress that users pay into an escrow account before making use of the work. ♦

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Letters

Continued from page 2

Nor were the Stanford kids who came up with what became the market-leader in “search” the first to do “search,” as Lessig implied. Best of all, though, he missed the one keystone concept that did indisputably come from Stanford, or at any rate from what was then Stanford Research Institute: hypertext.

So to use a technical term from the programming field, the proponents of Google’s position were bull-shitting—and nobody called ‘em on it.

The real problem, however, is that while in the abstract “Fair Use,” to which most of the attention of the

“symposium” appears to have been paid, is all very nice, and fun to pontificate about, apparently nobody there was clued-in enough to realize that in this context it’s a red herring. Nobody there on “our” side, anyway: It’s not clear whether Lessig and Drummond were encouraging getting wrapped around the Fair Use axle on purpose, to divert attention from the false premise they’d forced on everybody else that “snippe-tizing” is enforceable.

When They’re plumping for something that can—and will—be exploited to make entire books available electronically, for free, though, that’s not use, it’s abuse. Cheers.

Michael A. Padlipsky
Los Angeles, CA

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