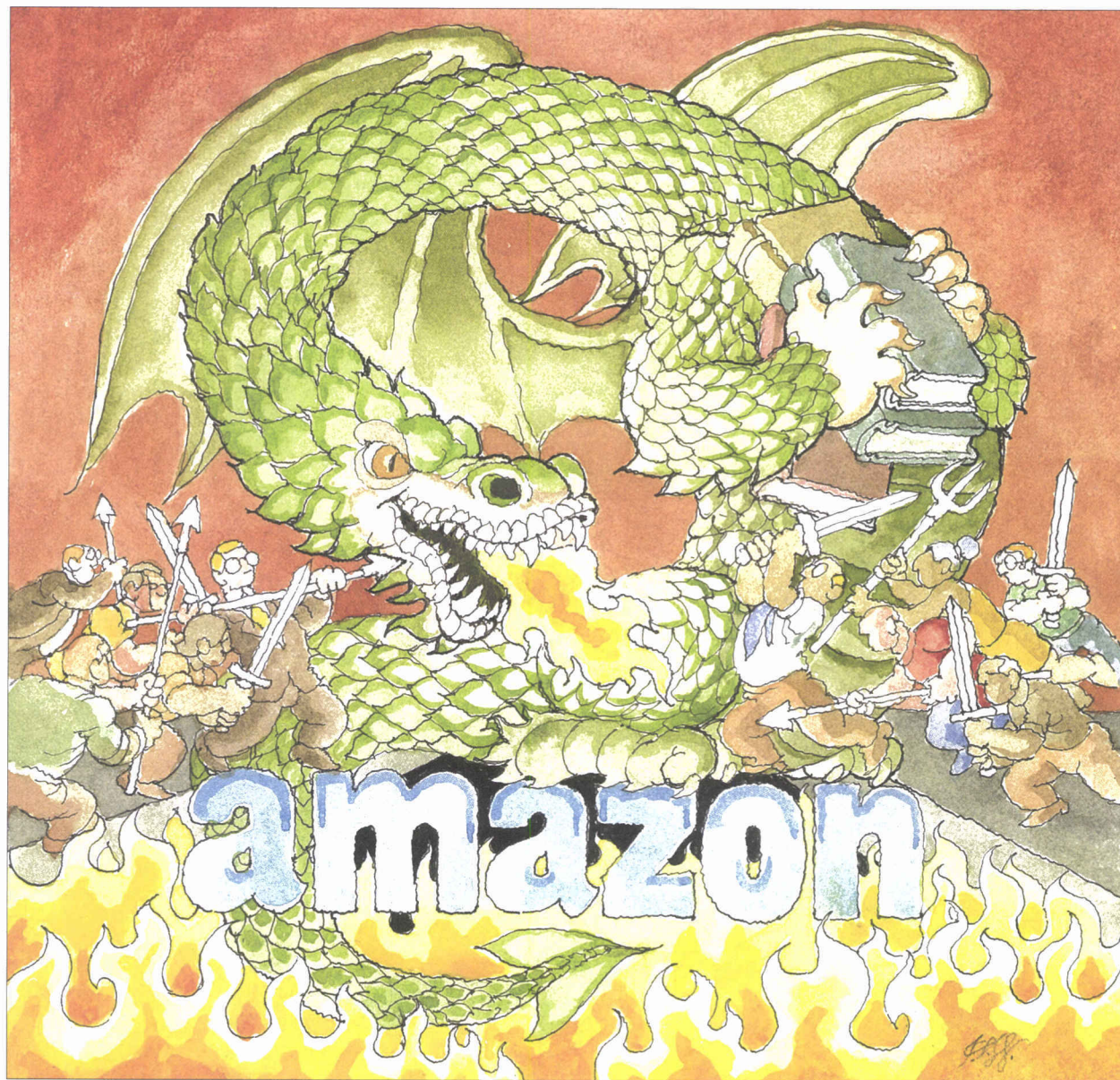


# AUTHORS GUILD

Summer 2014 **BULLETIN**



**Staying the Dragon: Authors Join the Fight  
as Amazon-Hachette Battle Rages On**

**Roxana Robinson: Writers Need to Be Able to Earn a Living**

**Q & A with CJ Lyons: "No Rules; Just Write!"**

**Authors Guild Foundation Salutes Joyce Carol Oates**



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## LETTER TO THE EDITOR

Re the Guild's May 23 e-mail to members on Amazon's predatory behavior.

In essence, Amazon is presenting independent publishers and bookstores with a Hobson's choice: surrender or die.

Amazon's predatory business practices provide another example of "monopoly capitalism" in action. Marx was right: Capturing an ever-greater share of the market is what drives Big Business. Monopolies are the antithesis of the mythical Free Market. And yet Corporate America, Wall Street, and K-Street cynically use the idea of free enterprise to bludgeon "liberals" and inveigh against government regulation.

As with the massive financial bailout in 2008–2009 (which let the banksters responsible off the hook), President Obama is badly mismanaging this issue. As The Authors Guild e-mail notes, "Two summers ago,

when the five publishers teamed with Apple to take a stand against Amazon's e-book dominance, the Justice Department went after the publishers, not Amazon, implicitly sanctioning Amazon's monopoly and allowing anticompetitive tactics like this to continue."

Writing and publishing are vital to the First Amendment's guarantee of a free press; far more so than the factitious "free speech" right of corporations and the super-rich to bribe politicians with unlimited campaign contributions.

It's high time to rediscover the antitrust legislation that has been on the books for over a century now. What Amazon is trying to do to the book market points clearly to the urgent need for a trust-busting Teddy Roosevelt in the White House.

—Thomas Magstadt  
Westwood Hills, KS

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## ALONG PUBLISHERS ROW

BY CAMPBELL GEESLIN

"The idea of another world existing in mysterious parallel with our own has such claim on the popular imagination that it seems unlikely ever to be exhausted," wrote children's book critic **Meghan Cox Gurdon** in *The Wall Street Journal*. "Whether it is a world where young wizards attend magical boarding school or an ice-locked kingdom behind the door of a wardrobe, or any of a hundred other permutations, the seduction persists."

Gurdon said she believed that we have a "persistent fascination with the impossible hovering just within reach of the real."

**SPOONS?** Television scriptwriter and actress **Lena Dunham** has produced a book, *Not That Kind of Girl*. Her promotional tour, starting in New York on Sept. 30, is almost sold out. Dunham was paid more than \$3.5 million for the book.

The 11-stop tour will have the author on stage with writers **Mary Karr** (in Boston), **Curtis Sittenfeld** (in Iowa City), **Carrie Brownstein** (in Portland) and **Zadie Smith** (at BAM in Brooklyn). *The New York Times* reported that fans could still try to get in through a "contest which invites people to audition to be Ms. Dunham's opening act at a number of stops by submitting a brief video showing their proficiency at 'singing, comedy, musical spoons, etc.'"

**ALL ABOUT JOYCE:** *The Most Dangerous Book: The Battle for James Joyce's Ulysses*, by **Kevin Birmingham**, an instructor in Harvard's writing program, tells the story of the editors, benefactors, lawyers, printers, smugglers and a U.S. federal judge who were involved in *Ulysses's* chaotic early history.

"At the center of it all is Joyce," wrote an unnamed reviewer in the August 18 *New Yorker*, "and Birmingham's greatest insight is the degree to which Joyce's tormented 'life in pain'—ill health, poverty, crippling eye ailments—shaped his consciousness and his writing."

**QUITTER:** **Adrian Cardenas** is a 26-year-old former Major League Baseball player who quit the Chicago Cubs to go to college and study to be a writer.

He told *The New York Times*, "As a baseball player, I could only be a baseball player. But that's not who I am, and I couldn't force it on myself." Later he said, "I had made the majors. And I still wanted something else."

Last fall Cardenas published an essay, "Why I Quit Major League Baseball," on *The New Yorker's* website. It took him six months to write.

The child of Cuban immigrants, now in his last year

*Continued on page 25*

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## THE AUTHORS GUILD BULLETIN

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## OVERHEARD

"We are at the risk of starving in the midst of plenty. . . . Free culture, like cheap food, incurs hidden costs."

—Astra Taylor, author of *The People's Platform: Taking Back Power and Culture in the Digital Age*, quoted in *The New York Times Book Review*, July 20, 2014

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# SHORT TAKES

## Amazon Delays Shipments of German Publisher's Titles, Spurring Antitrust Complaint

This spring, after negotiations on e-book sales splits between Amazon and the German publisher Bonnier stalled, Amazon allegedly began delaying shipments of Bonnier titles to customers. In late June, the German Publishers and Booksellers Association filed a complaint against Amazon with Germany's antitrust agency. The agency must now determine whether to investigate. The outcome of any investigation will turn on an analysis of whether Amazon should be categorized as distinct from brick-and-mortar bookstores.

Amazon's actions toward Bonnier are similar to those at the heart of its much-publicized dispute with Hachette Book Group in the United States. While book prices are fixed in Germany, preventing Amazon from discounting, publishers and booksellers may still negotiate commissions on sales. Amazon is reportedly insisting on receiving the same percentage from Bonnier as it has been with Hachette, 40 to 50 percent instead of 30 percent, according to Melville House's *MobyLives* blog.

Amazon has stated that it is not delaying shipment, but rather keeping fewer of the books in stock. In a public statement, the bookseller shifted the blame to Bonnier: "We are currently buying less print inventory than we ordinarily do on some titles from the publisher Bonnier. We are shipping orders immediately if we have inventory on hand. For titles with no stock on hand, customers can still place an order . . . availability on those titles is dependent on how long it takes Bonnier to fill the orders we place." The German Publishers and Booksellers Association called these actions "extortion."

And in mid-August, more than 1,000 German authors signed and

made public a letter to Amazon protesting the company's manipulation of recommended reading lists and its restricted availability of selected titles.

## ALCS Study Finds "Shocking" Reduction in Writers' Earnings

The UK's Authors' Licensing and Collecting Society (ALCS) has released the results of a survey regarding writers' incomes, "What Are Words Worth Now? A Survey of Authors' Earnings." Carried out in 2013 in conjunction with Queen Mary, University of London, the ALCS set out to update its findings from a previous study in 2007.

The survey took into account full-time, part-time, and dual-profession writers—2,454 in total. More than half of the participants were ages 45 to 64; almost one-third were 65 or older, and 17 percent were 44 or under. Participating writers included members of the ALCS, the Society of Authors, the Writers' Guild of Great Britain, and the National Union of Journalists.

The study found several indications of a steady decline in writers' earnings:

- In 2013, 11.5 percent of writers earned their income solely from writing, compared to 40 percent in 2005.
- Full-time professional authors reported earning £11,000 in 2013, compared to £15,450 in 2005 (when adjusted for inflation). Currently the Minimum Income Standard for a single young person living in the United Kingdom is £16,850.

- The typical median income of all writers was £4,000 in 2013—down from £5,012 in 2005 and £8,810 in 2000 (taking into account inflation).

The study also looked at changes in contract terms, the sharp uptick of

self-publishing, and the importance of digital publishing, now the third largest source of income for writers after print books and magazines.

In a separate study, PricewaterhouseCoopers is predicting that e-books will begin outselling print titles in the UK by 2018. In 2013, e-books accounted for one in four book purchases, according to *The Bookseller*, up from one in five the prior year.

## PW Looks at Three Years of U.S. Book Sales

In April, *Publishers Weekly* released its analysis of the digital and print sales of seven large publishers from 2011 to 2013, the results of which, PW argued, provide "more evidence that the days of rapidly rising e-book sales, and plunging print sales, are likely over for the trade book market."

For example, digital sales at both Random House and Houghton Mifflin Harcourt fell in 2013, reflecting a drop-off from the extraordinary successes the two publishers enjoyed in 2012, when HMH released e-books of the *Hobbit* series and Random House saw blockbuster sales of its *Fifty Shades of Grey* trilogy.

Other publishers saw increases in digital sales, while print sales continued to drop—but both increases and decreases were less than in 2011 and 2012. Across the board, digital sales rose less rapidly in 2013 than in 2012, and print sales declined less rapidly, reflecting a broad leveling out—or "settling down," in PW's terms—of the print and e-book markets.

## News Corp Purchases Harlequin for HarperCollins Expansion

On August 1, News Corporation completed its purchase of Harlequin Enterprises for \$455 million. The deal was first announced in May, not long after a fourth quarter report for



2013 that showed decreased revenue and operating profit at the romance publisher. Harlequin will become part of HarperCollins, News Corp's publishing branch. HarperCollins CEO Brian Murray told *The New York Times* that Harlequin's digital business was particularly appealing; Harlequin—like the romance genre more broadly—has found great success with e-books. In addition, Harlequin's books have a diverse, global readership, with about 40 percent of the company's income coming from foreign language titles. (According to News Corp, 99 percent of HarperCollins's titles are in English.) "In one deal," Murray said, "we have greatly expanded our international footprint."

Harlequin was founded in 1949 and is based in Toronto, Canada, where its headquarters will remain. It has about one thousand employees in offices around the world. Torstar Corporation, owner of Harlequin since 1975, will reportedly use the income from the transaction to pay down existing debt.

### **Hachette Plan to Purchase Perseus Falls Through**

In June, Hachette Book Group announced that it would purchase the Perseus Books Group, one of the largest independent publishers in the U.S. Under the terms of the deal, Hachette would have taken on Perseus's nine imprints, gaining more than six thousand previously published titles in addition to new titles going forward. (Perseus releases about seven hundred books per year.) Perseus also serves as book distributor for several independent publishers; this side of the business was to be purchased and then sold by Hachette to Ingram Content Group. Financial details were not released, but the deal was expected to be finalized by the end of July.

On August 7, it was announced that the deal was off. A spokes-

woman for Hachette told *The New York Times*, "Despite great effort from all three parties, we could not reach agreement on all of the issues necessary to close the transaction." David Steinberger, president and CEO of Perseus, gave a similar statement. Book industry analyst Mike Shatzkin speculated that Perseus would have given Hachette stability. "The kind of publishing Hachette does"—focusing on bestsellers—"is riskier and more volatile. . . . Perseus was not particularly dependent on hits and would have given it a much steadier business."

### **Barnes & Noble Undergoes Further Reorganization**

Barnes & Noble is separating its retail trade stores division and Nook Media into two distinct public companies. (The latter will include college bookstores.) With this move, the company hopes to improve the finances of its long-struggling Nook Media division. Both hardware sales and e-book sales have been down recently, although the company has managed to slow the pace of these losses.

In addition, Nook Media will be teaming up with Samsung to release a line of Nook tablets that utilize Samsung's platform and Nook software. The tablets are expected to be unveiled on August 20, and will then be available for sale online and in Barnes & Noble stores.

### **Diary of a Wimpy Kid Author Jeff Kinney to Open Indie Bookstore**

Jeff Kinney, author of the wildly popular *Diary of a Wimpy Kid* series, will be opening a bookstore in Plainville, Massachusetts, with his wife and business partner, Julie Kinney. He announced the plan to the public at BookExpo America in May. He later told *The Atlantic*, "A physical book has a heft, a permanence that you don't get digitally. So our hope is that the bookstore will

remain a vital, important part of communities across the country and the world." In the interview, Kinney noted that Plainville, a town of 8,200 people, is in a region that recently lost a Borders. The Kinneys' store will also house a café, sell gifts, and host events in order to draw customers from the surrounding area.

### **Kickstarter Creates Books & Journalism Division**

Kickstarter, the popular funding platform that enables individuals and companies to raise money from the public, has established a division to actively encourage and work with "publishing campaign[s], book[s], and magazine[s]," according to new full-time staff member Maris Kreizman. Kreizman, a debut author and former Free Press editor and editorial director at Nook Press, will "reach out to the publishing community" and advise fund-raisers on running a successful Kickstarter campaign. The company envisions working with individual authors, small presses in search of start-up funding, journalists requiring support for research costs, and others: a recent "Staff Pick" on the site was the Boston Teen Author Festival in Cambridge, Massachusetts; with more than two weeks left in its campaign, the festival was fully funded. ♦

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# From the President

BY ROXANA ROBINSON

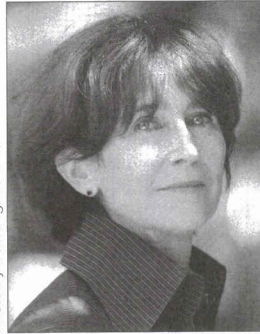


Photo by David Ignaszewski

It's an honor to become president of the Authors Guild, and particularly at this moment. These are interesting times for writers: the whole publishing industry is going through tectonic shifts, and it's hard to know where it will end up.

Revenues for writers are falling. On the Internet, writers are asked to work for nothing, providing free content and enormous value for social media companies. Thousands of writers are willing to give away their most valuable resource: words.

*The Huffington Post* was sold for over \$300 million, but pays most of its writers—who created its value—nothing. Google simply takes possession of our copyrighted material and uses it for its own commercial purposes, which is to produce advertising revenues for itself.

In the field of book publishing, traditional houses are squaring off against electronic self-publishing companies like Amazon. Each side is useful for certain books and writers. Amazon does some things very well: As a marketer, it keeps backlist books always available; as a sales site, it's fast and efficient. As a publisher, Amazon welcomes all writers. So publishing with them is a great move for a writer who writes fast and who knows how to market herself. It's a good choice if you want autonomy, are smart and savvy about the Internet world and are ready to market your own work.

Traditional publishing does other things very well. These houses invest their own time and money in a book, taking the long view, supporting a writer at the start of her career. These houses do the work necessary to present the book to the public: editing, copyediting, designing, marketing and publicizing. A traditional house is great for a writer who takes years to write a book, needs an advance to support herself while she writes it, and wants a personal relationship with a professional who supports her work.

But neither strategy is ideal.

Amazon offers high royalty rates for e-books but

also makes high demands for distribution. Amazon wants to keep all book prices low, and urges authors to give their books away, as a promotional tool. This devalues writing, and it affects the public perception of books. (Diamond rings are never given away for promotion.) Amazon offers used books on the same page as new books, because Amazon benefits either way, though the author doesn't. And Amazon seems to be trying to force brick-and-mortar bookstores and traditional houses out of business. Disruption is their tool.

Traditional houses, however, offer troublingly low royalty rates on e-books. They reject many writers. They seem to do less and less marketing and publicity, and expect the writer to do more and more. They give big advances to big names, and leave other writers to struggle.

We need to turn this struggle to our advantage. Writers need more than one option. We don't want Amazon to drive the Big Five out of business, and we

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**Authors need to be able to make a living,  
however they choose to publish their work.**

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don't want self-publishing to vanish. The more competition there is among publishers, the better things will be for writers. We need more choices, other ways to publish. We want better royalties, stronger copyright protection, bigger advances and more marketing muscle.

Authors need to be able to make a living, however they choose to publish their work. At the Guild, we support all of the writers who are trying to make their way through this contemporary maze. In recent years, the definition of a published author has changed, so we've responded by changing our membership requirements. We welcome self-published writers who are finding alternatives to the traditional publishing routes, writers who are using energy and inventiveness to find their readership. We're backing all of you, because we're writers ourselves. We believe in what writers do. We believe it's real. We know it's valuable.

So it's a great moment to be president of the Guild. I'm rolling up my sleeves and looking forward to this adventure with interest. ♦



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# Amazon v. Hachette:

## *What's at Stake for Authors?*

BY RYAN FOX

This summer the book business watched, transfixed, as two of its largest players, Amazon and Hachette Book Group, squared off in a highly publicized dispute over the split of e-book revenues. Media coverage began in early May, when *The New York Times*' David Streitfeld reported that Amazon had been delaying the shipment of hundreds of titles published by Hachette in an attempt to remind the publisher of its market power while the two corporations negotiated the terms of their new contract. The fight has become a flash point in publishing's often sleepy summer season.

Neither party has gone on the record detailing what precisely the dispute is about, but the industry consensus is that Amazon is angling to raise its share of e-book revenue from 30 percent to 50 percent. Given the recent news that Amazon has entered the e-book subscription market (see article on page 11), it is likely that Hachette's participation in Kindle Unlimited is on the table as well.

This is not the first time Amazon has resorted to embargo tactics in the midst of a contract dispute. In 2010, the online retailer removed the "buy" buttons from nearly every Macmillan title while it negotiated with the publisher. That standoff lasted only a week, at which point Amazon threw in the towel. This year's standoff has lasted for the better part of three months as this issue goes to press, suggesting just how important the outcome is for the future of book publishing.

During its negotiations with Hachette, Amazon—whose reputation stands on lightning-quick shipments—has delayed delivery of old Hachette titles, refused to sell new titles (including the works of blockbuster and renowned authors such as James Patterson, Michael Connelly, Malcolm Gladwell and J. K. Rowling) and promoted the works of non-Hachette writers on Hachette authors' Amazon pages.

We've called this tactic "slow-walking": purposefully placing Hachette titles on two to three weeks back order to remind the company just how important Amazon sales are to a publisher's bottom line, and possibly, engineer a rift between Hachette and its authors. But once Amazon began refusing preorder purchases of soon-to-be-released Hachette titles, and the publisher still did not budge, it became clear that both parties are willing to treat authors' royalty checks as collateral damage in this dispute.

In a rare public statement about its business practices, on May 27, Amazon sought the sympathy of consumers as well as authors, claiming that "when we negotiate with suppliers, we are doing so on behalf of customers." Amazon's claim struck many as more than a bit disingenuous, not only in its reference to publishers as "suppliers," but especially as it came on the heels of reports that the online retailer is under investor pressure to improve its profit margins. Rather than benefiting consumers, Amazon's slow-walking was inconveniencing them, especially those who were lured to Amazon Prime by the retailer's promise of two-day shipping. "Amazon claims to be on the side of the consumer." Amanda Foreman wrote in London's *Sunday Times*. "But excluding certain writers, discouraging sales and extorting kickbacks in return for promotion are not the actions of an open, consumer-oriented emporium."

In its press release, Amazon compared the practice of suppressing access to Hachette titles to one employed by brick-and-mortar bookstores for years: "A

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**Amazon claims to be on the side of the consumer. But excluding certain writers, discouraging sales and extorting kickbacks in return for promotion are not the actions of an open, consumer-oriented emporium.**

—Amanda Foreman,  
*The Sunday Times of London*

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retailer can feature a supplier's items in its advertising and promotional circulars, 'stack it high' in the front of the store, keep small quantities on hand in the back aisle, or not carry the item at all." In a truly competitive market, however, each retailer would make its own "featuring" decisions, and the cumulative effect would likely be a display of the diversity of our literary culture.

Is it different when Amazon, which controls over 40 percent of total books sales in the United States, makes a decision to feature or suppress a certain author—or a publisher's entire list, for that matter? A unilateral decision by Amazon can have a drastic impact on an author's ability to make a living, and even on the public's access to certain works.

No publisher, book or author can hope for com-

## What Do Writers Want? An Open Letter from Richard Russo

*Richard Russo, a vice president of the Authors Guild, published this letter July 10 in response to the ongoing dispute between Amazon and Hachette Book Group. It has been minimally edited and appears here with his approval.*

The primary mission of the Authors Guild has always been the defense of the writing life. While it may be true that there are new opportunities and platforms for writers in the digital age, only the willfully blind refuse to acknowledge that authorship is imperiled on many fronts. True, not all writers are equally impacted. Some authors still make fortunes through traditional publishing, and genre writers (both traditionally published and independently published) appear to be doing better than writers of nonfiction and “literary” mid-list fiction. (The Guild has members in all of these categories.) But there’s evidence, both statistical and anecdotal, that as a species we are significantly endangered. In the UK, for instance, the Authors’ Licensing and Collecting Society reports that authors’ incomes have fallen 29 percent since 2005, a decline they deem “shocking.” If a similar study were done in the U.S., the results would be, we believe, all too similar.

Recently, Amazon made an offer to Hachette Book Group that would “take authors out of the middle” of their ongoing dispute by offering Hachette authors windfall royalties on e-books until the dispute between the companies is resolved. While Amazon claims to be concerned about the fate of mid-list and debut authors, we believe their offer—the majority of which Hachette would essentially fund—is highly disingenuous. For one thing, it’s impossible to remove authors from the middle of the dispute. We write the books they’re fighting over. And because it is the writing life itself we seek to defend, we’re not interested in a short-term windfall to *some* of the writers we represent. What we care about is a healthy ecosystem where all writers, both traditionally and independently published, can thrive. We believe that ecosystem should be as diverse as possible, containing traditional big publishers, smaller publishers, Amazon, Apple, Barnes & Noble and independent bookstores, as well as both e-books and print books. We believe that such an ecosystem cannot exist while entities within it are committed to the eradication of other entities.

Over the years the Guild has often opposed Amazon’s more ruthless tactics, not because we’re anti-Amazon but because we believe the company has stepped over the line and threatened the publishing ecosystem in ways that jeopardize both our livelihoods and the future of authorship itself. There’s no need to rehash our disagreements here. But it is worth stating that we are not anti-Amazon, or anti-e-book, or anti-indie-publishing. Amazon invented a platform for selling e-books that enriches the very ecosystem we believe in, and for which we are grateful. If indie authors are making a living using that platform, *bravo*. Nor are we taking Hachette’s side in the present dispute. Those of us

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**What we care about is a  
healthy ecosystem where all writers,  
both traditionally and independently  
published, can thrive.**

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who publish traditionally may love our publishers, but the truth is, they’ve not treated us fairly with regard to e-book revenues, and they know it. That needs to change. If we sometimes appear to take their side against Amazon, it’s because we’re in the same business: the book business. It may be true that some of our publishers are owned by corporations that, like Amazon, sell a lot more than books, but those larger corporations seem to understand that books are special, indeed integral to the culture in a way that garden tools and diapers and flat-screen TVs are not. To our knowledge, Amazon has never clearly and unequivocally stated (as traditional publishers have) that books are different and special, that they can’t be treated like the other commodities they sell. This doesn’t strike us as an oversight. If we’re wrong, Mr. Bezos, now would be a good time to correct us. First say it, then act like you believe it. We’d love to be your partners.



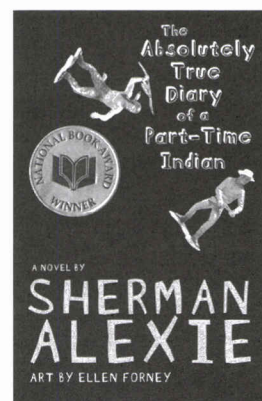
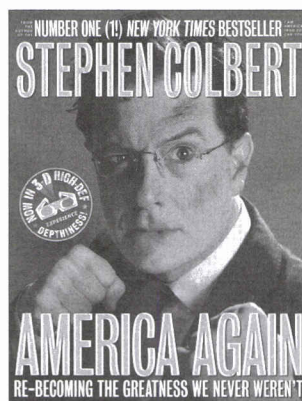
mercial success these days without sales via Amazon. George Packer reported in a February 2014 *New Yorker* article that “Amazon constitutes a third of one major house’s sales on a given week, with the growth chart pointing toward fifty percent.” For this reason, when Amazon resorts to disappearing books, publishers are effectively prevented from speaking up. They are under what amounts to a financial gag order. Publishers simply cannot risk angering the retailer. Foreman underscored this point, writing that “the only literary organization I found that was prepared to go on the record to me was the Authors Guild, which receives no money from Amazon.”

It’s not surprising that the clash between Hachette and Amazon has received such wide-ranging attention. There’s a war between two enormous corporations, but the losers in each of these battles are authors and readers. For authors, preorders are essential to the ultimate success of a book: all preorders are aggregated and included with first-week sales for bestseller lists. With Amazon doing everything it can to chill Hachette preorder sales, Hachette authors with books to be released in the coming months stand at a clear disadvantage to their peers at other publishing houses. And for many readers, the sad fact is that Amazon—now that it has driven half of the nation’s brick-and-mortar stores out of business—is the only practical source from which to purchase books in much of the country, especially those in publishing’s “long tail,” the vast number of volumes that sell in low numbers but make a lot of money for retailers who can sell them in quantity.

## Guild Members Draw Attention to Authors

As the media stories on the dispute piled up from May into June, it often appeared that everyone was taking sides. The standoff could have served as a litmus test of one’s cultural politics. Amazon was characterized alternately as a bare-knuckled monopolist tearing down everything in its path to dominance or as the heroic disrupter of an industry too set in its ways to be relevant in the twenty-first century. But one perspective had largely been overlooked: that of the author. In early June, two Guild members took to the airwaves to fix that.

Authors Guild president Roxana Robinson was a guest on National Public Radio’s *On Point* on June 5, reminding listeners that while many commentators had been painting Amazon as the bully in this particular dispute, Hachette and the rest of the Big Five don’t exactly have clean records when it comes to giving authors a fair share of e-book revenue, which is the main object of the two firms’ standoff.



*The Amazon-Hachette standoff got serious late-night attention from Stephen Colbert, a Hachette author. Sherman Alexie, a Guild Council member and Hachette author was a guest on Colbert’s show in June.*

Just as Amazon is pressuring Hachette now, Hachette and other major trade publishers, Robinson said, regularly put the squeeze on their authors when it comes to e-book royalty rates. As the Authors Guild has maintained for years, the industry-standard e-book royalty of 25 percent of net receipts is a windfall to the publisher and a major step back for authors. To begin with, it’s not reflective of publishing’s traditional “joint venture” arrangement, in which authors and publishers effectively split the net proceeds of book sales. What’s more, it incentivizes publishers to favor e-books, from which they profit at a higher rate than from hardcover sales.

Robinson also touched on the potential antitrust violations of Amazon’s market dominance, particularly its predatory pricing schemes. *The New York Times* covered similar ground in a June 3 editorial, in which the editorial board wrote that “when a company dominates the sale of certain products as Amazon does with books, it has the power to distort the market for its own benefit and possibly in violation of antitrust laws.”

Robinson wasn’t the only member of the Authors Guild family in the news that week. Council member Sherman Alexie made a June 4 appearance on Comedy Central’s *The Colbert Report*, speaking up for authors affected by this corporate standoff, and even suggesting a boycott of Amazon.

When two publishing giants fight, Colbert asked Alexie, whom do you root for? Alexie responded without hesitation: “You root for the authors.” Colbert and Alexie, both Hachette authors, expressed frustration not only at what Amazon’s tactics have done to their own royalties, but at how they could affect new authors. They also took the time to remind readers that Amazon is not the only bookstore on the block. When Colbert asked Alexie what consumers can do to fight



back, the novelist responded determinedly: "Well, number one, you don't shop there . . . for anything."

### Crisis or Business as Usual?

As the summer wore on, the dispute increased in heat. Its centrality to the cultural conversation, to the future of books in America and to the fates of many other publishing houses was becoming clear within the industry. Sooner or later, every publisher is going to have to renegotiate with Amazon. In this sense, Hachette has been viewed as something of a trailblazer. All publishers know their day will come, and they've been watching eagerly for hints as to what the retailer will be demanding from *them* at that time.

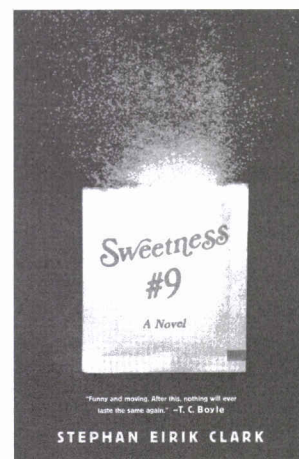
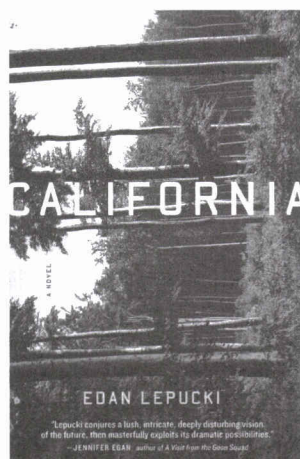
Under these conditions, a group of publishing industry veterans, lawyers and cultural commentators gathered at the 42nd Street branch of the New York Public Library to discuss the ongoing conflict. The symposium, cosponsored by the NYPL and the talent agency William Morris Endeavor, was entitled "Amazon: Business as Usual?" and took place on July 1. It was the most public forum on the dispute to date.

The event was the brainchild of William Morris Endeavor agent Tina Bennett, who also moderated the evening's conversation. She set the scene in a somewhat ominous fashion. Amazon and Hachette are engaged in historic negotiations, she said, and nothing less than the future of the publishing industry may be at stake. But the talks between these two parties are taking place "inside a black box." "It's as though a loved one were being operated on in a room you can't enter," she continued. "Someone must be in the room to represent the needs of the author."

It became clear that Bennett thought of the conversation at the library as something of a tribal council session, an opportunity for all those shut out of the black box to share their thoughts about the direction of the publishing industry during these unprecedented and trying times. But she was also realistic about the evening's chances of influencing what takes place within the black box: little to none.

The panel, as Bennett acknowledged, was less than balanced. She added, however, that Amazon had been repeatedly invited to send its own representative to the forum—and had repeatedly declined. What Amazon did suggest was that an attorney against whom it had negotiated in the past, a publishing lawyer named David Vandagriff be added to the panel. Throughout the night, Vandagriff was often the sole defender of Amazon. He also revealed, in the interest of full disclosure, that Amazon had purchased his plane ticket to New York City for the event.

The symposium, as it turned out, was not merely



*In July, Colbert made a less-well-known Hachette author, Edan Lepucki, and her debut novel famous; he and she together sent sales for another under-the-radar author soaring a couple of weeks later.*

an industry huddle. Some of its most remarkable moments occurred during an exchange about the possibility of an antitrust investigation of Amazon's behavior in the publishing markets. Tim Wu, a professor at Columbia Law School and current candidate for lieutenant governor of the state of New York—and the popularizer of the concept of "net neutrality"—pointed out that the Department of Justice (which, to many observers, tipped the scales in favor of Amazon two summers ago by prosecuting Apple and five of the then-six major publishers, rather than the retailer) is not the only government body that can pursue antitrust investigations: there is also the Federal Trade Commission, as well as the states' attorneys general, which enforce each state's own antitrust laws. Wu made the case that, in addition to its below-cost predatory pricing, Amazon's antitrust violations may include "deceptive practices" prohibited by Section 5 of the FTC Act, particularly the practice of skewing search results without informing consumers that the results are "crooked."

When David Vandagriff defended Amazon on this point, arguing there is no deception because no two shoppers see the same search results to begin with, thus leading all consumers to expect variations in search results, Wu countered by saying he was "convinced a consumer protection investigation of Amazon would reveal some things." The response of novelist James Patterson, also on the panel, nearly brought down the house: "I've never liked lawyers so much as I do right now."

A domestic antitrust investigation would be of

*Continued on page 43*



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# Contractual Challenges Loom with Growth of E-book Subscription Services

E-book subscription services, it appears, are here to stay. Amazon released its Kindle Unlimited service this July, and a second Big Five publisher is now offering its backlist through the subscription model, which allows readers to pay a monthly fee for access to all the e-book titles offered by the service. The very novelty of this distribution channel presents a web of challenges to authors and agents, many of them contractual in nature. We'll get to these shortly. First, an update on the subscription landscape since we last reported on it in the Winter/Spring 2014 issue of the *Bulletin*.

On July 18, Amazon made it official. Its new e-book subscription service, Kindle Unlimited, will offer "unlimited access to over 600,000 titles . . . for just \$9.99 a month." The price includes access to thousands of audiobooks as well. Just two months before Amazon stepped into the subscription game, on May 21, Carolyn Reidy, president and CEO of Simon & Schuster, announced that the publisher would begin offering 10,000 of its backlist titles through the e-book subscription service companies Oyster and Scribd. With this announcement, Simon & Schuster joins the ranks of HarperCollins and many other smaller and midsize publishers, which already had agreements in place to make their backlists available through subscription services. The subscription e-books model has also been particularly popular for children's books; many publishers have reached agreements with similar companies that specialize in the genre, such as Reading Rainbow, Speakaboos, Epic!, and Storia.

Amazon's entry into the subscription market doesn't come as a surprise. It already has Kindle Owners' Lending Library in place. And in a recent report in the UK trade publication *The Bookseller*, British publishing insiders anonymously disclosed that Amazon has been pressing for matching terms when it enters into a new business arrangement with a publisher. A matching terms arrangement would entitle the online giant to terms at least as good as those a publisher has negotiated with the established subscription companies. Executives at Oyster and Scribd,

for their part, didn't blink at the news that Amazon was preparing to enter the market. Both companies released statements welcoming Amazon's competition.

Subscription services present both great potential and great concern. Musicians rightly complain about Spotify, Rhapsody and other subscription companies paying pennies on the pound. And Netflix's streaming service is used with extreme care by film and television studios. They use it for movies that need exposure, or to hook viewers on a television show by offering the first season only. Similar issues will likely plague the book industry's adoption of these services.

Publishing executives argue that the subscription model will draw users' attention to backlist titles, introducing these works to a new readership. For "lost" titles, at least, subscription models could provide the perfect opportunity for new life. However, the economics of the subscription model leave much to be de-

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**Subscription services present both great potential and great concern. . . . The threshold question is, does your publisher have the right to include your work in a subscription library in the first place?**

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sired—particularly for authors. The problem? Because readers will pay only \$10 a month for unlimited access to content, there just isn't enough money to go around in these services.

A letter from Simon & Schuster, for example, promises its authors the improbable, telling them that their royalty payments from Oyster and Scribd will be greater than those from standard retail sales. S&S authors receive the standard e-book royalty rate each time one of their books is read. The standard Big Five royalty rate is 25 percent of the publisher's receipts. In a standard e-book transaction, the author's share of the purchase price goes only to the author of the purchased book. But under the subscription model, the "author's share" of the \$10 monthly purchase price becomes an "authors' share," as the 25 percent royalty is essentially split up among the total number of books the consumer reads that month. It's easy to see that if subscription users average reading three books a month, authors' royalties will be a third of what they would be under standard e-book purchase transactions.

The subscription model, in other words, could de-



crease the value of content and cannibalize sales of both print books and individually packaged e-books. Publishers and authors are generally aligned in their mutual interest to avoid this decrease in value. The likelihood, however, is that many contractual issues will arise between authors and publishers with regard to the proliferation of subscription services.

First, a threshold question: Does your publisher have the right to include your work in a subscription library in the first place? For backlist titles, where the grant of e-book rights is unclear, this is of particular concern. If

pro rata amount the publisher receives, based on the number of times a work is accessed or the percentage of the work that is accessed.

At the same time, it appears that, as with the Kindle Owners' Lending Library, Amazon will take the position that it may include a publisher's titles in its subscription repertoire without the publisher's direct consent, so long as it pays the publisher the normal price of the e-book as soon as the reader opens it.

A related question yet to be answered is: What percentage of the overall content pool income goes to the

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Scribd.

amazon.com<sup>®</sup>

the publisher doesn't have e-book rights, you should take the position that it does *not* have the right to include your book in subscription models either.

For purposes of calculating royalties, authors and publishers in contract negotiations might also face the problem of how to categorize works sold under a subscription model. Since different types of sales receive different royalty rates, this could have a tangible impact on your bottom line. For example, should a work sold under a subscription model be treated as a trade book club sale, a trade e-book sale, a book club license, an e-book license—or under another provision of the publishing agreement? Many authors and agents have long advocated, without success, for e-book sales to be treated as a license, so it's fair to assume publishers will not treat these transactions as a license either. Certainly, a license with a revenue share of 50 percent net of the amount received is more favorable to the author than the 25 percent of net income that publishers typically pay for trade e-book sales.

And then there is this all-important issue to be resolved: How, and for what types of uses, is the author to be paid? It appears that HarperCollins and Simon & Schuster have negotiated with Scribd and Oyster so that if more than a certain amount of a work's content is accessed by a user, the subscription service will consider the access to be a "sale" akin to that made by a regular e-book retailer, and the author will receive a similar royalty rate. Authors who have spoken with the providers report that Oyster pays the publisher 50 percent of the list price set by the publisher after a reader has accessed 20 percent of the book, while Scribd pays 60 percent of the list price to the publisher after 30 percent has been read. And from what we know of the way Kindle Unlimited will run, publishers will receive credit for a "sale" of any given title once a reader has browsed more than 10 percent of it. Otherwise, it appears that authors receive a royalty percentage of the

publisher? A good many additional issues remain unresolved as well.

- Will publishers be receiving advances or flat fee payments to provide their content to subscription providers, and if so, how will this money be distributed to authors? How will costs relating to works that have not already been digitized, or to enhance children's works, be accounted for?
- Will subscription providers, like many other companies with an online presence, allow for advertising on their sites? If so, is the revenue shared with publishers and distributed to authors? Does the author have any control over what advertising is included, and can the author prevent advertising from being set directly against the author's content? Many traditional publishing contracts include such provisions, and these questions should likewise be addressed in the subscription context.
- Does the author have approval rights as to whether his or her work will be used in such models? Most publishers, but not all, will agree to language that allows the author to either approve or opt out of such models. For older contracts, approval might be more difficult to obtain, unless those contracts already provide for the author's approval over combining the work with other works, or if no royalty at all is set for e-book sales.
- How do subscription services account for authors who drive users to the site? The inclusion of major, branded authors in a program will increase traffic, but is it really fair if such authors are not paid an additional fee beyond royalties?

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# CJ Lyons: “The Power Is Shifting to the Author”

BY ISABEL HOWE

*CJ Lyons is the bestselling author of more than twenty novels, most recently Broken and Farewell to Dreams. Formerly a pediatric ER doctor, Ms. Lyons is now a full-time writer. She describes her books as “thrillers with heart,” and she publishes them through a combination of traditional publishing and self-publishing. Ms. Lyons has been honored by the International Thriller Writers and the Romance Writers of America. She was elected to the Authors Guild Council in March.*

**Q:** In an interview you did with Jane Friedman, “Self-Publishing and Traditional Publishing: Enjoy the Best of Both Worlds,” Friedman describes you as “an emerging model of hybrid author” because you self-publish your books *and* publish with traditional houses. What comes through in the interview is a refreshing lack of anxiety in your approach to publishing and marketing books. How have publishers reacted to your hands-on, independent approach?

**A:** Well, you have to understand that I began self-publishing back in 2009 strictly because my readers were requesting that my books come out sooner. My traditional publisher at the time was building a series one book a year, which is really hard to do; with a mass market paperback series, you really need them to come out more quickly than that. And my readers responded. They wanted the books out sooner, they wanted *something* from me sooner. I approached my traditional publisher first and said, “Look, I have a whole other series of books. It’s been professionally edited by another publisher, then the books were orphaned, but they’re ready to go if you guys want to take them on. I can write short stories or novellas, we can put those out. We need to do something to keep my readers happy.” They basically laughed me and my agent out of their offices.

So I did it to keep my readers happy, because I long ago decided that that is my work ethic: if I keep my readers happy, my bottom line stays happy. And you’re right, that absolutely decreases anxiety, a lot, once you take that perspective.

So that’s when I started self-publishing. It was pretty early on, and it was between traditionally published books. I made use of my self-published books



*“No Rules, Just Write!”—CJ Lyons publishes her way.*

by putting calls to action or excerpts from my traditionally published books [in them], to help drive sales of *those*. It was amazing, because within a year I was making more money—I was actually paying the bills—with self-published books, and within 18 months I was making more money than with my traditionally published books.

**Q:** Did that publisher say later that you’d proved them wrong? Did their attitude change when they saw your success?

**A:** It’s kind of funny. I had good data, numbers, to show my third New York City publisher. They said, “We can’t believe how great the presales on your e-books are for this book!” (It was the second book in my series, and we all know how the second book in a series usually goes down, and then the third and fourth will bring it back up. This is the second book in a trilogy.) And I’m like, “Yeah, because I pretty much gave you guys free advertising in the back of my books, with links to go buy this book and preorder it!” I had data I could show them. Well, they didn’t change their minds even after that.

Coincidentally, I didn’t have a new indie book coming out before the third book in the series, so I didn’t get the chance to do quite as much of a push for those presales; and the publisher was like, “See, it has nothing to do with that, pre-sales went down.”

I think emotionally a lot of publishing professionals



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feel entrenched and defensive right now. I can understand that, because there is a huge paradigm shift going on. You don't find many people talking about this publicly, so I'm just going to go out on a limb and say it: the power is shifting to the author. Authors are realizing—I've been saying this for three years now—that they are CEOs of their own global media empires, and it's up to them to decide who to partner with. Do they partner with a New York City publisher? Do they partner with a small press, or perhaps a nontraditional publisher? Do they go it alone as an indie? Do they just hire a distributor that has a turnkey service to handle everything? It's their decision. The power lies with them.

But here's the thing no one talks about—and this is what really has publishing scared: the power's not just shifting to the author, but to the *readers* with the author. My readers can't tell the difference between

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**The power is shifting to the author.**

**Authors are realizing . . . that they are CEOs of their own global media empires, and it's up to them to decide who to partner with.**

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my indie books and my New York City books. When they e-mail me and I say, "I self-published that book so it's really easy for me to get you a personalized autograph for your grandmother, just give me a week to get it out to you," they're amazed! They're like, "First of all, I didn't realize that you had self-published this, and second of all, I can't believe you're able to do that for me!" Of course—you're my fan, you're my reader; I take care of you.

The publishers have no clue who the readers are. They didn't start doing market research until recently. I was in a sales meeting with a publisher—not with an assistant, but *the* publisher of the company—and we were talking about strategies. He came up with an idea, and I said, "That's not going to work for my readership." He said, "Well, how do you know?" I think it was to use Twitter or some other really new social media. I said, "Well, my demographics show that my readers are 70 percent women, 30 percent men, they're 35 and older, they have an income of this." I could give them the demographics across the board for my readership. He was like, "You can't know that, *we* don't even know who's buying your books!"

I took out my paper and slid it across the table to

him. I thought his head was going to spin off. I said, "How can you *not* know who buys my books? Isn't it your job?"

Q: How did you collect that information? What tools do you recommend?

A: There are wonderful free tools out there, and this particular one I highly recommend. It's called Quantcast.com. If you want more data or, say, you're running a small publishing company, you can also get a professional level of data, but the basic data they give you is so rich that it's plenty for most authors.

The really sad thing is, that meeting took place over three years ago. And things haven't changed. Publishers are getting more scared. Like I said, the readers ally with the writers. The readers will follow me. They recognize my name. They don't remember whose imprint is on the spine of the book.

That is where the really scary thing is [for publishers], because with the way social media and reader engagement and personal connections are being formed, because of all the tools we have out there now, publishers will lose control of their bottom line if they're not careful. They're getting very defensive, and I think that's why contracts have gotten so bad—these non-compete clauses, which are basically trying to tell authors, you're not allowed to earn a living, you're only allowed to take what we give you. The hard part of working with the publishers, it's almost similar to—I don't know, BDSM! You submit, they dominate. That's really not where the future's going to lie.

Traditional publishers do some things really well, better than I could, which is why I still work with them. I think if they focus on their strengths and learn to partner with authors and come up with new contracts . . . Imagine this: Let's say I had a contract with a major New York City publisher, and it said, for the first three years, we will take 70 percent of royalties, you take 30, and we're going to focus all our attention on those three years. Then the next three years, we'll do a 50–50 split, and then after that all the rights revert to you, but for the life of the book, whatever you do with it, we still get 10 percent. Given that books sell most during those initial release dates, publishers would actually make more money, with less liability, less cost, less overhead, and the author would make more money over the life of the book.

It probably would mean that there would be *fewer* books contracted by publishers, but quite frankly, they need to do that anyway. I hate saying that, because I love working with them, and I don't want to be one of the authors that they stop working with. But publishers need to take on fewer authors so they can concentrate their limited resources on the books they



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have and on doing what they do best, which is turning books into events that will delight readers.

If they did that, everyone would walk away a winner. Not just a winner during the first year a book is out, when it's either going to earn back its advance or not. They would be earning money continually over the life of that book—but so would the author.

The publishers kind of shake their heads. "We could never do that, we can't give up that kind of control." Again, it goes back to the domination theory of publishing. But the thing is, if you give up control and you partner, you build synergy and both sides will profit more. It becomes a win-win.

Q: Some Authors Guild members are just entering the business and may be in a better position to adapt to the paradigm shift you're describing. Others have been publishing for years and are trying to cope with the changes of the previous decade. A lot of writers simply feel afraid of change. Do you have advice for writers with a strong career behind them who've been affected by changes in the industry, and who feel they don't understand the business anymore?

A: I have counseled several dozen major *New York Times* bestselling authors on exactly this issue. Here's my advice. First of all, everyone has his or her own path. I never tell anyone, "This is what you must do." There are tons of writers—and I was like this until I was forced to change when a publisher abandoned me early in my career—you don't want to think about the business. You just want to write.

Well, guess what? You don't have to let these fears of the unknown, or the technology, or the changing paradigm, paralyze you. What you *do* need to know—and I think this is something that the Authors Guild can really help with, through fostering and building community and educational resources—is that there are answers out there to your questions.

Maybe you just want to write and want someone who will take your book and get it out there to the world. Well, there are well-respected turnkey distributors you can turn to. Book Baby is a great example. I've sent quite a number of authors over there. I also think a huge part of the future of publishing is going to be smaller presses. There are some brilliant small presses, like Algonquin, that do a wonderful job and take excellent care of their authors and their readers. They *are* doing the market research, they *do* know who their readers are and they try to connect with them. It's amazing, the difference in attitude.

To someone who is feeling like they aren't being treated right by the major New York City corporations, [I'd say] you can still make a living wage, either doing it yourself—though you will give up some of the

money by hiring a turnkey service—or by taking a smaller advance and working with one of these great smaller publishers.

Here's the other thing: you can also hire someone; there are virtual assistants out there to do just about anything, from formatting to uploading your books to doing your cover art. I work with the same editors that I worked with in New York City, because unfortunately many of them have been laid off. I hire them as freelance editors. There is no reason why you can't do it on your own if you're willing to give up a little time—because you have to learn what you need—and a little money in doing it. In the long run, it's a great investment.

Q: It sounds like your concept of partnership applies to all types of publishing, whether you're working with a big publisher, a small one, assembling your own team—or using a hybrid of these methods.

A: The metaphor I like to use is building a house. You own the land—that's the creative content. Now you have to decide what is going to happen to that land. You might hire an architect to help you design it—that would be your developmental editor or your graphic designer doing your cover art. You're going to hire a plumber and an electrician to do the formatting—to get it into all the distribution points. You might hire a painter, which would be like the print publisher. You might hire a realtor to help you sell it; that would be like your voice talent to make an audio book.

One of my most important partnerships is with my agent, Barbara Poelle of the Irene Goodman

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**To someone who is feeling like they aren't being treated right by the major New York City corporations, [I'd say] you can still make a living wage, either doing it yourself . . . or by taking a smaller advance and working with one of these great smaller publishers.**

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Agency. She's been absolutely on board with this from the beginning. She's very forward-thinking about the changes in publishing, and she's willing to take chances by asking for these weird things, like licensing contracts. People look at her like she's crazy, and she's like, "OK, you guys aren't ready for that, that's alright." She's willing to test the waters. She's a bit of a



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maverick and I love her for it. I really wouldn't be here without her. It's been a great partnership.

But she defers to me, with each manuscript, about what we're going to do with it. We talk about the options. My last book, which I ended up publishing myself, *Farewell to Dreams*, is the one that I had with me at BEA. My agent pointed out, "We could probably make a lot of money on this book, but it would probably be at least two years before it came out." And I said, "You know what? I've been working on this book for a long time, and I think my fans deserve *not* to wait." So I made the decision to go ahead and do it myself.

The control lies with me. I could give that control up. I could say, "Look, just get me another contract that pays the bills. I'll keep writing, you keep negotiating contracts, and I don't want anything to do with that side of the business. I just want to write." You decide where the power and control is, and what you pay for it. You might be paying in terms of time, or money, or what your heirs and future generations get. Some

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**The metaphor I like to use is building a house.**

**You own the land—that's the creative content.**

**Now you have to decide what is going to happen to that land.**

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of these contracts, when they say "life of copyright," that's after you're dead. It can be really tricky with the newer contracts for you to ever get anything more back from a book than that initial advance. While a \$100,000 advance might sound great, when you divide that over the three years that it takes for a hardcover to come out, that's only \$33,000 a year. Try dividing it up over your lifetime. That's not a living wage.

Q: Your house metaphor is great, especially how it places the author at the center. It also points to the numerous choices writers have once they decide to go their own way and hire people to help. That can be scary terrain, though, deciding among all the offers out there.

A: Absolutely. Just like building a house, you have to be careful that you're not getting ripped off. I see it every day. People will send me a link and say, "What do you think of this service?" I'll look, and you can just tell that it's a scam. They're not going to do what they promise. Those services are cropping up like crazy.

Everyone wants to write a book. Now it's not a question of, if I write a book, will I get it published. The answer is yes. You just have to decide *how* you're going to get it published. These scammers know that, and they prey on people. Yeah, they might create a book. But converting a Word manuscript into an e-book literally takes less than 10 minutes. So for those 10 minutes, you might be paying hundreds of dollars to get something that is not high quality and is not serving your readers. That caveat "buyer beware" is definitely in place.

You want to make partnerships that will serve you over the long term. It's time-consuming to find people to help you. That's why, for a lot of people, sticking with traditional publishing is the answer, and that's fine—as long as you know what you're getting into, what you're gaining and what you're giving up. As long as it's an informed decision.

Q: On your website, NoRulesJustWrite.com, you offer advice to other writers. I think I know the answer to this, but I'm curious to know whether you've ever considered becoming an agent?

A: [Laughs.] No, I don't want to be anyone's agent! I have considered it, because one of my strengths is developmental editing—I still hire developmental editors for my own books, because we all have our blind spots—and that's something I've been able to barter, especially when I was starting out and couldn't pay for things. But quite frankly, when I look at my schedule and see how many books I need to write, and how many books I want to write, I'm thinking, "Where would I find the time? That's crazy!" So the answer to that is no.

I've had a couple of people ask if I'd be their publisher, but honestly I don't want to get into that. I don't actually do marketing. You know what I do for marketing? I write the next book. I don't do a lot of marketing at all, and that would make me a bad publisher, because one of the big things you want from a publisher is marketing savvy.

There was a great article linked to recently by Digital Book World about the difference between marketing and promotion. Marketing is building the readership. It's getting the word out there when no one has heard of you. It's reaching new readers. That is vital, no matter what stage of your career you're in.

Promotion is taking something that is already starting to get known and get a buzz, and increasing that, giving that buzz a greater impact. But you can't do that without already having the buzz.

Unfortunately, a lot of publishers just want to do the promotion. They wait and watch and say, "Hey, we're getting some good editorial feedback and a lit-



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tle buzz on this book, and it hasn't been released yet. What can we do to up that?" They're *promoting* the book. But for 90 percent of their authors, and of the books they release every year, they're not doing anything except throwing them in a catalog. I think that's a disservice, not just to the authors but to the readers.

Q: On the subject of marketing, in the interview with Jane Friedman you spoke about how "the professional marketers were talking about the power of story and how important it was to sell their products to their target audiences. I realized I already had the skill set they were trying to learn: storytelling." That's a great observation.

A: Where I learned that is this excellent book called *Primal Branding*, by Patrick Hanlon. He's trying to teach businesspeople how to build a brand. What he's using is basically a three-act structure for how to tell stories. Every author could relate to this instantly. It's laid out almost like a hero's journey—the same way that we tell our stories.

The other book that I recommend is by Simon Sinek, *Start with Why*. It's the book that really brought it all home for me. (He also has some wonderful TED Talks.) It's funny, because it only came out a couple years ago, but I started teaching writing back in 2003 and that was what I'd start every class with: Why are you here? Why are you writing? Why are you writing this story? I'd ask that every step along the way.

There are people out there who only have one book in them. There's nothing wrong with that. That's their dream, and they can make it come true now. But they're not looking to build a career, so how they approach things like marketing and business and partnerships is going to be very different from someone who is quitting their day job to build a career as an author. You need a whole different skill set, a whole different set of goals and objectives and ways to measure them. There's really no one answer for every writer, which is why my website is called No Rules, Just WRITE! We each have to find our own path.

*Start with Why* is in a scary book section: it's the business section, which I was very leery of at first. But the way I started getting into it was, when I took my lunch break, instead of watching TV or doing Facebook or whatever, I'd start reading the business blogs. A lot of [business bloggers] are natural storytellers, like Seth Godin or Simon Sinek.

I realized that there's a lot I should be learning. You have to remember, pediatric ER doctor? I know nothing about business. I don't even balance my checkbook! It was frightening for me to jump into this, but boy, the rewards sure made it worthwhile.

Q: Speaking of your lunch break, you're part of a tradition of doctors who are also writers. How much is your background responsible for your unusual perspective on publishing? Are there connections between practicing medicine and storytelling?

A: You are right on the money. First of all, the publishing perspective. I think this is why it was such a slap in the face for me when that first publisher didn't work out. ER doctors are all about the team. We trust each other. We understand that we don't all know everything, so we're constantly asking questions and having someone double-check our work. It's a high-impact, high-adrenaline environment, which is a ton of fun, but the stakes are so high that you have to put your ego and pride out of the way and ask for help when you need it.

I was expecting a team approach to publishing because hey, books, they're fun! Who wouldn't want to get on board and have fun with that? I was totally expecting that my editor and I would be working to-

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**I'd start every class with: Why are  
you here? Why are you writing?  
Why are you writing this story?**

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gether, and the marketing people, but it *so* is not like that—although my YA publisher does a great job and is delightful to work with. But I've worked with four other publishers that have not been so good about that kind of thing.

It was a culture shock for me. I'm used to being the *leader* of the team, but I was used to having a team I trusted and that communicated. I think that's really what publishing is lacking when it comes to author relationships. There's no communication. They're basically putting us in handcuffs and sitting us in the corner for a time-out until they're ready for the next book, and that's crazy. They're just wasting all this talent and ability to reach readers.

As far as writing, storytelling has truly helped me save lives. As a pediatrician, half my patients couldn't talk to me. I'd have to understand how to get a story from the parents who are speaking for their child. Being able to take people on that journey so that they'd remember the important things and fill you in

*Continued on page 45*



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# Legal Roundup

## Supreme Court Rules for Creators in Infringement Case; Authors Guild Coalition Filed Amicus Brief

Amicus curiae, or “friend of the court,” briefs are important tools in Supreme Court litigation: they allow individuals or organizations that are not parties to the case to submit information about how the ruling would affect them, which helps the Court understand the repercussions of its decision.

Last fall, the Authors Guild began talking with our fellow creator advocacy organizations about submitting an amicus curiae brief to the Supreme Court on a significant copyright case, *Petrella v. Metro-Goldwyn-Mayer, Inc.*, that hinged on interpretation of the statute of limitations. By spring we had a consensus of seven creators’ groups (and funding to support our efforts). Joining us were: the American Society of Media Photographers, American Photographic Artists, the Graphic Artists Guild, the North American Nature Photography Association, the Picture Archive Council of America and the Songwriters Guild of America. On November 22, 2013, we filed a brief in support of the plaintiff.

On May 19, 2014, the U.S. Supreme Court decided *Petrella v. Metro-Goldwyn-Mayer, Inc.*, coming down on the side of the plaintiff with a ruling that a claim of laches—“unreasonable, prejudicial delay(s) in bringing suit”—cannot block civil suits for copyright infringement that are brought within the three-year statutory window.

Paula Petrella, who brought the case against MGM, is the daughter of Frank Petrella, the coauthor of the screenplay for the movie *Raging Bull*. As her father’s heir, Petrella renewed the original 1963 copyright in her name in 1991, at which point the rights to the screenplay became hers. MGM, in the meantime, continued to distribute the film without renegotiating a license for the screenplay. But Petrella did not initiate litigation against the studio until 2009, when she finally decided to make the claim that MGM was infringing her copyright in the 1963 screenplay. She acknowledged the three-year statute of limitations, however, and requested damages only for the copyright infringement that occurred during the three-year window preceding her suit—2006 through 2009.

Citing the laches defense, the Ninth Circuit Court of Appeals ruled that Petrella had delayed too long in filing suit, and would not allow the case to go forward.

Petrella persisted. In civil cases alleging copyright infringement, a three-year federal statute of limitations prevails, but the statute term begins anew for every individual act of infringement, giving plaintiffs greater flexibility in bringing a copyright infringement suit. The Supreme Court ruled that laches could not completely bar actions for damages brought within the statute of limitations, stating, “To the extent that an infringement suit seeks relief solely for conduct occurring within the limitations period . . . courts are not at liberty to jettison Congress’ judgment on the timeliness of suit.” Justice Ruth Bader Ginsburg did point out, however, that a plaintiff’s delay may be considered when determining equitable relief in the beginning stages of litigation.

The result was a victory for the plaintiff, for individual creators and their heirs and for the Authors Guild and our amicus curiae partners.

## Recent Developments in the Guild’s Lawsuits Against HathiTrust, Google

On June 10, the Second Circuit Court of Appeals released its decision in *Authors Guild v. HathiTrust*. Over the Guild’s objections, the court allowed HathiTrust to maintain its database of digitized books. However, the ruling made clear that any breach of the security protections currently in place would leave HathiTrust at risk of future litigation.

The court refused to grant HathiTrust’s request for blanket approval to use the database to replace books that had reached the end of their physical life; and it vacated the earlier District Court decision on that point. It did approve two very limited uses of the database, word search and display to the disabled, but emphasized that its ruling does not extend to display of text to all users in HathiTrust’s network, nor does it authorize universal display of snippets.

The decision cannot be considered a total victory for either side. It should be noted that the Guild’s pursuit of this lawsuit led directly to HathiTrust’s abandonment of the Orphan Works Project, which would have posed a major threat to authors’ rights by allowing participating libraries to display in full digital copies of in-copyright works based on the bare claim that the trust could not locate the rights-holders.

The Guild’s related case against Google will come before the court next. This suit has undergone several twists and turns since it was filed in 2005; the Guild has consistently maintained that it is fundamentally unfair for Google to make use of the entire text of



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copyrighted books for its own commercial purposes without compensation to authors.

An initial settlement between the Guild and Google was rejected by District Judge Denny Chin in early 2011, finding, among other things, that the Settlement Agreement did not go far enough in protecting orphan works. The Guild appealed the decision; asserting that the Guild does not have standing to bring a lawsuit on behalf of its members, Google later sought dismissal of the lawsuit. That motion was denied in May 2012 and the Guild was granted class certification; Google then appealed this decision to the Second Circuit, which agreed to hear the appeal and stayed all proceedings before the lower court until the appeal was decided.

In July 2013, the Second Circuit court vacated Judge Chin's certification of the class and remanded the case to the District Court for consideration of the substantive heart of the case: Google's "fair use" defense. The Guild and Google filed cross-motions for summary judgment and submitted their briefs on the issue last August. Oral argument was held in September, and a decision came shortly thereafter: on November 14, 2013 the District Court denied the Authors Guild's motion for summary judgment and granted Google's motion.

In December 2013, the Guild filed an appeal with the Second Circuit Court; in April of this year, we submitted an appellate brief to the Second Circuit. One week later, eight *amici* briefs were filed in support of the Guild's position. Google submitted its opposition brief this July, as did friends of the court supporting the company. The Guild submitted its reply brief on July 24, and oral argument is expected to take place this fall.

## Supreme Court's Pass on Journalist's Appeal Puts Focus on Federal Shield Law

On June 2, the Supreme Court issued a one-line order declining to hear the appeal of *New York Times* journalist James Risen. A lower court had ordered the reporter to comply with a subpoena requiring him to reveal a confidential source—or face jail time.

The case began after Risen's 2006 book, *State of War*, reported on a botched CIA operation that may have given valuable nuclear technology to Iran. During a Justice Department investigation of the operation, Risen was subpoenaed to testify about a confidential source. He refused.

The case has become a flash point for journalists' frustrations with the Obama administration's record

on press freedom. But it's not clear whether the government will enforce a prison sentence. Risen has been steadfast in maintaining that he'll go to jail before exposing a source, but Attorney General Eric Holder has implied that the government won't pursue Risen's testimony, preventing the journalist from facing a choice between journalistic integrity and time behind bars. The *Times* reported that Holder said, on the record, "As long as I'm attorney general, no reporter who is doing his job is going to jail." Nonetheless, the Justice Department has made no definitive statement on the matter.

Meanwhile, the Newspaper Association of America has taken this opportunity to draw attention to the Free Flow of Information Act, a bill first introduced in the Senate in 2007 that would allow journalists to protect the identities of confidential sources in federal court in most cases, while establishing clear rules for the circumstances in which journalists *would* be required to reveal their sources. Supporters of the bill are hopeful that the Supreme Court's failure to hear Risen's case will provide the traction necessary to bring the bill to a floor vote soon.

## After 14 Years, \$18 Million Settlement of Freelance Suit Against Electronic Databases Gets Final Approval

On June 10, 2014, we received final approval from the U.S. District Court for the Southern District of New York of our \$18 million class-action settlement in *In Re Literary Works in Electronic Databases Copyright Litigation*. We believe that authors who filed valid claims in accordance with the initial settlement in 2005 will receive payment sometime this year. Claimants need to do nothing more at this point except deposit their checks when they receive them.

The Authors Guild, the American Society of Journalists and Authors, the National Writers Union and 21 freelance writers brought the class-action suit in 2000 on behalf of thousands of freelancers whose stories had appeared in online databases—including those run by *The New York Times*, Dow Jones, and Knight-Ridder—without their consent. In 2005, a negotiated settlement that pegged award amounts to whether an article had been registered with the U.S. Copyright Office was challenged by 10 authors who had not registered their works. Their challenge eventually made it to the Supreme Court, which in 2010 de-

*Continued on page 41*



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# Annual Meeting

The Authors Guild held its annual meeting on March 12, 2014, at Sardi's in New York City. Guild president Scott Turow called the meeting to order and asked for and received approval of the minutes of the 2013 annual meeting.

The first order of business was the election of new Guild Council members. Staff attorneys Michael Gross and Stevie Fitzgerald served as tellers and inspectors for the balloting.

Mr. Turow began his final president's report by pointing out that he was "dressed in black not as a comment on the times for authors," even as he conceded that in four years as president he has had to ride out some big bumps. While the digital revolution has offered some great benefits, he said, it has brought many challenges as well, including widespread book piracy, reduced royalties and the clamorous call that information should be free. Referring to advocates of the last, he said, "It is sometimes difficult to get them to recognize that if information really is free, there will not be another generation of people creating books."

In response to the new realities, and to reset a message that has been somewhat overshadowed by legal issues in recent years, the Guild has revisited its priorities and done some strategic planning for the years ahead. Several task forces established by the Council met for many months and came up with a menu of recommendations that have now begun to be implemented.

There is now an executive committee that meets monthly by phone to keep track of the organization's priorities.

The Guild's website will be redesigned in the coming months to reflect our broad mandate. Significantly, part of the website will be accessible to members only, serving as a clearinghouse for information of value to the author community, and a forum for communicating directly with one another.

A new PR consultant has been hired to help us tell the world that the Authors Guild is an organization that stands up for writing as a livelihood—and to document the various ways we have done that.

One of our highest priorities is to increase Guild membership, particularly among younger writers.

Even as we redouble our efforts, Mr. Turow said he could personally attest to the fact that "American writing is alive and well." After reading a stack of new novels in connection with the PEN/Hemingway Award, he believes, "There is no question about the vitality of our literary community or the vitality of the

literary impulse in the United States. There will always be authors, there will always be books, and we need to continue the struggle in order to protect writing as a livelihood."

Mr. Turow then turned the meeting over to Executive Director Paul Aiken for his report, which detailed recent Guild developments and activities. Web Services remains one of the Guild's most successful operations, currently hosting 2,400 member websites. Mr. Aiken noted that the revamped Authors Guild website Mr. Turow mentioned in his report should roll out later this year. In addition to the new member forum, there will be a new member directory, to include profile pages and bibliographies. A pilot e-book program is also under way: one hundred books that were in the Back in Print program have been digitized and are now available again for sale online. Our goal is to achieve the capacity to handle five hundred to one thousand books a year by the end of this year.

General Counsel Jan Constantine presented the legal report, beginning with the good news: after 14 years, the freelance writers electronic database case was finally nearing conclusion, and claimants would

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**There is no question about the vitality of our literary community or the vitality of the literary impulse in the United States. There will always be authors, there will always be books, and we need to continue the struggle in order to protect writing as a livelihood.**

—Scott Turow

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be receiving at least \$10,000,000 and as much as \$18,000,000. [See page 19.]

In other legal news, the Guild filed three amicus curiae briefs in concert with other creator advocacy groups. The first was in connection with *Petrella v. Metro-Goldwyn-Mayer, Inc.*, a copyright infringement case in which a lower court had ruled that Ms. Petrella had waited too long to file suit. The Guild coalition's brief, in support of Ms. Petrella's case, was to the U.S. Supreme Court, which decided the case in late May, in Petrella's favor. [See page 18.]

For the second brief, the Guild joined the Romance



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Writers of America in *Keiler v. Harlequin* regarding underpayment of royalties to authors. In the third, the Guild joined the Text and Academic Authors Association in a filing in the *Cambridge University Press v. Becker* case involving Georgia State University's inclusion of large sections of textbooks in course packs.

Ms. Constantine then provided the Guild's legal services report for the fiscal year. From October 2012 through September 2013, the legal department handled 1,295 inquiries pertaining to contract reviews, reversion of rights, termination, first amendment, permissions and a host of other legal matters.

Ms. Constantine closed her report with updates on ongoing domestic and international advocacy issues, including the prospect of a new reporters shield law and the Department of Justice's recent revision of its policy on obtaining information and records from the news media. On the international front, a new organization called the International Authors Forum has been formed to facilitate the sharing of information among authors' organizations worldwide.

Anticipating Peter Petre's financial report, Ms. Constantine noted that in terms of bequests the Guild has received upwards of \$430,000 this year, and she encouraged members to think of the Guild when considering bequests.

Treasurer Peter Petre presented his treasurer's report with references to the financial statements that had been distributed at the start of the meeting. He noted that most of the income figures have remained about the same over a two-year period. Total membership was slightly down for the fiscal year that ended in September 2013, but in the five months after, membership income ticked up significantly, meaning membership is holding steady in dollar terms. Income from the Authors Coalition of America—unassigned royalties from overseas that are distributed to a group of writers' organizations including the Guild—increased by about \$70,000 over last year.

Mr. Petre called attention to the sharp drop in recorded endowment income, and explained that this reflected the fact that the audited numbers were not yet available. When the numbers come in, they are expected to be on a par with last year's.

Our expenses in advocacy costs dropped by about half from the previous fiscal year, reflecting a quieter phase of litigation. Those numbers are expected to go up again in the coming year, however, as we remain involved in the Google and HathiTrust cases. Program expenses have also increased and will continue to rise due to new initiatives. The bottom line here is that our net income was a loss, but a smaller one than the year before.

We still have a sizable reserve of current assets,

about \$1.4 million, which means we have the resources we need to operate, and we will be able to afford to do the things that the Council and the Guild's management team determine are important.

Sidney Offit, president of the Authors Guild Foundation, gave a brief report on preparations then under way for the Authors Guild Benefit on May 20. This year's gala was hosted by Roy Blount Jr. and honored Joyce Carol Oates. [See page 42.]

Paul Aiken then reclaimed the floor for general news and discussion. He began by expressing the Guild's gratitude to the late Herbert Mitgang for his exceptional service to the Authors Guild and the Foundation over many decades. [page 46, Winter/Spring 2014 Bulletin.]

Mr. Aiken then addressed a number of advocacy issues, beginning with congressional efforts to rein in Internet piracy. The Copyright Alert System notifies a piracy offender's Internet service provider (ISP) about illegal activities. The ISP then verifies that the activity is illegal and sends out up to six warnings to the offender before limiting his or her Internet connection. A report on how successful those efforts have been is expected from the Center for Copyright Information soon.

As a part of antipiracy efforts, Google had promised to demote infringing sites in its search results. But in January, the International Federation of the Phonographic Industry (IFPI) reported that in the previous two and a half years it had sent Google 100 million piracy notices to no significant effect. Mr. Aiken emphasized that piracy is not an occasional occurrence but a lucrative business that is driven by advertising, and that the regular presence of big-name companies' ads on these infringing sites lends them legitimacy.

Mr. Turow added that the piracy issue facing writers is similar to what songwriters have faced for many years.

The floor was opened for questions. One member asked what the Authors Guild's connection with the Writers Guild of America is and whether they could band together to fight for their common interests. Mr. Aiken explained that both organizations have their origins in the original Authors League and that they have been in contact but have not worked together directly in recent years. However, Ms. Constantine pointed out, the Guild is part of a large coalition of other creators' organizations that work toward many of our shared goals.

The question of whether it is possible to prosecute individuals who are uploading copyrighted material to piracy sites was raised. Mr. Turow said that while it is certainly possible, it may not be worth targeting individuals when it is the host sites that make piracy possible, and make the most money from it.



Ms. Constantine then provided an update on the Google and HathiTrust cases. The Guild lost its motion against Google last November, a decision we were in the process of appealing at the time of the annual meeting. (The brief was submitted on April 11.) An oral argument is expected in the fall. The Guild has hired a Supreme Court expert to consult with us on the briefs in anticipation of taking this all the way to the Supreme Court. In the HathiTrust case, an oral argument was made in October, and at the time of the meeting we were waiting on that decision. The ruling was handed down June 10. [See page 18.]

Ms. Constantine then gave a brief update on copyright reform efforts in Washington, DC. No major legislation that would affect authors is under consideration at present, but there is strong interest in updating copyright law more broadly, and the Guild continues to lobby on behalf of authors' interests. In March, Ms. Constantine participated in a roundtable discussion on copyright reform hosted by the U.S. Copyright Office. [In April, she testified at Senate Judiciary Committee hearings on the preservation and reuse of copyrighted works.]

In response to a query from the audience, Mr. Turow addressed the issue of membership recruitment. He reminded members of the letter written by Richard Russo that was sent out in December and urged those in attendance to continue to encourage their writer friends to join the Guild. The Guild is working hard to engage younger writers, and talks are under way about the possibility of new membership categories that would allow writers still in the very early stages of their career to join. He emphasized the fact that although we are proud of the advocacy issues we have taken on, the Guild is much more than our litigation efforts, and that is sometimes forgotten in efforts to increase membership. He also noted that the Guild is opting for inclusiveness rather than exclusivity, even as it plans to continue to represent a committed, professional community.

Mr. Turow then called for the voting results from the tellers and inspectors. The proposed slate of Council members was returned, with 983 votes cast. Roxana Robinson was elected president for a two-year term. Ms. Robinson is the author of five novels, three collections of short stories and a biography. She has taught creative writing at the University of Houston, Wesleyan University, the New School and Hunter College in New York City. She has served on

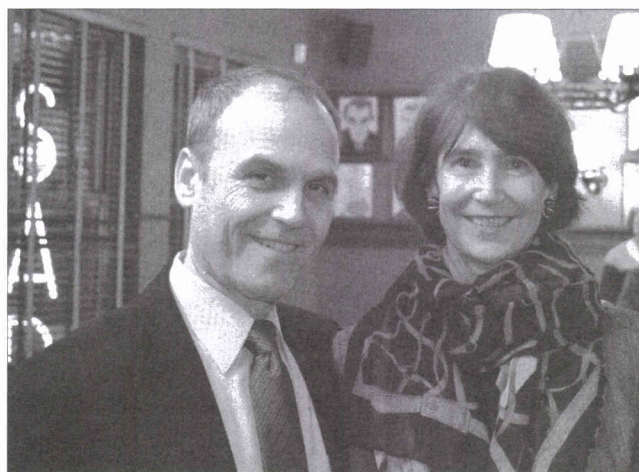


Photo by Luis Garcia

Outgoing Authors Guild president Scott Turow and incoming president Roxana Robinson at Sardi's.

the Authors Guild Council since 2005 and a three-term trustee of PEN American Center.

One new Council member was elected to the board, CJ Lyons. Ms. Lyons is a *New York Times* and *USA Today* bestselling author of twenty-one novels and a former pediatric ER doctor. Her novels have won the International Thriller Writers' prestigious Thriller Award, the RT Reviewers' Choice Award, the Golden Gateway, Readers' Choice Award, the RT Seal of Excellence and the Daphne du Maurier Award for Excellence in Mystery and Suspense.

Ms. Robinson thanked those present for electing her and thanked Mr. Turow, Mr. Aiken and Ms. Constantine for their services to the Guild. Ms. Robinson remarked that writers are living in very interesting times and that the challenges are huge, but that she is thrilled to be a part of it all. She then assured those present that the Guild would extend its membership while continuing to offer practical help, advice and a sense of community to writers and support the craft of writing.

Anticipating Ms. Robinson's election, Mr. Turow had registered his own enthusiasm for her term as president in his earlier remarks. Roxana "brings a strong hand and a great font of experience to the job. The Guild will be in good hands."

After asking if there was any new business and finding that there was none, Mr. Turow adjourned the formal meeting and invited the members present to celebrate with a drink. ♦



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# LEGAL WATCH

## Merchandise and the Public Domain

*Warner Bros. Entertainment, Inc. v.  
Dave Grossman Creations, Inc.  
U.S. District Court, Eastern District, Missouri*

In a recent case before a federal judge in Missouri, the defendants learned that the public domain was not the safe haven they had imagined it to be. The case originated in 2006 when Warner Bros. discovered that several companies were selling merchandise that made use of images of characters from *The Wizard of Oz*, *Gone With the Wind*, and Tom & Jerry cartoons, all Warner Bros. works. The studio sued one of the companies, Dave Grossman Creations, Inc., for copyright infringement, trademark infringement and unfair competition.

The defendants had been lifting images from the films cited and using them to create various items of nostalgia merchandise such as t-shirts and lunch boxes. Defendants claimed that they were allowed to use these images since the works on which they were based, such as the 1900 novel *The Wonderful Wizard of Oz* by L. Frank Baum, were in the public domain. The Missouri district court rejected this argument, granted summary judgment on the issue of copyright infringement and issued a permanent injunction against further infringement.

The defendants appealed the injunction to the Eighth Circuit Court of Appeals. This court's discussion centered on whether the images of the fictional characters as they were portrayed on screen fell under the Warner works' respective copyrights or under the original materials' copyrights, now expired. The court concluded that the portrayals of the characters in the films and cartoons were visually distinct from their descriptions in the works on which they were based and that this distinctness gave them copyright protection under Warner's still active copyrights.

The Eighth Circuit affirmed the lower court's injunction against further infringement. They then remanded the case to the lower court to determine money damages for the copyright infringement as well as for trademark infringement and unfair competition claims. After Warner Bros. demonstrated that it held registered trademarks in the characters, the court granted the company's request for summary judgment and turned to the issue of money damages.

When deciding what type of damages to award, the court had to choose between actual damages or statutory damages. As there was some debate about whether or not the defendants kept accurate records, the court decided to impose statutory damages of \$10,000 per infringement for a total damage award of \$2.57 million to Warner Bros.

—Stevie Fitzgerald  
Staff Attorney

## Legal Services Scorecard

From April 1 through July 11, 2014, the Authors Guild Legal Services Department handled 324 legal inquiries. Included were:

- 61 book contract reviews
- 9 agency contract reviews
- 17 reversion of rights inquiries
- 34 inquiries on copyright law, including infringement, registration, duration and fair use
- 7 inquiries regarding securing permissions and privacy releases
- 25 electronic rights inquiries
- 171 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

## Inferring from Facts

*Joan Crescenz v. Penguin Group (USA), Inc.  
& Michael Capuzzo  
U.S. Court of Appeals for the Third Circuit*

On August 8, 2010, Penguin Group USA published *The Murder Room: The Heirs of Sherlock Holmes Gather to Solve the World's Most Perplexing Cases*, by Michael Capuzzo. This nonfiction book tells the history of the Vidocq Society, an association of forensic professionals and private citizens who solve "cold crimes"—crimes that have gone unsolved for years or even decades. One of the main figures in the book is Frank Bender, a founder of the Vidocq Society and a renowned forensic artist. Known for his "overt sexuality" and "self-professed sexual exploits," Bender was widely reputed to have had an "open" marriage with his wife of over 30 years, Jan Bender. Joan Crescenz, who met Frank Bender in 1975, worked as his assistant and book-



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keeper for nearly 30 years. Although Crescenz had been married for over 20 years and had three children with her husband, Peter Crescenz, *The Murder Room* includes several references that suggested that Joan Crescenz had maintained a sexual relationship with Frank Bender throughout the course of her marriage.

On July 28, 2010, after reading a galley copy of *The Murder Room* provided by Frank Bender, Crescenz e-mailed publisher William Shinker to say that she was portrayed inaccurately in the book. In her e-mail, she challenged specific facts about Capuzzo's depiction of her, although at no point in the e-mail did she confirm or deny that she had had an ongoing sexual relationship with Bender. Among the claims Crescenz disputed was the statement that Bender and Crescenz "made love like clockwork every Tuesday." (Bender would later tell Shinker, "There's no every Tuesday like clockwork for anything.") Other points of contention were Capuzzo's claims that Crescenz "answered Bender's door bottomless" and that she "became jealous of [Bender's] other girlfriends." Despite Crescenz's concerns, Penguin went ahead and published.

After publication, Crescenz filed a lawsuit against Penguin and Capuzzo in U.S. District Court, alleging both defamation and false light invasion of privacy. Crescenz also alleged that Penguin and Capuzzo were negligent and reckless in publishing the statements she had specifically mentioned in her July 2010 e-mail to Shinker. In her complaint, she denied ever having had a sexual relationship with Bender and claimed that Capuzzo never provided her with an advance copy of the book. She added that if Capuzzo had provided her with an advance copy, she would have corrected the false statements.

Penguin and Capuzzo moved for summary judgment while Crescenz moved for partial summary judgment. Crescenz urged the district court to analyze her defamation claim using the negligence standard since she purported to be a private figure and the matters at issue were of private concern. Arguing that Crescenz was a limited purpose public figure and that their published statements were matters of public concern, Penguin and Capuzzo said that the court should use the higher "reckless" standard in evaluating her defamation claim.

Despite holding that the lower negligence standard applied, as urged by Crescenz, the district court awarded summary judgment in favor of Penguin and Capuzzo and denied Crescenz's partial summary judgment motion. Listing 14 uncontested facts, the court concluded that Capuzzo could reasonably have believed that a sexual relationship existed between Crescenz and Bender, and found that Crescenz never established a genuine issue of material fact as to the

defendants' negligence. The reasons cited included Capuzzo's own personal observations of Bender and Crescenz over the course of seven years, Bender's pre-publication statement to Capuzzo that he had, in fact, had a long-term sexual relationship with Crescenz, and Bender's description of Crescenz as his "second wife." The district court also held that Penguin had reasonably relied on Capuzzo's version of events and was not required under industry custom to fact-check the work independently. Thus, the court held that Penguin and Capuzzo were entitled to summary judgment on the defamation claim. The court further held that

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**Among the claims Crescenz disputed was the statement that Bender and Crescenz "made love like clockwork every Tuesday."**

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Crescenz's false light claim had to be dismissed, since proving it required that Crescenz prove that Penguin and Capuzzo had acted recklessly. As the court had found that the defendants did not act negligently, there was no way for Crescenz to meet the higher standard of proof required to establish "recklessness." Crescenz appealed the decision to the U.S. Court of Appeals for the Third Circuit.

In evaluating Crescenz's claims, the court of appeals noted that under New Jersey law, "a statement is defamatory if it is false, communicated to a third person, and tends to lower the subject's reputation in the estimation of the community or to deter third persons from associating with him." To prevail, the court found that Crescenz must prove that: 1) the statement(s) were false, 2) the defendants communicated it to other persons and 3) the defendants acted negligently or with actual malice when communicating the false statement(s). The court further noted that if the alleged speech concerned a public figure or matter of public concern, Crescenz must prove that both Penguin and Capuzzo acted with actual malice, a higher standard than the negligence standard that applies to nonpublic figures or matters that are not determined to be of public concern.

In the case at hand, the appeals court disagreed with Crescenz's allegation that Capuzzo acted negligently when he failed to ask her to verify the nature of her relationship with Bender, noting that profes-

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## Along Publishers Row

*Continued from page 2*

at New York University, Cardenas grew up admiring **Miguel Angel Asturias** and **Gabriel García Márquez**. He said he would most like to write about his family's history.

**OUR MUSE:** **Stephen Marche** is the author of *How Shakespeare Changed Everything*. He wrote an article for *The New York Times* with the headline, "Failure Is Our Muse."

He said, "Three hundred thousand books are published in the United States every year. A few hundred, at most, could be called financial or creative successes. The majority of books by successful writers are failures. The majority of writers are failures. And then there are the would-be writers, those who have failed to be writers in the first place, a category which, if you believe what people tell you at parties, constitutes the bulk of the species."

But Marche said he believed that "failure really does bind us. Flaubert longing to melt the stars and the kid receiving her first rejection letter are the same . . . persistence may be the one truly writerly virtue, a salvation indistinguishable from stupidity. To keep going, despite everything. . . . To keep failing."

**TIMES CHANGE:** **Lois Lowry** is the author of more than 30 books. A YA novel she wrote 18 years ago, *The Giver*, opened as a film in August. She was interviewed in *The New York Times Magazine* and talked about how fiction for young adults has changed since she wrote *The Giver*.

Lowry said, "When I was a kid in the '50s, during the Eisenhower years, everything seemed to be working fine. I don't recall as a teenager ever worrying about the state of the future world. Today's kids are faced with enormous worries,

partly because they have media that I didn't have access to."

**TRAINED:** **Amy Bloom** is the author of two novels and two collections of stories. A new novel, *Lucky Us*, came out at the end of July. Her web page says she teaches at Yale.

Before Bloom became a writer, she was a psychotherapist. Asked what impact that had on her writing, she told PW: "It's a great gift. It was the training to listen, to observe. Those skills are very much what you need as a writer. Keep your mouth shut and see what's happening around you. Don't finish people's sentences for them. Don't just hear what they say, but also how they behave while they're saying it. That was great training for writing."

**EARLY WORK:** **Elmore Leonard** died in August 2013. A collection of 15 unpublished stories, written while he was working at a Detroit ad agency in the 1950s, will be released in the fall of 2015. **Jennifer Schuessler** in *The New York Times* described Leonard as "the wise-cracking, adverb-murdering, grand old man of crime fiction."

**ON BAD GUYS:** **Edmund White** teaches at Princeton. His most recent book is *Inside a Pearl: My Years in Paris*. In an essay for an April issue of *The New York Times Book Review*, White wrote that authors today usually avoid evil characters "because the whole category of Evil seems too theological or because modern psychology assumes that every bad act can be traced to childhood neglect or abuse and thus be explained away. I have to give my students an assignment to write about bad guys in order to get them to do it. But when they do write about them, it's such a release!"

**REMEMBERING:** Tributes to the late **Peter Matthiessen** appeared in *The Guardian*. **John Irving** said that he and Matthiessen often exchanged

early drafts of their work. Irving wrote: "Those were special days for me—when I had a friend I dared to show what I was up to, when I was still unsure of what it was. You can't ever duplicate a friend like that."

Novelist **Claire Messud** attended a class that Matthiessen taught at Yale. "He was an inspiration of a rare kind: a spiritualist, an adventurer, a sage with a great laugh and an immortal gift: a remarkable and pure literary talent."

**LIMIT:** **Kimberly Elkins's** novel *What Is Visible* was published in June. The main fictional narrator is based on **Laura Bridgman**, a real person who was unable to see, hear, smell or taste.

Elkins told PW that she had approached writing about such a character by talking with **Jonathan Lethem**. He had written *Motherless Brooklyn* with a narrator who suffered from Tourette's syndrome. Elkins said that Lethem explained he "knew better than to delve that intently into the psyches of real people because it would prevent him from making the character truly his own." Elkins said, "I heeded that advice."

**ABOUT JACKSON:** A collection of fiction, lectures and nonfiction articles by the late **Shirley Jackson** will be published in 2016. Most of the material appeared in women's magazines in the 1940s and 1950s. Jackson's *The Haunting of Hill House* won a National Book Award.

This new collection has been edited by two of her children, **Laurence Jackson Hyman** and **Sarah Hyman DeWitt**.

*The New York Times* said the 50th anniversary of Jackson's death in 2016 will also be marked by the publication of a biography by **Ruth Franklin**.

**ONLY WARDEN:** **C. J. (stands for Charles James) Box** has another bestselling novel, *Stone Cold*, about



game warden Joe Pickett. It's the 13th in a series. Author Box lives outside Cheyenne, Wyoming, with his wife and their three daughters.

There are lots of novels with a hero who is a detective or a sheriff, but there is only one series with a game warden, Joe Pickett. The fictional Pickett lives in Wyoming with his wife and three daughters.

Box—who does not have a sideline as a game warden—told an interviewer that he knows who some of his readers are. He said, "We're always invited to the Wyoming Game Wardens association [meeting] every year, and it's fun to talk to those guys, and most of them read the books."

A collection of short stories, *Shots Fired: Stories from Joe Pickett Country*, was published in July.

READING TODAY: "Few of us have the time—or the discipline—to read a book in one sitting," wrote **Maggie Galehouse** in the *Houston Chronicle*. "Over days or weeks we consume a story in fits and starts." But during those gaps between active reading, there's "a living-with-the-story aspect that, in the best of circumstances, offers a satisfied ache." To be caught up in reading a great book is to live on two planes.

A reader knows that every book must end, but Galehouse asks, "how many of us have saved the last 10 or 20 pages of a favorite book until we can't stand it any longer? It's a kind of death, finishing a book you've loved."

HOT LETTER: The University of Southern California has added a complaint-filled letter written by **Lewis Carroll** to its collection of more than three thousand Carroll-related items.

In the letter, acquired at auction for \$19,800, Carroll wrote, "I hate all of that [celebrity] so intensely that sometimes I almost wish I had never written any books at all."

**Abby Saunders**, curator of the

## Correction:

An APR item in the Winter/Fall issue (More Real, p. 27) referred to T. M. Luhrmann, an American psychological anthropologist and professor at Stanford, as "he." We have since been informed that T. stands for Tanya and M. for Marie, and regret that we assumed otherwise.

university's collection, told *The New York Times*: "here in Los Angeles, where celebrity culture goes hand in hand with the film industry, Carroll's thoughts on fame are especially poignant."

THE CHEEVER WAY: **John Cheever's** impact lives on. **Matthew Weiner**, the creator of TV's *Mad Men*, told *The New York Times Book Review* that "Cheever has a voice filled with irony and comedy and pain that, on some level, I'm always seeking to emulate. His short stories present themselves as episodes of TV do—with plenty of story and flawed characters presented without judgment. A story like 'The Lowboy' focuses on siblings fighting over an inherited piece of furniture. That's the kind of world I want to live in creatively."

LITERARY DEFINED: **Anita Mason** is a British novelist, author of *Bethany* (1981), *The Right Hand of the Sun* (2008) and several other books. In an article for *The Guardian*, she wrote that genre fiction fits into slots: crime, romance, science fiction and fantasy.

Then Mason defined literary fiction: "Literature is writing of high quality, sustained by intelligent structure and informed by original thought. It requires integration of all the elements into an intellectually and emotionally satisfying whole.

Trickiest of all: it has to say something."

THE PURPOSE OF POETRY: In an unsigned notice of a book about *The Divine Comedy*, entitled *Reading Dante* by **Prue Shaw**, *The New Yorker's* reviewer wrote: "At the outset, the poet writes to win the favor of his beloved, Beatrice; by the end he sees that poetry's true purpose is to exalt the virtues of its subject."

FETE: The Dodge Poetry Festival will be held again in Newark, NJ, on October 23–26. Among the poets featured will be **Billy Collins**, **Gary Snyder**, **Sharon Olds**, **Rita Dove** and **Robert Pinsky**.

PBS has covered this event in the past, and I hope they will again.

WORDS: Novelists, more and more often, are including words from a foreign language in their prose, according to **William Grimes** in *The New York Times*. He quoted **Isabelle de Courtivron**, who wrote in *Lives in Translation: Bilingual Writers on Identity and Creativity* (2003) that this trend has been driven by "'immigration, technology, post-colonialism and globalization,' powerful forces that have 'dissolved borders and increased cross-cultural mobility.'"

Grimes also quoted **Yoko Tawada**, a Japanese émigré who lives in Berlin and writes in German. She said, "All interesting literature is born in that moment when you are not sure if you are in one place with one culture. So I don't think I'm exceptional: I'm in a special situation, but it's a very literary, poetic situation."

PROSE DID IT: The books that **John Muir** wrote remind us of the power of prose.

"Here indeed is the tree-lover's paradise," Muir wrote in *The Yosemite*, "the woods, dry and wholesome, letting in the light in shimmering masses of half sunshine, half shade; the night air as well as the day air



indescribably spicy and exhilarating; plushy fir-boughs for campers' beds, and cascades to sing us to sleep." And later, "when we arrive in front of the Sentinel Rock, [Yosemite Falls] is revealed in all its glory from base to summit, half a mile in height, and seeming to spring out into the Valley sunshine direct from the sky."

Because of Muir, the National Park Service, the Sierra Club and other conservation groups were born, and vast areas of wilderness were saved.

**STUDY:** **Alice Goffman**, an assistant professor of sociology at the University of Wisconsin-Madison, is the author of *On the Run: Fugitive Life in an American City*. The book, published in May, is described in *The New York Times* as a "study of the impact of the criminal justice system on . . . life in a low-income, African-American neighborhood."

Goffman spent years as an on-site observer. Her doctoral dissertation adviser, **Mitchell Duneier** at Princeton, said, "She got access to the life of the ghetto and came to understand aspects of it we don't ever get to see."

Not only did she live in a ghetto, but she gave up her vegetarian diet, listened only to hip-hop and R&B, and adopted "male attitudes, dress, habits, and even language," she wrote in her appendix. Drugs pervaded the neighborhood, but she did not use them because "it hampered writing the field notes."

Goffman told the *Times*, "Note taking is a way of living. On a good day, I think I'm touching some kind of truth about everyday life. On a bad day, I just think it's insane."

**INSPIRATION? HA!** "Talent is like a faucet; while it is open, one must write. Inspiration is a farce that poets have invented to give themselves importance," wrote French dramatist Jean Anouilh in 1960.

**ALL IN THE FAMILIES:** Guild member **Peg Kehret**'s new book, *Two Voices: 54 Original Duologues for Teens*, was coauthored by her granddaughter, **Brett Konen**.

Kehret said the editor for this book was the son of the editor of a book she had published in 1979. She said, "I wonder how many authors have a thirty-five year relationship with a publisher."

**JOY IN AGENTING:** In the June *Poet & Writers*, **Susan Golomb** was described as a "super agent" who also works as an editor. Clients include **Jonathan Franzen**, **Rachel Kushner** and **William T. Vollmann**.

Asked what she liked about her job, Golomb said, "I love the discovery of new writers. I love changing people's lives . . . I love going out to lunch with smart people. It's a lot of fun to go out with the nonfiction editors in election years because they always have political insight. It's really good to be an agent. It's tough, it's stressful, and it requires a lot of work, but it's very gratifying."

**PROLIFIC:** Since **Nora Roberts**'s first novel, *Irish Thoroughbred* (1981), she has written 210 books. Her latest, *The Collector*, is a bestseller.

How does she do it? PW said she writes eight hours a day every day. She told *The Record* (Bergen County, NJ) that she begins by visualizing a key character, incident or setting and then writes a short first draft with the basic elements of the story inspired by that initial spark.

Roberts said in a newsletter on the Web that *The Collector* was inspired by her interest in what goes on behind all of those New York City apartment windows. "Remember *Rear Window* and how much trouble it caused for **Jimmy Stewart** and **Grace Kelly**?" she recalled.

**EARLY INVENTION:** **Antonia Hodgson** is the editor-in-chief of Little, Brown UK. She has also written a novel, *The Devil in the Marshal-*

*sea*, a historical mystery published in June.

Hodgson told PW, "I love making up stories. When I was about four years old, I started inventing characters and stories and I've never stopped. . . . There's a big difference between idly dreaming and writing a novel—but the spark of imagination is the same. . . . I'm used to having characters wandering about in my head."

**INSIDE STORY:** **Robert Louis Stevenson** wrote a letter to a friend in 1881. The author was happy about a book he was working on. "If this don't fetch the kids, why, they have gone rotten since my day. Will you be surprised to learn that it is about buccaneers. . . . That it's all about a map, and a treasure, and a mutiny, and a derelict ship . . . and a seacook with one leg, and a sea-song with the chorus 'Yo-ho-ho and a bottle of rum' (at the third Ho you heave at the capstan bars), which is a real buccaneer's song, only known to the crew of the late Captain Flint."

Stevenson admitted: "It's awful fun, boys' stories; you just indulge the pleasure of your heart, that's all." The quotes about the creation of *Treasure Island* (1883) appeared in *The Wall Street Journal*.

**WRITING ROOM:** Milanese novelist **Benedetta Cibrario** wrote an article for the Style section of *The New York Times*. Her books include *Rossovermiglio* and *Lo scurnuso*.

She said, "Years ago, I visited **Jane Austen**'s house in Chawton, England, and left feeling I had tapped into the source of her prose. The well-worn floors and the walls, papered in delicate Regency designs, represented a kind of narrative architecture. The small table on which she wrote each day, having completed her domestic chores, spoke of her patience. The meticulous embroidery on a fine cotton scarf made me think of her hands and eyes—the intensity of her focus.



Since that visit, I have come to realize that writers' spaces reflect our work, and vice versa."

**BARRINGTON'S BACK:** *Carnal Curiosity* is **Stuart Woods's** 29th novel about a lawyer named Stone Barrington. It promptly hit the best-seller list. One approving fan's reaction on the Web: "lots of sex, sex, sex!"

**BEING SNUG:** "We like in our writers the qualities we don't especially want in our friends—keen antennae for hypocrisy, a long memory for mistakes, a touch of cruelty," wrote **Sam Sacks** in his *Wall Street Journal* column. "Part of the pleasure of reading **Muriel Spark** or **Saki** or **Patricia Highsmith** is that, as their characters are splayed out and vivisectioned on the page, we sit snug in our armchairs."

**BLURBS:** The illustration was a drawing of a book being inflated with a bicycle pump, and the essay was titled "All Blurbed Out." **Jennifer Weiner**, author of *All Fall Down*, wrote it for the *Times*.

She said that blurbs for books "have gotten so over the top." One she quotes is **Maria Semple's** blurb for **Maggie Shipstead's** *Astoria*. Semple wrote: "So dazzling, so sure-handed and fearless, that at times I had to remind myself to breathe."

Weiner suggests that instead of bothering to read blurbs, one should "Check out your favorite writers' blogs and interviews, follow them on Twitter or Goodreads, and then follow the writers and critics they follow. Take note of the books they mention. Oh, and please: Remember to breathe."

**WAITING FOR THE WAVE:** **E. B. White**, in a *Paris Review* interview, said, "Delay is natural to a writer. He is like a surfer—he bides his time, waits for the perfect wave on which to ride in. Delay is instinctive with him. He waits for the surge (of

emotion? of strength? of courage?) that will carry him along."

**WHICH?** **Anna Holmes**, author of *The Book of Jezebel*, took on the subject of whether book promotion is "frivolous or necessary" in *The New York Times Book Review*.

She wrote: "I consider book promotion as much of an obligation as proofreading a manuscript. Writing is, in itself, an act of engaging with others, of seeking connection over mere expression. If you were to put a book out into the world, which would you rather have—conversation or silence?"

**ESSENTIALS:** **Sarah McGrath** is executive editor at Riverhead. Last year that publisher had four big bestsellers. McGrath was interviewed by PW, and she described what she looks for when she opens a manuscript:

"I want a book that makes you forget what you are doing. That can be because of the beauty of the sentences, or because of the propulsion of the plot, or the emotional effect it has on you. Hopefully, it's all three of those things."

**OLD POEMS:** If you are a poet, how long can you expect your poems to live?

It's been more than 40 years since a collection titled *Contemporary American Poetry* (1971) was published. The editor, **Alfred Poulín Jr.**, was a professor at SUNY Brockport. He died in 1996.

Poems by 40 poets are included. A few, like long-lived **Richard Wilbur** and **W. S. Merwin** (both over 90), still contribute to *The New Yorker*. But about a third of the names (and poems) have faded like lilacs in the dooryard. Poulín ended his summary of the condition of poetry with: "Alive with the blood and genes of the immediate and distant tradition of poetry, rebelling against all that is petrified and dead in that heritage, and asserting their fierce personal

response to all that is demanded of a human being at this moment in history, contemporary American poets repeatedly affirm, with **Louis Simpson**, that American poetry:

'Whatever it is . . . must have  
A stomach that can digest  
Rubber, coal, uranium,  
moons, poems. . . .  
It must swim for miles  
through the desert  
Uttering cries that are almost  
human.'"

All that may be true of today's poets as well. Just add cellphones and other technology.

**A NEW HAMLET:** **Gillian Flynn**, author of the mega-selling *Gone Girl*, has signed to write a retelling of Shakespeare's *Hamlet* for today's readers. **Anne Tyler** is retelling *The Taming of the Shrew*, **Margaret Atwood** is doing a new version of *The Tempest* and **Jo Nesbø** is taking on *Macbeth*.

Flynn was quoted by *The Guardian* as saying that *Hamlet* had "long been a fascination of mine: murder, betrayal, revenge, deceit, madness—all my favorite things."

**POET V. NOVELIST:** **Philip Schultz's** poems are published in *The New Yorker*. A book collection entitled *Failure* won the 2008 Pulitzer. But Schultz claims he always wanted to be a novelist. He wrote novel after novel, only to have them rejected.

In an essay in *The New York Times*, the 68-year-old Schultz described the decades-long rivalry between his successful poet self and his failed novelist self, which ended in a truce and the publication of *The Wherewithal: A Novel in Verse*. It took the cooperation of his poetic self to make the novel happen, he writes. His eager novelist "knows that the poet got the book published, and that the lines are broken into stanzas, not paragraphs. . . . Maybe, after all these years, we're finally



learning to cooperate, or at least live like brothers."

P.S.: In an introduction to **Gustave Flaubert's** *Madame Bovary*, **Jacques de Lacretelle** wrote: "Flaubert was the first Frenchman to declare that poetry is something other than the art of writing verse; that the world of reality is permeated through and through with poetry. 'Let us extract it from no matter what,' [Flaubert] wrote, 'for it is latent everywhere in everything. There is not a particle of matter but contains a spark of poetry.'"

**THE TRICK:** **Alexander Campion** is the author of *Murder on the Mediterranean*. It is his fifth novel about a French policewoman and her epicurean husband.

PW asked Campion how he kept his characters interesting. He said, "There's a trick to writing stock figure books. First off, nobody really evolves. Secondly, in each book certain characters must appear and behave the way readers expect them to. . . . The genius of **Agatha Christie** is that Miss Marple is always interesting. The mystery market is almost a market of addicts. Readers have certain expectations that you as an author feel obliged to meet."

**THE BEST:** **Alan Furst's** most recent spy novel is *Midnight in Europe*. He was asked in the June 1 *New York Times Book Review* what he thought was the best spy novel ever written.

Furst said, "For me, that would have to be **Eric Ambler's** *A Coffin for Dimitrios*. The novel, published in 1939, has an anti-fascist anti-hero, a writer of mystery novels, set amidst gangsters and secret police in an eve-of-the-war setting, moving from Istanbul through the cities of Europe. The book had a powerful, inspiring effect on me as a novelist."

Asked about the last book that made him cry, Furst said that it was the book he had just written. "No tears," he said, "but plenty of

## In Memoriam

Maya Angelou  
John Huston Foss  
Justin Kaplan  
Barbara Lerner  
Marilyn M. Lowery  
Peter Matthiessen  
Martin Meyers  
Harold T. Miller  
Sherwin B. Nuland  
Robert S. Ogilvie  
Jan Ormerod  
Nick Pollotta  
Francis Ray  
Carl Sifakis  
Noreen Gilpatrick Smith  
Marion Vuilleumier  
Lynn Wasnak  
Robert Lloyd Webb  
Colin Wilson

groans, oaths and imprecations, aimed at myself for being dumb or writing badly. Some of my first draft is truly awful."

**PRODUCER:** **Jeffery Deaver's** new suspense novel is *The Skin Collector*. He is the author of more than 30 books, which have been translated into 35 languages. Lincoln Rhyme is the fictional hero in the main series.

Deaver wrote his first novel (two chapters) when he was 11 and has been writing ever since. He worked as a magazine writer and went to law school to become a legal correspondent. Then he practiced law for several years and began writing a novel while he commuted to his office.

In an interview with *The Wrap*, Deaver said, "I plan all my books very carefully. I spend about eight months outlining the story from start to finish before I write a single word of the prose, and I do the same thing for the arc of the entire series."

Later he said, "You can't be in the arts nowadays without reaching out to the fans. I have about a

hundred thousand on Facebook and another ten thousand on Twitter. I don't do as much as I should because I'm writing so much, but you can't ignore it now."

Deaver ended the interview with: "I'm still thrilled when I see my books in stores."

**IT'S A LIFE:** **Ward Just** has written 18 novels. His newest is *American Romantic*, reviewed by **Gail Godwin** in *The New York Times Book Review* in June. "The novel's construction," Godwin wrote, "approximates the way we assemble our life stories over time, giving precedence to the memories that resonate most."

Speaking at a benefit for the West Tisbury Library on Martha's Vineyard recently, Just described writing as "a game of patience. "You sit around for a few hours and then write a sentence. Then in a few more hours you write a second sentence. Then you rewrite the first sentence to fortify the second sentence. This goes on all day long until late afternoon. Then at the end of the day you erase all the adverbs. Finally you have a clean piece of paper with the fortifications of a battleship. And two and a half years later you have a novel. And then you start all over again. That's the writer's life."

The quote appeared in an article by **Bill Eville** in the *Vineyard Gazette*.

**HOW SHE LEARNED:** **Katherine Applegate** won the 2013 Newbery Medal for *The One and Only Ivan*, a middle grade book that's still on the bestseller lists. She lives in California with her husband and their two children. *Ivan* caused a stir because it is a story narrated by a gorilla. The simplicity of the prose has made it popular with boys who have reading problems.

In an online *School Library Journal* interview, Applegate said she had started her writing career with two Harlequin romances. She said, "They are very hard to write. You follow the formula. It was really a



steep learning curve and after that I did a bunch of ghosting. So again I was learning to write to a specific formula. I did, I think, around seventeen *Sweet Valley Twins* [books]."

Later in the interview, she said, "I tend to look at structure before I look even at plot, which is probably why plot is a struggle for me. I think about what the book looks like and how it feels. Maybe this discipline is helpful for me in terms of finding the right words."

Applegate said, "When I look at a big sprawling novel . . . I marvel at it, because it's a symphony and I'm so chamber music."

**FACTS V. THEORIES:** **Freeman Dyson** is professor emeritus at the Institute for Advanced Study at Princeton. He wrote in *The New York Review of Books*: "Science consists of facts and theories. Facts and theories are born in different ways and are judged by different standards. . . . A scientist who claims to have discovered a fact that turns out to be wrong is judged harshly. One wrong fact is enough to ruin a career."

Theories are different. Dyson continued: "They are free creations of the human mind, intended to describe our understanding of nature. Since our understanding is incomplete, theories are provisional. Theories are tools of understanding, and a tool does not need to be precisely true in order to be useful. Theories are supposed to be more-or-less true, with plenty of room for disagreement. A scientist who invents a theory that turns out to be wrong is judged leniently."

**ECHO OF MAILER:** **James Wolcott's** *Critical Mass: Four Decades of Essays, Reviews, Hand Grenades, and Hurrahs*, winner of the 2014 PEN/Diamonstein-Spielvogel Award, includes a description of a **Norman Mailer** tirade on a long-ago segment of *The Dick Cavett Show*.

"It was a speech that the best

English professor on the best day of his life could not give, because the nuances of Mailer's voice spoke of the frustrations, victories, and attrition of pursuing the Great Bitch, that mother-woe of a novel not meant to be written. The difference between an English professor and Norman Mailer describing the quest of the writer is the difference between a war correspondent and a weary battle-wise lieutenant describing a military siege—one writes of skin, the other of blood."

**FATHERS AND SONS:** "These things I learned by reading books aloud, into the pricked and critical ear of my son," **James Parker** wrote.

For Father's Day, Parker, the author of a biography, *Turned On*, and a contributing editor at *The Atlantic*, wrote about the impact of fatherhood for *The New York Times*.

He said reading to his son led to the following rules: "Keep it crisp; tell a good story; don't muck about; don't be afraid to say the same thing twice, if it's important; respect the reader; have some loyalty to your characters; and when you feel the urge to get descriptive, sit on it. (Much of this comes under **Elmore Leonard's** 10th rule of writing: 'Try to leave out the part that the readers tend to skip.')

**SOURCE:** **Neil Gaiman** read his novella *The Truth Is a Cave in the Black Mountains* at Carnegie Hall on June 27.

In an interview about his prolific output, he told *The New York Times*, "I have no idea of what parts of my brain I use to do what I do. Mostly, the creative process is really, really fast. And when it happens, I have a pretty good idea of what something is. I am much more like somebody driving in the dark. My headlights will illuminate a little bit ahead of me, and I know where I'm going. I'm not just driving randomly. I know if I keep down this road, I will

get to New York. But what happens on the way, I will find out."

**SET TO MUSIC:** **Amy Reece** is the author of a young-adult novel, *Regarding Jeffrey*. The author is a teacher at the Martha's Vineyard Public Charter School. Her book was inspired by a remark her daughter Lily made when they were listening to a classic rock station on the radio. Lily said, "It must have been fun growing up in the Sixties."

Reece explained, "The songs of that period triggered the chapters. My husband collects 45s and he's always playing them. A lot was triggered by the songs—the memories that flood back when you hear the music."

Reece told the *Vineyard Gazette* that she doesn't intricately plot her stories. She lets the characters lead the way. Reece said, "I'm continuously surprised."

**REMEMBERING:** **Joanna Rakoff's** *My Salinger Year* is a memoir about working at an old-fashioned literary agency in New York. **Laura Miller**, reviewing it for *The Guardian*, called it "a deft portrait of a vanishing culture."

Rakoff, describing herself and other young women just out of college, was quoted: "We wanted to be writers ourselves. This seemed the most acceptable way to go about doing so, though it was already becoming clear that this was not at all the way to go about doing so."

**FIRST NOVEL:** **Michael Hastings**, an investigative reporter, died in a fiery car crash a year ago. His first novel, *The Last Magazine*, was published in June. *The New York Times* said the book is a "satire of Mr. Hastings's experiences as an intern at *Newsweek* in 2002–3 as the Iraq war approached." A nonfiction piece Hastings wrote for *Rolling Stone* led to the resignation of General **Stanley McChrystal**, commander of the U.S. Forces in Afghanistan. He later re-



ported critically about Sergeant **Bowe Bergdahl's** Army platoon.

After his death, friends at *Newsweek* found the manuscript of the novel and gave it to his widow, **Elise Jordan**. She decided to have it published. "I laughed when I read it," she said. "I thought it was his best book. I was totally shocked at the sex scenes, which I know he would have loved. He loved to shock me and pull me out of my comfort zone."

**NEW LAUREATE:** **Charles Wright**, 78, a retired professor at the University of Virginia, has been named U.S. poet laureate by the Library of Congress. He has won a Pulitzer, the National Book Award, the Bollingen Prize and the Ruth Lilly Poetry Prize. He has published almost two-dozen poetry collections.

He told *The New York Times*, "I really don't know what I'm supposed to do. But as soon as I find out, I'll do it."

In a 1981 poem about seeing discarded litter in a field at night, he wrote: "We pick them up in the mornings, dewy pieces of paper and scraps of cloth. / Like us, they refract themselves. Like us, / They keep on saying the same thing, trying to get it right."

**THE GAME:** "Like many societies, the novel is a hybrid construction pretending to be an organic miracle," wrote **James Wood** in the June 23 *New Yorker*. "From its beginnings," he continued, "fiction has had borderless relations with non-fictional sources, has found ways to incorporate and exploit journalism, biography, historical texts, correspondence, advertisements, and images. . . . Some of the pleasure of reading novels, perhaps especially modernist and postmodernist ones, has to do with our simultaneous apprehension of invention and its concealment, raw construction and high finish. We enjoy watching the novelist play the game of truth-telling."

**KEY MOMENT:** **Peter Heller's** life was set on course by the illustration on a **Louis L'Amour** cowboy novel. The Brooklyn-reared lad told *The New York Times*: "Something about the cover—all I wanted to do was drift the high lonesome on horseback."

After Dartmouth, he moved to Colorado and became a writer. He built his own house of earth bricks "so when you looked at the house you hardly saw it." *The Dog Stars* (2012) was his bestselling first novel. His second novel, *The Painter*, came out in May.

The dwelling described in this latest book, *The New York Times* said, is an earth cabin where the main character lives.

**POT CHAT:** In a cartoon by **Sam Gross** in *The New Yorker*, two witches stir a giant kettle. One throws a frog into the pot and says, "I'm writing a memoir. It's mostly recipes."

**FROM THE PAGES:** "Great literature abounds with food references," Florence Fabricant of *The New York Times* wrote in its Dining & Wine section. Among the 50 meals mentioned in a new book are ones from **Sylvia Plath's** *The Bell Jar*, **Nora Ephron's** *Heartburn*, and **Charles Dickens's** *Oliver Twist*.

The new book is *Fictitious Dishes: An Album of Literature's Most Memorable Meals* by **Dinah Fried**.

**SPEAK UP:** Guild member **Manu Herbstein** lives in Ghana and is the author of *Ama: A Story of the Atlantic Slave Trade*. He sent in a quote from **Sol Stein's** *Stein on Writing*: "It takes guts to be a writer. . . . The best writers, those whose originality shines, tend to be those who are most outspoken."

**HER OWN BOOK:** In 1979, **Lisa Howorth**, now 63, and her husband founded Square Books in Oxford, MS. *The New York Times* said the bookshop became a "second home

for many Southern writers including **Barry Hannah**, **Larry Brown**, and **John Grisham**."

In June, Howorth's first novel was published. The title: *Flying Shoes*.

She told **William Grimes** of the *Times*, "I wouldn't call it brave to write but it was daunting. When I was working on the book I wouldn't read anything by anyone I knew, or any writing about Mississippi. I was too afraid of discouragement, and I'd worry about being derivative."

The article ends with, "So far [the shop's] publicity campaign for Ms. Howorth's book remains low key. . . . A single copy of her novel stands by the cash register. It is a fake, a dummy book wrapped in the real cover."

"'I'm one of many writers in town' she said. 'We've got plenty of books to push.'"

**WHAT'S YA?** The discussion continues about books written for adults being published as young adult novels and adults who admit that, ever since Harry Potter, they read YA novels.

The subject was taken up by **John Williams** in his column in *The New York Times Book Review*. He quoted **Ruth Graham**, a journalist, who said she had read John Green's *The Fault in Our Stars* and shed not a tear. She asked, "Does this make me heartless? Or does it make me a grown-up?"

Williams said that **Kathleen Hale**, author of the YA novel *No One Else Can Have You*, wrote an essay about an imagined meeting with Graham: "We laughed . . . because what else could we do? The varsity

## There's More

For a weekly dose of publishing industry news, gossip and sound bites, check out Campbell's blog on the Authors Guild site every Tuesday.



team had been eaten by mermaids and werewolves, and everything was up to us."

**TOP PICKS:** **David Leavitt's** eighth novel is *The Two Hotel Francforts*. For an interview in *The New York Times Book Review*, Leavitt was asked to name his favorite novelist of all time and his favorite writing today.

Leavitt said, "**Penelope Fitzgerald.** *The Beginning of Spring*, *The Gate of Angels* and *The Blue Flower* are novels I return to again and again, with joy and awe.

"Among writers working today, I have the greatest admiration for **Norman Rush**. I also admire **John Weir**, who deserves to be far better known than he is. And I was floored by **Edward St. Aubyn's** Patrick Melrose novels."

*The Blue Flower* has been noted by so many writers that I got a copy from my library and read it. They were right.

**QUOTES:** **William A. Gordon** of Rancho Mirage, CA, has been collecting quotes about writing and publishing for years. He has recently published them under the title *1,001 Tips for Writers*.

Almost six hundred names, many of them famous, are in the index. These include **Mark Twain**, **Ernest Hemingway**, **Virginia Woolf** and all the other usual suspects.

Gordon quoted himself in a chapter entitled "Self-Publishing": "Vanity publishing is essentially the kiss of death for any book."

**WHITHER THE NOVEL:** According to **Tim Parks**, author of *Italian Ways*, "the state of constant distraction we live in affects the very special energies required for tackling a substantial work of fiction."

This cry that the novel is doomed appeared in *The New York Review of Books*. Parks wrote that it takes "days, weeks or months, each time picking up the threads of the story or stories, the patterning of

internal references, the positioning of the work within the context of other novels and indeed the larger world."

The article attracted comment, and one reader recalled that **Frank Kermode** said in the 1960s that "the special fate of the novel, considered as a genre, is to be always dying."

**GOOD SETTINGS:** **Sarah Moss's** latest novel is *Bodies of Light*. The setting is a hospital.

Moss wrote in *The Guardian*: "I'm interested in writing about institutions because they are almost always in some sense utopia projects, attempts to intervene in the ways of the world. Schools, hospitals, orphanages, reformatories of all kinds, begin with ideas that an organization could make things better, redress some of the damage we do to each other. And usually, whether they succeed in the original aim or not, the institutions end up doing damage of their own, because power corrupts and visions don't work in practice and we are all hopeful but fallen beings."

Later, Moss commented: "Every novelist loves a madhouse."

**SUBJECT MATTER:** **Jane Gardam**, 85, is the author of 12 novels and eight books of short stories. Her latest collection of 28 stories is titled *The Stories*. She served her *New Yorker* interviewer a glass of white wine in her home in Sandwich, England.

Gardam talked about her mentor, a forgotten critic named **L. A. G. Strong**, who told her "to write about everything—even the linoleum." Gardam said, "If I've got one thing that I really believe about fiction and life, it's that there are no minor characters."

**A WEEPER:** In a letter to the editor of *The New York Times Book Review*, **Ivan Kreilkamp**, an associate professor of English at Indiana University, wrote that **George Eliot's** *Mill on*

*the Floss* was "sublime." That book, Kreilkamp said, "provided **Marcel Proust** a key model for his rapturous immersion in the perspective of childhood . . . about which he wrote to a friend that just two pages of the novel could 'reduce me to tears.'"

**MAN OF WAR:** **Jeff Shaara**, 62, has published *The Smoke at Dawn*, the third in his series about the Civil War. It is his 13th bestseller.

He talked about the importance of research with **Greg Caggiano**, who has a blog, *Reel to Real*.

Shaara told him, "The research is usually twice as long as it takes to write the book. I typically read 50 to 60 books for each book, and it has to be original source material—the diaries, the memoirs, the letters, the writings of the people who were there. . . . If you're getting into the head of a character, and you're speaking for a real historical character, you'd better get it right because a lot of people out there will get pretty upset about that. . . . Typically it takes me five to six months to write a manuscript because I'm doing it full time."

**TWO AT THE TOP:** Recently, **R. J. Palacio** had two bestsellers. One was No. 1 and another was No. 2 on the list for middle grade children.

She said on her website that for 20 years she had worked as an art director and book jacket designer but she had always wanted to write. "*Wonder* is my first novel," she said. "And no, I didn't design the cover but I sure do love it."

The jacket has an oval suggestion of a boy's head. The only features are big ears, his hair and one eye with the word "wonder" as giant eyelashes. The story is about a boy with a facial deformity.

Palacio's second novel is *The Julian Chapter*, which is narrated by a bully.

**ANOTHER FOR THE GROWN-UPS:** **Judy Blume's** second novel



for adults is scheduled for next summer. There is no title as yet. Blume was quoted in *The New York Times*: "I'm both thrilled and terrified, my usual feelings at this point."

**STAR CROSSING:** Two celebrity authors met at a Barnes & Noble in Los Angeles, according to *The New York Daily News*.

**Hillary Clinton** was signing *Hard Choices*. Standing in line, to get her autograph, was TV actor **Chris Colfer**. The *Glee* star is also an author. The third volume in his Land of Stories series, *A Grimm Warning*, was out July 8. Colfer told the newspaper, "I can't remember anything I said."

Clinton's publisher said her book sold 100,000 the first week. But sales dropped sharply in the second week, according to *The New York Times*. They fell 43.5 percent to 48,000 copies, but was still the No. 1 nonfiction bestseller last Sunday. "Mrs. Clinton's 2003 memoir, *Living History*, about her years in the White House, sold about six times as many copies in its first week as *Hard Choices*," the *Times* said.

**LOVE STORY:** **Susan Jane Gilman** has written three nonfiction books, and now she's published her first novel, *The Ice Cream Queen of Orchard Street*. **Angela Barbuti** interviewed her for *Our Town* on the Web.

Gilman said, "If you're going to write a novel, . . . it's like asking it to move in with you for several years. . . . It's like living with a lover. So you have to make sure that you're really in love with it. So in moments where you hate it and hate yourself, it will really sustain you."

**DESK:** "**Voltaire** is said to have written some of his love poems in bed, using his naked mistress's back for a desk," according to **Robert Hendrickson's** *The Literary Life and Other Curiosities* (1981).

**BIG BOOST:** **Oprah Winfrey** can sell books and so can **Stephen Colbert**.

Colbert, whose *America Again: Re-becoming the Greatness We Never Weren't* is published by Hachette, has been waging a fierce public counteroffensive against Amazon's freeze play on Hachette book orders.

His latest weapon in the good fight was a first novel by a young writer named **Edan Lepucki**, whose *California* is also published by Hachette.

"We will not lick their monopoly boot," said Colbert as he suggested that viewers preorder *California* from independent bookstores. The upheaval caused by Amazon, Colbert told his audience, "is toughest on young authors who are being published for the first time." He also recommended the novel to his 6.6 million Twitter followers.

The book, published July 1, has become "one of the most preordered debut titles in Hachette history," according to a company spokeswoman quoted in *The New York Times*.

Lepucki's book tour was expanded, and she signed 10,000 copies at Powell's Books in Portland, OR. The original print order of 12,000 copies has been expanded, too—to 60,000 copies.

**SUCCESS PAYS BIG:** **John Green's** *The Fault in Our Stars* has been wildly successful as both book and film. It has been on the bestseller list for 130 weeks, and the film has earned \$166 million worldwide. It's turned Green's earlier books into gold to be mined.

*Paper Towns* (2009), another Green novel, is being adapted for the screen by the producers and screenwriters who made *Fault*.

Now, as reported in *The Guardian*, actor **Sarah Polley**, who has directed three movies, is writing a screenplay of Green's first novel, *Looking for Alaska* (2006).

**ALL GENRES:** **Diana Gabaldon's** *Written in My Own Heart's Blood* is the eighth book in her *Outlander* series and a No. 1 fiction bestseller.

Her Wiki entry describes her novels as "historical fiction, romance, mystery, adventure and science fiction/fantasy." In an interview, she explained that she doesn't "write in a straight line at all. I just write bits and pieces and then glue them together." She described what she writes as "enormous historical fiction, with a sort of romantic thread running through it."

Gabaldon wrote her first book to learn how to write a book. Since then, she's sold about 26 million books worldwide.

**CRITIC:** **Ezra Pound** turned critic after he read **Henry Miller's** *Tropic of Cancer*. "At last, an unprintable book that is fit to read."

**MUSEUM IN INDIA:** A three-room house in Motihari, India, where **George Orwell** was born in 1903, will be restored and turned into a museum. The house was declared a protected site in 2010. The government of the state of Bihar hopes the museum will draw tourists to the remote area in northeastern India.

Most of Orwell's manuscripts, letters, recordings, photographs and diaries are at the University College in London. Orwell's son, **Richard Blair**, said he is in favor of sending facsimiles of some items to Motihari. "Nothing is impossible," Blair told *The Guardian*. "But I need to consult other members of the archive committee."

**RESEARCH READING:** "My primary interest as a writer is bringing compelling historical events to life as vividly and accurately as I can," **Daniel James Brown** said. His *Boys in the Boat* is currently a nonfiction bestseller. It tells about the University of Washington's rowing crew in the 1939 Berlin Olympics.

Brown lives outside Seattle with his wife and their two daughters. He said when he's not writing he might "be chasing bears away from the bee hives."



He told an interviewer at Powell's Books that when he decided to write a book about rowing, "I sat down to read *Seabiscuit* [by **Laura Hillenbrand**] and *The Amateurs* [by **David Halberstam**]. Both of them, in very different ways were, to some extent, models for me. I admire those books very much. I learned a lot by thinking about my own story while reading them."

**BACKGROUND:** "I loved Sparkle Plenty, a little girl in the Dick Tracy comic strip, for her gumption," **Lynne Cheney** told *The New York Times Book Review*. She was describing what she read as a child growing up in Casper, WY, in the 1940s. "And Wonder Woman was our action heroine. My friends and I ran and leapt and defended the good and the true, inspired by Wonder Woman's strength and power."

Cheney has never wanted for gumption or drive. She just published her 15th book, a biography: *James Madison: A Life Reconsidered*.

**FATHER'S ADVICE:** The paperback edition of **Sue Grafton's** *W Is for Wasted* came out in the beginning of August. That leaves only X, Y and Z. She said in 1993 that the title of the last book in the series would probably be *Z Is for Zero*.

In the same interview, with **Naomi Epel** in *Writers Dreaming*, Grafton quoted her father, **C. W. Grafton**, a lawyer who wrote mystery novels on the side. He told her, "It is miracle enough that I have an idea translated into marks on a page and someone else can read those marks and have the same idea appear in their minds."

Grafton continued by saying, "His feeling was that a writer's first obligation was to keep communication clear and simple. He never wanted me to tamper with language or punctuation or spelling because he felt that would muddy the whole process of communication."

**REJECTION:** In 1933, **Samuel Beckett** wrote a short story called "Echo's Bones." His editor rejected it with the following: "It is a nightmare. It gives me the jim-jams. People will shudder and be puzzled and confused."

Eighty years later the story is being published for the first time. *The New York Times* book reviewer **Dwight Garner** described it as "Rude, surreal, death-haunted, sex-addled, dry as a bone." Garner declared: "His paragraphs unfurl like parades, notations on life's sick pageant . . . this story is a wide-awake delivery system for snot."

**ADDING ON:** A new edition of **Ernest Hemingway's** first novel, *The Sun Also Rises*, includes a discarded first chapter and other deletions, earlier drafts and alternate titles. One discarded first sentence: "This is a novel about a lady."

It has an introduction by the author's grandson **Sean Hemingway**, a curator at the Metropolitan Museum. He said "While the material has been discussed at great length by scholars, it hasn't been brought together in this way before, and it hasn't been accessible to the general public."

The author's only surviving son, **Patrick**, 85, told the *Times* that the added material "makes for more pleasurable reading and perhaps understanding."

**LIMITS:** "There is only so much a writer does," the late **Gore Vidal** told **Charles Ruas** in *Conversations with American Writers*.

"I heard somewhere the idea that every writer has a given theatre in his head, a repertory company," Vidal said. "**Shakespeare** has fifty characters, I have ten, **Tennessee [Williams]** has five, **[Ernest] Hemingway** has one, **[Samuel] Beckett** is busy trying to have none. You are stuck with your repertory company and you can only put on plays with its characters."

**THE END:** **William Wordsworth** said, "Great is the art of beginning but greater is the art of ending." **Carl Sandburg** asked, "What is there more of in the world than anything? Ends."

## DEATHS

**Bill Adler**, 84, died February 28 in Manhattan. He was an agent and coauthor of *What to Name Your Jewish Baby* (1966), *What Is a Cat? For Everyone Who Has Ever Loved a Cat* (1987) and *Who Killed the Robins Family?* (1983).

**Jack Agüeros**, 79, died May 4 in Manhattan. The poet was the author of *Correspondence Between the Stone Haulers* (1991), *Sonnets from the Puerto Rican* (1996) and *Lord, Is This a Psalm?* (2002).

**Maya Angelou**, 86, died May 28 in Winston-Salem, NC. She was the author of *I Know Why the Caged Bird Sings* (1969) and five other memoirs. Her books had millions of readers.

*The New York Times* called her a "lyrical witness of the Jim Crow South" and ran a quote from *Caged Bird* in her obituary: "If growing up is painful for the Southern Black girl, being aware of her displacement is the rust on the razor that threatens the throat."

*The Guardian* quoted her: "There is no greater agony than bearing an untold story inside you."

**Gary S. Becker**, 83, died May 3 in Chicago. The Nobel-winning economist was author of *The Economics of Discrimination* (1957), *A Treatise on the Family* (1981) and *The Economics of Life: How Real-World Issues Affect Our Everyday Life* (1997).

**Sidney J. Blatt**, 85, died May 11 in Hamden, CT. The psychologist was coeditor of *The Theory and Treatment of Depression* (2005) and author of *Polarities of Experience* (2008) as well as scores of other books, monographs and papers.



**Erik Blegvad**, 90, died January 14 in London. The Danish-born, prize-winning illustrator of more than one hundred books for children was the author of *Self-Portrait* (1979).

**Joel Brinkley**, 61, died March 11 in Washington. The Pulitzer-winning reporter for *The New York Times* was author of *U.S. v. Microsoft: The Inside Story of the Landmark Case* (2000) and *Cambodia's Curse: The Modern History of a Troubled Land* (2011).

**F. Reid Buckley**, 83, died April 13 in Columbia, SC. The columnist and novelist was the author of *Eye of the Hurricane* (1967) and *Servants and Their Masters* (1973).

**James Cahill**, 87, died February 14 in Berkeley, CA. The professor and expert in Chinese art was the author of *The Compelling Image: Nature and Style in Seventeenth-Century Chinese Painting* (1979).

**Robert A. Dahl**, 98, died February 5 in Hamden, CT. The political scientist was the author of more than two dozen books, including *Modern Political Analysis* (1963) and *On Political Equality* (2006).

**Shirley Walton Fischler**, 74, died May 13 in Manhattan. The sportswriter was coauthor with her husband **Stan Fischler** of more than 20 books, including *Up From the Minor Leagues* (1971) and *Who's Who in Hockey* (2003).

**Arthur Gelb**, 90, died May 20 in Manhattan. An editor at *The New York Times*, he, with his wife **Barbara**, was the author of *O'Neill* (1962) and *O'Neill: Life With Monte Cristo* (2000).

**Martin Gottfried**, 80, died March 6 in Manhattan. The theater critic was the author of *Jed Harris: The Curse of Genius* (1984), *All His Jazz: The Life and Death of Bob Fosse* (1990) and *Arthur Miller: His Life and Work* (2003).

**Sam Greenlee**, 83, died May 19 in Chicago. He was the author of *The*

*Spook Who Sat by the Door* (1969) and *Baghdad Blues* (1976).

**Vincent Harding**, 82, died May 19 in Philadelphia. He was the author of *There Is a River: The Black Struggle for Freedom in America* (1981) and *Martin Luther King: The Inconvenient Hero* (1996).

**Eric Hill**, 86, died June 6 in Templeton, CA. He was illustrator and author of *Where's Spot?* (1980). Books about the puppy sold more than 60 million copies worldwide and were translated into 60 languages.

**Zander Hollander**, 91, died April 11 in Manhattan. He wrote a series of annual Complete Handbook volumes on hockey, baseball, soccer and college and pro football and basketball.

**William H. Honan**, 83, died April 28 in Norwalk, CT. The editor and journalist wrote several books including *Visions of Infamy: The Untold Story of How Journalist Hector C. Bywater Devised the Plans that Led to Pearl Harbor* (1991) and *Treasure Hunt: A "New York Times" Reporter Tracks the Quedlinburg Hoard* (1997).

**Michael Janeway**, 73, died April 17 in Lakeville, CT. The editor was author of *Republic of Denial: Press, Politics, and Public Life* (1999) and *The Fall of the House of Roosevelt: Brokers of Ideas and Power from FDR to LBJ* (2004).

**Alison Jolly**, 76, died February 6 in Lewes, England. The primatologist wrote half a dozen books including *The Evolution of Primate Behavior* (1972), *A World Like Our Own: Man and Nature in Madagascar* (1980) and *Lucy's Legacy: Sex and Intelligence in Human Evolution* (1999).

**Justin Kaplan**, 88, died March 2 in Cambridge, MA. He was awarded the 1967 Pulitzer and the National Book Award for *Mr. Clemens and Mark Twain*. He also wrote *Lincoln Steffens: A Biography* (1974) and *Walt Whitman: A Life* (1980).

**Joseph Kerman**, 89, died March 17 in Berkeley, CA. The critic of musicology was author of *The Beethoven Quartets* (1967), *Listen* (1973), *Contemplating Music: Challenges to Musicology* (1985) and *Concerto Conversations* (1999).

**Gabriel Kolko**, 81, died May 19 in Amsterdam. The historian was the author of *The Triumph of Conservatism: A Reinterpretation of American History, 1900–1916* (1963) and *The Politics of War: The World and United States Foreign Policy, 1943–1945* (1968).

**Phyllis Krasilovsky**, 87, died February 26 in Redding, CT. She was author of *The Man Who Didn't Wash His Dishes* (1950), *The Very Little Girl* (1953) and *The Cow Who Fell in the Canal* (1957).

**Alistair MacLeod**, 77, died April 20 in Windsor, Ontario. He was the author of *No Great Mischiefs* (1999) and *Island: The Complete Stories* (2001).

**Gabriel García Márquez**, 87, died April 17 in Mexico City. He received the Nobel Prize for Literature in 1982. The "conjurer of literary magic," as *The New York Times* called him, was the author of *One Hundred Years of Solitude* (1967), *Love in the Time of Cholera* (1985) and other novels. He believed that it "was enough for the author to have written something for it to be true, with no proofs other than the power of his talent and the authority of his voice."

**Marsha Mehran**, 36, was found dead on April 30 in County Mayo, Ireland. She was the author of *Pomegranate Soup* (2005), published in more than 20 countries. The sequel was *Rosewater and Soda Bread* (2008). A third, *Pistachio Rain*, will be published this year.

Canadian **Farley Mowat**, 92, died May 6 in Ontario. The naturalist and fabulist was the author of 45 books. Translated into 52 languages, they sold 17 million copies. In one,



*Never Cry Wolf* (1963), Mowat wrote about a wolf father: "Conscientious to a fault, thoughtful of others, and affectionate within reasonable bounds, he was the kind of father whose idealized image appears in many wistful books of human family reminiscences."

"I was content from the first to be a simple saga man, a teller of tales," Mowat wrote of his aspirations as a writer.

**Ned O'Gorman**, 84, died March 7 in Manhattan. The poet and educator was author of a half dozen collections of poems, including *The Night of the Hammer* (1958). He also wrote the nonfiction *The Children are Dying* (1978).

**Curtis Bill Pepper**, 96, died April 4 in Todi, Italy. He was the author of *The Pope's Backyard* (1966), *An Artist and the Pope* (1968) and a novel, *Marco* (1977). His last book, *Happiness: Fragments of Happiness in the Lives of the Famous and Others Among Us* will be published this year.

**René Ricard**, 67, died February 6 in Manhattan. He was a critic, poet, painter and friend of **Andy Warhol**. His collections of poems were *René Ricard 1979–1980*, *God With Revolver* (1990) and *Love Poems* (1999).

**Paul Robeson Jr.**, 86, died April 26 in Jersey City. He was the author of *Paul Robeson, Jr. Speaks to America* (1993), *The Undiscovered Paul Robeson: An Artist's Journey, 1898–1939* (2001) and *A Black Way of Seeing* (2006).

**Tadeusz Różewicz**, 91, died April 24 near Wroclaw, Poland. A playwright and poet, his first book of poems was *Anxiety* (1947).

**Jonathan Schell**, 70, died March 25 in Brooklyn. He was a nonfiction writer at *The New Yorker* and the author of *The Village of Ben Suc* (1967), *The Time of Illusion* (1975), *The Abolition* (1984) and *The Fate of the Earth* (1982).

**James R. Schlesinger**, 85, died March 27 in Baltimore. A Harvard-trained economist and RAND Corporation alumnus, he served as CIA director and defense secretary under Richard Nixon and as the first secretary of energy under Jimmy Carter. He was the author of *The Political Economy of National Security* (1960) and *America at Century's End* (1989).

**Robert Slater**, 70, died March 25 in Jerusalem. He was the author of *Golda: The Uncrowned Queen of Israel* (1981), biographies of **Yitzhak Rabin** and **Moshe Dayan**, and three books about GE's **Jack Welch**.

**Gregory White Smith**, 62, died April 10 in Aiken, SC. He collaborated on more than a dozen books, including a biography of **Vincent van Gogh** (2011), *The Mormon Murders* (1988) and *Jackson Pollock: An American Saga* (1989), for which he and his coauthor, Steven Naifeh, won a Pulitzer.

**Susan Spencer-Wendel**, 47, died June 4 in West Palm Beach, FL. She was the author of *Until I Say Good-Bye: My Year of Living With Joy* (2013). It was a bestselling account of her illness, amyotrophic lateral sclerosis, also known as Lou Gehrig's disease.

**Glen H. Stassen**, 78, died April 25 in Pasadena, CA. The theologian was author of *Just Peacemaking: Trans-*

*forming Initiatives for Justice and Peace* (1992) and a dozen other books.

**Mary Stewart**, 97, died May 9 in Loch Awe in Scotland. The romance novelist was author of *Nine Coaches Waiting* (1958), *The Moon-Spinners* (1962), *The Gabriel Hounds* (1967) and *The Crystal Cave* (1970).

**Bob Thomas**, 92, died March 14 in Encino, CA. He was the author of nearly three dozen books, including biographies of **Walt Disney**, **Marlon Brando**, **Howard Hughes** and others.

**Leslie Thomas**, 83, died May 6 near Salisbury, England. He was author of more than 30 books. The most successful was his novel *The Virgin Soldiers* (1966). Another title was *This Time Next Week: The Autobiography of a Happy Orphan* (1964).

**Sue Townsend**, 68, died April 10 in Leicester, England. Her first novel was *The Secret Diary of Adrian Mole Aged 13¾* (1982). That novel and its sequels sold 20 million copies.

**Lois Wallace**, 73, died April 4 in Manhattan. She was the agent for **Joan Didion**, **Don DeLillo**, **Erich Segal**, **William F. Buckley Jr.** and **Ben Stein**. In a memorial Stein wrote for *The American Spectator*, he said, "She never conceded defeat on a book, and she never conceded that anyone who owed me money should be allowed to get away with it."

**William Worth**, 92, died May 4 in Brewster, MA. The award-winning reporter was author of the book *The Rape of Our Neighborhoods* (1976). ♦



## BOOKS BY MEMBERS

**Carolyn Aarsen:** *A Father in the Making; Unexpected Father*; **C. S. Adler:** *Scarecrow on Horseback*; **David A. Adler** (and Jill Weber, Illus.): *The Story of Passover*; **David A. Adler** (and Edward Miller, Illus.): *Triangles*; **Sarah Albee** (and Robert Leighton, Illus.): *Bugged: How Insects Changed History*; **Annamaria Alfieri:** *Strange Gods*; **Jeff Alt:** *Get Your Kids Hiking*; **Christine Ammer:** *The American Heritage Dictionary of Idioms* (2nd Edition); *Fighting Words: From War, Rebellion, and Other Combative Capers*; *Fruitcakes and Couch Potatoes and Other Delicious Expressions*; *It's Raining Cats and Dogs and Other Beastly Expressions*; *Seeing Red or Tickled Pink and Other Colorful Expressions*; *Southpaws and Sunday Punches and Other Sporting Expressions*; **Rudolfo A. Anaya** (and Otero Nicolas, Illus.; Nasario Garcia, Transl.): *How Chile Came to New Mexico*; **John Annerino:** *Colorado Plateau Wild and Beautiful*; **Kathi Appelt** (and Marc Rosenthal, Illus.): *Mogie: The Heart of the House*; **Ron Argo:** *The Sum of His Worth*;

**Julene Bair:** *The Ogallala Road: A Memoir of Love and Reckoning*; **Alison Baker:** *Happy Hour: Stories*; **Beth Baker:** *With a Little Help from Our Friends: Creating Community as We Grow Older*; **Larry Baker:** *The Education of Nancy Adams*; **Susan P. Baker:** *Suggestion of Death*; **Mary Beth Baptiste:** *Altitude Adjustment: A Quest for Love, Home, and Meaning in the Tetons*; **Evelyn Barish:** *The Double Life of Paul de Man*; **Milly S. Barranger,** Ed. (and Don B. Wilmeth, Ed.; Helen Krich Chinoy, Author): *The Group Theatre: Passion, Politics, and Performance in the Depression Era*; **Michael F. Barrett:** *Shoshana*; **Tracy Barrett:** *The Stepsister's Tale*; **Joan Barthel:** *American Saint: The Life of Elizabeth Seton*; **Alex Beam:** *American Crucifixion: The Murder of Joseph Smith and the Fate of the Mormon Church*; **Robert Begiebing:** *A Berkshire Boyhood: Confessions and Reflections of a Baby Boomer*; **Jeffrey Bennett:** *What Is Relativity? An Intuitive Introduction to Einstein's Ideas, and Why They Matter*; **Marianne Berkes** (and Cathy Morrison, Illus.): *Daisylocks*; **Marianne Berkes** (and Roberta Baird, Illus.): *The Swamp Where Gator Hides*; **Adria Bernardi,** Ed. and Transl. (Francesca Pellegrino, Author): *Chernobylove: The Day After the Wind—Selected Poems 2008–2010*; **Miranda Beverly-Whittemore:** *Bittersweet*; **Vadim J. Birstein:** *SMERSH: Stalin's Secret Weapon: Military Counterintelligence in WWII*; **Sophie Blackall:** *The Baby Tree*; **Elizabeth Bluemle** (and G. Brian Karas, Illus.): *Tap Tap Boom Boom*; **Betty Bolté:** *Traces* (Ghosts of Roseville Book 1); **Kathleen Long Bostrom** (and Rebecca Thornburgh, Illus.): *Rufus and Ryan Celebrate Easter*; **Jenny Bowen:** *Wish You Happy Forever: What China's Orphans Taught Me About Moving Mountains*; **Marie Bradby** (and Annette Cable, Illus.): *All Aboard! The Belle of Louisville*; **Barbara Taylor Bradford:** *Cavendon Hall*; **Eileen Brady:** *Muzzled*; **Fred H. Brannen Jr.:** *At the Bottom of Biscayne*

*Bay*; **Terry Brooks:** *The High Druid's Blade*; **Christina B. Bryza:** *Are You My Boyfriend?*; **Paul Buhle,** Ed. (and David Berger, Ed.): *Bohemians: A Graphic History*; **Dan Burns:** *No Turning Back*; **Janet Burroway:** *Losing Tim; A Story Larger Than My Own: Women Writers Look Back on Their Lives and Careers*;

**Sarah C. Campbell** (and Richard P. Campbell): *Mysterious Patterns: Finding Fractals in Nature*; **Jan Carr** (and Jennifer A. Bell, Illus.): *Toe Shoe Mouse*; **Carol Cassella:** *Gemini*; **Cynthia Ceilan:** *Myths of a Merciful God*; **Henry Chang:** *Death Money*; **Susan Taylor Chehak:** *What Happened to Paula: The Anatomy of a True Crime*; **Ava Chin:** *Eating Wildly: Foraging for Life, Love, and the Perfect Meal*; **Janie Chodosh:** *Death Spiral*; **Mary Higgins Clark:** *I've Got You Under My Skin*; **Rebecca Coffey:** *Hysterical: Anna Freud's Story*; **Allan Cole:** *The Spymaster's Daughter*; **Martha Collins:** *Day Unto Day*; **Paula Conway:** *Dead Sexy: The Unofficial Walking Dead Fan Guide to Zombie Style, Beauty, Parties and a Ghoulish Lurching Unlifestyle*; **Michael L. Cooper:** *Fighting Fire: Ten of the Deadliest Fires in American History and How We Fought Them*; **Stephen Cox:** *American Christianity: The Continuing Revolution*; **Camilla T. Crespi:** *The Breakfast Club Murder*; **Doreen Cronin** (and Renata Liwska, Illus.): *Boom, Snot, Twitty*; **Doreen Cronin** (and Kevin Cornell, Illus.): *The Chicken Squad: The First Misadventure*; **Michael Cunningham:** *The Snow Queen*; **Jane Cutler:** *Susan Marcus Bends the Rules*;

**Julia Dahl:** *Invisible City*; **Lydia Davis:** *Can't and Won't: Stories*; **Thomas J. Davis:** *The Devil Likes to Sing*; **Bruce Degen:** *I Said, "Bed!"*; **Melissa de la Cruz:** *The Ring and the Crown*; **Corinne Demas:** *Returning to Shore*; **Stacey D'Erasmus:** *Wonderland*; **Anna Dewdney:** *Nelly Gnu and Daddy Too*; **William Dietrich:** *The Three Emperors*; **Lisa Doan** (and Ivica Stevanovic, Illus.): *Jack the Castaway* (The Berenson Schemes #01); **Arthur Dorros** (and Raul Colon, Illus.): *Abuelo*; **Jack Dougherty:** *Corporate America*; **Gillian Doyle:** *Mystic Memories*; **Erin Duffy:** *On the Rocks*; **Patrick A. Durantou:** *Histoire de la philosophie grecque ancienne en 10 volumes; La philosophie de Soren Kierkegaard*;

**Gwen Edelman:** *The Train to Warsaw*; **Dave Eggers:** *Your Fathers, Where Are They? And the Prophets, Do They Live Forever?*; **Peter Eichstaedt:** *The Dangerous Divide: Peril and Promise on the US-Mexico Border*; **Marc Eliot:** *Jack Nicholson: A Life*; **Susan Middleton Elya** (and Susan Guevara, Illus.): *Little Roja Riding Hood*;

**Maria Faulconer** (and Susan Kathleen Hartung, Illus.): *A Mom for Umande*; **Michael Fedo:** *Zenith City: Stories from Duluth*; **Beth Fehlbaum:** *Big Fat Disaster*; **Ellen Feldman:** *The Unwitting*; **Norman H. Finkelstein:** *Schools of Hope: How Julius Rosenwald Helped Change African American Education*; **Judy Fridono:** *Ricochet: Riding a Wave of Hope*



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*with the Dog Who Inspires Millions*; **David Fuller**: *Sundance*; **Alan Furst**: *Midnight in Europe*;

**Diana Gabaldon**: *Written in My Own Heart's Blood*; **Jack Gantos** (and Nicole Rubel, Illus.): *Rotten Ralph's Rotten Family*; **Holly George-Warren**: *A Man Called Destruction: The Life and Music of Alex Chilton, From Box Tops to Big Star to Backdoor Man*; **John Gierach**: *All Fishermen Are Liars*; **Julia Glass**: *And the Dark Sacred Night*; **Christopher J. Goedecke**: *The Unbreakable Board and the Red Dragon Surprise*; **Alison Leslie Gold**: *The Woman Who Brought Matisse Back from the Dead*; **Diane Goode**: *Founding Mothers: Remembering the Ladies*; *Outside the Box*; **Meryl Gordon**: *The Phantom of Fifth Avenue: The Mysterious Life and Scandalous Death of Heiress Huguette Clark*; **Rita Gray** (and Kenard Pak, Illus.): *Have You Heard the Nesting Bird?*; **Jane Green**: *Tempting Fate*; **Elizabeth Gunn**: *Red Man Down*; **Robin Jones Gunn**: *Spoken For*;

**R. Z. Halleeson**: *God's Child: The Origin of Fear*; *God's Child: Unraveling*; **Nigel Hamilton**: *The Mantle of Command: FDR at War, 1941–1942*; **Bill Harley** (and Adam Gustavson, Illus.): *Charlie Bumpers vs. the Really Nice Gnome*; **Colin D. Heaton** and **Anne-Marie Lewis**: *The German Aces Speak: World War II Through the Eyes of Four of the Luftwaffe's Most Important Commanders*; **James Heffernan**: *Hospitality and Treachery in Western Literature*; **Brad Henderson**: *The Blue Devil: Poems*; **Gary Hermalyn**: *Education and Culture in the Bronx: A Research Guide*; **Gary Hermalyn**, Ed.: *Ethnic Groups in the Bronx*; **Shaman Elizabeth Herrera**: *Dreams of Dying: A Tragedy, Two Realities, One Divine Truth*; *Earth Sentinels: The Storm Creators*; **Laraine Herring**: *Gathering Lights: A Novel of San Francisco*; **Karen Heuler**: *Glorious Plague*; **Linda Hewitt**: *Networking for the Career-Minded Student* (Audiobook); **Michael Hibbard**: *Immortal Memories, Volume I*; **Homer Hickam**: *Crater Trueblood and the Lunar Rescue Company*; **Phoebe Hoban**: *Lucian Freud: Eyes Wide Open*; **Cara Hoffman**: *Be Safe I Love You*; **Kerrie Logan Hollihan**: *Reporting Under Fire: 16 Daring Women War Correspondents and Photojournalists*; **Victoria Houston**: *Dead Lil' Hustler*; **Arthur Hoyle**: *The Unknown Henry Miller: A Seeker in Big Sur*; **Arianna Huffington**: *Thrive: The Third Metric to Redefining Success and Creating a Life of Well-Being, Wisdom, and Wonder*; **Joseph Hutchison**: *Bed of Coals*;

**Ed Ifkovic**: *Final Curtain*;

**Donna M. Jackson** (and Carol Kinsey Goman): *Every Body's Talking: What We Say Without Words*; **Paul Dubois Jacobs** (and Jennifer Sweder; Dan Yaccarino, Illus.): *Count on the Subway*; **Lee A. Jacobus**: *Hawaiian Tales: The Girl with Heavenly Eyes*; **Eloisa James**: *Three Weeks with Lady X*; **Steven James**: *Blur: Story Trumps Structure: How to Write Unforgettable Fiction by Breaking the Rules*; **Marthe Jocelyn**: *What We Hide*; **Carolyn Ross Johnston**, Ed.: *Voices of Cherokee Women*; **Gregg Jones**: *Last Stand at Khe Sanh: The*

*U.S. Marines' Finest Hour in Vietnam*; **Ward Just**: *American Romantic*;

**Michael Kahn**: *Face Value*; **Fred Kaplan**: *John Quincy Adams: American Visionary*; **Robert D. Kaplan**: *Asia's Cauldron: The South China Sea and the End of the Stable Pacific*; **Edmund Keeley**: *The Megabuilders of Queenston Park*; **Peg Kehret** (and Brett Konen): *Two Voices: 54 Original Duologues for Teens*; **Garrison Keillor**: *The Keillor Reader*; **Kate Kelly**: *The Secret Club That Runs the World: Inside the Fraternity of Commodity Traders*; **Kostya Kennedy**: *Pete Rose: An American Dilemma*; **Lily King**: *Euphoria*; **Stephen King**: *Mr. Mercedes*;

**Patricia Lakin** (and Kirstie Edmunds, Illus.): *Bruno & Lulu's Playground Adventures*; **Scott Lax**: *Vengeance Follows*; **Marc Leepson**: *What So Proudly We Hailed: Francis Scott Key, a Life*; **Dinah Lenney**: *The Object Parade*; **Eleanor Lerman**: *Strange Life*; **Marc Levy** (Kate Bignold and Lakshmi Ramakrishnan Iyer, Transl.): *Replay*; **Sandra Tsing Loh**: *The Madwoman in the Volvo: My Year of Raging Hormones*; **Dustin Long**: *Bad Teeth*; **Barry Lopez** (and Barry Moser, Illus.): *Outside*; **Jerry Ludwig**: *Blacklist*; **Susan Lurie** (and Murray Head, Photog.): *Swim, Duck, Swim!*;

**Thomas Magstadt**: *Understanding Politics: Ideas, Institutions, and Issues* (11th Edition); **Susan Mallery**: *Evening Stars; When We Met*; **John B. Manbeck**: *The Disappearance of Patricia Murphey*; **August F. Manz**, Ed. (Andre A. Odermatt, Author): *Welding: A Journey to Explore Its Past* (Second Edition); **Scott Martelle**: *The Admiral and the Ambassador: One Man's Obsessive Search for the Body of John Paul Jones*; **Wendy Mass** (and Michael Brawer; Elise Gravel, Illus.): *Archie Takes Flight*; **Peter Matthiessen**: *In Paradise*; **Joseph Mazur**: *Enlightening Symbols: A Short History of Mathematical Notation and Its Hidden Powers*; **Gordon McAlpine** (and Sam Zupparadi, Illus.): *Once Upon a Midnight Bernie*; **Gillian McCain**, Ed. (and Legs McNeil, Ed.): *Dear Nobody: The True Diary of Mary Rose*; **David McCullough Jr.**: *You Are Not Special . . . and Other Encouragements*; **Emily Arnold McCully**: *Little Ducks Go*; **Patrick McManus**: *Circles in the Snow*; **Jamie Michalak** (and WGBH Educational Foundation, Illus.): *Show's Over*; **Claudia Mills** (and Rob Shepperson, Illus.): *Annika Riz, Math Whiz*; **Don Mitchell**: *The Freedom Summer Murders*; **Genevieve Morgan**: *Undecided: Navigating Life and Learning After High School*; **Seymour Morris Jr.**: *Supreme Commander: MacArthur's Triumph in Japan*; **Toni Morrison** (and Slade Morrison; Shadra Strickland, Illus.): *Please, Louise*; **Nancy Morse**: *Sacred Places; Tainted Love*; **Marissa Moss**: *Blood Diaries: Tales of a 6th-Grade Vampire*; **Lucia Mouat**: *The United Nations' Top Job: A Close Look at the Work of Eight Secretaries-General*; **Claire Rudolf Murphy** (and Bryan Collier, Illus.): *My Country, 'Tis of Thee: How One Song Reveals the History of Civil Rights*;



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**Donna Jo Napoli:** *Hands & Hearts; Storm*; **Peter Neill:** 3; **Craig Nelson:** *The Age of Radiance: The Epic Rise and Dramatic Fall of the Atomic Era*; **Sharan Newman:** *Defending the City of God: A Medieval Queen, the First Crusades, and the Quest for Peace in Jerusalem*; **Judith Nies:** *Unreal City: Las Vegas, Black Mesa, and the Fate of the West*; **G. E. Nolly:** *Hamfist Out*; **Jody Lynn Nye:** *Dragons Deal*;

**Susan Oleksiw:** *For the Love of Parvati*;

**Katherine Hall Page:** *Small Plates*; **Denise Lewis Patrick:** *A Matter of Souls*; **Susan Pearson** (and Jeff Ebbeler, Illus.): *Arlo Rolled*; **Sharon Kay Penman:** *A King's Ransom*; **Carla Perry:** *Wanderlust*; **Andrea Pflaumer:** *Shopping for the Real You: Ten Essential Steps to a Better Wardrobe for Every Woman: Fashionistas, Fashion-phobes, and the Over Fifty*; **Matteo Pistono:** *Fearless in Tibet: The Life of the Mystic Tertön Sogyal*; **Amy Plum:** *After the End*; **Kevin Powers:** *Letter Composed During a Lull in Fighting*; **Douglas Preston:** *The Kraken Project*; **Laurence Pringle** (and Joan Paley, Illus.): *The Secret Life of the Woolly Bear Caterpillar*;

**Dean Radin:** *Supernormal*; **Sukanya Rahman** (contributed essay): *Voyages of the Body and Soul: Selected Female Icons of India and Beyond*; **Chris Raschka:** *Crabby Crab*; **Joyce Ray:** *Feathers and Trumpets: A Story of Hildegard of Bingen*; **Aimee Reid** (and Laura J. Bryant, Illus.): *Mama's Day with Little Gray*; **Duke Robinson:** *A Middle Way: The Secular/Spiritual Guide to Wholeness*; **Deborah Rodriguez:** *Margarita Wednesdays: Making a New Life by the Mexican Sea*; **Roger Roffman:** *Marijuana Nation: One Man's Chronicle of America Getting High—From Vietnam to Legalization*; **Phyllis Root** (and Betsy Bowen, Illus.): *Plant a Pocket of Prairie*; **Phyllis Rose:** *The Shelf: From LEQ to LES: Adventures in Extreme Reading*; **Jeb Rosebrook:** *Purgatory Road*; **Michael Elsohn Ross:** *A World of Her Own: 24 Amazing Women Explorers and Adventurers*; **Maggie Rudy:** *I Wish I Had a Pet*; **Neil Russell:** *Beverly Hills Is Burning*; **Albert Russo:** *Adopted by an American Homosexual in the Belgian Congo; African Quatuor; Eur-African Exiles; Léodine of the Belgian Congo; Princes and Gods; Zapinette, Baguette and Tagliatelle; Zapinette la spaghettona nel paese di Mandela*; **Marisabina Russo:** *Sophie Sleeps Over*;

**Mo H. Saidi:** *Between A and Z: Poems*; **Barbara Samuels:** *Fred's Beds*; **E. M. Schorb:** *Manhattan Spleen—Prose Poems*; **Sherry Shahan:** *Skin and Bones*; **Anne Shaw:** *Dido in Winter*; **S. Chris Shirley:** *Playing by the Book*; **Maxim D. Shraye:** *Leaving Russia: A Jewish Story*; **Maxim D. Shraye** (Ed. and Transl.; David Shraye-Petrov, author): *Dinner*

*with Stalin and Other Stories*; **Rena Silverman:** *Women of Vision: National Geographic Photographers on Assignment*; **Sue William Silverman:** *The Pat Boone Fan Club: My Life as a White Anglo-Saxon Jew*; **Patricia Skalka:** *Death Stalks Door County*; **Jill Smolowe:** *Four Funerals and a Wedding: Resilience in a Time of Grief*; **Dennis Snelling:** *Johnny Evers: A Baseball Life*; **James Solheim** (and Jeffrey Ebbeler, Illus.): *The Only Alex Addleston in All These Mountains*; **Susan Spano:** *French Ghosts, Russian Nights & American Outlaws: Souvenirs of a Professional Vagabond*; **Ellen Griffith Spears:** *Baptized in PCBs: Race, Pollution, and Justice in an All-American Town*; **Elizabeth Spencer:** *Starting Over*; **Eileen Spinelli** (and Joanne Lew-Vriethoff, Illus.): *Another Day as Emily*; **William Stadiem:** *Jet Set: The People, the Planes, the Glamour, and the Romance in Aviation's Glory Years*; **William Stadiem** (and Sandra Lansky): *Daughter of the King: Growing Up in Gangland*; **Peter Stark:** *Astoria: John Jacob Astor and Thomas Jefferson's Lost Pacific Empire: A Story of Wealth, Ambition, and Survival*; **P. M. Steffen:** *The Profiler's Daughter (A Sky Stone Thriller)*; **Sarah Sullivan:** *All That's Missing*; **Marian Szczepanski:** *Playing St. Barbara*;

**Barbara Brown Taylor:** *Learning to Walk in the Dark*; **Milton Toby:** *Cañonero II: The Rags to Riches Story of the Kentucky Derby's Most Improbable Winner*; **Kenneth Turan:** *Not to Be Missed: Fifty-four Favorites from a Lifetime of Film*;

**Douglas Valentine:** *With Our Eyes Wide Open: Poems of the New American Century*; **George Vecsey:** *Eight World Cups: My Journey Through the Beauty and Dark Side of Soccer*; **Yvonne Ventresca:** *Pandemic*;

**Lea Wait:** *Uncertain Glory*; **Don Wallace:** *The French House: An American Family, a Ruined Maison, and the Village That Restored Them All*; **Wendy Wax:** *Even Princesses Go to the Potty*; **Christal Whelan:** *Kansai Cool: A Journey into the Cultural Heartland of Japan*; **Gloria Whelan** (and Nancy Carpenter, Illus.): *Queen Victoria's Bathing Machine*; **Douglas Whynott:** *The Sugar Season: A Year in the Life of Maple Syrup, and One Family's Quest for the Sweetest Harvest*; **Lauren Willig:** *That Summer*; **David Wolman:** *Firsthand*; **Stuart Woods:** *Carnal Curiosity*; **Alex Wright:** *Cataloging the World: Paul Otlet and the Birth of the Information Age*; **Susan Wylar:** *Solsbury Hill*;

**Morowa Yejidé:** *Time of the Locust*;

**Allen Zadoff:** *I Am the Mission*; **Gabrielle Zevin:** *The Storied Life of A. J. Firky*; **Christopher Zoukis:** *Directory of Federal Prisons: PrisonLawBlog.com's Federal Bureau of Prisons Facility Directory* ♦



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## MEMBERS MAKE NEWS

**Jeff Alt's** *Get Your Kids Hiking: How to Start Them Young and Keep It Fun* won the bronze in the Family & Relationships category in *Foreword Reviews'* 2013 IndieFab Book of the Year Awards.

*With a Little Help from Our Friends: Creating Community as We Grow Older* by **Beth Baker** won the Norman L. and Roselea J. Goldberg Prize for the best project in the area of medicine. The award includes publication by Vanderbilt University Press.

**Kathleen Brady** was named a Fellow of the Society of American Historians.

**Jess Bravin's** *The Terror Courts: Rough Justice at Guantanamo Bay* was awarded the 2014 Silver Gavel for Books by the American Bar Association. The award recognizes "outstanding work in media and the arts that fosters the American public's understanding of law and the legal system."

**Janet Burroway** received the 2014 Florida Lifetime Achievement in Writing Award from the Florida Humanities Council.

**Robert Brown Butler's** *Disaster Handbook* won the 2014 Great Northwest Book Festival and the 2014 Great Southwest Book Festival competitions in the How-To category. The title was also a runner-up in the 2013 Great Midwest Book Festival and the 2014 Great Southeast Book Festival and received an honorable mention at the 2013 New England Book Festival and the 2014 New York Book Festival.

**Chris Cander's** *11 Stories* was named a Kirkus Best Indie Book in 2013 and the AIA Book of the Month in January 2014. It also received the gold medal in the 2014 Independent Publisher Book Awards and the silver medal in the 2014 eLit Awards, both in the category of Popular Fiction.

*Petticoats and Pinstripes: Portraits of Women in Wall Street's History* by **Sheri J. Caplan** was a 2014 Axiom Business Book Award bronze medalist in the Women/Minorities category.

*We Are Here: Memories of the Lithuanian Holocaust* by **Ellen Casedy** has been short-listed for the 2014 William Saroyan International Prize for Writing in the category of Nonfiction.

**Steve Chapple** was named a Kyoto Symposium Journalism Fellow for 2013–2014.

**Roberta Degnore's** *Invisible Soft Return* was a finalist for the Lambda Literary Award in the SciFi/Fantasy/

Horror category. The novel is also being adapted for the screen.

**Ron Leshnower's** *Fair Housing Helper for Apartment Professionals* was named a finalist in the Business: Real Estate category of the 2014 International Book Awards.

**Edie Meidav** has a new teaching post at UMass-Amherst's MFA program for Poets and Writers. She was also selected to be a judge for the Juniper Prize for Fiction and the Massachusetts Cultural Council.

**Ben Miller** was named a 2014–15 Fellow at the Radcliffe Institute at Harvard.

**Mark I. Pinsky's** *Met Her on the Mountain: A Forty-Year Quest to Solve the Appalachian Cold-Case Murder of Nancy Morgan* received the Independent Publisher Awards' gold medal in the True Crime category.

*The CoParenting Toolkit: The Essential Supplement for Mom's House, Dad's House* by **Isolina Ricci** was a 2013 USA Best Book Award finalist in the Family & Parenting category.

**Luanne Rice** received the 2014 Connecticut Governor's Arts Award recognizing excellence and lifetime achievement.

**Roxana Robinson's** *Sparta* received the 2014 Maine Literary Award for Fiction.

**Albert Russo's** *Léodine l'Africaine* was nominated for Belgium's Prix Victor Rossel. His archives are now available in Brussels, Belgium.

*Leaving Russia: A Jewish Story* by **Maxim D. Shrayer** was a finalist of the 2013 National Jewish Book Awards.

**Elizabeth Spencer** was awarded the 2013 Rea Award for the Short Story, which recognizes "significant contributions" to the short story form and is given annually to a living American or Canadian writer.

*Kirkus Reviews* and *IndieReader* included *Loving Andrew: A Fifty-Two-Year Story of Down Syndrome* by **Romy Wyllie** among their Best Indie Books of 2013. It was a Beverly Hills Book Awards finalist and a National Indie Excellence Book Awards finalist in the Parenting & Family category. *Loving Andrew* was a finalist for the Eric Hoffer Award program's Montaigne Medal and received an honorable mention in the Memoir category.

**Thomas Zigal's** novel *Many Rivers to Cross* received the Texas Institute of Letters' Jesse H. Jones Award for Fiction. ♦



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## Legal Roundup

*Continued from page 19*

cided in favor of the class-action litigants, clearing the way for the revised settlement.

Defendants have agreed to pay writers up to \$1,500 per work for registered stories. Writers who failed to register their copyrights will receive up to \$68.40 per article. The final agreement calls for a minimum award level of \$10 million in payments to writers, the same floor that was set in the 2005 settlement, and a maximum of \$18 million.

More information as to when payment will be distributed can be found at [www.copyrightclassaction.com](http://www.copyrightclassaction.com).

## It's Elementary: Sherlock Holmes, Watson Characters Are Public Domain, Says Appellate Court

Sherlock Holmes and his very own Boswell, Dr. Watson, belong to the ages. Now it's official. In a June 16 decision, the Seventh Circuit Court of Appeals ruled that the Sir Arthur Conan Doyle characters can be used without obtaining a license from the Conan Doyle Estate. The case provided a clear answer to literary estate executors—and to writers of fan fiction—as to the copyright status of serial fictional characters who were first portrayed in books belonging to the public domain, and subsequently appeared in books that remain under copyright.

Holmes and Watson are featured in 60 stories and novels published from 1887 to 1927. Most of these works are in the public domain. Only 10 of them—short stories published from 1923 to 1927—remain under copyright. The plaintiff, Holmes enthusiast Leslie Klinger, was asking the court to decide whether he was free to use the Holmes and Watson characters in an anthology of stories by contemporary writers inspired by Conan Doyle's work.

It's important to mention that the case was decided under the 1909 Copyright Act, which covers pre-1978 works. The 1909 act calculates copyright duration based on the year a book was published. A situation like this wouldn't arise under current copyright law, which ties copyright duration to the life of the author, so that all of an author's works enter the public domain at the same moment—70 years after death.

It's a fact of life under the 1909 act: when a fictional character appears repeatedly in an author's body

of work—like John Updike's Rabbit, Laura Ingalls from the Little House books or, in this case, Sherlock Holmes—there's going to be a point in time when some of those books are under copyright and some are in the public domain. The legal standard governing these situations has been fairly consistent. The sequels are treated as "derivative works," and to determine what is copyrightable in the characters depicted in them, courts apply what's known as the "incremental expression" test, which goes like this: the characters *as developed in the public domain works* are free for use, and only the elements *added* in works still protected by copyright remain protected by copyright. This was the standard applied by the Seventh Circuit. As a result, Holmes and Watson are free for public use. Only the traits and developments that were added from 1923 to 1927 remain under the control of the Conan Doyle Estate.

The Estate asked the court to depart from the prevailing "incremental expression" standard by distinguishing between "flat" (two-dimensional) and "round" (complex) characters. Properly, the court refused to engage in what would have amounted to an exercise in literary criticism. Judge Richard Posner dismissed this argument with one stroke of the pen: "What this has to do with copyright law eludes us," he wrote.

This decision will surely be taken hard by the Conan Doyle Estate, which had been extracting licensing fees from film and television studios looking to cash in on the recent bull market for all things Sherlock.

—Ryan Fox

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## Legal Watch

*Continued from page 24*

sional writers are "held to the skill and experience normally possessed by members of that profession" (i.e., how authors obtain information or make personal observations shared by sources). The court of appeals upheld the district court's conclusion that Capuzzo had ample evidence to infer that Crescenzo had had a sexual relationship with Bender, pointing to evidence that William Fleisher and Richard Walter, cofounders of the Vidocq Society and Bender's closest associates, had told Capuzzo during several interviews that they believed Crescenzo and Bender were long-term sexual partners; that in handwritten notes to Capuzzo, Jan Bender stated that Crescenzo and Bender often spent



"all night dancing and singing" and that Crescenzo was known as "the other wife"; and finally, that Bender himself had told Capuzzo that he regularly had sexual relations with Crescenzo. Thus, the court of appeals independently found that it was reasonable for Capuzzo not to seek further verification from Crescenzo about the existence of a sexual relationship with Bender.

Moreover, the court of appeals found that

### Monkey Do . . . Monkey ©?

A selfie taken by an Indonesian macaque has generated a beast of a copyright controversy this summer. In 2011, a British photographer named David Slater went to the island nation for a nature shoot, hoping to capture images of the crested black macaque, a primate known for its prominent, copper-toned eyes. After he traveled to the jungle destination at significant expense (fortune favors the bold), a female macaque got a hold of his camera and, entranced by the click of the shutter, began snapping self-portraits. Among many dud photos was a gem: one particularly well-framed shot of the monkey flashing a toothy grin, which went viral after *Wikipedia* posted it online without attribution, listing its status as "public domain."

Slater asked the Wikimedia Foundation to take the selfie down. The organization refused, arguing that Slater couldn't hold the copyright in the image—because it was created by a monkey. The U.S. Copyright Office would seem to agree, having interpreted "authorship" to imply that "for a work to be copyrightable, it must owe its origin to a human being. Materials produced solely by nature, by plants, or by animals are not copyrightable."

But Slater isn't convinced. The case made headlines this August when he suggested he may have to take the case to court to protect the financial investment in equipment and travel that made the photo possible. "For every 10,000 images I take," the photographer has said, "one makes money that keeps me going. And that was one of those images. It was like a year of work, really." It looks like we may have another monkey trial on our hands.

—Ryan Fox

Capuzzo's own observations bolstered the conclusion that a sexual relationship existed between Bender and Crescenzo. In the seven years he worked on the book, Capuzzo had learned that Crescenzo accompanied Bender to social functions and that the two shared hotel rooms with single beds multiple times. In deposition, Crescenzo herself had agreed that it would be reasonable to conclude that a man and woman had a sexual relationship if they stayed together in a hotel room. As Crescenzo provided no evidence to contradict these pieces of information and offered no reason to question the veracity of the evidence, the court of appeals affirmed the district court's decision that the defendants' summary judgment motion to dismiss should be granted. The court of appeals added that even if a jury agreed with Crescenzo and found the allegations of the existence of a sexual relationship to be false, no reasonable jury could find that Capuzzo's reporting was negligent with regard to his published statements.

Crescenzo also challenged the district court's conclusion that Penguin acted reasonably in relying on Capuzzo's work. In support of her challenge, she alleged that the e-mail she sent to Shinker informing him of the inaccuracies in the book triggered a duty for Penguin to fact-check the book independently prior to publication. The court of appeals disagreed, noting that publishers do not regularly employ fact-checking staff for nonfiction books, relying on the contractual warranties provision that requires nonfiction authors to affirm that their words are true. Shinker testified that none of the previous publishers he had worked for employed fact-checkers and that it would be unsustainable to do so given the volume of material published by companies like Penguin. The court of appeals also noted that Penguin had had the book vetted by outside counsel prior to publication. In the end, the court of appeals concluded that Penguin had no reason to doubt Capuzzo's work and that there was no dispute of material fact as to whether it had acted reasonably in following industry custom and relying on Capuzzo's warranties.

Last, the court of appeals affirmed the district court's dismissal of Crescenzo's false light invasion of privacy claim, noting, like the district court, that Capuzzo would have had to have known his statements were false or acted in reckless disregard of the statements' falsity for such a claim to stick.

—Michael Gross  
Staff Attorney



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## Amazon and Hachette Contract Dispute

*Continued from page 10*

a piece with the European response to the retailer. Amazon's behavior abroad has been similar to its bullying of its domestic market competitors—and European governments are taking notice. In fact, the terms the company is seeking to extract from UK publishers most likely point to its future course in the United States. A recent report by the UK trade publication *The Bookseller* details Amazon's introduction of untenable new clauses to its UK publishing contracts. One such clause provides that if a book is out of stock from the publisher, Amazon would have the

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**Amazon's behavior abroad  
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right to sell copies directly to its customers by way of Amazon's own print-on-demand facilities, where the distributor sees a higher profit margin. Another is a "most favored nation" clause stipulating that books cannot be sold for a price lower than Amazon's *anywhere*, even on a publisher's own website.

European governments, in the meantime, have been ramping up their responses. The French Parliament recently passed an "anti-Amazon law," preventing the retailer from offering free shipment of books. A German trade group recently filed an official complaint with Germany's Federal Cartel Office. [See Short Takes, page 4.] And the EU's Directorate-General for Competition is reported to have approached UK publishers over a potential investigation into Amazon's most favored nation clauses.

### The Invisible Hand-Out

Perhaps the most troublesome aspect of the clash has been the revelation of certain fissures developing in the author community—particularly between traditionally published authors and those published by

Amazon or by Kindle Direct. Encouraged, perhaps, by these differences of opinion among authors and readers, Amazon attempted to coax authors and public opinion to its side in early July, proposing that it and Hachette give Hachette authors all e-book revenue from sales on Amazon as long as the stalemate lasts.

The offer was made to Hachette on July 8, after it was sent to a small group of writers and agents, among them Guild president Robinson, who dismissed it as illusory. "If Amazon wants to have a constructive conversation about this, we're ready to have one at any time," she told *The New York Times*. But, she added, the proposal "doesn't get authors out of the middle of this." Hachette saw through the offer as well, calling it "baloney."

Publishing industry analyst Mike Shatzkin crunched the numbers, and the results, published on his blog, *The Shatzkin Files*, demonstrate just how much of the burden of Amazon's offer would be shouldered by Hachette:

So we have a \$10 ebook. Normally, Amazon would pay \$7 to Hachette and keep \$3. Hachette would *notionally* divide the \$7 as \$5.25 to Hachette and \$1.75 to the author. What Amazon proposed was that the author would get the whole ten dollars, Amazon would give up its \$3 and Hachette would give up its \$5.25.

This alone would be a raw deal for Hachette, but it gets worse. This math hasn't yet accounted for "unearned advances."

Hachette has already paid the author's \$1.75 in the advance for the lion's share of the sales that would be made under this deal if it were agreed to. So Amazon is giving up \$3 and Hachette is giving up \$7 on most of the books. And many of the authors, frankly, aren't entitled to even their own share on those sales (they already got it), let alone Hachette's (or Amazon's).

The bottom line is that this dispute must be resolved in a manner that protects authors' livelihoods. According to Robinson: "What writers want is a long-term healthy publishing ecosystem, not a temporary windfall."

In the aftermath of Amazon's offer, Richard Russo, novelist and a vice president of the Authors Guild, published an open letter [see page 8] that made the case for resistance to Amazon's quest for publishing dominance while at the same time recognizing the virtues of a diverse community of authors. Russo's inclusive gesture sought to find common ground between the interests of traditionally published and self-



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published authors, in response to rifts stirred up by the dispute. "What we care about," he wrote, "is a healthy [literary] ecosystem where all writers, both traditionally and independently published, can thrive."

## A Deal Soon?

Another open letter to Amazon, from Guild Council member Douglas Preston, called on the corporation to resolve the dispute "without hurting authors." Preston wrote, "It is not right to single out a group of authors, who are not involved in this dispute, for selective retaliation." He began circulating the letter in mid-June. By

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**What writers want is a long-term  
healthy publishing ecosystem,  
not a temporary windfall.**

**—Roxana Robinson**

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early July it had over three hundred signatures. By the time it ran as a two-page advertisement spread in the Sunday, August 10, edition of *The New York Times*, the letter had been signed by over nine hundred authors. A number of Authors Guild officers and many members were signatories, sharing Preston's wish that Amazon stop using writers as hostages. The Preston letter provoked responses from both Amazon and Hachette.

In the Amazon Books team's response, framed as "An Important Kindle request" and addressed "Dear Readers," the retailer sought to position itself as the steward of literary culture—and in the process ended up mangling a George Orwell quotation. Trying to equate the rise of e-books with the rise of paperbacks (and slyly referencing the government's 2012 collusion charges against five major publishers), Amazon quoted Orwell as having suggested that, when paperbacks entered the British marketplace back in the 1930s, publishers ought to have colluded to suppress them. On the contrary, as David Streitfeld pointed out

in the *Times*' Bits blog, Orwell was singing the praises of paperbacks, which were first brought to market by Penguin. What Orwell actually said, with a certain dry British wit, was: "The Penguin Books are a splendid value for sixpence . . . so splendid that if the other publishers had any sense they would combine against them and suppress them."

But the heart of Amazon's statement was a position repeated with mantra-like frequency by the company and its apologists: "E-books can and should be less expensive." In response, Authors Guild president Roxana Robinson cut right through Amazon's appeal to consumer's thirst for the lowest possible prices. "E-books, as well as print books," Robinson said, "represent intellectual labor, both from the author, who may have spent years writing the book, and from editors, copy editors, publicists and marketers who present the book in hardcover form. This requires intellectual effort and commitment, which are equally present in an e-book and a hardcover, and these costs must be recovered by the sale of either version."

Amazon's letter concluded by encouraging readers to send e-mails to Hachette addressing a list of talking points provided by the retailer. Hachette CEO Michael Pietsch responded by making public the e-mail he sent to people who contacted him. Pietsch's response took issue with Amazon's claim to be the only party enabling cheap e-books; he pointed out that more than 80 percent of Hachette e-books are priced at \$9.99 or less, and those that are priced higher are less than half the price of their print versions. He also stated that "all e-books do not belong in the same \$9.99 box."

Is the groundswell of anti-Amazon sentiment produced in the wake of this summer's standoff finally getting to the retailer? Its efforts to curry authors' favor certainly seems to suggest so. It has also been reported that Amazon recently extended Hachette its most generous offer to date. "A deal soon," reported the *Times* on July 13, "would not be a surprise." But that was some time ago. Whether or not this particular dispute is resolved in short order, what has been made clear this summer is that, in Amazon, the publishing industry is dealing with a savvy and disruptive force willing to ruthlessly pursue its dominance of the literary markets. With such a force at large, authors, no less than publishers, need to tread carefully. ♦



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## E-Book Subscription Services

*Continued from page 12*

- How do subscription models affect the out-of-print language in an author's agreement? The rise of these models is even more reason for authors to negotiate an income-based, as opposed to a copies-sold, threshold for determining when a title is out-of-print for purposes of rights reversion.

Absent a review of both an individual author's specific publishing contract and the contract between the publisher and subscription provider, the answers to these questions and many others are unknown. As always, our Legal Services department is here to assist you. The Authors Guild encourages publishers to act with transparency as to their relationships with subscription providers, giving authors full access to all details relating to the program and the publisher's participation, as well as the opportunity to approve inclusion of their work, or at a minimum, to opt out of the program.

If publishers are sufficiently transparent, this could be a viable opportunity for authors, particularly those who have recaptured rights from their books' original publishers. As subscription services continue to develop their lists, prospects could develop for authors to open new revenue streams by licensing their works directly to the subscription companies. But given the many unanswered questions these services pose, a skeptical optimism may be the best approach for now. ♦

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## CJ Lyons Interview

*Continued from page 17*

on details that they might have glossed over because they didn't realize they were an important part of the story—I was able to make diagnoses that colleagues had missed and literally save lives. I've been a writer all my life—I wrote my first two novels, which will never see the light of day, thank God!, when I was in medical school—and I think being a writer helped me be a better doctor. And certainly being a doctor gave me tons of material to use in my writing.

**Q:** What do you bring to the Authors Guild, both as a member and a Council member? What would you like to contribute to our community?

**A:** My hope is that I can help bridge the gap into this new world of publishing that Guild members are facing, whether they're traditionally published, or small press or indie published. It's something that we need to bond together for. I would love to see the power of that community build until we become a force to be reckoned with. Again, it's not just the writers; it's all of our readers.

If we could start to get rid of some of these draconian contract clauses or even shift the contracts to a new boilerplate, if we could educate people who want to pursue a career as an author so they don't have to go into it with fear—or, as you said earlier, help people who have been doing this for years and suddenly find themselves outsourced—we could give them answers and a sense of community so they feel like they're not alone. Because they're not. We're all in this together. Authors are not in competition with each other—readers just read too fast. Unless you can write a book a day, you can't keep up with them. We're really not competing with each other; we should be working together. ♦



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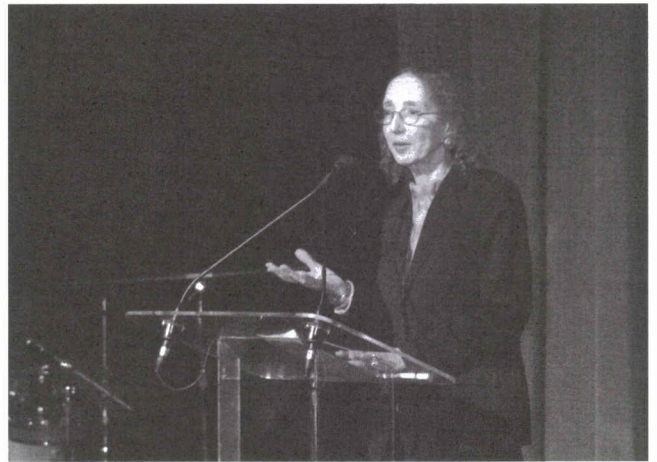
# Authors Guild Benefit Honors Joyce Carol Oates

The Authors Guild held its Annual Benefit Dinner on May 20 at the Edison Ballroom, honoring Joyce Carol Oates with its Award for Distinguished Service to the Literary Community, and celebrating that community with a spirit-lifting musical set from author James McBride and his Good Lord Bird Band.

The annual black-tie event raises funds for the Authors Guild Foundation and the Authors League Fund, which was founded in 1917. The Foundation educates authors about their rights and promotes the importance of writing, publishing, free speech and copyright; the Fund helps professional writers in dire financial need, often due to medical emergencies.

Former Guild president Roy Blount Jr. played master of ceremonies for the evening. Scott Turow, president of the Guild from 2008 until this spring, introduced his successor, Roxana Robinson, who confessed her delight in her new post as well as her initial hesitation about accepting it, for fear of what it might mean for her own writing. "So I talked to Scott [Turow] and asked him how the job affected his writing. 'I was able to write just fine,' he said, 'but it really put a dent in my law practice.'"

James Shapiro, Shakespeare scholar, critic and author, presented the award to Ms. Oates, saluting her



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**I am delighted to be here tonight, and  
delighted to hear the sounds of merriment.  
The sound of writers who are not writing.**

—Honoree Joyce Carol Oates

---

many contributions to American literary life, as storyteller, poet, playwright, teacher, mentor, critic and founder and longtime editor of the *Ontario Review*, which she was delighted to hear mentioned.

Ms. Oates expressed both her gratitude for the honor and her pleasure in being surrounded for an evening by "the sounds of merriment. The sound of writers who are not writing." In her remarks, she too sounded the note of community, talking of the rewards writing and teaching had brought her.

She concluded with a quote from Henry James suited to the evening's agenda: "Three things in human life are important: The first is to be kind; the second is to be kind; and the third is to be kind."

While the band warmed up and the guests cleaned their plates, James McBride riffed on what books and writers mean to the culture—"the last line of discourse in a world that's going mad"—and to him. "If it were not for William Saroyan, I could be out front with a baseball bat." Then the band named for a National Book Award winner let loose.

When the show was over, one of the first tweets tweeted was from Ms. Oates, who shot off a picture of the band's final encore, a rendition of "Mustang Sally" that brought the audience to its feet and three present or former Guild presidents bebopping onto the stage. A first, we believe. ♦



James McBride, center, and the Good Lord Bird Band.  
"Writing is the barbed wire," said McBride between sets.  
"Music brings me peace."



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*The Authors Guild, the oldest and largest association of published authors in the United States, works to protect and promote the professional interests of its members. The Guild's forerunner, The Authors League of America, was founded in 1912. The Authors League now serves the joint interests of The Authors Guild and The Dramatists Guild.*

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The Authors Guild, Inc.  
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## Membership Application

Mr./Ms. \_\_\_\_\_ Pseudonym(s) \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_ Zip \_\_\_\_\_

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How did you become interested in joining the Guild? (check one) ☐ Invitation ☐ Writing journal \_\_\_\_\_

☐ Referred by \_\_\_\_\_ ☐ Other \_\_\_\_\_

What is your primary reason for joining? ☐ Support and advocacy efforts ☐ Legal services ☐ Health insurance

☐ Site-builder and other Web services ☐ Other \_\_\_\_\_

Qualifying writers include book authors and freelance journalists. **Book authors** published by an established American publisher and self-published **writers** who earned at least \$5,000 in writing income as a book author or freelance writer in the 18 months prior to applying for membership are eligible. Writers earning at least \$500 in writing income in the 18 months prior to applying for membership may qualify for acceptance as Associate members of the Authors Guild. **Freelance journalists** must have published three works, fiction or nonfiction, in a periodical of general circulation within the last 18 months.

Book(s)	Title	Publisher	Year	Field/Genre
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Freelance articles	Title	Publisher	Mo./Year	Subject
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Please enclose a check for your first year's dues in the amount of \$90 payable to "The Authors Guild" or charge your Visa or MasterCard. Account No. \_\_\_\_\_

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