Courts, Congress, Europe Mull Over Mass Book Digitization
Bookflix? Start-ups Pitch E-Books by the Month
Sons of Anarchy's Sutter: Google Wants to Devalue Our Work
Roxana Robinson Is Elected Guild President
LETTER TO THE EDITOR

I n his December open letter to Guild members, Richard Russo lamented our growing “inability to make a living from authorship.” Oh, to have only that problem! The sad truth is, hardly any writers can dream of surviving on what we write. To give this assertion some statistical heft, consider these facts:

• A decade ago 950,000 of the 1.2 million books published in the United States sold fewer than 99 copies.
• Today a new book has a less than one-in-a-thousand chance of ending up on bookstore shelves.
• Half of self-published books earn less than $500.

These facts circumscribe the writing life for all but a very, very few. The rest of us write because we have to—because we love this slow and often agonizing process, the startling first sight of our words in print, and occasional words of praise from friends and even a critic or two. We write, and we try to earn a living, but rarely do these two endeavors overlap. The “writing life” Russo describes as endangered is as remote from our reality as the plight of polar bears is to pigeons foraging in Central Park.

This is not to say that I begrudge him his success, only that I feel that he misrepresents the mission of the Authors Guild. By definition, a guild is “an association of persons of the same trade or pursuits, formed to protect mutual interests and maintain standards.” As I see it, our mutual interest is not monetary, but professional. As published writers we all seek—and deserve—to be treated fairly and with respect in our quest to find publishers, communicate with them, negotiate contracts and have our work brought to light. Yes, I realize that the Guild offers members advice on drawing up contracts and protecting copyrights, but I am talking about something more fundamental and profound: this organization ought to lay out a set of principles governing relations between writers and publishers and use its collective power to see that these are honored.

—John V. H. Dippel
Salisbury, CT

ALONG PUBLISHERS ROW

By Campbell Geeslin

"W"hich classic writers do you think would have taken advantage of today’s literary openness?" That question was asked by Moira Redmond in The Guardian.

Redmond said Agatha Christie knew plenty about sex “but worked to sublimate everything to plot.”

Edith Wharton left explicit writing about sex in her papers, suggesting she might have been more open if she were writing today.

Evelyn Waugh “would pretend to turn up his nose—but sneak quite a lot of sex in there.”

Daphne du Maurier “would have rivalled Fifty Shades of Grey given the chance. . . . And it would have been much better written, too.”

THE FOUR: The New York Times’s Dwight Garner provided the names of the "four most influential young literary magazines in America." They are n+1, McSweeney’s, The Believer and Tin House. In a February review of MFA vs NYC: The Two Cultures of American Fiction, edited by Chad Harbach, Garner claimed that if he knew which one of the four you read, he could “tell you who you are.”

FORGOTTEN? Like the main character in his novel Grendel, John Gardner (1933–1982) has just about disappeared in the mists of time. For several years he was a major figure in American literature. Now, he and his almost 30 books seem to have vanished.

In addition to being a prolific novelist, critic and reviewer, he was an admired and influential writing teacher, a regular at Bread Loaf and a mentor to Raymond Carver. After his death, his lectures were published in On Becoming a Novelist (1983).

In it, he observed: “A poet to practice his art with success, must have an ear for language so finely tuned

Continued on page 25
OVERHEARD

"Since I was little, I’ve been obsessed with reading and collecting books. I always dreamed of seeing my book in Barnes & Noble and picking it off the shelf and holding it in my hands. That’s one thing I could never do with Wattpad."

— Ali Novak, 22, author of four novels that have appeared for free in serial form on the story-telling app Wattpad; The New York Times, March 24, 2014

ABOUT THE COVER ARTIST

Kevin Sanchez Walsh is a freelance artist and longtime contributor to the Bulletin. He can be reached at kswradiographic@gmail.com.
SHORT TAKES

HarperCollins Buys Harlequin for Its “International Footprint”

On May 2, HarperCollins announced that it’s acquiring Harlequin, the world’s largest romance publisher. News Corp., HarperCollins’ parent corporation, is paying $455 million for the publisher.

HarperCollins CEO Brian Murray told PW that Harlequin would act as a stand-alone division and remain in Toronto. Harper clearly has no interest in disrupting a good business. According to PW, Harlequin has long had among the best operating margins in publishing.

But it’s the publisher’s broad international reach that attracted Harper. About 40 percent of Harlequin’s revenues are from book sales in 30 foreign languages. “In one deal we have greatly expanded our international footprint,” Murray told PW.

Harlequin has also been particularly successful as a digital publisher, booking roughly a quarter of its revenues through e-book sales.

S&S Expands E-lending, Requires “Buy It Now” Button

In April 2013, Simon & Schuster began making its e-books available to libraries in New York City as part of a pilot e-lending program. The company has expanded access to 15 major libraries across the country, with a significant new requirement: participating libraries must include a “Buy It Now” button next to the titles, allowing patrons to buy copies easily via the publisher’s distributor, OverDrive. Library e-books are similar to paper books in that popular titles often develop long queues on the reserve list; Simon & Schuster’s expectation seems to be that reader impatience with long waits will prove a useful prompt to sales.

Self-Help Author Sentenced to 10 Years over Infomercial Claims

Kevin Trudeau, the bestselling author of The Weight Loss Cure “They” Don’t Want You to Know About and Natural Cures “They” Don’t Want You to Know About, has been sentenced to 10 years in prison by a judge in Chicago for making false claims in infomercials in order to sell more copies of The Weight Loss Cure. Trudeau had been barred from making such claims in 2004, when the Federal Trade Commission took issue with a series of infomercials he produced to sell a calcium supplement. At that time, the FTC “broadly ban[ned] him from appearing in, producing, or disseminating future infomercials that advertise any type of product, service, or program to the public, except for truthful infomercials for informational publications.”

The current conviction is for criminal contempt. This is not the first time Trudeau has been found in contempt of the 2004 order; the FTC has fined him $37 million in the years since. He was also sued by the Securities and Exchange Commission and the FTC in the 1990s.

The prosecutors in the current court case argued that Trudeau’s infomercials described the book’s weight loss plan as “a simple, no hunger . . . diet-free method of losing weight,” while the actual plan requires a severely low-calorie diet and hormone treatments. Trudeau has sold more than 850,000 copies of the book, earning him almost $40 million; his earlier titles were also bestsellers. The books were published by Trudeau’s company, Alliance Publishing Group.

Open Road Purchases Oldest E-book Distributor

Open Road Integrated Media has purchased E-reads, one of the earliest e-book distributors. E-reads was founded in 1999 and will add 1,200 titles to Open Road’s inventory. With the acquisition, Open Road now has a catalog of more than 4,000 titles, according to a post on the company’s blog titled “E-Reads Takes to the Open Road.”

The Digital Reader points out that the acquisition is part of a recent trend of e-book company mergers, “including 3M buying txtr in 2011, Penguin getting into bed with Author Solutions in 2012, and Firebrand Technologies acquiring eBook Architects in 2013.”

ReDigi Secures Resale Patent; 2013 Court Ruling Still Stands

ReDigi, an online marketplace that resells “pre-owned” digital music files, plans to move into e-books and audiobooks, was awarded a patent for “copy-less” digital transactions. The patent request was a response to a 2013 ruling in federal court, in a case brought by Capitol Records, that held that ReDigi’s process of moving a file from a user’s computer to the company’s cloud storage constituted reproduction, or copying, an infringement of copyright.

In an attempt to moot the objection, ReDigi says it has developed a means to “transfer” files, not copy them, and it plans to improve its current system, which purports to check whether files are legally eligible for resale and whether the originals have been removed from the first owner’s storage. [Note: Most copyright experts would find these steps insufficient. The odds that a market for “used” e-books will develop are remote.] ReDigi founder John Ossenmacher says that the patent and its attendant technology “readily [correct] early industry issues that have plagued digital retailing, including piracy.” He also told Computer World that “e-books and audio books are scheduled to be rolled out in the US and EU this year.”
ReDigi currently allows copyright holders to receive a share of income from the sales made through the site, an unusual arrangement in secondary market sales. However, copyright holders must register, or opt in, for this service.

“Goldman Sachs” Twitter Author Unmasked, Uncontracted, Re-upped

In February, the writer behind the Twitter account @GSElevator, which purported to quote from conversations overheard in the elevator at Goldman Sachs, was revealed to be John LeFevre, a former bond trader living in Texas who has never been an employee of the investment banking giant. LeFevre was under contract with Simon & Schuster to release a book in October titled Straight to Hell: True Tales of Deviance and Excess in the World of Investment Banking. Initially, the S&S imprint that purchased the book, Touchstone, released a statement confirming that it would move forward with the book. LeFevre’s editor, Matthew Benjamin, told The New York Times that LeFevre was “pretty straight with us the entire time, so this is not a surprise. That you’re writing about him speaks to the interest he’s generated. We always expected his identity to be revealed at some point.” After a few days of media heat, however, Touchstone canceled LeFevre’s six-figure contract. Two whole weeks passed before LeFevre was picked up by Grove Atlantic, also for six figures. The book is now scheduled for November release.

Founder of Sweden’s Pirate Party Among Victims of Massive Bitcoin Theft

Bitcoin’s largest exchange, Mt. Gox, experienced a massive theft of the currency on February 24, with about 744,000 coins found to have been taken over the course of some years—about 6 percent of all bitcoins in circulation, according to The New York Times. Among the individuals who lost money in the theft is Rickard Falkvinge, the founder and former leader of Sweden’s Pirate Party (Piratpartiet), a political group that believes in the reduction of copyright term lengths and in allowing any form of non-commercial sharing of copyrighted works.

In 2011, Falkvinge discussed his reasons for supporting the currency in a posting on his website, Falkvinge.net, titled “Why I’m Putting All My Savings into Bitcoin.” His interest, as he explained it, was largely tied to the privacy surrounding Bitcoin transactions and the “peer-to-peer” aspect of the exchange. He is reported to have lost $80,000, but told the Times he is still “absolutely bullish on Bitcoin.”

Bookselling News from Abroad

Polare, a 20-bookstore Belgium-based chain founded in mid-2013 by a Dutch investment company that bought out the Selexyz bookstores in the Netherlands, has declared bankruptcy. The news comes one month after the company closed its stores and temporarily stopped all online sales in order to regroup in the face of financial difficulties. One of the Polare stores may be purchased by a group of employees, but most are likely to be bought by other companies.

In France, booksellers operate under a 1981 law that fixes the price of books, though sellers may apply for a discount of up to 5 percent. In October 2013, the French government passed a law banning free book deliveries on discounted books. The European Commission is now reviewing this “anti-Amazon” bill, which would largely affect Amazon and other online booksellers; because the law touches on trade across national borders, the Commission must weigh in.

Apple’s Antitrust Monitor Returns to Work; Apple Appeals Price-Fixing Ruling and Requests Trial Be Moved to California

When Judge Denise Cote ruled last July that Apple had conspired with five publishers to fix prices for e-books, she authorized an injunction that restricts how the company operates its e-bookstore. The injunction set a staggered schedule on which Apple may renegotiate its contracts with the five publishers named in the suit, one every six months after

Harper Lee Reaches Settlement with Museum over Mockingbird Infringement

Last October, attorneys for author Harper Lee filed a trademark infringement suit against the Monroe County Heritage Museum of Monroeville, Alabama, the author’s hometown. [See p. 4, Summer/Fall 2013 Bulletin.]

The suit charged that the museum used as its web address tokillamockingbird.com, touted its building as the model for the novel’s courthouse, and in ways large and small—including the sale of unauthorized “Mockingbird” aprons, hand towels, magnets and keychains—sought to “capitalize on the fame” of Lee’s work.

Details of the settlement between the museum and the 87-year-old author were not released, but shortly after the announcement, the museum placed a notice on its website that its address was no longer tokillamockingbird.com but monroecountymuseum.org.
a two-year period. Judge Cote also appointed an antitrust monitor, Michael R. Bromwich, to ensure that Apple follows these procedures. Apple then requested that a stay be placed on the monitor and filed a complaint over Bromwich’s fees and what it saw as biased behavior against the company. Judge Cote rejected the request in January. Apple appealed the decision, but the appeals court ordered Bromwich back to work in February.

On February 25, Apple filed an appeal of Judge Cote’s July ruling with the Second Circuit Court of Appeals, stating: “Instead of a market dominated by a single retailer—Amazon—controlling 9 out of every 10 e-book sales, a competitive market emerged where output exploded and average price dropped. . . . [T]he district court’s ruling condemning Apple’s market entry as per se illegal turns the antitrust laws upside down. The court repeatedly applied the wrong legal standards, which led it to jump to the false conclusion of a price-fixing conspiracy from Apple’s lawful, unilateral, and pro-competitive business activities.”

Apple has also submitted a request to move its pending state and class-action trials out of New York. Attorneys for the company have requested that the state-based damages trial be moved to the Northern District of California and the lawsuits for damages over the agency model be moved to the Western District of Texas. Apple’s filing notes that the consolidation of these trials in New York was for pretrial purposes only and should now be separated and returned to the districts where the original lawsuits were filed.

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**Is the End Near? $10 Million Settlement of Freelance Suit Against Electronic Databases Moves Ahead**

After 14 years, do we have a settlement? On January 21, Federal District Court Judge George B. Daniels granted preliminary approval of a $10 million class-action settlement in *In Re Literary Works in Electronic Databases Copyright Litigation*. A ruling on final approval of the settlement will follow a fairness hearing slated for June 10 in Manhattan.

Authors who filed timely valid proofs of claim in accordance with the initial settlement in 2005 will receive payment; no new claims will be accepted, and additional works may not be added to previous claims.

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 decided in favor of the class action litigants in 2010, clearing the way for the revised settlement.

The amounts that will be paid to individual writers depend on a number of factors: the original fee paid for the article, the year it was published, whether the writer registered the copyright and whether he or she agrees to future use of the article in the databases.

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 revised settlement sets a minimum award level of $10 million in payments to writers, the same floor that was set in the 2005 settlement.

More information regarding the date of the approval hearing, the nature of the litigation and when payments to writers can be expected can be found at www.copyrightclassaction.com.
From the President

By Scott Turow

During my tenure the Guild celebrated the 100th anniversary of its parent organization, the Authors League of America, which was founded by a group of forward minded writers concerned about their profession’s lack of a unified public voice. They were spurred to action following a court decision, later overturned, that curtailed a writer’s control over dramatic rights to stories published in periodicals.

Since then, the Authors Guild has developed and adhered to certain principles as we work to build and preserve a literary ecosystem that works for authors. One, we believe that legal protection of authors’ literary property rights are essential; two, we believe that, to pursue their craft, writers need to be fairly compensated for their work; three, restrictions of free expression exact a heavy, unacceptable toll on readers, authors, and our society at large.

Looking back 100 years can make one nostalgic. The publishing industry is prone to that, fearful of change and wistful for a glorious Golden Age before all the bad stuff happened. At the Guild we have a different perspective, one that probably comes from hanging around for so long: change is continuous. It’s our job to do what we can to ensure that authors are fairly paid for their work as the book industry evolves.

Some things don’t change. The literary impulse is as alive and well today as it was in 1912. In 2014 we can say with certainty that there will always be books, there will always be authors, and there will always be readers. But will there always be a livelihood for authors? And for how many? Those questions took center stage during my four years as your president.

Copyright is unfashionable, derided as antiquated, under siege, but it’s absolutely essential to a healthy book market.

Paul Aiken Taking Medical Leave of Absence

Authors Guild executive director Paul Aiken, who announced in September that he has ALS, is taking a 6-month medical leave of absence. In the September announcement, Aiken said his symptoms were being held in remission by steroids, a novel treatment he’d stumbled upon by “dumb luck” when treated at an emergency room last May for a severe food allergy. Steroids continue to hold his ALS in check.

“The issue now is side effects from my treatment,” said Aiken. “Corticosteroids are powerful drugs with significant side effects at high doses. I’m working with several doctors to address the side effects and to seek alternatives to the steroids. This has taken an increasing amount of my time, leaving too little time to properly attend to my duties.”

While Aiken is on medical leave, Guild chief operating officer Sandy Long will be acting executive director. “Sandy’s been with us for seven years,” Aiken said, “and we’re lucky to have her. Before joining the Guild she held senior management positions with leading advertising and marketing firms and with Waldenbooks. She’ll work closely with general counsel Jan Constantine, who has been with us for eight years. The Guild is in very good hands.”

While on leave, Aiken will continue to work on select projects for the Guild.
“orphan works,” the very subjects of our Google and HathiTrust litigations.

Though the book industry has not sustained the damage experienced by the music business, book piracy is very much with us, highly profitable to those who traffic in the stolen works, and growing. Unfortunately, we have yet to see meaningful legislation aimed at stemming copyright infringement online. Tech companies, crying “censorship,” have succeeded in thwarting any attempts to reign in these criminal enterprises.

And then there’s Amazon, market maker and market destroyer, innovator and predator. To those of us paying attention, the shock wasn’t that the Justice Department waded into the book industry and filed a big anti-trust lawsuit. The shock was the target: five publishers allegedly colluding to make less money on each e-book sold. In the meantime, Amazon was threatening to monopolize the e-book market by selling under cost, thereby locking out competitors who couldn’t absorb the same losses. That the DOJ would examine our industry and not deal with Amazon remains baffling.

By sticking to our foundational guideposts—copyright protection, fair compensation, free expression—we’ve weathered the storms of the past century; as we navigate the coming century, we will continue to rely on them.

Authors must have the opportunity to attain a sustainable livelihood. This livelihood may look different than it did a century ago, fifty years ago, or even five years ago. Payment structures may change, the corporations and individuals who disseminate our work may change, and the particulars of our laws may change. Regardless, in our industry, writers—creators—are always at the center. Without you, we have nothing to publish, nothing to disseminate, nothing to download. Nothing to read.

I’m proud to live in a world where print books and e-books are equally loved and devoured by readers, researchers, and fellow writers. We have the best of both worlds. But we can’t lose track of the utter importance of copyright protection and fair compensation for our writing.

Thank you for allowing me to work with you for the past four years. It has been a privilege.

Roxana Robinson

At the Authors Guild’s annual meeting on March 12, members elected Roxana Robinson as their president. Ms. Robinson is the author of five novels: *Cost*, *Sweetwater*, *This Is My Daughter*, *Summer Light* and *Sparta*; three collections of short stories; and a biography, *Georgia O’Keeffe: A Life*, which was short-listed for the National Book Critics Circle Award. Ms. Robinson’s fiction has appeared in *The Atlantic*, *The New Yorker*, *Harper’s*, *Daedalus*, *The Best American Short Stories* and elsewhere. Her essays and reviews have appeared in *The New York Times*, *The Boston Globe*, *The Washington Post*, *Vogue* and *Travel & Leisure*. She has served on the Authors Guild Council since 2005.

“As writers,” Ms. Robinson said after her election, “we are living in very interesting times. The challenges are huge, and I am thrilled to be a part of it all. We’re going to move ahead, we’re going to extend our membership, we’re going to continue to offer practical help and advice and a sense of community to our writers, and we’re going to continue to support the craft of writing.”

Council members Peter Gethers, Annette Gordon-Reed, Nicholas Lemann, Douglas Preston, Michelle Richmond, Cathleen Schine, James Shapiro, and Monique Truong were re-elected and have been joined by new Council member CJ Lyons, a prolific and bestselling author of medical thrillers, who has published independently and with traditional trade publishers.
NYT Magazine’s Ethicist to Textbook Authors: It’s Ethical, and Maybe Even Legal, to Steal Your Work.

BY PAUL AIKEN

Yes, it’s gotten that bad. In his March 30th “The Ethicist” column for The New York Times Magazine, Chuck Klosterman tackles this question:

I am a public-school teacher with a limited budget for supplies. Is it unethical to illegally download copyrighted instructional materials for use in my class?

—BEN L., BROOKLYN

Klosterman’s answer?

It is not. In fact, it’s sometimes not even illegal. In 1976, Congress created copyright exceptions for educational purposes. Copyright law allows “face-to-face” exhibition and presentation of a copyrighted work, assuming the purpose is academic. There is also the doctrine of fair use, which states that copies “for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship or research, is not an infringement of copyright.

From Seattle on Monday morning, Council member Steve Manes sounded the alarm. “Time for truth to get its boots on,” he wrote, “pronto.” Steve then quickly pointed out how Klosterman had misread two sections of the Copyright Act.

Steve concluded, “Sorry to get all hot and bothered about this, but it’s the kind of thing that will get quoted and linked to again and again by the information freeloaders. Somebody needs to demand that the Times correct this… Time is of the essence.”

I spoke with Roxana Robinson, and general counsel Jan Constantine and I had our marching orders.

Dan Okrent, former public editor of the Times and current Council member, helped guide Jan and me to the right people at the paper. We spoke and emailed with those people and Jan got in touch with people she knew at the Times’ legal department. We made little headway. The next day, Jan wrote to John Haskins, managing editor of the Times Magazine:

Dear Mr. Haskins:

I’m writing to request an urgent correction, both in print and online be made to Sunday’s Ethicist column, “Piracy 101,” by Chuck Klosterman. He is advising readers to break the law.

Briefly, a teacher may display a copyrighted work in a classroom, but only if the work is “lawfully made.” Mr. Klosterman plainly describes a situation involving an illegally made copy. That restriction is clear, and it’s in the same paragraph of the statute that permits the display, Section 110 (1) of our copyright law.

He then mangles fair use. Classroom uses are among many uses that may be deemed fair, but only after weighing various factors, including whether an entire work is taken. The chances of this being deemed a fair use are vanishingly slim, as in nonexistent. Once again, crystal clear, in a compact statute: Section 107 of our copyright law.

I will be sending a letter to the editor about this shortly.

Sincerely,

Jan Constantine

The Times never corrected its erroneous statements on copyright law. It did print Jan’s letter to the editor, however:

In his “Piracy 101” column on March 30, Chuck Klosterman writes that it may be lawful and ethical for a teacher with a limited budget to download copyrighted instructional materials and use them in class without paying for them. He’s flat-out wrong. He’s right in saying that a teacher may display copyrighted work in a classroom, but only if the work is “lawfully made.” That restriction is clear, and it’s in the same paragraph of the statute that permits the display. He then grossly mischaracterizes fair-use law. We urge Mr. Klosterman to download Circular 21 from the Copyright Office. It’s free and provides helpful guidelines for teachers. A tight budget doesn’t make it ethical to deprive textbook authors of their livelihoods.

So, there you have it. The Times’ unwillingness to concede error hands Steve Manes’s information freeloaders a small victory: the paper of record says this may be a fair use. The Grey Lady mangles black-letter law, and copyright, our ticket to ride in the free market, gets needlessly dinged up.
Google’s Anti-Copyright Stance Is Just a Way to Devalue Content That’s Bad for Artists and Bad for Consumers

BY KURT SUTTER

Hollywood and its activists always make for a convenient and easy punching bag. Public opinion gets wildly distorted, so folks perceive us as decadent spendthrifts who drive to work in gold Maybachs, where we dabble in our “art,” while minions massage our feet and feed us the marinated roe of endangered species. Other than Diddy, that’s just not the case.

And man, this manipulation is getting fucking dangerous.

Let’s consider the March 11 anti-copyright rant in Slate by Marvin Ammori, a lawyer working for Google (which somehow he forgot to mention in the article). He compares Hollywood to that insidious “ex who won’t give up” pursuing you and making your life miserable. As a guy with more than a few exes, I have to tell you, Marv, the most insidious ex is the one who hides the truth, steals your money, and lies to all your friends. That’s what Ammori and Google are doing.

Clearly, I’m not a lobbyist. I don’t think you’re allowed to say “fuck” in lobby school. Or at least, I’m sure there’s a fuck cap, which I’ve already exceeded. I’m a writer who makes his living in television and film (The Shield, Sons of Anarchy, Outlaw Empires.) I create dramatic content. I’m blessed. I get paid a lot of money to do something I love. I wouldn’t trade the 80-hour weeks, the psychiatrist bills, the death threats, the hostile-work-environment claims, or the fact that I have to reintroduce myself to my children every hiatus for anything. But make no mistake: I work hard to create my content. So do the hundreds of people I employ who work with me every day.

So does every other writer, producer, director, actor, musician, tech developer, and artist out there. We all commit and burn to do what we love.

Everyone is aware that Google has done amazing things to revolutionize our Internet experience. And I’m sure Mr. and Mrs. Google are very nice people. But the big G doesn’t contribute anything to the work of creatives. Not a minute of effort or a dime of financing. Yet Google wants to take our content, devalue it, and make it available for criminals to pirate for profit. Convicted felons like Kim Dotcom generate millions of dollars in illegal revenue off our stolen creative work. People access Kim through Google. And then, when Hollywood tries to impede that thievery, it’s presented to the masses as a desperate attempt to hold on to antiquated copyright laws that will kill your digital buzz.

It’s so absurd that Google is still presenting itself as the lovable geek who’s the friend of the young everyman. Don’t kid yourself, kids: Google is the establishment. It is a multibillion-dollar information portal that makes dough off of every click on its page and every data byte it streams. Do you really think Google gives a shit about free speech or your inalienable right to access unfettered content? Nope. You’re just another revenue resource Google can access to create more traffic and more data streams. Unfortunately, those streams are now pristine, digital ones of our work, which all flow into a huge watershed of semi-dirty cash. If you want to know more about how this works, just Google the word “parasite.” And if you think I’m exaggerating, ask yourself why Google spends tens of millions of dollars each year to hire lawyers and lobbyists (like Marv) whose sole purpose is to erode creative copyright laws.

Do they do this because they hate artists? No. They do it because they love money.

Every writer, producer, actor, musician, director, tech wizard, and fine artist working today needs to be aware of what this all means for our future—we will lose the ability to protect and profit from our own art.
work. Every kid out there who aspires to be an actor or musician or artist: This is your future that’s at stake. More importantly, everyone who enjoys quality entertainment: This impacts you most of all. Content excellence cannot sustain itself if it loses its capacity to reward the talent that creates it. Consider this clunky analogy: If your local car dealership started selling your favorite luxury car for $1,000, then $100, then started giving it away, what do you think would happen to the quality of that vehicle? Before long, the manufacturer would be forced to let go of the skilled laborer, the artisan, and the craftsman, and eventually cut back on everything in the production process. And before long, that fabulous, high-end car you so enjoyed will be a sheet of warped plywood on top of two rusty cans.

Yep, it’s cheap, and it’s shit.

Look, whether you think I’m an idiot or a prophet (ironically, that’s the name of my new autobiography: *The Idiot Prophet*), at the very least, I hope you take away a few things from this, whatever the hell this is.

1. At this point, we are not talking about legislation or throwing handcuffs on any single party. We don’t want blood. Voluntary agreements are simply a place to start. It means sitting down to begin a fair, open dialogue to find a solution that gives consumers the access and tools they need, while still protecting the livelihood and rights of content creators. This means that everyone is welcome to the table—artists, corporations, consumers, Google ... hell, bring along Marvin and all his exes!

2. Voluntary agreements can bring strange bedfellows together. The creative industry is now working with ISPs on the Copyright Alert System, a voluntary, cooperative effort to let subscribers know when their network might be used for illegal downloading. And it was created with input from public interest groups, including Public Knowledge, the Future of Privacy Forum, and others.

3. No one benefits from piracy except the criminals and the portal that opens its doors to them. Stealing content may feel like a win, but supporting piracy will ultimately diminish the quality of the content you’ve come to love and depend on. Google and the other copyright killers will tell you the opposite to assuage your burden of guilt and theirs, but again, it’s in their best interests to do everything and anything that serves their current bottom line.

4. Diddy drives a solid-gold Maybach, never wears the same Rolex twice, and his boxers are made of the fur of baby pumas he kills with his bare hands.*

*This intel may not be accurate; I found it all on Yahoo.

Kurt Sutter is a writer-creator, producer, and director in Los Angeles. This piece was originally published on Slate March 14, 2014, and is reprinted here with the permission of the author and The Slate Group.

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Guild Advocacy Update: It’s All About Mass Book Digitization

By Ryan Fox

On April 7, 2014, the Authors Guild filed a brief appealing last fall’s decision in Authors Guild v. Google; we still await a ruling on our appeal of a fall 2012 decision in the related HathiTrust litigation.

The Google brief, submitted to the United States Court of Appeals for the Second Circuit, argues that Google has monetized millions of copyright-protected books without permission or payment in order to gain an advantage over its competitors. We also contend that the 2013 district court decision that is the basis of this appeal is deeply flawed in its application of the fair use doctrine.

A week later, eight stinging friend-of-the-court briefs were also filed in support of the Guild’s appeal; these were signed by prize-winning authors, international rights organizations and legal experts, among others.

This litigation began when the Guild took a stand against the unauthorized copying of entire libraries of books—otherwise known as mass digitization—by bringing a class action copyright infringement suit against Google back in 2005. After years at the negotiating table, the parties proposed a settlement, which was rejected by a court in early 2011. The Guild pressed ahead with its suit, but last November a district court found that Google’s large-scale copyright infringement was a fair use of copyrighted material.

The related HathiTrust case began in the fall of 2011, when the Guild, along with authors’ groups from around the world and a contingent of individual authors, sued Google’s partners—the digital book repository HathiTrust and five universities—over their storage and use of millions of copyrighted books. In October 2012 a district court found the defendants’ copying within the bounds of fair use. On appeal the author-plaintiffs argued that fair use was never intended to govern the wholesale copying involved in mass digitization projects.

We remain hopeful that the final outcome in both these cases will prevent fair use from being applied to mass digitization and ensure authors’ rights in the digital age.

Guild Proposes Collective Licensing Solution, Enabling National Digital Library

The issues raised in these cases are being addressed by Congress in ongoing hearings on copyright reform. [See page 13]. On April 2, 2014, Authors Guild General Counsel Jan Constantine headed to the Capitol to testify before the House Judiciary Committee on the mass digitization of books and the so-called “orphan works” problem, which arises when a work is protected by copyright but its rights holder can’t be tracked down.

The Guild proposed that Congress empower the creation of a collective licensing organization to deal with both mass digitization and “orphan works.” Such an organization would pave the way for a true national digital library, but it would have to be limited in scope. The licenses would cover out-of-print books only, and would only cover display uses, in order not to disrupt existing commercial markets; the licenses would be non-compulsory, allowing authors to opt out; and a tribunal would be created to which appeals could be made if the licensing agency and an institution couldn’t agree on the fee to be paid.

A collective licensing solution like the one we proposed would make millions of out-of-print copyrighted works available not only in our great research libraries, but also for display on computer screens at our nation’s smallest colleges and most remote rural libraries—and in their full versions, not just the “snippets” offered by Google.
Europe Is Acting, and the U.S. Should Too

Collective licensing agencies are already in place around the world. In the United States, mass digitization and other fair use disputes have played out largely in courtrooms, but across the Atlantic, the approach has been different.

The European Union possesses nothing resembling the flexible, judge-made doctrine of fair use that governs many of these cases in the U.S. Here, as we saw in the recent House Committee hearing on fair use, Congress tends to act only when courts can’t get it right. In Europe, when the rights of creators are challenged by a new phenomenon such as mass digitization, the balance is struck by the assembly, not the judge.

As early as 2011 the European Union issued a memorandum to member states urging them to solve the problem of “orphan works” in the mass digitization context by establishing licensing agreements between libraries and collecting societies—organizations that receive and distribute licensing fees to authors and publishers. This is known as collective licensing. Often, to ensure that as many works as possible are subject to the licensing arrangement, governments will require that a rights holder must “opt out” of the arrangement. This is extended collective licensing. France got the memo and passed extended collective licensing legislation in 2012. Germany followed in 2013. Nordic countries have been using this system for the better part of 50 years, with uncontested success.

Currently, the E.U. has opened for public comment a review of E.U. Copyright Rules. The questionnaire explicitly addresses the possibility of facilitating mass digitization on the basis of extended collective licensing. Participants are asked to address the possibility

A licensing solution like the one the Guild has proposed would make millions of out-of-print copyrighted works available not only in our great research libraries, but also on computer screens at our nation’s smallest colleges and most remote rural libraries. And authors would be paid for the use of their works.

Congressional Hearing:
Is Google’s Mass Book Digitization a Fair Use?

By Ryan Fox

Authors Guild v. Google took center stage at a recent Congressional hearing on fair use, with copyright professors from American University Washington College of Law and Columbia Law School taking opposing views on whether Google’s mass digitization of books should be deemed fair. The hearing, held January 28 by the House Judiciary Committee Subcommittee on Internet/IP, is part of an ongoing Copyright Office/legislative/administrative push to update U.S. copyright laws.

This round, the committee examined the interpretation and scope of fair use, focusing on two questions: whether judges have improperly expanded the fair use doctrine, and whether the legislature ought to intervene to give courts clearer guidance.

Few doubt that courts have expanded the fair use doctrine over the past 20 years. At issue is whether this expansion is consistent with the purposes of copyright law. To that end, committee members focused on understanding what courts mean when they ask whether a use of a copyrighted work is “transformative”—an inquiry that has become increasingly central to the fair use determination, as demonstrated by Judge Denny Chin’s recent ruling which extended the doctrine to excuse Google’s wholesale copying of entire libraries of books, holding it to be “highly transformative.” The Guild is appealing that decision.

Defining Fair Use and Its Recent Expansion

Fair use is an exception to United States copyright law’s grant of the exclusive rights in a work to its author. It permits a work to be used in ways that otherwise would be considered copyright infringement, in order to enable socially beneficial activities such as commentary, journalism, teaching and research.

The doctrine of fair use, first developed by judges in the mid-nineteenth century, was codified in the U.S. Copyright Law of 1976. By then, judges were determining whether an unauthorized use of a copyrighted work was fair by looking primarily at four factors, to be balanced on a case-by-case basis. Although judges are free to consider other factors, these four are written into the 1976 statute: (1) the “purpose and character” of the unauthorized use, which largely hinged on
whether the use was commercial in nature; (2) the nature of the copyrighted work (the use of factual material being more likely to be considered fair than the use of highly creative material); (3) the amount and substantiality of the copyrighted work used; and (4) the effect of the unauthorized use on the potential market for or value of the copyrighted work.

In the immediate wake of fair use’s codification, courts leaned heavily on the first and fourth factors, with the result that an unauthorized use that was highly commercial could rarely be considered fair. In *Campbell v. Acuff-Rose*, a 1994 case addressing the hip-hop group 2 Live Crew’s parody of Roy Orbison’s “Oh, Pretty Woman,” the Supreme Court intervened to remedy what many had come to see as an improper balancing of the factors. In doing so, the Court articulated a new approach to the first fair use factor. In determining the “purpose and character” of the unauthorized use, courts should not only inquire into the commerciality of the use, but should also ask whether the new use is “transformative,” that is, whether it “add[es] something new, with a further purpose or a different character, altering the first [work] with new expression, meaning or message.” The transformative nature inquiry quickly assumed dominance, catalyzing the rapid expansion of the fair use doctrine in the two decades since.

### Is Copying Entire Books Transformative?

First up was Professor Peter Jaszi from American University Washington College of Law. Jaszi contended that judges’ application of the fair use doctrine has been proper, even in its broadened state, and thus no legislative reform is necessary. Since the inception of the doctrine, critics have claimed that because fair use is determined based on the specific—and quite different—facts of each case, potential users of copyrighted material are left with little guidance as to whether their intended use would be considered fair.

Jaszi countered this, pointing to recent research claiming the doctrine is actually more “patterned and predictable” than its critics feared. Such claims of predictability, however, tend to ignore the fact that in the past 20 years the cases most central to the development of the doctrine have arisen in contexts not previously contemplated by Congress and the courts: musicians sampling and repurposing previous pop music; search engines displaying thumbnails of copyrighted images in search results; and, most recently, mass digitization *a la* Google.

Professor Jaszi appeared to view the expansion of fair use to encompass projects like Google Books as a natural and proper consequence of courts’ valuing the transformative nature of a given use more highly than its commerciality or its effect on the potential market for the copyrighted work. To this point, his testimony suggested that the transformativeness inquiry has become dominant because “most of the value-added uses that had been recognized as fair in decided cases were both public and commercial.” That is, although these uses turned a profit, they also provided some social benefit, such as enabling artistic parody. Professor Jaszi also noted that there is often more to the fair use analysis than the four factors, pointing to the “public interest” in the Google Books project.

Professor June Besek, Executive Director of the Kernochan Center for Law, Media, and the Arts at Columbia Law School, took a sharply opposed position, arguing in written testimony that “fair use is not a carte blanche to make unlimited use of others’ work, even for a socially beneficial cause.” In her oral testimony, Besek conceded that the goal served by digitizing libraries does serve a public interest, but strongly emphasized that “it matters how we get there.” Unauthorized copying of massive amounts of copyrighted works, she argued, shouldn’t be “shoe horned into fair use.”

She pointed out that the Supreme Court originally embraced the concept of transformativeness in the context of a second author’s creation of a new work. But while the transformativeness inquiry arose in the context of artists using *parts* of copyrighted works in order to produce their own original works, the expansion of fair use, especially in light of recent mass digitization decisions, could now potentially excuse the copying of *entire* copyrighted works so long as such works are put to new *purposes*.

Professor Besek took the position that the expansion of fair use threatens to crack the bedrock of copyright law. “The fair use pendulum has now swung too far away from its roots and purpose,” she stated.

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*Although there may be aspects of the copyright law that could benefit from modest updating to make them more appropriate to the digital age, fair use is not one of them.*

—Professor Peter Jaszi, Washington College of Law

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“now enabling new business models rather than new works of authorship.” One major problem resulting from courts’ application of fair use to mass digitization cases, is that the sheer volume of works that are copied in mass digitization projects prevents the sort of case-by-case analysis that traditional fair use is based on. “It’s as though courts are according some kind of "volume discount" for fair use,” she wrote, “where a massive taking justifies a lower level of scrutiny.”

Professor Besek came the closest of any of the witnesses to arguing for legislative intervention. When judges’ application of the doctrine becomes too narrow or too expansive, legislative intervention may be appropriate. She suggested that Congress might separately address the problems ushered in by mass digitization projects, including “whether authors should be compensated for publicly beneficial uses,” which is not an option under the current fair use statute.

The non-professors speak

Three additional witnesses offered testimony. Naomi Novik, author of the Temeraire series of fantasy novels and co-founder of the Organization for Transformative Works, a group dedicated to establishing the legality of fan fiction and similar works, made the case for “remix community” members who might not have the means or resources to license the source material their fiction derives from.

David Lowery, founder of the alternative rock band Camper Van Beethoven and lecturer on the economics of the music business at the University of Georgia, argued that no legislative fix to fair use is needed in the music business. Asking permission to sample another artist's work is easy and common, and existing licensing provisions for compensating composers and songwriters whose works are sampled are working, while in no way harming the artists and labels that pay to use those samples.

Kurt Wimmer, General Counsel of the Newspaper Association of America, noted that journalism has been hit particularly hard by the proliferation of digital platforms, with newspapers generally footing the bill for the production of original content that is easily appropriated by news aggregators and other online entities. Nonetheless, Mr. Wimmer argued that the current formulation of fair use should not be changed by Congress, since the “the long arc of the common law will, over time, result in workable fair use decisions.” He warned, however, that the recent undue weight given to transformativeness “risks eroding fundamental copyright protections” and expressed hope that the current imbalance will be corrected over time.

Guild Advocacy Update

Continued from page 13

of extending a collective license agreement across the E.U., so that orphan works could be accessed throughout Europe while rights holders from anywhere in the Union would be compensated for uses of their works.

In January 2014 the U.K. solicited public responses on the issue as well, announcing that it is “committed to the introduction of a U.K. scheme to license orphan works.”

Collective licensing agreements have never found much favor in this country, which is not to say the cause is lost. They were the subject of roundtable discussions hosted by the U.S. Copyright Office on March 10-11, in which Jan Constantine participated. In the wake of those discussions the Copyright Office has spoken approvingly of exploring a collective licensing solution to the problems raised by mass digitization and “orphan works.”
Print Holds Its Own

BY KAREN HOLT

Following years of explosive growth that raised fears—or, for some, hopes—that e-books would make print obsolete, digital book sales cooled in 2013. Combine that with reader surveys revealing strong flexibility on format, and print books are looking remarkably resilient.

In 2013 publisher revenues from trade e-books actually fell about 1 percent, to $1.47 billion, according to the Association of American Publishers, which tracks the sales of distributors and 1,200 publishers. For the same period, total trade sales for these publishers rose by 1 percent to $15.06 billion.

While adult trade paperback and mass market sales slipped, 9.3 percent and 7.7 percent respectively, one print format had a stellar year: Adult hardcover sales rose 9.7 percent compared with 2012.

Breaking the numbers out further, e-books as a percentage of children’s sales fell to 10.9 percent from 13.9 percent the previous year. On the adult side, e-books accounted for 26.6 percent of sales, versus a 2012 market share of 25.9 percent.

Staying the same wouldn’t typically be news. But consider the trends of prior years. Measured by units, e-book sales rose 43 percent in 2012, according to BookStats, an annual report that attempts to capture the size and scope of the entire book market, not just publisher revenues. BookStats also said e-book trade sales by dollar rose a whopping 45 percent in 2012 to $3.04 billion, accounting for 20 percent of the total market, up from 16 percent in 2011. Even that 45 percent increase in dollar sales looks modest compared to the growth in the years immediately preceding. Between 2008 and 2012, e-book sales skyrocketed by 4,660 percent.

That breakneck pace gave rise to overheated predictions, as exemplified in a 2011 Forrester Research survey in which publishing executives said they expected that by 2014 half of all units sold would be e-books, “although it was not clear at what price e-books will be sold.” Given that the survey was conducted while publishers were in the heat of the battle over Amazon’s loss leader e-book pricing, the executives may have been speaking more out of anxiety than from data-driven market analysis.

Yet another set of statistics, this based on consumer surveys, confirms the slowed growth of e-book sales. For the first half of 2013, e-book sales accounted for 14 percent of consumer spending on books, up just 1 percent from the same period in 2012, according to Bowker Market Research. That’s a significant slow-down compared to the 4 percent market share increase in 2012.

Of course, triple- or even double-digit sales growth in any industry is rarely sustainable for long, as Mark Coker, founding CEO of e-book publisher and distributor Smashwords, acknowledged in his predictions for 2014. Coker is as bullish on e-books as ever—and expects digital sales by unit will go up this year—but he also anticipates a decrease in dollar volume of sales.

“This will be driven by price declines among major publishers and by the slowing of [reader] transition from print to screens,” Coker wrote in a blog post. “Although readers will continue migrating from print to screens, the early adopters have adopted and the laggards will shift more slowly.”

The outlook for print looks even brighter when you go beyond sales figures to look at reader surveys about format preference. As far back as the summer of 2012, another Bowker report found that when asked whether they favor digital or print, readers were becoming more likely to answer: both.

“The percentage of e-book consumers who exclusively or mostly purchase book content in e-book format has decreased from nearly 70 percent in August 2011 to 60 percent in May 2012,” according to Bowker.

Who’s reading in what form?

28 percent of a Pew Research sample read at least one e-book last year.
87 percent read a print book as well.

“Over the same period, the percentage of survey respondents who have no preference for either e-book or print formats, or who buy some genres in e-book format and others in print, rose from 25 percent to 34 percent.”

In January, a Pew Research study found similar attitudes and habits. Asked whether they had read an e-book in the past year, 28 percent said yes, compared to 23 percent in a 2012 survey. But of those reading e-books, 87 percent had also read a print book. In fact, even as e-books grew in popularity, so did print books. The percentage of respondents saying they had read a print book rose from 65 percent in 2012 to 69 percent in 2014.

“Though e-books are rising in popularity, print remains the foundation of Americans’ reading habits.”
the researchers concluded, “Most people who read e-books also read print books and just four percent of readers are ‘e-book only.’”

This openness to multiple formats is also seen among audiobook users. Though audiobooks still appeal to only a minority of readers—14 percent according to Pew—among that group, 84 percent also read a print book last year and 56 percent read an e-book.

None of this is to say we’ve seen the end of digital sales growth. Pew’s study shows younger readers are more inclined to read e-books, and that the number of people owning e-readers is growing quickly. Both signal a robust future for e-books. But it seems the rise of one format doesn’t have to mean the quick demise of another.

The most encouraging finding of the Pew study: the number of respondents saying they’ve read a book in any format over the previous 12 months ticked up from 74 percent to 76 in two years.

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**Author Paul Brodeur’s Papers Find a New Home**

*Bulletin* readers may remember a piece by member Paul Brodeur that appeared in the Fall 2010/Winter 2011 issue entitled “Donor Beware: A Breach of Trust at the New York Public Library.” It described the library’s proposal to dispose of three-quarters of the collection he had donated nearly 20 years earlier and the library’s initial refusal to return the collection to him so he could place it elsewhere. The dispute has since been resolved, and in February, the Howard Gotlieb Archival Research Center at Boston University took possession of the full collection.

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**Bookflix? Start-ups Pitch E-books by the Month or to Keep**

By Karen Holt

Which of a handful of hopeful contenders will emerge as the “Netflix for books”? Do readers even want such a service?

These are questions the publishing industry is waiting to see answered as e-book subscription start-ups bet that consumers will not only continue to embrace digital, but buy into a fundamental change in the way they sample and acquire books as well.

The current contenders let readers pay a flat monthly fee for titles, a model their founders say will encourage consumers to take a chance on books they might not check out otherwise and increase reading by making it more affordable.

The two main rivals, New York-based Oyster and San Francisco’s Scribd, launched services last fall with similar business models. Subscribers can read as many e-books as they want for $8.99 a month at Scribd and $9.95 a month at Oyster. This winter, Silicon Valley start-up Epic! began an “all-you-can-read” children’s book service for $9.99 a month. On all three, subscribers’ monthly picks remain available to read as long as the subscription is active.

In December, the North Carolina–based Entitle (formerly eReatah) launched an e-book subscription with a twist. For $9.99, subscribers can choose two books a month. More voracious readers can pay $14.99 for three books a month or $19.99 for four. What distinguishes Entitle’s model is that consumers actually purchase the book, instead of just the right to read it; once they stop subscribing, they keep the titles they acquired. Readers of a certain age will be comparing Entitle’s deal not to Netflix but to Book of the Month Club.

For many readers, the catch with most of these services is that they are heavy on backlist and small press books, at least for now. On a recent visit to Scribd’s website, for example, the first titles that showed up under the “Best Sellers” heading for Fiction and Literature were Kurt Vonnegut’s *Slaughterhouse-Five* and two Neil Gaiman titles, *Neverwhere* (1997) and *American Gods* (2001). Though some big publishers are offering selected titles—HarperCollins has arrangements with Entitle, Scribd and Oyster—readers eager to get the newest release from a major publisher will likely have to look elsewhere.
Entitle boasts that it has more current or recent releases than its competitors, thanks to deals with multiple major publishers. In early March, the first title listed under its “Best Sellers & New Releases” heading was Jeannette Walls’s 2006 memoir *The Glass Castle*. But that was followed by two summer 2013 releases, *Revenge Wears Prada* by Lauren Weisberger and *Tamarack County* by William Kent Krueger.

Hundreds of thousands of self-published titles are also available on Scribd and Oyster, through a distribution agreement with Smashwords.

For now, these subscription services are more of an interesting experiment than a transformative idea. No company yet has the clear advantage, or even a track record to show its model is sustainable. It remains to be seen whether devoted library e-book readers are willing to pay for what they already get free, just a little faster. But any service that encourages consumers to spend money on books, especially backlist titles and books without the backing of a major publisher, raises promising possibilities for the industry, for authors and for readers.

Bestselling Author Boosts Indie Bookstores the No-Nonsense Way

Five months after bestselling author James Patterson announced his plan to give away $1 million to independent bookstores, grants of $2000 to $15,000 have been made to 54 independents across the country, from Innisfree Bookshop in Lincoln, NH, to Booktenders’ Secret Garden Children’s Bookstore & Gallery in Doylestown, PA, Malaprop’s Bookstore and Café in Asheville, NC, and Brazos Bookstore in Houston, TX.

Any “viable” bookstore is eligible to apply, as long as it includes a children’s section (dedicated children’s bookstores are included). To ensure that shy but worthy store owners don’t miss out, Patterson is urging writers to spread the word as well. The process, he told *PW* in February, is “as easy as putting on half a page of paper what you need to do. It’s not like applying to Harvard. It’s not difficult, and there’s no catch. We want to be inundated.” He also made clear that this is just round one.

So far, successful pitches have been made for funds to redo beat-up store floors and replace carpeting, to purchase a van for travel to book fairs, and to upgrade a computer system. Matching Patterson’s goal of making books more widely available and more appealing to younger readers, many stores have focused on upgrading their children’s sections and services. Bookworks in Albuquerque, NM, plans to use its grant to improve their marketing to teen readers, and to invest in new crafting and art supplies for children’s programs, says Amanda Sutton, marketing and events manager. Doylestown’s Booktenders’ Secret Garden in Pennsylvania plans “to create a space . . . for second through sixth graders to hang out.” The store’s proposal, said publicity director Krisy Paredes, requested funding for “a computer with book writing software, a printer, desk, table and chairs, a shelf filled with science items to explore and observe.”

Books of Wonder, a children’s bookstore in New York City, cut straight to the chase with its pitch—survival. Owner Peter Glassman said the money would be used for “debt reduction.” Staying in business is the first order of business.
The Writer’s Voice:
Reading to Strangers

BY JOAN FRANK

Glancing at words on a page, standing before a small audience seated in rows, an author reads aloud from her own work. The page in question attaches to an old-fashioned book.

Members of the audience can easily obtain their own copy from a bookstore or the library, or they can download it to a device, as they are warmly encouraged to do. In fact, many hold the book or a device in their laps. Some follow along, as if from a hymnal.

I wonder lately, why?

What does this ancient practice still afford us in an age of endless other options, most of them electronic?

I ask because as an author—and resident of a bristlingly literary region—I see fewer and fewer people attending readings, even readings by our best-beloved writers. I’m never so aware of this as when I drag the cannons on deck to publicize readings of my own: firing out volley after volley of Facebook announcements and e-mails begging people to come, promising alcohol, hors d’oeuvres, cookies, gossip. I’ve watched countless others go through these same exertions as their books appeared.

Like me, I’m sure they’ve wanted to kiss the feet of those blessed souls who actually show up. If not for those stalwarts, and the handful of the idly curious who wander in, a writer often faces a room empty of all but spouse or partner or a close friend, with perhaps an abashed bookstore staff member in the back seat.

In truth, I attend few readings myself these days. I’m often uncomfortable there: tense on the writer’s behalf, worried that no others will show, sometimes embarrassed by the comments of audience members. Too often the writer’s not a good reader, or the material underwhelms. There can be a flattening sameness about the ritual, and a terrible sense of non-consequence.

My best friend, a dedicated writer and teacher, confides that she suffers from “a kind of literary PTSD” regarding most public readings.

“Let’s face it,” she says. “Not many writers are gifted readers. [It’s gotten so bad that] when I see the rows of folding chairs—usually in the children’s section, why there, I have no clue—and a rickety little table set with wine and crackers and seltzer water and fruit, my heart sinks. Often the most animated moment at a reading is when the homeless person wanders in for the snacks.”

Nowadays, I attend readings first to meet a writer who may not be widely known, but whom I admire and would like to better understand. But many writers I deeply admire are already stars, thoroughly touted and thriving in the public eye. I will continue to read them. I don’t feel compelled to travel to see them.

I will also head out to a reading to support a writer friend. But a civilized drive time and an open space around a fire, or a half-devoured carcass—of I am here, implying, by its very utterance, that you are here and we are here and we are all together.

Readings still embody that primal, ancient manifestation: that first music of the human voice—around a fire, or a half-devoured carcass—of People have complicated lives, and demanding devices.

Which is why the public reading seems, increasingly, a bizarre archaism.

Yet readings somehow remain an amazingly popular archaism: like bicycles, radio and opera. We still plan them, and plug them maniacally. Readings are the main fare at benefits, festivals, lit crawls. One of my favorite independent bookstores—serving an affluent region—holds two readings nearly every day of the year. Online and print zines and journals bang loud drums to draw people to readings given by their contributors, though too often, the turnout may be—in my granddaughter’s words—”just sad.”

A year ago, I invited an up-and-coming, hugely praised writer to my home city’s book festival. This
kind and gifted artist responded apologetically. "I'd love to do it, but the last time I came to read for your festival not a single person showed up."

I've tried to remember what I first adored about readings, before I declared myself a writer—a time of special, malleable innocence. Back then, going to readings was an exciting way to see where the voice that had entered my head came from. It wasn't celebrity-sighting titillation so much as animal curiosity. I remember going to hear a very young (full head of dark hair) Colm Tóibín. Reading with him that day was the late, marvelous, under-championed Lucia Berlin. I remember hearing William Kennedy read, and Harold Brodkey; also Joseph Brodsky, unwell but determined, who stunned listeners by warbling Thomas Hardy's poetry in a cantor's high vibrato.

These ventures, undertaken after working all day as an office flunky, were charged with mystery: a delicious inquest. I remember being shocked each time by the revelation that the writers had lives. They owned a physical presence in the world. They had (all this time!) been dealing with routine, fleshly problems of the world—bills, illnesses, difficult relationships.

Years later, the sensation persists. When you've lived in thrall to an authorial voice inside your own skull for a sizable while, the sudden perception of the writer's corporeality hits with weird force. Readings still embody that primal, ancient manifestation: that first music of the human voice—around a fire, or a half-devoured carcass—of I am here, implying, by its very utterance, that you are here and we are here and we are all together.

Two authors I have long admired told me on separate occasions, both grave as oracles: things can happen when a book enters the world. You never know. This same alchemy may hold true for readings. Occasionally, gold is delivered; maybe just often enough to justify all the rest. Like the book itself, a reading may function as the proverbial, lone message in a bottle flung out to sea: I'm here scrawled on a scrap of paper tucked inside. And sometimes, the bottle may float back, carrying the same piece of paper, whose flip side bears a stranger's scribble: So am I, and thank you, thank you. You never know.

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“Ever since Charles Dickens barnstormed the country a century ago,” the Times reviewer wrote, “Americans have been pushovers for famous authors reading from their own works. Thanks to the long-playing phonograph record, they no longer have to put on their galoshes and go out to the lyceum on a cold winter night.”

The year was 1963, and the review was of an upstart set of recordings of American writers pulled together by Lynne Sharon Schwartz, then an editor at The Writer magazine, now a distinguished novelist and longtime Guild member; her husband Harry Schwartz, then a city planner in Boston; and one of his colleagues, Howard Kahn.

The featured writers were a mix of the already well known—Bernard Malamud between The Natural and The Fixer, James Jones a decade after From Here to Eternity, William Styron between Lie Down in Darkness and The Confessions of Nat Turner, James Baldwin after Another Country and Giovanni’s Room, with The Fire Next Time on the eve of being released—and a couple of younger ones shiny with promise: John Updike, 31 at the time, and Philip Roth, 30. A handful of writers got away—one never answered (Salinger), one wanted more money (Mailer)—and several more were on the list for a second round of recordings that never got made.

Fifty years later, when all the original writers but Roth are dead, the Schwartzes have resurrected the recordings and reissued them as CDs and downloads, audio time capsules from the mid-20th century.

“We were young, living in Boston,” recalls Lynne Schwartz, “and we knew some people who were working in spoken records, and we thought, let’s do it. We wrote to all these authors and most of them came through.

“We knew Baldwin was coming to Boston for some appearances, and we said why don’t we just ask him?” They caught up with Baldwin at a reading at MIT, followed through with his agent, then wrote to his friend Bill Styron, and then his friend James Jones. Schwartz recalls that Jones read especially beautifully and that Roth proved a wonderful comedian, bringing the exchange in Letting Go between two old boarding house characters hilariously to life. Malamud read a story from the collection The Magic Barrel. Updike read his story “Lifeguard.” A seventh reader was the versatile and prolific Peter Ustinov, who read from his novel The Loser.

The writers were paid $50 for their time and $100 against future royalties. Fifteen thousand copies of the seven-disc series were stamped on 33 1/3 rpm discs that sold for $1.95 apiece. Reviews were good and sales not bad; the authors all earned out their advances, and tiny royalty checks were sent out for a while. The Schwartzes began work on the second series, recording Nelson Algren reading from The Man with the Golden Arm, but when Harry Schwartz won a Fulbright to Italy, the venture ended.

The only difference this time around is that the never-used Algren recording has replaced Ustinov’s reading—and no vinyl version is available.

For more information, visit calliopeauthorreadings.com.
CONTRACTS Q&A
BY MARK L. LEVINE

Q. The indemnity clause in the contract I just received doesn't authorize the publisher to hold back my royalty payments if it gets sued because of something in my book. Should I nonetheless add a sentence saying that if the publisher does withhold royalties for that reason, it has to deposit the money in an interest-bearing bank account and release the money in a year if the lawsuit isn't actively pursued?

A. No. If the contract doesn't give the publisher the right to withhold the money because of an alleged breach of one of your representations, it does not have the right to withhold the money in the first place. There is therefore no need to add the other provisions. Those are necessary only if the publisher has the contractual right to withhold the money. Otherwise it cannot legally do so simply because someone has threatened or filed a lawsuit.

Q. All the contracts I have signed require me to deliver my manuscript “together with all illustrations, drawings, maps and such other material as Publisher requests.” What “other material” should I be concerned about?

A. That's the wrong question. That clause improperly requires you to deliver something in the future that was not contemplated when the contract was signed and which, until then, you can only guess at. This situation could arise whether the person asking for the new items—charts, specific photographs, hyperlinks, documents requiring expensive permissions or something else—is your original editor or a new one. The risk is that if you don't deliver everything requested, regardless of when it was requested, your manuscript could be considered unsatisfactory, your book not published and your advance forfeited. This isn't a risk an author should knowingly take.

A real-life example: An editor at a major publishing house once asked a prominent children's book illustrator, post-contract, to design a full-size poster for inclusion, folded, in a mass market children’s book. The illustrator was horrified. His standard rate for a poster was $10,000. The book was supposed to be a quick, simple one and his advance was small. But the editor told him she was entitled to it because of the “such other material” language in their contracts. And she would have been, had not that clause been removed in the negotiations between his lawyer and the contracts department. There was no way the illustrator could have anticipated that request. Nor should you take on a similar responsibility.

Q. My contract says no royalties are payable on “travelers’ samples.” What are travelers’ samples?

A. Travelers’ samples are books that book sales representatives (once called “travelers”) give to bookstore owners and managers to read in the hope that they will order copies for their store.

Q. Are reduced royalty rates for copies sold by mail order still justified?

A. Only if the solicitation is made through the postal service rather than e-mail, though I doubt you will find more than a handful of contracts that make that distinction. The justification for sharply reduced royalties for traditional mail order is the high cost involved in soliciting these sales (mailing list rental, sales material, envelopes and postage, or advertising fees in print media) and the low rate of return typically achieved by such solicitations (a return rate of 3 percent being considered very good). Those costs are absent in e-mail solicitations. Nor is the cost of ads in electronic media high enough to offset the additional profit that a publisher makes in selling the book at its regular retail price or at a discount that doesn’t come close to approaching the 40 percent typically given to bookstores.

Some contracts talk about “sales direct to the consumer” instead of copies “sold by mail order” as a criterion for the reduced royalties. This alternate usage would not just permit the reduced royalty on sales solicited via e-mail. The lower rate would also apply to sales made by the publisher from its or an affiliate’s website, neither of which entail the increased marketing costs for which the reduced royalty was originally intended.

Rather than the contract language typically used, it is better to say that the reduced royalties will apply “on sales solicited from consumers by postal mail or by coupon advertisements in print media” or similar language. (The addition of “from consumers” is intended to exclude library sales.)

Publishing contracts provide for reduced royalty rates in several situations, not just “mail order.” None of those situations, however, should apply to sales of


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LEGAL WATCH

Works for Hire in Early Comic Books

Marvel Characters, Inc. v. Kirby
U.S. Court of Appeals for the Second Circuit

The Court of Appeals for the Second Circuit recently affirmed a lower court ruling in Marvel Characters, Inc. v. Kirby. Jack Kirby was a prominent comic book artist who created over 260 drawings for Marvel Comics before 1978 alone. Some of his more famous creations include illustrations for X-Men, The Incredible Hulk, Iron Man and Spider-Man. Fifteen years after Kirby’s death, his four children attempted to reclaim the rights to these creations.

Kirby’s heirs served Marvel with notices under Section 304(c)(2) of the Copyright Act, which vests the termination rights of the original rights holder in his heirs. Upon receiving this notice, Marvel filed suit in the Southern District of New York seeking a declaratory judgment that Kirby’s heirs do not have termination rights under this section because the drawings were works for hire. If a work is considered a work for hire, rights to it do not vest in the artist’s heirs and thus no termination rights are available.

The heirs filed a motion to dismiss, claiming that because two of Kirby’s four children were California residents, they could not be subject to the jurisdiction of a New York court; they additionally claimed that the two California heirs were indispensable to the action. If a court cannot gain jurisdiction over parties that are indispensable to an action, the court must dismiss it. The district court found that it did in fact have jurisdiction over the two California residents through the New York long-arm statute, mooring the question of whether or not they were indispensable parties. The court then granted Marvel’s motion for a declaratory judgment that the characters created by Kirby were works made for hire and therefore not subject to termination rights. The heirs to Kirby’s estate appealed the decision to the Appellate Division of the Second Circuit.

On appeal, the Second Circuit affirmed the summary judgment ruling for Marvel, agreeing that the works were made for hire. The court examined the working relationship between Kirby and Marvel to make this determination. While such inquiries are often settled by a contract signed between the employee and employer, Marvel is well-known for its relaxed approach to this type of relationship; sometimes Marvel would have no contracts at all or only a few formal contracts, as in this case. Thus the court had to evaluate Kirby’s relationship with Marvel under the “instance and expense” standard used for works made prior to 1978, where an employer initiates the creation of a work and oversees its production by the person hired to execute it.

Ultimately, the court found that Kirby was considered an employee of Marvel and that the characters he created at Marvel’s behest were works for hire—in other words, not eligible for termination. The court’s main considerations included: that Kirby had a longstanding relationship with Marvel; that, in general, most of the works were assigned by Marvel; that Marvel had creative input; that Marvel paid Kirby a flat rate and that Kirby’s works were based on pre-existing themes established by Marvel. Thus the court ruled that the drawings were made by Kirby at Marvel’s “instance and expense,” even though Kirby was technically a freelance artist.

In regard to the issue of personal jurisdiction over the two California heirs, the appellate court reversed the finding of the district court. The Second Circuit found that New York’s long-arm statute did not confer personal jurisdiction over the two heirs. The appellate court then considered whether two of the four heirs filing suit should be considered indispensable.

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Legal Services Scorecard

From September 1, 2013, through March 31, 2014, the Authors Guild Legal Services Department handled 617 legal inquiries. Included were:

- 92 book contract reviews
- 19 agency contract reviews
- 43 reversion of rights inquiries
- 56 inquiries on copyright law, including infringement, registration, duration and fair use
- 17 inquiries regarding securing permissions and privacy releases
- 20 electronic rights inquiries
- 10 First Amendment inquiries
- 360 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
parties. The primary consideration when determining whether parties to an action are indispensable is whether effective relief can be granted without their presence. In this case, the court found that because all four of the heirs had the same interest in the case, the inability of two of them to join in the suit would not render relief ineffective. Thus they were not considered by the court as indispensable parties to the action. That meant that the court could rule on the merits of the case, despite its lack of jurisdiction over two of the parties. The judgment is not binding on the California heirs, although it is likely that a California court would reach a similar result.

This decision is of special importance to companies or individual right holders of works created prior to 1978, as it effectively defines the standard used to determine work for hire status. A different analysis is used to determine whether works were created for hire, if created after 1978.

—Stevie Fitzgerald
Staff Attorney

Copyright Infringement and Historical Fiction

Effie Film, LLC v. Murphy
U.S. District Court, Southern District, New York

In Effie Film, LLC v. Murphy, the Southern District Court in New York addressed the difficulties involved in finding copyright infringement in works of historical fiction. Because historical fiction is based on an underlying historical event, recapitulations of the event are limited and so are its copyrightable elements. In this case, both parties have written a screenplay based on the historical marriage of John Ruskin and Effie Gray. The court granted plaintiff’s motion for judgment on the pleadings regarding a copyright infringement dispute between Effie Film, LLC, and Gregory Murphy.

Gregory Murphy has written a play for the stage and a screenplay, both of which are titled The Countess. Effie Film, LLC, is a corporation formed for the purpose of producing a film based on the screenplay Effie, written by Emma Thompson. Murphy has made many public claims that Effie infringes his copyright in The Countess. This led Effie Film to file a motion for a judgment on the pleadings so that the matter would be resolved before distribution of the film began. Murphy unsuccessfully argued that it would be impossible for the court to determine copyright infringement until the film was made available to them. The court rejected this argument and stated that using the “shooting script” was sufficient for a copyright infringement analysis.

The two-pronged analysis of copyright infringement is access to the copyrighted work and substantial similarity between the two works. Effie Film conceded that it had access to The Countess, so the court then addressed the substantial similarity standard. Proving infringement of historical fiction is especially difficult because the historical events on which the narrative is based are not protectable. Only the unique expression or the fictional elements is subject to copyright protection. Additionally, the doctrine of scenes à faire, or scenes that must be done, prohibits elements considered essential to a particular genre from copyright protection. This means that elements that are typical to depictions of the Victorian era, such as “travel by carriage, glittering ballrooms, stiff dinners, conversations over tea, and tensions arising from an overly-rigid system of class and gender roles” are not eligible for copyright protection. This, of course, neutralizes many of the similarities between the two screenplays.

Comparing the two screenplays with historical givens and the scenes à faire elements disregarded, the court found only a few remaining similarities, principally the character of the manservant, the character of Lady Eastlake, the general theme and the narrative device of the letter sent to Denmark Hill. Looking at the characters of the manservant and Lady Eastlake, the court found that there were a few similarities in how they were represented in the two screenplays, but also many differences. And because both characters were based on historical characters, it was difficult to separate the non-protectable historical elements from the unique expression of the screenplays’ authors. The court acknowledged that both screenplays use a letter purported to be from Effie’s parents as the device that gives Effie an excuse to flee Denmark Hill. However, there were few other modes of communication in that time period, the court found that it would be impractical to rule that the letter was a unique expression. Finally, while the court admitted that some similarities between the works were identifiable, they were too few to judge the works substantially similar in their total concept and feel.

The court made three observations as to how the two works differ in that respect. First, the screenplays have no dialogue in common. Second, there are no characters in either screenplay that are not based on historical persons—meaning that no imagined characters could be said to have been copied. Third, and perhaps most important, a different narrative structure is used in each screenplay. The Countess and Effie focus on different episodes in the characters’ lives and give the three different time periods in Effie’s marriage.

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Along Publishers Row

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and persnickety as to seem to the ordinary novelist almost diseased. The short story writer, since the emotional charge of his fiction must reveal itself quickly, has a similar need for compression, though a need less desperate than the poet’s. In the novelist, a hypersensitive ear may occasionally prove a handicap.”

FRIENDS: Wally Lamb’s most recent novel, We Are Water, hit the bestseller lists upon publication. His first two novels, She’s Come Undone (1998) and I Know This Much Is True (2008), received effusive endorsements from Oprah and became mega-sellers.

In a Writer’s Digest interview, Lamb said, “In some ways [writing] is very childlike. I had imaginary friends when I was a kid. And as a 63-year-old guy, I still have them. What are fictional characters, if not your imaginary friends?”

LIFE AS RESEARCH: Jane Green’s 15th novel is Tempting Fate. She works in The Writers’ Room in Westport, CT, the town where she lives with her husband and their children. She was interviewed for Wag, a Westchester, NY, magazine. Her bestselling novels, she said, “tackle the problems that face—and can empower—real women.”

She told Wag that her editor, Jennifer Enderlin at St. Martin’s Press, asks for many revisions and that it “has made me fall in love with writing again. I actually really love seeing how the book changes and seeing how much better it can be.”

Green has a contract to write two books a year. She says, “My research literally just involves talking to my friends and talking to friends of theirs,” she says. “I’m just fascinated by people and what they do, and why they do it and how it turns out. I do my research through living.”

QUOTE: In an unsigned review of The UnAmericans by Molly Antopol, The New Yorker included a quote from the book. A character asks her granddaughter, who keeps writing stories about the older generation, “Why don’t you go out in the sun and enjoy yourself for once, rather than sitting inside, scratching at ugly things that have nothing to do with you?”

POEMS: A dozen lullaby poems by Margaret Wise Brown were found in a trunk in her sister’s barn. Brown, the author of Goodnight Moon (1947), died in 1952.

Sterling executive editor Meredith Mundy told PW, “We worked [on the poems] from what were really quick rough drafts, some of which were scribbled on the back of napkins or were fragments written on trains during Margaret’s travels.”

The new poems, published in a collection titled Goodnight Songs, are illustrated by 12 different artists.


That endorsement sent me to my copy of Salter’s collection, Dusk and Other Stories (1988). The first sentence of the story “American Express” reads: “It’s hard now to think of all the days and nights, Nicola’s like a railway car, deep and gleaming, the crowd at the Un, Deux, Trois, Billy’s.”

Un, Deux, Trois, where I used to have lunch, is still on West 44th Street.

WHY NOT? At last, the book business has become the background for a spy thriller. The author is Chris Pavone, and the title is The Accident. His first novel, The Expats (2012), was a bestseller. He lives in Greenwich Village with his wife and twin sons.

“Any setting can be a good setting for a novel,” Pavone, 45, told The New York Times. Husband of a top publishing executive and a former editor himself, Pavone said that he used his experience in writing The Accident. But in an early draft, he said, “I had thinly veiled versions of real people. I got rid of that.”

Pavone is now on a book tour and has already begun a third novel. This one will be set in the world of travel magazines. He said, “It offers compelling opportunities for a
travel-writer protagonist to embark on a secret life of international intrigue.”

ASSIGNMENT: Alice Hoffman’s latest novel is *The Museum of Extraordinary Things*. In an interview in *The New York Times* she talked about a professor she once had, Albert Guerard, and his Stanford writing class.

Hoffman said that “his first assignment shocked the class: write fifty pages a week. When the pages were handed in by the exhausted student writers, our teacher was the one to be shocked. He hadn’t been serious about the assignment. Guerard was just letting us know that writers write.”

PACK RAT: He may have become famous because of his uncluttered prose, but Ernest Hemingway was unable to throw away letters, lists, telegrams, useless insurance policies, bank statements, passports, tickets to bullfights, a page of his son Patrick’s homework and lots and lots of Christmas cards.

All of this clutter, digitized, is now available at the John F. Kennedy Presidential Library. *The New York Times* quoted the text of a telegram sent by Ingrid Bergman after Hemingway won the 1954 Nobel: “THE SWEDES AREN’T SO DUMB AFTER ALL.”

QUIP MAN: Gary Shteyngart has attracted a lot of media attention while promoting his latest book, a memoir entitled *Little Failure*. The reason is obvious: the immigrant, whose parents brought him from Russia to the United States when he was seven, is funny.

In talking about his life as a writer, he told *The Wall Street Journal*, “My mother was dying for me to become a lawyer. And now lawyers are being laid off left and right, but writers never really had a job to begin with.”

Shteyngart thinks he writes better when he works outside the city. He said, “Manhattan has changed. It’s horrible, it’s all Duane Reade and Chase. It gets so dull some days I have to mug myself.”

KEEPING SCORE: More book reviews last year were written by men than by women. At *The New York Review of Books*, there were 213 reviews written by males and 52 by females. The counting was done by VIDA, a women’s literary organization.

At *The Atlantic*, there were 14 reviews written by men and 3 by women. At Harper’s, there were 24 male reviewers and 10 female.


WARNING: E. B. White wrote: “I sometimes doubt that a writer should refine or improve his workroom by so much as a dictionary: one thing leads to another and the first thing you know he has a stuffed chair and is fast asleep in it.”

NOW ON STAGE: Neil Gaiman is a prolific author of bestsellers. He is going to perform a stage version of his story “The Truth Is a Cave in the Black Mountains.” This 90-minute tale of buried treasure has a musical score and images displayed on a screen behind Gaiman. The multimedia event was commissioned by the Sydney Opera House and performed in Tasmania in 2011.

Performances are scheduled for San Francisco on June 25 and at Manhattan’s Carnegie Hall on June 27. *The New York Times* said a new edition of the novelette with illustrations will be published by William Morrow, also in June.

BEST EDITORS: Actor and TV writer B. J. Novak is the author of *One More Thing*. In an interview with *The Boston Globe*, he said that he had polished the stories by reading them onstage as part of comic routines.

Novak said, “The audiences were the best editors a person could have. If you write something kind of boring and you read it in front of a hundred people, you will feel how boring it is. You will be ashamed and embarrassed, and you will never want to say those sentences again until you make them a lot more interesting.”

BONUS: Dedicating a book was once a profitable sideline. In the 17th century, writers got as much as 50 guineas for naming their patron on a page up front.

One author, Thomas Jordan, wrote fawning dedications in his books but left a blank for a wealthy man’s name. That blank then was sneakily filled in by a handpress so every copy had a special dedicatee. And Jordon got a plump wallet.

MORE: Long before steroids were discovered, Honoré de Balzac used coffee to keep his flame burning. He drank more than 50 cups a day until caffeine poisoning contributed to his death at the age of 51.

A book entitled *Mood Control* (1980) by Gene Bylinsky told of an unnamed biochemist who had developed a “creativity pill.” The scientist claimed that tests showed that those who took the pill wrote better than those whose who didn’t.

Whatever happened to that pill?


Books on our shelves are con-
stant reminders of what we have read. Notice them and they say that they are still here and ask to be remembered. When the iPad goes dark, the e-book has vanished.

Klinkenberg concluded: “There is a disproportionate magic in the way black marks on white paper—or their pixilated facsimiles—stir us into reverie and revise our consciousness. Still, we require proof that it has happened. And that proof is what the books on my shelves continue to offer.”

PRIVACY, PLEASE: The late poet Philip Larkin said, “I can’t understand these chaps who go around American universities explaining how they write poetry: it’s like going around explaining how you sleep with your wife.”

LEFT BEHIND: After a night in a Travelodge hotel, a surprising number of people leave a book behind. In one recent month stretch, 22,648 books were found after the guests had gone.

Reasons cited were “finished reading it and left it for others,” “genuinely lost or forgot it” or “got bored.”

The top five forgotten or discarded books were: Fifty Shades Freed by E. L. James, Bared to You by Sylvia Day, The Marriage Bargain by Jennifer Probst, Gone Girl by Gillian Flynn and The Casual Vacancy by J. K. Rowling.

The above are in good company. Liz Bury ended her article on the subject in The Guardian with: “Surprise entry F. Scott Fitzgerald scrapes in at number 20 with his 1925 novel The Great Gatsby.”


Critics were admiring. And so was Joseph Epstein, who reviewed a new book, Suitable Accommodations, by Powers’s daughter Katherine A. Powers. The review was in The Wall Street Journal and stressed the late author’s difficulty in making a living to support his large family.

In a letter to a priest from whom he frequently borrowed money, Powers wrote, “I can’t believe I’ll ever make much on my work. I’m waiting for someone to point out that whatever else old JF may be, he’s never dealt in sex. But, no, there’s no one saying it, and America’s cleanest writer goes his lonely way.”

BAD CAME FIRST: “I just start and a lot of nonsense and bad writing comes out on the page,” the late Leon Edel told an interviewer from The Paris Review.

Edel’s long literary career was spent researching and writing about other authors. He is famous for his four-volume biography of Henry James.

Edel continued his description of his method of working: “I keep on rewriting in longhand or on the typewriter, until somehow out of my subliminal self there emerge all kinds of thoughts and ideas I didn’t know to be tucked away inside of me. Then I edit myself drastically. At some point a final version appears. It is largely an unconscious process.”

MORE REAL: In 2009, 4,002 audiobooks were offered for sale. In 2012, there were 13,255 audiobook titles produced. That rise in audiobooks was noted by T. M. Luhrmann, an anthropology professor at Stanford.

He wrote in The New York Times that “for most of human history literature has been spoken out loud.” When stories began to be written down, they still were more often heard than read silently. Silent reading became common only in the second half of the 19th century.

Luhrmann said, “When I listen to a story . . . I remember more of the action and less of the language.” The experience is different. “I listen the way I read books as a child, as if I were there watching. The author becomes more transparent, the characters more real.”

PICK A PLAY: The four hundredth anniversary of Shakespeare’s death will be celebrated in 2016 with current authors’ interpretations of his plays commissioned by Penguin Random House’s Hogarth imprint. Margaret Atwood will write about The Tempest. Howard Jacobson will do his take on The Merchant of Venice. Anne Tyler has claimed The Taming of the Shrew, and Jeannette Winterson has The Winter’s Tale.

Other writers for other plays will be announced.

TRADITION FADES: A survey reported by The Guardian revealed that only 13 percent of parents read bedtime stories to their children every night. The poll consisted of two thousand mothers with children seven years old or younger.

Seventy-five percent said that when they were children they were read to every night. According to 87 percent, “bedtime reading is vital to children’s education and development.”

But half of those surveyed said their children found TV, computer games and other toys more diverting. Four percent owned no books at all.

In my town, 100 percent of the children own a book. The library gives every baby that’s born here a copy of Margaret Wise Brown’s Goodnight Moon.

That classic puts a parent to sleep every time.

BIG DEAL: Fantasy novelist Terry Pratchett’s first book for his new publisher, Doubleday, is Raising Steam, published in March. The bestselling Brit—an O.B.E. since 1998—has a 10-book, 7-figure deal. His previous books have sold more
than 80 million copies, according to The New York Times.

His editor, Edward Kastenmeier was quoted, “With mainstream readers warming to the work of Neil Gaiman and George R. R. Martin, we see this as a crossover moment for Terry, an opportunity to expand his audience.”

Gaiman and Martin have made fantasy fiction popular with general readers.

WINDING UP: Peter Matthiessen, a founder of The Paris Review and winner of a National Book Award, has a new book out. The title is In Paradise. He was quoted in The New York Times: “At 86, it may be my last word.”

THREE JACKETS: Liane Moriarty is an Australian romance novelist who has had five international best-sellers. Her latest is The Husband’s Secret.

Moriarty wrote on her blog: “Other authors twirl about the Internet, tweeting and blogging and Facebooking and commenting and linking and I can’t even find my mobile phone.”

The Husband’s Secret was promoted with the line: “A woman’s life is upended when she discovers a letter from her husband she was not meant to read.” Curiously, the book’s three different jackets suggest none of that. The U.S. edition shows a pink flower being shattered. The Australian edition has a single red balloon against a blue-green sky. The U.K. cover has a pink butterfly in a jar held by hands with pink-painted fingernails.

The author said in her blog that she liked all three.

WORD PORTRAIT: The late Richard Brautigan, a poet and author of a novel (Trout Fishing in America, which sold four million copies), said of an unnamed writer: “The novelist was in his late forties, tall, reddish, and looked as if life had given him a stream of two-timing girl friends, five-day drunks and cars with bad transmissions.”

SELLING POINT: A shelf full of books about “the war to end all wars” will mark its centennial in July, the one hundredth anniversary of the start of World War I.

Matt Weiland, a senior editor at Norton, told PW, “Anniversaries are absurdly important for publicity. I can sometimes feel that no books will be covered unless its subject matter abides by a strict anniversary algorithm: it must be X years old, where X ends in the digit 5 or 0.”

DaCapo’s executive editor Robert Pigeon said, “I’m hoping that Downton Abbey and War Horse might spark American interest in that most significant war.”

Both Weiland and Pigeon (and maybe every other publisher) will offer books on that subject.

GIFT: Helen Gurley Brown, who created the Cosmo Girl and wrote a bestselling advice book (Sex and the Single Girl), died in 2012. When she first came to New York from Arkansas, “she used the New York Public Library as an oasis,” Hearst executive Eve Burton told The New York Times. “It was the only place where she could feel safe and free to write and think.”

Brown’s refuge has been rewarded with $15 million from the Helen Gurley Brown Trust. The money will go to a new educational and antipoverty program at the library’s branches.

GOOD BOOKS: Finally, the first U.S. president has a library at Mount Vernon. George Washington’s books—the majority replacement copies of ones he owned—include Henry Fielding’s History of Tom Jones, a Foundling and a four-volume Don Quixote, translated by Tobias Smollett.

In an article about the library’s opening in September, Edward Rothstein of The New York Times quoted Washington’s successor John Adams as saying that Washington was “too illiterate, unlearned, unread for his station and reputation.”

But our first president clearly enjoyed reading for pleasure.

ON REVISION: “Writers, for the most part, find themselves not in writing but in revision,” wrote the New Yorker’s Hilton Als.

“Then comes what Joan Didion calls ‘the mortal humiliation of seeing one’s own words in print.’ Of course, endless revision can be a way of keeping that humiliation at bay, of keeping alive the hope that the text will achieve perfection in this draft or the next.”

PARABLE: For many years, the late Anatole Broyard wrote about literature for The New York Times.

In 1977, he wrote, “A parable, in my opinion, is a prostitution of fiction in the service of philosophy. It is a mildly interesting quasi-literary conundrum, an aphorism force-fed to obesity. Nothing could be less suited to the intricate temper of our age. As I see it, parables are a bastardized form of prayer for those who are too inhibited to get down on their knees.”

SIN IN THE PULPIT: Fifteen years ago, Kimberla Lawson Roby began writing a series of novels about an African-American pastor, a Reverend Curtis Black. Some of the 10 books have made the bestseller lists. The behavior of her fictional pastor is scandalous, but Roby is often asked to speak in churches.

Roby lives with her husband in Rockford, IL. Her titles include A House Divided, Sin No More and The Best-Kept Secret. Her website says her books have sold two million copies.

The New York Times said, “As much as her novels traffic in Mr.
Black’s sin—living large and cheating on two wives while presenting himself as the symbol of moral authority—they also depict in knowledgable and even tender ways black Christianity’s deep sense of community and a fabric of meaningful ritual.

PS: Jo Baker’s novel Longbourn—not part of the HarperCollins series—retells Austen’s Pride and Prejudice with an Upstairs Downstairs twist. Baker’s main characters are not the lively Bennets, but their servants. The New York Times Book Review assured readers that the book is not a sequel, but “original and charming, even gripping, in its own right.”

THE SOURCE: Many books begin with a quote from another writer displayed up front, all by itself—a brief note on a right-hand page.

Phyllis Rose chose the following by Roland Barthes for her Parallel Lives: Five Victorian Marriages (1983):

“Marriage affords great collective excitations: if we managed to suppress the Oedipus complex and marriage, what would be left for us to tell?”

SURPRISE BENEFITS: Bernard Malamud published The Stories of Bernard Malamud in 1983. A longtime college teacher as well as author, he wrote in the introduction:

“Much occurs in writing that isn’t expected, including some types you meet and become attached to. Before you know it you’ve collected two or three strangers swearing eternal love and friendship before they begin to make demands that divide and multiply. . . . Working alone to create stories, despite serious inconveniences, is not a bad way to live our human loneliness.

“And let me say this: Literature, since it values man by describing him, tends toward morality in the same way that Robert Frost’s poem is ‘a momentary stay against confusion.’ Art celebrates life and gives us our measure.”

CENTENNIAL: Marcel Proust’s Swann’s Way was published one hundred years ago. André Aciman, professor at the City University of New York, celebrated with an article in The Wall Street Journal explaining why the famous French “fop” matters.

Aciman, who is the author of the novel Harvard Square, wrote: “As Proust recognized, who we are to the outside world and who we are when we retire into our private space are often two very different individuals. Proust the snob and Proust the artist may share the same address, the same friends, and the same name, even the same habits; but one belongs to society, the other to eternity.”

BOOKS IN ART: Kenneth Soehner is chief librarian at the Metropolitan Museum. He is the host of a YouTube video about art that includes images of books.

There are Egyptian depictions of their ancient “books,” and an ivory carving of a monk with a scroll. A painting by Picasso shows a creature scribbling in a book with a quill. One of Mary, the mother of Jesus, has her reading a book when interrupted by the archangel. A van Gogh still life and a portrait include books.

Soehner called a painting of colorful volumes on a wooden stand “a bouquet of books.”

The last image is a John Sloan print of a woman on a subway reading a book.

These are all real books, some rumpled, used, all beautiful objects, and not a Kindle in the bunch.

PRECOCIOUS: Now there are simplified versions of Moby-Dick, Les Misérables, Romeo and Juliet and other classics in thick-cardboard bound books for infants. About three hundred thousand copies of a BabyLit series have been sold.

Linda Bubon, of Chicago’s Women and Children First bookstore, told The New York Times, “If we’re going to play classical music to our babies in the womb and teach them foreign languages at an early age, then we’re going to want to expose babies to fine art and literature.”

Parents have been advised by experts to read to infants early and often. What, do you suppose, does a six-month-old make of Sense and Sensibility?

MISS G.: Judith Flanders is the author of The Invention of Murder: How the Victorians Revelled in Death and Detection and Created Modern Crime.

Flanders was asked by The Wall Street Journal to write about her favorite Victorian crime novels. She singled out The Female Detective (1864) by Andrew Forrester.

His fictional detective was Miss G., and “she was the model for many that followed,” Flanders wrote. “As a woman, she disguises herself easily as a maid, or a dressmaker, or as a charity worker.”

Miss G. “can sound remarkably blasé about her job,” said Flanders, who goes on to quote one of the heroine’s observations: “Strangling, beating, poisoning (in a minor degree)—these are modes of murder adopted in England.”

Flanders wrote that Miss G. “was the unacknowledged prototype for many of the later, more famous, and male, fictional detectives.”

BEDLESS: Mormon authors, says The New York Times, tend to work in fantasy, science fiction, and children’s and young adult literature.

Author Rachel Ann Nunes, 47 and a Mormon who writes in the romance, paranormal, fantasy and young people’s genres, offered an explanation. Mormon theology, she said, makes otherworldly and escapist genres natural fits for church members. “We believe that God created a lot of different worlds.”
She added that Mormons write for young adults "because they don't have to write the pages and pages of sex. They don't want to spend a lot of time in the bedroom."

HELPFUL HINT: Poet Marianne Moore's advice: "Write so that even cats and dogs can read."

LATE START: Sally Green, a 52-year-old former accountant, started writing just three years ago. She lives with her husband and their 11-year-old son in Cheshire, England. Her first novel, Half Bad, has been bought by publishers in 36 countries.

Penguin is publishing it in March and "predicts that it will do for witches what Twilight did for vampires."

Green began to write when her son was in school. She told The Guardian, "I've often had ideas [for] stories, but I never really believed I could write. . . . [Then] I found I was staying up until two a.m. just writing."


Potter was a serious gardener who knew all about thieving rabbits. She must have sympathized with her fictional Mr. McGregor. Potter accumulated more than four thousand acres in her lifetime. McDowell said, "She had a cottage garden, which is a style that nowadays we're all very comfortable with: loose groups of flowers and maybe some fruits and even some lettuce mixed in.

"She wouldn't have called herself a locavore, but she was certainly growing food as well as flowers in her garden."

CHANGE: When a Harvard graduate or dropout makes news these days, it's usually because he went to the Law School and landed some big political job, or made a vast fortune on the Internet.

It wasn't always like that. A brief bio of the writer Conrad Aiken in a book of poetry said he was in Harvard's class of 1911. That year's graduating seniors also included T. S. Eliot, Heywood Broun, Robert Benchley and Walter Lippmann.

Being a writer counted for something back in those days.

NO MEMORIAL: It's been a hundred years since Albert Camus was born. The news, according to The Guardian, was that no grand French retrospective was held. Camus wrote The Stranger, The Plague, The Rebel and The Fall, and was awarded a Nobel in 1957. He died in a car crash in 1960.

His daughter, Catherine Camus, 68, said "that there was no national celebration of him which is natural; those in power in France have never liked Camus, and he detested those in power. He always said he was in the service of those who suffered history, not those who made it. In many ways, Camus is still l'etranger (the outsider) in France. I find it astonishing that ministers don't realize what Camus represents for the country."

SELECTIONS: New York City's new mayor, Bill de Blasio, answered a question about his favorite books on the website Reddit. "Growing up," he said, "it was The Autobiography of Malcolm X, and I still love that book. More recently I've taken great inspiration from Nothing to Fear by Adam Cohen, about the New Deal and the people who made it happen."

RELICS: Why are so many readers keen to examine things that their favorite authors left behind? The Guardian asks: Do writers' homes or personal effects get in the way of the text or bring readers back to the prose?

Paula Byrne, author of The Real Jane Austen, believes that Austen's readers can make a connection with her through objects that once belonged to her. Fiona Jenkins, of the Charles Dickens Museum, said that the view out the window of the study where he did his writing offers something special to visitors.

The house where Herman Melville lived in New England has his desk in front of a window that provides a view of a mountain that suggests a whale. That brought an unexpected chill to this visitor.

LOOKING BACK: When he was 88, Bernard Berenson, the famous art historian, painted a sad self-portrait.

He wrote in his diary, "Why do I wiggle and toss at the idea of being biographed? It makes me uncomfortable and unhappy. Is it only because there are so many big and little episodes I wish forgotten? Of course I have much behind me that I hate to recall. . . . Every kind of meanness, pettiness, cowardice, equivocal business conduct (due more to ignorance and the ethics of art dealers than to my own nature), humiliations, furtiveness, ostrichism, etc."

But he didn't want to have his life described as a success. "I never felt that I was climbing, being promoted from an inferior to a higher standard of life, to a higher social class. I felt only that I was coming into my own, what I had always regarded as belonging to me, of which, for no fault of my own, I had been deprived."

WINNER: Manil Suri, a professor in the Math Department at the University of Maryland Baltimore County, won the annual Bad Sex Award for his novel The City of Devi. The prize was delivered in London.
by novelist Joan Collins. She was identified as "the patron saint of bad sex" in The Washington Post.

The judges singled out the following Suri passage about a ménage à trois: "Surely supernovas exploded that instant, somewhere, in some galaxy. The hut vanishes, and with it the sea and the sands—only [his] body, locked with mine, remains. . . . We dive through shoals of quarks and atomic nuclei. In celebration of our breakthrough to a fourth star, statisticians the world over rejoice."

Suri regretted that he had missed the awards ceremony. He told the Post, "I could have air-kissed Joan Collins."

THIS IS IT: In an article about being a National Book Award judge and having a retinal tear, Charles McGrath of The New York Times described how he felt when he found himself reading a good novel:

"It lifted me out of myself, my grumbling and my self-pity, and in language just like the language we use every day, only better, dropped me down in another place and among people far more interesting, who had more on their plate than just a stack of books.

"I remember thinking, this is what reading used to be like: fun. I sat there for hours, getting up only once or twice, and finished the book before supper—in time to start another before going to bed." As a judge, he had 407 novels to read.

AN ENDING: The late Geir Kjetsaa was professor of Russian literary history at the University of Oslo. He was also a translator and author of Fyodor Dostoyevsky: A Writer's Life (1985).

In the biography, he described Russian reaction to the writer's death: "The news of Dostoyevsky's death was immediately circulated to every school in the city. All lectures at the university were cancelled; students and professors gathered for a memorial service. "The divine spark never once died in his breast,' the university chaplain declared, 'not even in the long years when he wore his prisoner's garb.' All over Russia the newspapers printed obituaries; when Anna [his wife] later did her sums, she discovered that almost 400 people had written about her husband's death. Tolstoy now realized that Dostoyevsky had been "the person nearest, dearest, and most necessary" to him. 'And then suddenly I read that he had died,' he wrote in a letter. . . . 'It was as though the ground had given way beneath my feet.'"

IRISH FICTION: The Irish Arts Council and New York University will name a Laureate for Irish Fiction starting in 2014, "to promote Irish literature nationally and internationally and to encourage the public to engage with high-quality Irish fiction."

The laureate will receive about $206,000 over three years, participate in public events and teach creative writing at University College Dublin and New York University.

TOYS: The late V. S. Pritchett wrote in The New Yorker in 1979: "All writers—all people—have their store of private and family legend which lies like a collection of half-forgotten, often violent toys on the floor of memory."

IN CHELSEA: Christopher Buckley's But Enough About You will be published in May. In an essay for The New York Times, he described three months when he lived in London's literary Chelsea.

Among the names dropped were Oscar Wilde, Mark Twain, Bram Stoker, Henry James, T. S. Eliot, Ian Fleming, Agatha Christie and the fictional George Smiley and James Bond.

One of Buckley's great pleasures in the neighborhood was stumbling onto a pub called the Surprise. It became his hangout. Buckley did not include the address but wrote, "It's there, and with a bit of luck, you'll get a bit lost on the way."

AFTER LIFE: "When writers die they become books, which is, after all, not too bad an incarnation." That quote is from an unsigned Talk of the Town piece in a 1986 New Yorker.

BOOK LOVER: Mohsin Hamid is author of Moth Smoke and How to Get Filthy Rich in Rising Asia. In an essay in The New York Times Book Review, he wrote: "E-reading opens the door to distraction. It invites connectivity and clicking and purchasing. The closed network of a printed book, on the other hand, seems to offer greater serenity. . . . Cloth, paper, ink: For these read helmet, cuirass, shield. They afford a degree of protection and make possible a less intermediated, less fractured experience. They guard our aloneness. That is why I love them, and why I read printed books still."

SCI-FI SHIFT: Tom Shippey writes a column on science fiction for The Wall Street Journal. Recently he noted: "Fifty years ago it was just possible to make a living from sci-fi short stories. . . . Not so now. Only three of the old mags are still printing and the market demands blockbuster novels. Yet the urge to write shorts is as strong as ever. Online venues pay peanuts but proliferate all over, and original anthologies come out faster than one can keep track."

"The great thing about anthologies," Shippey has found, "is that they act as 'tasters,' so you get to know authors you may have missed on the bookstores' crowded shelves." He believes there "are a lot of prolific talents . . . out there, all competing vigorously for our attention and producing many new angles, many unexpected treats."

WHAT PARIS MEANS: Ellery Washington is a writer who teaches
at Pratt. He wrote about “James Baldwin’s Paris” in The New York Times travel section. Washington said Baldwin had left New York for Paris “to escape American racism—an escape that he believed literally saved his life and made it possible for him to write.” Washington, who lived in Paris for a while as well, concluded: “Even if France is no longer a haven for people of color, Paris remains a beacon, a vital connection to a time when, for many of our most important artists, writers and political thinkers, a much-needed shelter was sought and found.”

NEXT: The world is waiting for the concluding novel of Hilary Mantel’s Thomas Cromwell trilogy, a guaranteed bestselling finish to the chancellor’s tale launched in the bestselling Wolf Hall and Bring Up the Bodies. But Mantel’s next will be a collection of short stories—The Assassination of Margaret Thatcher, due out in September.

POET’S BIO: Susan Cheever has written a biography, e. e. cummings: a life, of the lowercase poet. He was a friend of her father, John Cheever, and in an excerpt in the February Vanity Fair, Susan Cheever describes her memories of the legend. Cummings died at 61 in 1962.

Pinned on her wall is a letter to Baldwin from her corner of my房间里有一只有个地方垫着脚在床脚的“我爸爸的朋友约翰·契弗”。Cheever写道，“他有时候突然变得非常爱我，有时甚至觉得，他是对任何人都握有权力——甚至死亡。”

HER GOAL: “I like to shock myself a little,” Lorrie Moore told PW, “and I hope to jolt the reader a little bit as well.”

Moore’s seventh book, Bark, is a collection of short stories. In an interview, she said, “You know, when I write a story, it doesn’t feel as if it has any relationship to anything I have written before, and that’s why I’m interested in writing it. . . . I never look back where work is concerned.”

SOLD: Poet Billy Collins, 72, has sold his papers to the Ransom Center at the University of Texas. These include jottings on scraps. Collins told The New York Times, “I remember one occasion when the lines of a poem occurred to me while I was walking around the city with no pen and nothing to write on. So I ducked into a bank and started writing the poem . . . on the backs of deposit slips.”

DEFINITION: Jay Cantor is the author of Forgiving the Angel: Four Stories for Franz Kafka. New York Times book critic Michiko Kakutani began her review by defining the word “Kafkaesque.” She wrote: “It can be taken to mean anything from the vaguely surreal to the deeply anxiety-inducing, from the psychologically disorienting to the bureaucratically complex—anything that summons any sort of association with such classic Kafka works as The Trial, The Castle or The Metamorphosis.”

Kakutani found Cantor’s four stories about real people in Kafka’s life to be, well, Kafkaesque.

ON LANGUAGES: After years in Brooklyn, Jhumpa Lahiri now lives in Italy. Her latest novel is The Lowland. The Guardian reported remarks she made at a book festival: “I was looking [at an Italian paper’s] 10 best books, and they chose seven books written in English. This was astonishing to me. I can’t imagine The New York Times ever choosing seven books written in another language as the choices.”

Lahiri said she was distressed about the English language “because it has a certain power and a certain commercial currency now.” She said she believed “there is so much [foreign] literature that needs to be brought forward, and the danger now is that it’s getting even less support.”

LOTS OF WORDS: Work is under way on a third edition of the Oxford English Dictionary, but the end is not in sight. The second edition was published 25 years ago.

Peter Gulliver, an associate editor, told The New York Times, “We can hear everything that’s going on in the world of English for the last 500 years, and it’s deafening.”

Why do things move so slowly? Gulliver once spent nine months working on definitions for a single word—“run.” At the moment, “run” is the longest entry in the OED. The editors have collected 619,000 words so far.

FIRST BOOK: All Joy and No Fun is the title of a book about parenting by Jennifer Senior. In The New York Times Book Review, Gregory Cowles quoted from Senior’s acknowledgments in All Joy: “Writing your first book is not unlike the early days of raising your first child. You’re awed by the magnitude and meaning of this new undertaking, certainly, but also housebound, perpetually preoccupied and (perhaps worst of all) presumed to be competent at something you know essentially nothing about.”

KID STUFF: Poet John Ciardi said, “You don’t have to be a poet to suffer. Adolescence is enough suffering for anyone.”

“The sheer velocity of the novels, scene to scene, conversation to conversation, tears to laughter, concert to picnic to dance, is something equivalent to a pulse beat,” Welty wrote. “The clamorous griefs and joys are all giving voice to the tireless relish of life. The novels’ vitality is irresistible for us.”

Welty concludes, “It is not her world or her time, but her art, that is approachable, today or tomorrow. The novels in their radiance are a destination.”

LETTERS: The following quote is from Here and Now: Letters, 2008–2011 by Paul Auster and J. M. Coetzee. Coetzee wrote: “It is not uncommon for writers, as they age, to get impatient with the so called poetry of language and go for a more stripped down style (‘late style’). The most notable instance, I suppose, is Tolstoy, who in later life expressed a moralistic disapproval of the seductive power of art and confined himself to stories that would not be out of place in an elementary classroom.”

Later, Coetzee added: “One can think of a life in art, schematically, in two or perhaps three stages. In the first you find, or pose for yourself, a great question. In the second you labor away to answer it. And then, if you live long enough, you come to the third stage, when the aforesaid great question begins to bore you, and you need to look elsewhere.”

FROST REVISED: “This is autobiography passed through the sieve of self-contempt, an absurdist anti-Who’s Who that elevates, by ostensively denigrating, the real ‘true story’ of a person’s life.” The quote is by Dan Chasson in the February 10th New Yorker. He was reviewing The Letters of Robert Frost, Volume 1: 1886–1920.

Later, Chasson comments: “In young writers, ambition often sprints ahead of accomplishment, then stops and waits for the gap to close. If it didn’t run ahead, there might be no race at all. Frost’s ambition made its start around 1894, but his career didn’t catch up until 1913 when he published his first book, A Boy’s Will and a year later, his second North of Boston.”

Frost was also the subject of a recent Page One article in The New York Times. There are to be four volumes of three thousand letters that promise to offer the most rounded, complete portrait to date.

The Times said that Frost, after his death, had come to be regarded as a “monster of egotism” who “destroyed human lives.” One of the editors of the letters, however, said, “Frost has his moods, his enemies, the things that set him off. But mostly what you see [in these letters] is a generosity of spirit.”

BEAU IDEAL: Somerset Maugham’s Cakes and Ale has a fictional narrator, a successful London novelist. He is asked for details about Edward Driffield, a famous author he once knew. The questioner has been invited by Driffield’s widow to write an idealized biography of the great man, in which it will not be revealed that, among Driffield’s many lower-class habits, he refused to bathe as often as his wife would have liked.

The narrator asks the biographer, “Don’t you think it would be more interesting if you went the whole hog and drew him warts and all?”

“Oh, I couldn’t. Amy Driffield [the widow] . . . asked me to do the life because she felt she could trust my discretion. I must behave like a gentleman.”

The narrator said, “It’s very hard to be a gentleman and a writer.”


In The Wall Street Journal, reviewer Henry Allen explained why both bios are so long: “First, biographers are catering to Burroughs fans, a cult. Second, these biographies turn you into the equivalent of a boy standing by the railroad tracks watching an endless slow freight of depravity rattle past. The monotony becomes hypnotic. The freakishness becomes normal with repetition. You can’t look away.”

Miles described Burroughs: “Satirist, pornographer, science-fiction daydreamer, addicted to drugs and street boys, Burroughs was a literary godfather of punk rock, trash metal and gangsta rap preaching sodomy and murder. In his own words, he was a ‘connoisseur of horror.’”

EXHIBIT: Has the bookplate, that paper work of art glued onto the inside board of a book’s cover for the owner to fill in, gone the way of the dodo?

A friend sent me the catalog of a recent exhibition at The Grolier Club, in Manhattan. The catalog reproduces the exhibit’s fabulous pop-up books and other paper items by Vojtech Kubasta (1914–1992). The Czech artist designed bookplates for important people in Prague, and I was reminded of the days when a book without a bookplate was like a ship without its owner’s flag.

Many of the books on my shelves have bookplates. My wife had her own bookplate, decorated with a single yellow flower. Her mother’s bookplate had a dark scene of storm-tossed trees. I once had a bookplate too, a woodcut print designed by my brother.

“Ex Libris,” these books say in economical Latin. Have you ever seen an e-book with a bookplate?

TRYING AGAIN: Nathan Filer’s Where the Moon Isn’t was published in the U.S. in November. Unnoticed by most reviewers, it sold poorly.

In Britain it was released under the title The Shock of the Fall,
Thompson was the editor of Martin’s, told written by authors who live in back in my chair with my feet up on a clumsy understanding, a cobweb which falls apart at a clumsy touch. It’s available as an e-book isn’t tough—it is frail and exquisite, immediately. Advance print copies will go to booksellers and critics. Publisher Jennifer Enderlin at St. Martin’s told The New York Times, “We’re going to give it a whole new push, as if it’s a first-time publication again.”

MYSTERY FORM: Jennings Thompson was the editor of Silver Pennies (1925), a collection of poems for children. In the preface, she wrote, “If a poem is worthy at all, it isn’t tough—it is frail and exquisite, a mood, a moment of sudden understanding, a cobweb which falls apart at a clumsy touch.”

More quotes about poetry appeared in Sunday’s New York Times Book Review: “Writing poetry is an unnatural act,” Elizabeth Bishop once wrote. “It takes skill to make it seem natural.” John Keats wrote in an 1818 letter, “If poetry comes not as naturally as the leaves to a tree it had better not come at all.”

WHERE: “I revised the last eleven drafts,” Mona Simpson wrote in The New York Times Magazine, “red-penciled the copy editing and marked the first-pass galleys at different places in the house.” She was photographed in her kitchen. Simpson was one of five authors who described the places where they write. Her new novel is Casebook. She said that she wrote “sitting on the floor next to the heating vent, on my bed, at the kitchen table, leaning back in my chair with my feet up on the desk.”

“Instead of a dedicated room,” she explained, “my best trigger is the actual habit of reading over the texts from the day before. Marking. Changing. Fussing. This ritual amounts to a habit of trust. Trust that I can make it better. That if I keep trying, I will come closer to something true.”

ENCORE: Robert Galbraith (a.k.a. J. K. Rowling) will publish “his” second book, The Silkworm, in June. The Guardian said that it is about a novelist who is “murdered after writing poison pen-portraits of nearly everyone he knows.”

Rowling will help promote the book by making an appearance at the Harrogate crime-writing festival in July.

BLACKOUT: David Stuart MacLean is the author of The Answer to the Riddle Is Me: A Memoir of Amnesia. He was doing research for a novel in India when an antimalaria medication caused a break with reality. After a total blackout on a train platform, he slowly regained his identity.

The Times’s Gregory Cowles admired the memoir and wrote, “if the writer’s task is to ‘make it new,’ then losing your memory turns out to be an unexpected boon.”


“To me,” Gorra wrote, “the term’s curiosity lies in that definite article: ‘the’ great American novel, not ‘a’ great American novel. It’s as though there could only be one, a single great Gatsby or a solitary white whale. One voice should speak for all.”

Gorra wrote that Buell proposed more possibilities “by writers who have all thought with special force about the nature of the country itself.” Among those suggested, in addition to F. Scott Fitzgerald and Herman Melville, were the usual suspects—Nathaniel Hawthorne, Theodore Dreiser, Ralph Ellison, Philip Roth, Harriet Beecher Stowe, Mark Twain, William Faulkner, Toni Morrison, Margaret Mitchell, John Dos Passos and Thomas Pynchon.

DEATHS

Jean Anyon, 72, died September 7 in Manhattan. She was the author of Ghetto Schooling (1997), Marx and Education (2001) and Radical Possibilities: Public Policy, Urban Education, and a New Social Movement (2005).

Halton C. Arp, 86, died December 28 in Munich. The American astronomer was the author of The Red Limit (1977) and Quasars, Redshifts and Controversies (1989).

Iain Banks, 59, died June 9 in Scotland. He wrote 28 books in 10 years. His first was The Wasp Factory (1984), which sold more than a million copies. Other titles included The Hydrogen Sonata (2012).


Ian Barbour, 90, died December 24 in Minneapolis. The winner of the Templeton Prize (1999), he was the author of Issues in Science and Religion (1966), Myths, Models and Paradigms (1973), Religion in an Age of Science (1990) and Ethics in an Age of Technology (1993).


Suzanne Bianchi, 61, died November 4 in Santa Monica, CA. She was the author or coauthor of seven books, including *American Women in Transition* (1986) and *Balancing Act: Motherhood, Marriage and Employment Among American Women* (1996).


Abraham Briloff, 96, died December 12 in Great Neck, NY. The accounting professor was the author of *The Effectiveness of Accounting Communication* (1967), *Unaccountable Accounting: Games Accountants Play* (1972) and *The Truth About Corporate Accounting* (1981).


Carolyn Cassady, 90, died September 20 in Bracknell, England. Muse to the Beat Generation and married to Neal Cassady for 20 years, she was the author of *Heart Beat: My Life With Jack and Neal* (1976) and *Off the Road: My Years With Cassady, Kerouac and Ginsberg* (1990).

Chris Chase, perhaps 90, died November 7 in Manhattan. The actress turned writer was the author of a memoir, *How to Be a Movie Star, or A Terrible Beauty Is Born* (1974).

Arthur C. Danto, 89, died October 25 in Manhattan. The critic and Columbia professor was the author of 30 books including *Beyond the Brillo Box* (1964) and *After the End of Art* (1997).

Douglas Davis, 80, died January 16 in Queens, NY. An artist and critic, Davis was the author of *Artculture: Essays on the Post-Modern* (1977) and *The Five Myths of Television Power: Or, Why the Medium Is Not the Message* (1993).


James A. Emanuel, 92, died September 27 in Paris. The critic and professor was the author of *Langston Hughes* (1967), *The Treehouse and Other Poems* (1968) and *Black Man Abroad* (1987).

T. R. Fehrenbach, 88, died November 29 in San Antonio. The Texas historian was the author of *This Kind of War: A Study in Unpreparedness* (1963) and *Lone Star: A History of Texas and the Texans* (1968).

Syd Field, 77, died November 15 in Beverly Hills. He was the author of *Screenplay* (1979), which sold millions of copies and became the “bible” for screenwriters. Another title was *Going to the Movies: A Personal Journey Through Four Decades of Modern Film* (2001).

James J. Gallagher, 87, died January 17 in Chapel Hill, NC. He was the author of *Teaching the Gifted Child* (1994) and coauthor of *Educating Exceptional Children*, which went through 14 editions.

Juan Gelman, 83, died January 14 in Mexico City. The Argentine poet was the author of more than 20 books and was awarded the Cervantes Prize in 2007. The *New York Times* said, “His work was not routinely translated into English, partly because he was interested in exploiting nuances of language that were difficult to capture in other tongues.”


Sheldon Hackney, 79, died September 12 on Martha’s Vineyard, MA. The historian was the author of *Populism to Progressivism in Alabama* (1969) and *One America, Indivisible* (1997).

Marcella Hazan, 89, died September 29 in Longboat Key, FL. Her obituary appeared on *The New York Times* front page with the headline: “Changed the Way Americans Cook Italian Food.” She was the author
Richard Heffner, 88, died December 17 in Manhattan. The host of TV’s Open Mind was author of A Documentary History of the United States (1952). Other books included As They Saw It (2004), a collection of interviews from the TV program.


Michael Kammen, 77, died November 29 in Ithaca, NY. The Cornell professor was the author of Masters of the Mind (2004).

Norma Kassirer, 89, died February 17, 2013, in Buffalo, NY. A member of the Authors Guild for more than 40 years, she was a poet, an artist and an author of novels. Magic Elizabeth (1966) was included in The New York Times Parent’s Guide to the Best Books for Children.


Herbert Mitgang, 93, died November 21 in Manhattan. The journalist and author wrote The Montauk Fault (1981), Dangerous Dossiers: Exposing the Secret War Against America’s Greatest Authors (1988), Once Upon a Time in New York (2000) and many other books. He served as president of the Authors Guild from 1971 to 1974.


Hugh Nissenson, 80, died December 13 in Manhattan. He was the author of The Tree of My Own Ground (1976), Life (1985) and The Pilgrim (2011).

José Emilio Pacheco, 74, died January 26 in Mexico City. A poet and author, he wrote Battles in the Desert (1981) and City of Memory (1997).

Barbara Park, 66, died November 15 in Scottsdale, AZ. She was the author of Junie B. Jones and the Stupid Smelly Bus (1992), Junie B. Jones and the Yucky Blucky Fruitcake (1995), Junie B. Jones Has a Monster Under Her Bed (1997) and several more.

Ruth Patrick, 105, died September 23 in Lafayette Hill, PA. She was author or coauthor of several books including Diatoms of the United States (1966), Groundwater Contamination in the United States (1983) and Rivers of the United States, a multivolume work published over several years from 1994 to 2003.


Robert D. Stebbings, 98, died September 23 in Eugene, OR. The Berkeley professor emeritus of zoology was the author of A Field Guide to Western Reptiles and Amphibians (1966) and Connecting With Nature: A Naturalist’s Perspective (2009).


was the author of *Salmon Fishing in the Yemen* (2007).

Charles M. Vest, 72, died December 12 in Arlington, VA. A former president of MIT, Vest was the author of *Pursuing the Endless Frontier* (2007).


William Weaver, 90, died November 12 in Rhinebeck, NY. The translator of Italian literature wrote several books including *The Golden Century of Italian Opera from Rossini to Puccini* (1980) and a biography of Eleonora Duse entitled *Duse* (1984).


The winners of the National Book Critics Circle (NBCC) awards were presented at a ceremony at the New School on March 13. Sheri Fink’s *Five Days at Memorial: Life and Death in a Storm-Ravaged Hospital* won the General Nonfiction category. Nominees, who were announced in January, included Jesmyn Ward’s *Men We Reaped* in the Autobiography category. Katherine A. Powers was the recipient of the Nona Balakian Citation for Excellence in Reviewing, and both Roxana Robinson and Ruth Franklin were finalists for that honor.

*The Facebook Diet: 50 Funny Signs of Facebook Addiction and Ways to Unplug with a Digital Detox* by Gemini Adams received the 2013 Mom’s Choice Gold Award for Humor Books.

*The Year’s Best Science Fiction: Thirty-First Annual Collection* included three stories from *The Other Half of the Sky*, a 2013 anthology of original short stories edited by scientist, author and editor Athena Andreadis.

Angie Bailey received four Certificates of Excellence in the 2013 Cat Writers’ Association Annual Communication Contest. She also won the BlogPaws Nose-to-Nose Blogging and Social Media Award for Best Humor Blog.

Kelly Bennett received the 2013 Writer’s League of Texas Book Award for Picture Books for *One Day I Went Rambling*, illustrated by Terri Murphy.

Judy Blume received the National Council of Teachers of English/SLATE National Intellectual Freedom Award and the ALAN Award (Assembly on Literature for Adolescents of NCTE) at the NCTE Annual Convention, held last November in Boston.

Kathleen Long Bostrom has been named the recipient of the 2014 David Steele Distinguished Writer Award, the top honor given by the Presbyterian Writers Guild. She will receive her award in June at the organization’s General Assembly luncheon, in Detroit.

The *Moon in the Nautilus Shell: Discordant Harmonies Reconsidered* by Daniel B. Botkin was a 2013 USA Best Book Awards finalist in the General Science category.

America’s Best BBQ—*Homestyle: What the Champions Cook in Their Own Backyards* by Ardie A. Davis with Chef Paul Kirk received the 2013 Best BBQ Book of the Year Award from *The National Barbecue News*.

Joan Druett and Rick Spilman have founded Old Salt Press, an association of writers working together to produce and publish quality maritime fiction and nonfiction.

Paula Fox received *The Paris Review’s* 2013 Hadada Award, presented each year to “a distinguished member of the writing community who has made a strong and unique contribution to literature.”

Mary Glickman’s *One More River* was a National Jewish Book Award finalist in Fiction.

*Bombs Over Bikini: The World’s First Nuclear Disaster* by Connie Goldsmith was named a Junior Library Guild selection for 2014.

Kay Goldstein was awarded the 2013 Silver Nautilus Award in the Middle Grade category for *Star Child*. The Nautilus Awards are given for “Better Books for a Better World.”

Jacquelin Gorman received the Flannery O’Connor Award for Short Fiction for her collection *The Viewing Room*, which was published this past fall by the University of Georgia Press.

Joan Bransfield Graham received the Society of Children’s Book Writers & Illustrators 2014 Book Launch Award for *The Poem That Will Not End: Fun with Poetic Forms and Voices*.

Jane Harrington was awarded a fellowship by the Virginia Center for the Creative Arts. She will be one of approximately 25 fellows focusing on their own cre-
ative projects at this working retreat for visual artists, writers and composers.

**Carolyn Hart** has been chosen as one of two Grand Masters for 2014 by Mystery Writers of America (MWA). (The other is Robert Crais.) The award will be presented at the Edgar Awards banquet in New York City on May 1.

**Dorothea Jensen**’s *Tizzy, the Christmas Shelf Elf* and *Blizzy, the Worrywart Elf* both received Mom’s Choice Awards, which honor the best in family-friendly media.

*Creamy and Crunchy: An Informal History of Peanut Butter, the All-American Food* by **Jon Krampner** was named a 2013 Best Book of the Year in the category of Nonfiction by the Los Angeles Public Library.


**Lois Lowry** received the Best of Brooklyn Award this past September at the annual Brooklyn Book Festival. The award ceremony was held at St. Francis College.

**Harold C. Lyon Jr.** received the 2013 Silver Medal eLit Award and the Best Book of the Year Award from the New England Outdoor Writers Association for *Angling in the Smile of the Great Spirit*.

**Pamela Mayer** received the 2013 Sugarman Family Children’s Book Award for *Don’t Sneeze at the Wedding*.

**John Moir** won First Place for Literature in the 2014 Eco Arts Awards. He received the $1,000 prize for his article “Nature’s Blinded Visionaries: John Muir, E. O. Wilson, and the Sixth Extinction.”

**Bonnie J. Morris**’s *The Schoolgirl’s Atlas* won Finishing Line Press’s New Women’s Voices Award. Her book *Women’s History for Beginners* was the runner-up for first prize in the New England Book Festival held in Boston this past January. She was also selected for one of C-Span Book TV’s *In Depth* author profiles; the episode aired in February.

*Essays for My Father: A Legacy of Passion, Politics, and Patriotism in Small-Town America* by **Richard Muti** was a 2013 USA Best Book Awards finalist in the Nonfiction Anthologies category.

**Maryanne O’Hara** received Fiction Honors from the Massachusetts Center for the Book for her debut novel, *Cascade*.

**Alexis O’Neill** was the Society of Children’s Book Writers & Illustrators 2013 Member of the Year.

*Liberty’s Christmas* by **Randall Platt** won the Willa Cather Literary Award and the Will Rogers Medallion Literary Award. It was also a finalist for the PEN Center USA Literary Award and the Mountain and Plains Independent Booksellers Association’s Read the West Award, and it received an honorable mention for the Washington State Book Award.

*Henry’s Awful Mistake* by **Robert Quackenbush** won the 2013 Gradiva Award in the category of Children’s Books.

**Fred Reed**’s *Abraham Lincoln: Beyond the American Icon* was honored with the Numismatic Literary Guild’s Best Book, Tokens and Medals Award for 2013, as well as a special Token & Medal Society Presidential Award for contributions to the hobby.

**Albert Russo**’s “Vengeance par procuration” (Revenge by proxy) has won the 2013 UNICEF Poetic Prose Award for the protection of childhood worldwide.

**Paul Schullery** received an Honorary Doctorate of Literature from Ohio University, in recognition of his work as a writer and conservationist.

An excerpt from Fatima Shaik’s *Mayor of New Orleans* was chosen for N.O. Lit: 200 Years of New Orleans Literature, edited by Nancy Dixon.

**Sharon Short** was one of the featured authors at the 2013 Ohioana Book Festival.

**Joy Smith**’s *Oh, No, They’re Engaged! A Sanity Guide for the Mother of the Bride or Groom* was a finalist for the National Indie Excellence Award.

**Mirabai Starr**’s *God of Love: A Guide to the Heart of Judaism, Christianity and Islam* won the 2013 New Mexico–Arizona Book Award in the Religious Book category.

**James Sterba**’s *Nature Wars: The Incredible Story of How Wildlife Comebacks Turned Backyards into Battlegrounds* was a *Los Angeles Times* Book Prizes finalist and the winner of the 2013 Green Prize for Sustainable Literature, awarded by the Santa Monica Public Library and the City of Santa Monica.

**Margaret Wrinkle**’s *Wash* won the 2013 Flaherty-Dunnan First Novel Prize, awarded by the Center for Fiction.
BOOKS BY MEMBERS

Gemini Adams: The Facebook Diet: 50 Funny Signs of Facebook Addiction and Ways to Unplug with a Digital Detox; David A. Adler: The Jelly Bean Experiment; David A. Adler (and Anna Raff, Illus.): Things That Float and Things That Don’t; Rabih Alameddine: An Unnecessary Woman; Michael Albo (and Bob Forrest): Running with Monsters; Linda J. Amendt: Gluten-Free Breakfast, Brunch & Beyond; George Ancona: It’s Our Garden; Laurie Halse Anderson: The Impossible Knife of Memory; Athena Andreadis (Ed., with Kay Holt): The Other Half of the Sky; Julia E. Antoine: Jason’s Eagle; Jerry Appes: The Quiet Season; Ascher/Straus: Hank Forest’s Party; Thomas Attig (and William L. Rathje, Photog.): Catching Your Breath in Grief . . . and grace will lead you home; Anthony Aveni (and Katherine Roy, Illus.): Buried Beneath Us: Discovering the Ancient Cities of the Americas; Steven Axelrod: Nantucket Sawbuck;


Meg Cabot: The Bride Wore Size 12; Stephanie Calmenson and Joanna Cole (and Heather Ross, Illus.): No Dogs Allowed (Ready, Set, Dogs!); Stephanie Calmenson, and Jennifer Thermes, Illus.: There Are No Moose on This Island; Alyssa Satin Capucilli (and Sarah Massini, Illus.): Tulip Loves Rex; Jacqueline Carey: Autumn Bones; Lillian Stewart Carl: The Avalon Chanter; Eric Carle: Friends; What’s Your Favorite Animal?; Wiley Cash: This Dark Road to Mercy; Marsh Cassidy: The Professional Writer; Light; Diane Chamberlain: Necessary Lies; Janet B. Chapman: For the Love of Magic; Jerome Charyn: I Am Abraham; Susan Cheever: e. e. cummings: A Life; Phyllis Chesler: An American Bride in Kabul; Eileen Christelow: Five Little Monkeys Trick-or-Treat; Zita Christian: Just a Miracle; Thomas D. Clagett: The Pursuit of Murieta; Mary Jane Clark: That Old Black Magic; Tom Clavin (and Bob Drury): The Heart of Everything That Is: The Untold Story of Red Cloud, an American Legend; Andrew Clements (and Adam Stower, Illus.): We Hold These Truths; Peter Clines: Ex-Purgatory; Allan Cole (and Susan Cole Beck): The Spymaster’s Daughter; Kathleen Collins: Lovers in the Present Afternoon; Suzanne Collins (and James Priamos, Illus.): Year of the Jungle; Michael Connelly: The Gods of Guilt; Elisha Cooper: Train; Susan Cooper: Ghost Hawk; Joe Cottonwood: 99 Jobs: Blood, Sweat, and Houses; Carmela LaVigna Coyle: The Tumbleweed Came Back; Amy Cramer and Lisa McComsey: The Vegan Cheat Sheet: Your Take-Everywhere Guide to Plant-Based Eating; Sharon Creech: The Boy on the Porch; Camilla T. Crespi: The Breakfast Club Murder; Doreen Cronin (and Betsy Lewin, Illus.): Click, Clack, Boo! A Tricky Treat; Eliza Cross: The Quinoa Quookbook; Pat Cummings (Illus.; Retelling by H. Chuku Lee): Beauty and the Beast; Steve Cushman: Hospital Work; John Cusick: Cherry Money Baby; Jordan Dane: Crystal Fire; Peter Dans: La Salle Military Academy: Pro Deo Pro Patria: The Life and Death of a Catholic Military School; Colette’s Story: All in All Life Is Wonderful; Lynn Darling: Out of the Woods: A Memoir of Wayfinding; Michael de Guzman: Cosmos DeSoto and the Case of the Giant Steel TEETH; Melissa de la Cruz (and Michael Johnston): Frozen; Matt de la Peña: The Living; Valerie DeLaune: Trigger Point Therapy Workbook for Chest and Abdominal Pain; Trigger Point Therapy Workbook for Headaches and Migraines Including TMJ Pain; Trigger Point Therapy Workbook for Lower Arm Pain Including Elbow, Wrist, Hand & Finger Pain; Trigger Point Therapy Workbook for Lower Back and Gluteal Pain (2nd Edition); Trigger Point Therapy for Shoulder Pain Including Frozen Shoulder (2nd Edition); Trigger Point Therapy Workbook for Upper Back and Neck Pain; Nicholas Delbanco: The Art of Youth: Crane, Carrington, Gershwin, and the Nature of First Acts; Patricia A. DeMaio: Garden of Dreams: The Life of Simone Signoret; Carl Deuker: Swagger; Sylviane A. Diouf: Slavery’s Exiles: The Story of the American Maroons; E. L. Doctorow: Andrew’s Brain; Beverly Donofrio, and Barbara
McClintock, Illus.: Where’s Mommy?; Joan Druett: The Beckoning Ice (Wiki Coffin Mystery 5); The Elephant Voyage; Patrick A. Durantou: Fleurs d’ocre; La notion d’aperon de Anaxagore; La philosophie de J. Dewey; Signes: Christine Duval: Positively Mine;

Monica Edinger (and Robert Byrd, Illus.): Africa Is My Home: A Child of the Amstad; Michelle Edwards (and Charles Santoso, Illus.): Max Makes a Cake; Dave Eggers: The Circle; Marc Eliot: Nicholson: A Biography; Diane Elliott (and Souther, Artist, and Linda Griffith, Photog.): Art & Inspiration; Hedi Engelberg: China, In My Opinion; Los diferentes colores del dolor; Ju Ephraime: Against All Odds; Complete Surrender; Footsteps in the Sand; Delia Ephron: Sister Mother Husband Dog (etc.); Pamela Erens: The Virgins; William Esmont: Water: The End of Us (Elements of the Undead 4);

Maureen B. Fant: Sauces & Shapes: Pasta the Italian Way; Mary Cronk Farrell: Pure Grit: How American World War II Nurses Survived Battle and Prison Camp in the Pacific; Jane Feder (and Julie Downing, Illus.): Spooky Friends; Ruchama King Feuerman: In the Courtyard of the Kabbalist; Sheri Fink: Five Days at Memorial: Life and Death in a Storm-Ravaged Hospital; Elizabeth Fishel (and Jeffrey Jensen Arnett): When Will My Grown-Up Kid Grow Up? Loving and Understanding Your Emerging Adult; Sue Fliess: How to Be a Pirate; Sue Fliess (and Bob Staake, Illus.): Robots. Robots Everywhere!; Sue Fliess (and Jennifer E. Morris, Illus.): A Gluten-Free Birthday for Mel; Brian Floca: Locomotive; Kitty Florey: The Writing Master; Pam Flowers (and Jason Baskin, Illus.): Ordinary Dogs, Extraordinary Friendships: Stories of Loyalty, Courage, and Compassion; David Lee Fowler: Essentials of Southern Cooking: Techniques and Flavors of a Classic American Cuisine; Elizabeth Foxwell (Series Ed.; Jim Mancall, Author): James Elroy: A Companion to the Mystery Fiction; Steven Fraccaro: Dark Angels: A Novel of the Future Past; Russell Freedman: Angel Island: Gateway to Gold Mountain; Erin Fry: Secrets of the Book;


Doris Iarovici: Mental Health Issues and the University Student; Robert Inman: The Governor’s Lady; Anne Isaacs (and Kevin Hawkes, Illus.): Meanwhile, Back at the Ranch; Jordan Jacobs: Samantha Sutton and the Winter of the Warrior Queen; Sid Jacobson: Teaching Learning: Helping Your Kids Gain the Learning Skills They Won’t Get Taught in School; Steven James: Singularity; David Jauss: Glossolalia: New & Selected Stories; Dorothea Jensen (and Andrea Agostini, Illus.): Dizzy, the Slowaway Elf; Dorothea Jensen (and Michelle Alfonso, Illus.): Tizzy, the Christmas Shelf Elf; Dorothea Jensen (and Shayne Hood, Illus.): Bizzy, the Worrywart Elf; Cindy Jenson-Elliott (and Carolyn Fisher, Illus.): Weeds Find a Way; Myra Johnson: When the Clouds Roll By; Alden Jones: The Blind Masseuse; A Traveler’s Memoir from Costa Rica to Cambodia; J. Sydney Jones: Ruin Value: A Mystery of the Third Reich; Merry Jones: Outside Eden; Jacqueline Jules: What a Way to Start a New Year;

Boston Stranglers; Matthew Kennedy: Roadshow! The Fall of Film Musicals in the 1960s; Nancy B. Kennedy: Miracles & Moments of Grace: Inspiring Stories from Moms; Laurie R. King: The Bones of Paris; Stephen King: Doctor Sleep; Elisa Kleven: Cozy Light, Cozy Night; Christine Kohler: No Surrender Soldier; Julie Kramer: Delivering Death; John Kretscher: Sailing a Serious Ocean; Susan Kuklin: Beyond Magenta: Transgender Teens Speak Out; Michael Kurland: Who Thinks Evil;


Mary Quattlebaum (and Laura J. Bryant, Illus.): Jo MacDonald Hiked in the Woods;

Joan L. Ramirez: Jamie Is Autistic: Learning in a Special Way; Deborah Raney: A January Bride; Silver Bells; Doreen Rappaport (and C. F. Payne, Illus.): To Dare Mighty Things: The Life of Theodore Roosevelt; Chris Raschka: Daisy Gets Lost; J. Hamilton Ray (and Pascall Lemaitre, Illus.): Squirrels on Skis; Joyce Ray: Women of the Pine Tree State: 25 Maine Women You Should Know; Cheryl Reavis: The First Boy I Loved; Fred Reed: Civil War Stamp Envelopes: The Issuers and Their Times; Anne Rice: The Wolves of Midwinter; Robert Riche: The Flautist; Michelle Richmond: Golden State; Karen Robards: Hunted; Paul R. Robbins: Look into the Past, Merceds, If You Dare!; Wendy W. Rodrigue: The Other Side of the Painting; Robert Root: Happenstance; Imogen Rose: Chroniques de Bonfire: Faustine (Tome 1); Roger Rosenblatt: The Boy Detective: A New York Childhood; Harry Rosenfeld: From Kristallnacht to Watergate: Memoirs of a Newspaperman; Penelope Rowlands: The Beatles Are Here! 50 Years After the Band Arrived in America, Writers, Musicians, and Other Fans Remember; Susan Goldman Rubin: Everyone Paints! The Lives and Art of the Wyeth Family; Elizabeth Rusch (and Oliver Dominguez, Illus.): Electrical Wizard: How Nikola Tesla Lit Up the World; Albert Russo: I-Sraeli Syndrome; Zanpini la parigina; Hank Phillippi Ryan: The Wrong Girl;

Kevin Underhill: *The Emergency Sasquatch Ordinance*; Lisa Unger: *In the Blood*;

Susan VanHecke (and London Ladd, Illus.): *Under the Freedom Tree*; Leigh Verrill-Rhys: *Twas the Night Before Veteran’s Day* (Nights Before 5); Cynthia Voigt (and Iacopo Bruno, Illus.): *The Book of Lost Things*;


**Contracts Q&A**

Continued from page 22

e-books. If that’s not clear in your contract, be sure to change the language so it is.

Q. My contract says that when my rights revert to me following termination of my contract because my book is out of print, licenses and options previously granted by the publisher remain in effect. Is this typical?

A. Licenses typically remain in effect in that situation but not options. Licenses are binding agreements authorizing the licensee to exercise the rights granted, and the publisher is rightly entitled to its share of money paid by the licensee as long as the license remains in effect.

But an option is not a license. An option is simply a brief agreement by your publisher to grant a subsidiary rights license in the future—for translation rights to a French publisher, for example—if, by a specified date, the other party to the option tells your publisher it wants that license and pays an advance.

Since your publisher is no longer permitted to grant the license if its contract with you has terminated—those subsidiary rights, because they were not yet licensed, have already reverted to you—it is inappropriate for any option not yet exercised to remain in effect after your contract with the publisher has terminated.

(In this situation, the option holder would need to come to you, and you would have the choice whether or not to license the requested rights. And, if you do, the publisher is not entitled to share in the proceeds with you.)

If you are negotiating a contract with a clause saying that the options remain in effect, delete it. If the publisher doesn’t agree and you are unable to change its mind, be sure to provide that the publisher may not extend the option’s term or change any of its provisions. Because even if the publisher no longer has the rights, it would not be surprising if in ignorance it thought it did and signed a licensing agreement in that mistaken belief. By prohibiting the option from being extended or its terms from being changed, you at least limit the time frame during which the publisher might make this error.

E-mail questions to QAColumn@authorsguild.org. Questions are often edited for readability or to make them more broadly applicable.

The answers in this column are general in nature only and may not include exceptions to a general rule or take into account related facts that may result in a different answer. You should consult a lawyer for information about a particular situation. No question submitted, or answer provided, creates an attorney-client relationship with the column’s author. 🌟
The graduate student thrust the library book toward me as though brandishing a sword. “This has got to stop,” she said. “It isn’t fair. How can I work on my dissertation with this mess?” As she marched out of my office, leaving the disfigured volume behind, her words stung—for the code of civility on which libraries depend had been violated. She was the third PhD student in less than a year to bring me a similarly damaged volume, and each had expected me as the library director to turn sleuth, solve the mystery and end the vandalism.

Someone had been defacing modern books containing translations of 16th-century texts. With garish strokes, the perpetrator had crossed out lines, then written alternate text in the margins. It did not take a Sherlock Holmes to observe that it was the work of a single hand, a hand wielding a fountain pen spewing green ink. The colorful alterations were not limited to a few pages but crept like a mold, page after page.

Some months later, in a faculty meeting, I noticed that the colleague sitting next to me was taking notes with a fountain pen. And the ink was telltale green. He was a professor of history, specializing in the Reformation and the Renaissance periods. The mystery appeared to be solved—he was undoubtedly the guilty scribbler. I asked him to visit my office.

When I showed him the defaced volumes, he said, “Yes, that’s my work.” His prideful tone took me aback. I reminded him that he could not mark up books that belonged to the whole campus and had to cease and desist, but he countered that the books were really his since they were in his area of study, and that he needed to correct translations he disagreed with or could improve. I disabused him of his sense of entitlement and insisted that he stop marring the books—or lose his borrowing privileges. He left in a pique. A semester elapsed before he spoke to me again. But the flow of green ink stopped.

While we abhor seeing pages compromised in library books—stirring memories of elementary school days when, on the last day before summer vacation, our teachers kept us captive until we had erased all marks from our textbooks with the remaining stubs of our pink erasers—many of us write in our own books. What is reprehensible in one context can be beneficial in another.

Recently, Monticello scholars working in the libraries of Washington University in St. Louis discovered 74 volumes that were originally part of Thomas Jefferson’s personal library. It turns out that Jefferson wrote in his books. “Our discovery provides an amazing and intimate look into Jefferson’s world,” said Leslie Greene Bowman, president of the Thomas Jefferson Foundation. “To find his handwritten notations is like peering over Jefferson’s shoulder to see his mind at work.”

Some of my university’s special collections include the personal libraries of important scholars who wrote in their books. Marginalia reveal much about their engagement with the text and the development of their ideas. Researchers and biographers mine those annotations. Such is the case with Will Herberg and Carl Michalson, scholars of religion who personalized their books with, respectively, blue fountain pen ink and a pencil. While browsing in these collections, the theologian Schubert M. Ogden observed to me that both...
men had owned Paul Tillich’s three-volume *Systematic Theology.*

“Too many theologians and philosophers who say they have read Tillich rarely ventured beyond the first volume,” he said. “Let’s take a look.” Herberg’s first volume of the set was heavily marked, but the other two were as new; Michalson had marked all three.

Books with well-marked pages associated with a well-known person are ringing up fancy auction prices. Last June a first edition of *The Great Gatsby* sold for $112,500 at Sotheby’s. It had been owned by the critic and author Malcolm Cowley, who played a significant role in the rise of Fitzgerald’s fame. Cowley had consulted Fitzgerald’s personal annotated copy of the novel at the Princeton University Library and copied over 100 of Fitzgerald’s notes into his own copy of the novel. Without the annotations, its hammer price would have been at least 30 percent less, said Richard Austin, head of Sotheby’s Books and Manuscripts Department.

The habits of contemporary authors vary a great deal when it comes to pen-and-ink commentary as they read. The poet Maxine Kumin never writes in her books. Neither does Karen Armstrong, the scholar of religion, or Jonathan Rose, a scholar of Churchill and Orwell. But many do. “We have all seized the white perimeter as our own,” writes Billy Collins in his poem “Marginalia.” David S. Reynolds, a historian and critic, marks up his books, especially paperbacks. He calls it “talking back” to the book. The biographer T. J. Stiles never marks when reading for pleasure, but when reading for research it’s a different story. Then “highlighting and marginalia function like enzymes, breaking the book down to supply nutrition for my work.”

Other authors have given up the practice. “I fervently annotated books until I started rereading the books I’d annotated,” Louise Erdrich has said. “My annotations were so absurd that I had to add another layer of annotations. By the time I started reading those books a third time, I was so irritated by my reading self that I got rid of the books and bought new ones.”

The world of digital books knows the importance of personal marginalia. Most of the major tablets and e-readers feature an annotation function. But the process is still cumbersome. The comment is tucked away, represented by an icon in the margin. The day of seeing the full note in the location of its birth, not to mention in the script of your own hand, is still an innovation or two away.

I write in my books. Not in special editions or volumes of great beauty, of course, but in the books that I read closely, fiction or nonfiction. Some of my notes are shrines of memory, as important as any cairn, honoring the place where life-changing events took place or where an author’s words took my breath away.

My hefty, two-volume college text *Major British Writers* is battered and worn, but I wouldn’t part with it. It documents my first encounter with Coleridge and the rotting sea of his “Rime of the Ancient Mariner.”

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**Last June a first edition of The Great Gatsby sold for $112,500 at Sotheby’s. It had been owned by the critic and author Malcolm Cowley, who played a significant role in the rise of Fitzgerald’s fame. . . . Without the annotations, its hammer price would have been at least 30 percent less.**

Tiny red phrases streak the shore of the pages, conjuring up the voice of Professor Virginia Ramey Mollenkott, whose riveting exegesis ensured that I would be making frequent pilgrimages back to those pages.

The wrathful God of my fundamentalist youth died in a chapter of Gordon Kaufman’s *Systematic Theology: A Historicist Perspective,* and I festooned the spot. Clustered around a single paragraph in Annie Proulx’s story collection *Fine Just the Way It Is* are notes and squiggles of amazement at how an adventure, stalled on an Idaho trail high above the timberline, could close with such haunting grace.

The jottings we make in the books we own may well be among the highest tributes we pay to authors. They are signs of respect, signs of engagement. What more could a writer hope for?

Herbert Mitgang, 1920–2013

Herbert Mitgang, president of the Authors Guild from 1971 to 1974 and of the Authors League Fund from 1975 to 1997, died November 21, 2013, at his home in Manhattan. He was 93.

Mr. Mitgang was a journalist, a prolific author and a fervent champion of authors’ interests and rights, which he expressed with a ferocity that belied his otherwise courtly manner. “The relationship of the author to the publisher,” he liked to say, “is as the throat to the knife.”

Mr. Mitgang was born in Manhattan, earned undergraduate and law degrees from St. John’s University, and worked as a sports stringer for the Brooklyn Eagle when the Dodgers were still at Ebbets Field. During World War II, he served in the Army Intelligence Corps and as a reporter for Stars and Stripes, parachuting into Greece with American troops and earning six battle stars, adventures he recalled in his memoir, Newsmen in Khaki.

On his return to New York he found work at The New York Times, where he was variously a reporter on law and foreign affairs, a book reviewer, a theater critic, editor of the Drama Section and a member of the paper’s editorial board; in 1970, he helped launch the publication’s Op-Ed page. On the side he wrote fiction, nonfiction and two plays.

In 1987, making use of the Freedom of Information Act, he pieced together the story of how multiple U.S. government agencies, including the FBI and the CIA, had amassed extensive dossiers on a long list of American writers from Rex Stout, Sinclair Lewis, Pearl Buck, William Faulkner and John Steinbeck on up through Bill Mauldin and Norman Mailer, as well as on several writers groups, including the Authors League of America, the Guild’s parent organization. He laid out his findings in a long article for The New Yorker and in greater detail in Dangerous Dossiers.

But the Guild was his particular passion and, for several generations, said Executive Director Paul Aiken, its “institutional memory—the one who told us what it had been, and what it should be.”

“He was totally dedicated to the Guild and in particular to the Fund,” said Authors Guild Foundation president Sidney Offit, a close friend of Mitgang’s for more than half a century. “Herb is the one who brought in James Michener,” one of the Fund’s most generous donors. Offit recalls meeting Michener at a Guild event and saying, “If it wasn’t for you, we wouldn’t have a league fund.” And Michener replied, ‘No, no, it’s not me but Herb Mitgang you should thank. He made me aware of the fund. He’s a noble fellow.”
Legal Watch

Continued from page 24

vastly different weight. The court made a quantitative analysis of the narrative structure by the number of pages devoted to various episodes and ruled that the two works narrated “the same basic events but with greatly differing internal structures.” Thus the court declined to find copyright infringement between the two screenplays. *Effie* has begun shooting without fear of an impending lawsuit.

—S. F.
Membership Application

Mr./Ms. ___________________________ Pseudonym(s) ___________________________

Address __________________________ City ________ State ___ Zip ________

Phone ( ) _______________________ Fax ( ) _______________________ E-mail ____________________

Agent name __________________________ Agency __________________________ Agent phone ( ) ____________

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)

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Freelance articles

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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. __________ Expiration Date __________/______ Amount: $90

Signature ___________________________ Expiration Date __________/______