A New Golden Age for Readers and Writers?
Copyright Register Proposes Digital Age Overhaul
Scott Turow: A Threatened Livelihood
Symposium: How We Read Now; How We Write Now
LETTERS TO THE EDITOR

While reading the insightful and revealing article on the Guild's founding [Bulletin Fall 2012/Winter 2013] I saw a name that resonates loudly with historians who study and write about the Modern Olympic Games. On page 16, listed as one of four Honorary Vice Presidents, is one William M. Sloane. Sloane was not only a distinguished Professor at Princeton University, he was also the first President of the American Olympic Committee, assembled the American Olympic Team that competed in the 1896 Athens Olympiad, and had a profound influence on Baron Pierre de Coubertin, the recognized founder of the Modern Olympic Games.

Sloane and Coubertin were very good friends. When Coubertin visited America in 1889, he spent time with Sloane. The semester had come to a close at Princeton during Coubertin's visit and Sloane invited the baron to his home to meet his students and watch a mini-Olympiad, in which his students assumed the personae of some of the greatest Olympians of antiquity. Since they both shared a passion for all things Hellenic, Sloane thought that Coubertin would enjoy a reenactment of an ancient Greek athletic festival contested in his backyard. The rest, as they say, is history!

—Robert Mechikoff
Oceanside, Calif.

ALONG PUBLISHERS ROW

BY CAMPBELL GEESLIN


Skinner wrote: "As words test the invisible barrier between slang and conventional English, newbs like me (newb is slang for newbie or neophyte) are forced to wade in against a constant tide of non-standard English."

He concluded with the observation that some highly offensive language has become colloquial even as it remains offensive. "At a family restaurant recently I saw a young man dressed in a T-shirt with an F-bomb across the chest. Language is very complicated, Philip Gove [editor of Webster's Third] liked to say. Which is true. Perhaps, then, his dictionary needs more labels, not fewer."

LUCKY FELLOW: T. C. Boyle's latest novel is San Miguel. At 64, he is the author of 14 novels and seven published short story collections.

In an interview with The Guardian, Boyle said that he worries about everything in our environment, but that he has been lucky in his career. "Nobody has ever said 'no' to me. I don't require much editing. The book you see on the shelves is pretty much the book I turned in... I'm enslaved to writing to the point where I sacrifice almost everything else."

STATUS: Larissa MacFarquhar wrote an article about Hilary Mantel for The New Yorker and said of the British author: "She deeply believes that a writer is only as good as her next paragraph."

NEW LISTING: Over the past couple of years, PW has been listing titles and short reviews of self-published books in increasing numbers. Beginning in February, it will publish that kind of list six times a year. In the first issue in October 194 titles were noted.

The reviews are brief descriptive summaries. A sample for a novel, My Way Home by Cynthia Lee Carter: "Cammy's lost as she faces the end of her 25-year marriage, but an abandoned lodge on an island gives her new dreams."

DECISION: "An Israeli judge has ruled that a huge trove of documents written by Franz Kafka and his friend Max Brod that have been kept from view for decades must be turned over to Israel's national library," The New York Times reported from Jerusalem. The library plans to publish them online.

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Overheard

"It has never been easier to be a writer, and it has never been harder to be a professional writer."

—Adam Gopnick,
Talk of the Town,
The New Yorker,
March 18, 2013

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SHORT TAKES

BY ISABEL HOWE

DOJ Seizes AP Phone Records; Congress Considers Press Shield

Revelations last month that the Justice Department had used broad subpoena powers to obtain phone call records from 20 telephone lines, including to journalists' home, office and cell phones, in connection with a leak investigation, drew condemnation from Democrats and Republicans. By highlighting journalists' need to protect confidential sources, the DOJ's seizure of Associated Press phone records may finally lead to passage of a federal press shield law. President Obama asked New York Democrat Sen. Chuck Schumer to revive shield law legislation that was shelved in 2009. Schumer formed a bipartisan “Gang of Eight” to work on the bill; Texas Republican Ted Poe introduced shield law legislation in the House.

The Authors Guild, which has long backed the enactment of such a law, is part of a coalition of media organizations calling on Congress to use this as an opportunity to strengthen the First Amendment protection of press freedom.

Legislation monitor GovTrack.us gives the bill a 17 percent chance of being enacted.

E-book Sales Booming, Print Book Sales Flat

E-book sales increased by 45 percent in 2012 to make up 20 percent of the trade book market, according to a report released in May by BookStats, a co-production of the Association of American Publishers and the Book Industry Study Group. Adult fiction, particularly romance novels, showed the strongest growth in e-book sales. The figures almost certainly underestimate true e-book market growth as self-published titles or those released by micropublishers are not included.

Overall, trade book sales increased 7 percent in 2012, to $15 billion. BISG's press release pointed out that “the growth in trade book sales occurred despite the loss of numerous brick-and-mortar stores in 2012,” which was the first full year following the bankruptcy of Borders bookstores. Online retail appears poised to surpass brick-and-mortar stores soon. Publishers’ online revenues jumped 21 percent to $6.9 billion, while revenue from physical retailers fell 7 percent to $7.5 billion.

ABA Reports Modest Uptick in Independent Bookselling

On the eve of BookExpo America last month, the American Booksellers Association announced that its membership had increased for the fourth year in a row, up 65 members to 1,632. ABA CEO Oren Teicher attributed the rise in part to the “buy local” movement, independents’ increasing comfort with technology and a younger generation's interest in bookselling.

“There was a time when people were ready to retire and couldn’t sell their stores, so they closed them,” Teicher told the AP. “The fact that these stores are now remaining bodes well for the future.”

The increase in independents doesn’t make up for the loss of stores caused by the demise of Borders and the shrinking of Barnes & Noble. Borders, which peaked at 1,249 stores in 2003, closed its remaining 399 locations in 2011. Barnes and Noble has been getting smaller since 2008, when it had 726 stores, and plans to continue contracting by about 20 locations a year.

Congress Begins Copyright Review, Hoping for Consensus, Civility

Lawmakers looking to overhaul U.S. copyright law heard testimony on May 16th that underscored a crucial difference between the present and any other time in history: copyright is now something the general public is aware of daily, which makes the issue far more contentious.

The House Judiciary Committee invited five members of a study group, The Copyright Principals Project, to testify. Committee Chairman Bob Goodlatte (R-VA) emphasized the need for civility and praised the study group members for their ability to speak "with a recognition that the person next to them at the witness table has just as much right to advocate their position on copyright law as they do.”

By all accounts, the tone was, in fact, civil.

But absent from this celebration of civility and consensus were people who actually make their living from intellectual property: no author or artist testified at the hearing, a fact noted by many. Testifying were three law professors, a Microsoft lawyer, and a former general counsel of the Copyright Office.

It was the first of planned series of hearings on copyright by the committee.

Random House Sales and Earnings Soar

In 2012, Random House reported $3 billion in revenues and more than $400 million in profits. The company’s growth has been credited to massively popular titles such as 50 Shades of Grey, Gone Girl, and the series “A Song of Ice and Fire.” In addition, the continued expansion of the e-book market has allowed Random House to cut production costs.

Random House’s fortunes have been on the upswing since 2011, when the publisher reported its highest earnings in five years, despite posting losses in worldwide sales. Its growth last year was especially notable, however, prompting Chairman and CEO Markus Dohle
to approve $5,000 end-of-year bonuses for each of Random House’s roughly 5,000 employees.

**ReDigi Ruled over the Line; Apple and Amazon File Patents for Digital Resale Platforms**

On the heels of Amazon’s and Apple’s successful applications to patent online digital resale platforms, a federal judge has ruled that the website ReDigi was acting unlawfully in enabling its users to sell “used” digital music files. In making this decision, the court questioned whether the First Sale Doctrine extends to digital material, such as e-books and digital music files. U.S. District Judge Richard Sullivan argued that it does not, a ruling that suggests that Amazon and Apple will not be allowed to set up the resale platforms the industry has been expecting them to introduce any minute.

Amazon’s patent suggests that the company hoped to set up a central sales system through its existing website; Apple’s would help users buy and sell goods directly, with the iBookstore, iTunes, and other Apple applications as transfer hosts.

Either system would effectively create a new marketplace for pre-owned digital goods, whether e-books, movies, music, software or other digital media. Critics have pointed to the harm this would do to the existing marketplace, as unlike physical goods, digital goods do not deteriorate with age and use, and do not require shipment.

**Penguin Makes Peace with Librarians on E-book Lending**

In April, Penguin Group began allowing libraries to buy and lend out e-books on the same date as the hardcover’s release, lifting its former policy of windowing, or waiting six months before releasing e-books. The American Library Association released a statement praising the company’s decision, which comes less than a year after Penguin launched a pilot e-book lending program with the New York Public Library, the Brooklyn Public Library, and 3M’s Cloud Library software. The ALA’s statement also raised questions about how e-book library lending would be handled under Penguin’s merger with Random House.

**Copyright Alert System Launches: Six Strikes and You’re Out**

The Center for Copyright Information—a group comprised of music and motion picture industry organizations, such as the Motion Picture Association of America, and Internet service providers including AT&T, Cablevision, Verizon and Comcast—has instituted a new system for addressing online copyright infringement: the Copyright Alert System, which allows content owners to take action against peer-to-peer networks that make copyrighted work available without permission.

The Copyright Alert System’s “Six Strikes” method is a step-by-step process that seeks to engage those who share content illegally, first alerting them to the unlawfulness of their actions and educating them about preventing copyright infringement. If the infringement continues, the group enlists ISPs to take punitive action, such as reducing Internet speed or even redirecting users away from the P2P sharing website in question.

The Copyright Alert System, found online at copyrightinformation.org, was first established in 2011 with the support of the White House, but did not go live until February of this year.

**Supreme Court Rules on First Sale of Imported Books**

In 2008, John Wiley & Sons filed a lawsuit against Supap Kirtsaeng, a Thai student attending college in the U.S., who earned more than a million dollars by selling his classmates textbooks purchased cheaply in Asia by Kirtsaeng’s family and friends and shipped to him for resale. After hearing oral arguments in October, the Supreme Court ruled in favor of Kirtsaeng on March 19.

Kirtsaeng had argued that the First Sale Doctrine of Copyright Law covered his actions, while Wiley disagreed, arguing that the doctrine does not apply to goods manufactured overseas, outside of U.S. Copyright Law. The Court sided with Kirtsaeng, stating that the First Sale Doctrine could not be dependent on geography. [See p. 8 for a full discussion of the case.]

**Barnes & Noble Cuts Simon & Schuster Orders**

After negotiations over a new financial deal between Barnes & Noble and Simon & Schuster reached a low point in March, the bookseller reduced book orders from the publisher, with authors as successful as Jodi Picoult seeing a significant drop in sales, according to The New York Times. The Times also noted that orders have been reduced to almost nothing in the case of some lesser-known writers.

Barnes & Noble’s actions, which began in January and continued into the early spring, are being compared to Amazon’s practice of removing “buy buttons” as a punitive negotiation tactic. As the Times reported, both popular and lesser-known writers are suffering as a result of the dispute, which is centered on questions of e-book pricing and compensation from the publisher for in-store promotion.
From the President

BY SCOTT TUROW

This article is an expanded version of an op-ed originally published in The New York Times.

The U.S. Supreme Court's decision on March 20 in Kirtsaeng vs. John Wiley & Son, allowing resale in the U.S. of competing foreign editions of English language books, was discouraging news for authors who earn no royalties when books are re-sold. Authors' income streams are already being rapidly depleted in the digital era, when almost every player in the new electronic marketplace for books—publishers, search engines, libraries, pirates, even other writers—seem to be vying for position at authors' expense.

My lament may sound like the usual interest-group breast-beating, but almost alone among professions, authors enjoy protection in the U.S. Constitution. Article I, Section 8 empowers Congress to make laws "[t]o promote the progress of Science and the useful Arts by securing for limited Times to Authors...the exclusive right to their Writings." The premise is that a diverse literary culture propagating new ideas and new expression, and authors as an independent class whose livelihoods can't be threatened, are essential to our democracy. Instead, the value of copyrights are being rapidly depreciated, a problem that hits hardest not at bestselling authors like me, who have benefitted from most of the changes in book-selling in the last several decades, but for new authors and so-called mid-list authors who find their chances to make a living dwindling.

E-books are much less expensive for publishers to produce—no paper, no printing, no warehousing, no transport costs, and, unlike hardcovers, no risk the book will be returned by the retailer for full credit. But instead of being more generous to authors, the six major publishing houses—five of which were sued last year by the Justice Department's antitrust division for fixing e-book prices—all rigidly insist on clauses limiting e-book royalties to 25 percent of net receipts, equivalent to roughly half the traditional royalty on hardcover books. Bestselling authors have the market power to negotiate a higher implicit e-book royalty in our advances, even if our publishers will never admit that, but writers whose works sell less robustly find their earnings declining because of the new royalty rate, a process that will only accelerate as the book market pivots toward digital.

Of course there are many e-books being downloaded on which authors—and publishers—earn nothing at all. Numerous pirate sites, supported by advertising, have grown up offshore, offering new and old e-books for free. Too many Americans, especially younger ones, seem to believe that if it's on the Internet, it belongs to everybody—even while they pay for cable.

The pirates, however, would be a limited menace were it not for the fact that the nation's search engines point users to these rogue sites with no fear of legal consequence, due to a provision inserted into the copyright laws in 1998. A search for "Scott Turow Free e-books" brought up ten pirate sites out of the first ten results on Yahoo, eight of eight on Bing, and six of ten on Google, with paid ads decorating the margins of all three pages. If I stood on a street corner telling passersby where they could buy stolen goods, and collected a small fee as I did it, I'd be on my way to the penitentiary. Despite their lobbying might, the search engines are hand-in-hand with thieves, even while they sail under mottos like "Don't be evil."

Of course, Google was already in bad odor in parts of the literary community because it decided late in 2004 to scan and digitize the contents of seven major university libraries, without bothering to ask the authors of any books still within copyright if they minded. The Authors Guild sued and the litigation is ongoing, after the judge scuttled a proposed settlement. Google maintains that they're engaged in a "fair use" of the works, an exception to copyright, because they only show "snippets" of the books in response to each search. Of course, over the course of thousands of searches, Google is using the whole book and selling ads each time, while sharing none of the resulting revenue with author or publisher.

In 2011, a consortium of the libraries that partnered with Google, the so-called Hathi Trust, decided to put online for their users scans of close to 200 books Hathi had unilaterally decided were "orphans," meaning
they couldn’t locate the copyright owners. The “orphans” turned out to include figures like former bestselling novelist J.R. Salamanca—alive and well in Maryland—noted psychologist Albert Bandura, professor emeritus at Stanford, and Pulitzer Prize winner James Gould Cozzens, whose copyrights were left to Harvard. After the Authors Guild sued Hathi, it suspended the program. However other online uses that

Too many Americans, especially younger ones, seem to believe that if it’s on the Internet, it belongs to everybody—even while they pay for cable.

don’t involve content display were approved by the court, leaving millions of copyrighted works one hacker away from world-wide dissemination for free.

The run-in with Hathi points up growing fractures in traditional literary alliances. For most academics, the direct financial rewards of publishing have dwindled to next to nothing. While a scholar’s own copyrights may be worth little financially, those of other authors may inhibit an academician’s scholarly use of that work. As a result, under the cri de Coeur that “information wants to be free” some professors and others are calling for copyright to be curtailed or even abandoned. Despite the high-minded slogans, these professors are simply arguing for their own right to prosper in their academic careers, which are propelled by exhaustive scholarship, at the cost of other writers.

Libraries and authors, natural allies, are also increasingly at odds. In the U.S., despite our romance with capitalism, no one labels as socialist our public library system that distributes for free the goods authors produce. (In many other western nations, authors receive a tiny fee whenever a library lends a copy of their works.) Even authors happily accept this, because of the critical role public and university libraries have played in nurturing them as writers and readers. Now many public libraries want to lend e-books, not simply to patrons who come in to download, but to anybody with a reading device and an Internet connection. The only incentive to buy, rather than borrow, an e-book, is the fact the lent copy vanishes from the device after a couple of weeks. As a result, many publishers currently refuse to sell e-books to public libraries until there is a sensible system that doesn’t demolish the e-book market.

As if all this weren’t enough, there is Amazon, which, by some estimates, already sells more than half the trade books purchased in the U.S. across all formats—e-books, audible books, print-on-demand, and online and store sale of physical books. Amazon has done some good things for reading, readers and even for authors, especially by creating a portal that makes self-publishing, particularly of e-books, a reasonable option. But Amazon’s overwhelming commitment is to its own bottom line, and it makes bare-knuckles use of its surging market power, showing little regard for collateral damage to literary culture. Amazon has established its own publishing arm, raising the prospect that the site soon will be tilted to favor Amazon’s own books at the expense of competing authors. And last month, Amazon acquired a patent to re-sell e-books. That’s probably not legal, but if it were, the market for new e-books would drop sharply, because an e-book, unlike a book on paper, suffers no wear with each reading. Except for the most impatient, no one would buy new. Readers would save a dollar or two, but the big winner will be Amazon, which would essentially shift income to itself from the publisher—and author—who won’t get the share of proceeds they receive on the sale of a new book.

Many people would say all these changes are simply in the nature of markets or the Internet, and see no problem if authors are left to write purely for the love of the game. Last October, I visited Moscow and met with a group of authors who described the sad fate of writing as a livelihood in Russia today. They said there is only one physical publisher left, owned, they be-

The Framers had it right. Soviet-style repression is not necessary to diminish the audience and influence of a nation’s authors. Just devalue their copyrights.

liked, by an ally of Mr. Putin’s. E-publishing is a poor option, since e-books are savaged by rampant and instantaneous piracy that goes almost completely unpoliced. In the country of Tolstoy, Dostoevsky, Pushkin and Chekhov, few Russians—let alone any Westerner—could name a contemporary Russian author whose work regularly impacts the national conversation. The Framers had it right. Soviet-style repression is not necessary to diminish the audience and influence of a nation’s authors. Just devalue their copyrights. ♦
High Court Clears Path for Offshore Book Market

Kirtsaeng v. John Wiley & Sons, Inc.

BY RYAN FOX

On March 19 the Supreme Court ruled that copyright law’s first sale defense can protect an importer of books manufactured abroad against claims of copyright infringement.

At issue in the case, Kirtsaeng v. John Wiley & Sons, Inc., was whether the first sale doctrine (which entitles the owner of a particular copy of a work to sell or give away that copy, thereby “exhausting” the copyright owner’s distribution right) applies only to works manufactured in the U.S. (as urged by the publisher Wiley) or whether it also applies to works printed overseas. In 2011, the United States Court of Appeals for the Second Circuit upheld a district court ruling in Wiley’s favor. The Second Circuit held that the first sale defense did not protect defendant Supap Kirtsaeng—a graduate student who received hundreds of textbooks from family and friends in Thailand and then sold them at a profit on eBay—from Wiley’s claims that he infringed the publisher’s copyrights in those books. (A report of that case was published in the Spring 2012 Bulletin.)

On appeal to the Supreme Court, Kirtsaeng’s case hinged on the interpretation of five words in the Copyright Act’s codification of the first sale doctrine. First sale, the statute provides, applies only to copies “lawfully made under this title.” “This title,” both sides agreed, means the U.S. Copyright Act. But agreement ceased there.

Kirtsaeng argued that a copy is “lawfully made under this title” if it is made merely “in accordance with the Copyright Act.” Since Wiley is a U.S. company, the works were first published in the U.S., and many of the books in question contained notices asserting rights under U.S. copyright law, Kirtsaeng maintained that the copies were lawfully made under the Copyright Act, and thus the first sale defense should apply even though they were made and first purchased overseas.

Wiley countered that “lawfully made under this title” means “made in conformance with the Copyright Act where the Copyright Act is applicable.” Since the Copyright Act law is only applicable in the United States, the argument continued, only copies produced in the states should be considered “lawfully made under this title.” Since the copies in question were printed in Asia, Wiley concluded, Kirtsaeng should not be entitled to the first sale defense.

The Court, in a 6–3 decision, sided with Kirtsaeng, ruling that the first sale doctrine permits an importer to purchase copies of a work overseas and sell them at a profit in the United States. Justice Breyer, writing for the majority, framed the issue as a choice between a geographical and a non-geographical interpretation of the first sale doctrine. Does the phrase “lawfully made under this title,” he asked, restrict the geographical scope of the first sale doctrine? The majority opinion sought to provide a “literal” reading of the statute, leaning heavily on the fact that the statutory language “says nothing about geography.” Additionally, a majority of the justices took issue with Wiley’s contention that the Copyright Act is not applicable outside the United States, pointing out that the Copyright Act protects works first published “in any one of the nearly 180 nations that have signed a copyright treaty with the United States.”

The Court then considered the principles behind the first sale doctrine. First, allowing resale of purchased goods promotes competition, which ultimately benefits the consumer. Second, it “frees courts from the administrative burden of trying to enforce restrictions on difficult-to-trace, readily moveable goods.”

Applying these principles, the majority suggested problems that could result from the geographical interpretation of first sale urged by Wiley: Libraries would be forced to obtain permissions to lend foreign-printed books; the used-book trade would be crippled;

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you couldn't sell your Saab without “the permission of the holder of each copyright on each piece of copyrighted automobile software;” art museums might not be able to display a foreign-produced painting without the permission of its copyright holder.

In her dissent, Justice Ginsburg, an inveterate proponent of copyright protection, provided a strong economic argument supporting a ruling for Wiley, and argued that Congress never intended the first sale doctrine to apply to copies made outside the U.S.

“Because economic conditions and demand for particular goods vary across the globe, copyright owners have a financial incentive to charge different prices for copies of their works in different geographic regions” Justice Ginsburg wrote. Copyright markets will be undermined, she continued, if importation from low-price to high-price regions is permitted. Justice Ginsburg pointed to a U.S. statute banning the importation of copies acquired abroad without permission of the copyright owner as further support for a ruling in favor of Wiley. She traced the history of this statute over more than a dozen years of congressional hearings to conclude that Congress intended the importation ban to provide copyright owners with a remedy against unauthorized importation of their foreign-printed works, and that this ban is consistent with the geographical interpretation of the first sale doctrine urged by Wiley.

Justice Ginsburg also argued that the Court’s ruling in this case “risks undermining the United States’ credibility on the world stage.” Her concern stems from the debate on the trade issue known as “exhaustion.” The debate arises, Justice Ginsburg began, “because intellectual property law is territorial in nature.” That is, a copyright owner holds different but parallel sets of rights under the laws of different nations. No international consensus exists on the issue of whether, say, Wiley’s sale of a textbook in Thailand “exhausts” its right to control the subsequent sale of that textbook in the U.S.

In the absence of international consensus on the issue, countries largely follow one of two approaches: national or international exhaustion. A national exhaustion regime favors copyright owners (authors and publishers) because the first sale of a copy of their work exhausts a copyright holder’s right to control distribution only in the country of first sale. The purchaser of a Wiley textbook made in Thailand may resell that book in Thailand, in other words, but not outside of Thailand. As a result of this decision, it appears that the U.S. now adheres to the opposing regime, known as international exhaustion. International exhaustion regimes are consumer-friendly but potentially detrimental to copyright holders: the first sale of a copy anywhere in the world exhausts the copyright owner’s distribution right everywhere in the world. The decision in this case undermines U.S. credibility, Justice Ginsburg argued, because the government has urged other countries not to adopt international exhaustion when it would benefit foreign consumers at the expense of the U.S. copyright industries. Here, however, the Court seems to have issued a ruling that would benefit U.S. consumers while harming foreign copyright holders.

Critics of the decision point out that in the thirty-plus years courts have interpreted the first sale doctrine to apply only to copies made in the U.S., the problems envisioned by Justice Breyer and the majority have not come to pass. Library practices, for example, are protected by a number of exceptions laid out in the Copyright Act, and as Justice Ginsburg pointed out, it is likely that museums are protected when showing foreign-made works by an implied license to publicly display them.

For book publishers, this decision threatens to drive down prices across the board. Domestic editions must now compete against cheaper foreign-printed English-language editions. And if an individual like Kirtsaeng is permitted to import and sell at a profit, who’s to say Internet retailers won’t follow suit?

It’s likely the debate over the first sale doctrine won’t end here. Congressman Doug Collins (R-GA) issued a statement against the ruling the afternoon it was released. The following day, Register of Copyrights Maria Pallante, in a speech scheduled before the Kirtsaeng opinion was delivered, called on Congress to begin thinking about “the next great copyright act.”

Unfortunately, debate surrounding this case has tended to pit the interests of authors and copyright holders against those of the consuming public—copyright protection versus low prices. But Pallante urged lawmakers to keep in mind that “the interests of authors are intertwined with those of the public,” and that copyright law is designed to promote creativity for the general public good. ♦
The Golden Age for Writers Is Right Now

BY STEPHEN MARCHE

Writers have always been whiners. For nearly a hundred years, since at least the time of F. Scott Fitzgerald, the death of the novel has been presaged. And now, egged on by BuzzFeed and video games and just general hyper-caffeinated, e-mail-all-the-time ADHD, the book is apparently, finally, about to die. At least we'll have good stuff to read while we wait. This fall alone, the number of big books published by major writers is astounding: Michael Chabon, Zadie Smith, Junot Díaz, Martin Amis, Ian McEwan, Salman Rushdie, and about a half dozen others. Not that the list has stopped anyone from complaining. Literary circles have been so full of pity for so long that they can't accept the optimistic truth: We're living in a golden age for writers and writing.

In music, it's a truism that technology liberated creators and listeners in magnificent ways but more or less ruined the industry in the process. Even big-name acts have struggled to adapt financially. But the world of writing has escaped this mess. Writers are prospering as never before, on all levels. At the very pinnacle, J. K. Rowling is a billionaire. She is richer than the Queen of England. A little lower down the scale, Tom Wolfe was paid $7 million for his last novel. Just to put that in perspective, Charles Dickens's net worth when he died would be about $10 million today. And for writers starting out, there are more options, more means of access to the marketplace, than ever before. With Fifty Shades of Grey and a whole whack of other e-book miracles, self-publishing has almost lost its stigma. Small presses have never produced more lovely editions or had an easier time disseminating their products. In 2010 the National Book Award and the Pulitzer for fiction both went to books from tiny presses.

It's not just the novel, either. The essay—long or short, literary or plain—has never been stronger. Practically every week, some truly fantastic piece of long-form nonfiction appears. This is not the normal state of affairs, no matter what nostalgics pretend. It's easy to imagine that in the past every New Yorker had Hannah Arendt on the banality of evil or every Esquire had Nora Ephron on small breasts. Go back and look at those old magazines and you will discover something shocking: They're mostly boring; they're also often just plain sloppy. With a few notable exceptions, almost every magazine in the world is in its best shape ever, right now. Good old-fashioned competition—from the Internet and the expanding marketplace—has forced them to improve. They're better written. Vastly better designed. More entertaining. More accurate. Richer. Finding great writing—and getting stories in front of eyeballs—has never been easier. Try going to Longform.org or Byliner and not losing yourself in their labyrinths of entirely free, entirely superb stories. Read the blogs of Foreign Policy or the Pulitzer Center, which offer fantastic reporting from all over the world.

The publishers are making money, too. Revenue for adult hardcover books is up 8.3 percent from 2011, and paperback sales are up 5.2 percent. Book sales for young adults and children grew by 12 percent last year. E-books accounted for 30 percent of net publisher sales in the adult fiction category in 2011—compared with 13 percent in 2010—but there's little evidence that those numbers represent anything other than a shift in format. The e-reader is creating a new market, not destroying an old one. People with e-readers read more books than those without, and on average adult Americans read 17 books in 2011—a number that

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Stephen Marche is the author of Raymond and Hannah and writes a monthly column for Esquire, "A Thousand Words about Our Culture." This column appeared in the December 2012 issue and is reprinted with the permission of the author and Esquire.
U.S. Copyright Law: Past Time for a Makeover

By Maria Pallante

On March 20, U.S. Register of Copyrights Maria Pallante appeared before the House Subcommittee on Courts, Intellectual Property and the Internet Committee on the Judiciary and addressed the need for copyright revision. Her comments are reproduced here with permission.

My message is simple. The law is showing the strain of its age and requires your attention. Authors do not have effective protections, good faith businesses do not have clear roadmaps, courts do not have sufficient direction, and consumers and other private citizens are increasingly frustrated. The issues are numerous, complex and interrelated, and they affect every part of the copyright ecosystem, including the public at large.

Congress should approach the issues comprehensively over the next few years as part of a more general revision of the statute. A comprehensive effort would offer an occasion to step back and consider issues both large and small. This subcommittee in particular has an opportunity to do what it has done in the past: not merely to update particular provisions of copyright law, but to put forth a forward-thinking framework for the benefit of culture and commerce alike.

It has been 15 years since Congress acted expansively in the copyright space. During that period, Congress was able to leave a very visible and far-reaching imprint on the development of law and commerce. It enacted the Digital Millennium Copyright Act (DMCA), which created rules of the road for online intermediaries (e.g., Internet service providers) and a general prohibition on the circumvention of technological protection measures (so-called TPMs) employed by copyright owners to protect their content.

The DMCA also created a rule-making mechanism by which proponents could make the case for temporary exemptions to the TPM provisions in order to facilitate fair use or other non-infringing uses.

Nonetheless, a major portion of the current copyright statute was enacted in 1976. It took over two decades to negotiate, and was drafted to address analog issues and to bring the United States into better harmony with international standards, namely the Berne Convention. Although the act is rightly hailed by many as an accomplishment in balance and compromise, its long trajectory defeated any hope that it could be effective into the 21st century.

Former Register of Copyrights Barbara Ringer, who worked closely with Congress for much of the 1976 revision process, later called it a "good 1950 copyright law."

I think it is time for Congress to think about the next great copyright act, which will need to be more forward thinking and flexible. Because the dissemination of content is so pervasive to life in the 21st century, the law also should be less technical and more helpful to those who need to navigate it. If one needs an army of lawyers to understand the basic precepts of the law, then it is time for a new law.

A central equation for Congress to consider is what does and does not belong under a copyright owner's control in the digital age. I do not believe that the control of copyright owners should be absolute, but it needs to be meaningful. People around the world are increasingly accessing content on mobile devices, and fewer and fewer of them will need or desire the physical copies that were so central to the 19th and 20th century copyright laws.

Moreover, while philosophical discussions have a place in policy debates, amending the law eventually comes down to the negotiation of complex and sometimes arcane provisions of the statute, requiring lead-

For a more extensive discussion of these issues, see Maria A. Pallante, The Next Great Copyright Act, 37 Columbia Journal of Law & Arts (forthcoming Spring 2013), available at www.law.columbia.edu/kernochan/manges.
ership from Congress and assistance from expert agencies like mine.

The list of issues is long: clarifying the scope of exclusive rights, revising exceptions and limitations for libraries and archives, addressing orphan works, accommodating persons who have print disabilities, providing guidance to educational institutions, exempting incidental copies in appropriate instances, updating enforcement provisions, providing guidance on statutory damages, reviewing the efficacy of the DMCA, assisting with small copyright claims, reforming the music marketplace, updating the framework for cable and satellite transmissions, encouraging new licensing regimes, and improving the systems of copyright registration and recordation.

That said, Congress does not need to start from scratch. It has already laid the groundwork for many core issues. For example, Congress has had more than a decade of debate on the public performance right for sound recordings, and has given serious consideration to improving the way in which musical works are licensed in the marketplace. These issues are ripe for resolution.

Likewise, Congress has requested a number of studies from the Copyright Office in recent years, on a variety of timely topics, including the first sale doctrine, orphan works, library exceptions, statutory licensing reform, federalization of pre-1972 sound recordings, and mass digitization of books. Additionally, we have reports in progress on small copyright claims and resale royalties for visual artists.

Congress may need to apply fresh eyes to the next great copyright act to ensure that the copyright law remains relevant and functional. This may require some bold adjustments to the general framework. You may want to consider alleviating some of the pressure and gridlock brought about by the long copyright term—for example, by reverting works to the public domain after a period of life plus fifty years unless heirs or successors register their interests with the Copyright Office. In compelling circumstances, you may wish to reverse the general principle of copyright law that copyright owners should grant prior approval for the reproduction and dissemination of their works—for example, by requiring copyright owners to object or “opt out” in order to prevent certain uses, whether paid or unpaid, by educational institutions or libraries.

If Congress considers copyright revision, a primary challenge will be keeping the public interest at the forefront, including how to define the public interest and who may speak for it. Any number of organizations may feel justified in claiming/Or entitled to claim this role, and on many issues there may be many voices, but there is no single party or proxy. In revising the law, Congress should look to the equities of the statute as a whole, and strive for balance in the overall framework. It is both possible and necessary to have a copyright law that combines safeguards for free expression, guarantees of due process, mechanisms for access, and respect for intellectual property.

To this end, I would like to add something that I hope is uncontroversial. The issues of authors are intertwined with the interests of the public. As the first beneficiaries of the copyright law, they are not a counterweight to the public interest but instead are at the very center of the equation. In the words of the Supreme Court, “[t]he immediate effect of our copyright law is to secure a fair return for an ‘author’s’ cre-

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Authoritative labor. But the ultimate aim is, by this incentive, to stimulate artistic creativity for the general public good.” Congress has a duty to keep authors in its mind’s eye, including songwriters, book authors, filmmakers, photographers, and visual artists. A law that does not provide for authors would be illogical—hardly a copyright law at all.

1. Twentieth Century Music Corp. v. Aiken, 422 US 151, 156 (1975).
CONTRACTS Q&A

By Mark L. Levine

Q. If my book contract has an option clause for my next book, is my agent entitled to a commission on that book?

A. Like most questions about contracts, it depends on what the agreement with your agent says. Some agents' contracts—not many, in my experience—say they are entitled to that commission, with the implication that they are entitled to it whether they represent you on that contract or not.

I don’t consider such provisions appropriate. If you are dissatisfied with your agent, you should be free to get a new agent for your next book—even if it’s with the same publisher as the first—without worrying about whether you will then need to pay commissions to both your old and new agents.

However, it would also not be appropriate for you to fire your agent and sign a contract with the same publisher for your next book (pursuant to an option clause or not) simply because you can make more money by not having to pay an agent’s commission on the second book. This could be tempting to some authors since the hard work—both of finding the publisher initially and, one hopes, negotiating a fair contract—has already been done. All that might then remain is negotiating the advance, and the author could well feel capable of doing that without assistance.

To protect against this occurring, it is not unreasonable for agents to include in their agreements a clause saying that they are entitled to their commission on the option book (or absent an option clause in the contract, on your next book if placed with the same publisher) if you are not represented on that contract by a different, bona fide literary agent. (The reference to “bona fide” or a like term is designed to prevent an unscrupulous author from attempting to circumvent the provision by naming a friend or relative as the new agent but without the need for that person to do any significant work or the intention of paying that person a full commission.)

If your agent’s agreement with you does not specif-

ically cover the option book, you’re generally not required to pay the agent a commission if the agent does not represent you on that book. However, if your agent has already begun to represent you with the publisher on the option book, your existing agreement may require you (as many agents’ contracts do) to pay that agent a full commission if you end up signing with that publisher—even if you decide to fire that agent and get a new one in the middle of the negotiation. That scenario could result in your paying two commissions, a situation obviously to be avoided. So if you think you’re heading into that sort of situation, it’s best for you and the two agents involved to try to agree ahead of time either on who will get the commission or how they will share a commission if that can be worked out.

Q. Can I receive royalties for a book I’m writing on a work-for-hire basis?

A. Yes. Work for hire is a copyright concept and determines who the owner of the copyright is. It does not have anything to do with payment provisions. Although most work-for-hire arrangements are typically for a fixed amount, nothing prohibits a writer from being paid royalties, with or without an advance. Indeed, it is not unusual for many ghostwriters, whether or not they receive co-authorship credit, to get a share of the royalties on books they are writing for another person.

Q. I am ghostwriting a book for a doctor. We have agreed to share income from the book 50/50, but the advance is expected to be only $50,000. I won’t be able to take time off from my regular job if all I can be certain of getting is $25,000. Any suggestions?

A. The typical way to handle the situation is to provide that you get the full $50,000 from the advance but, after that amount is earned out from royalties and subsidiary rights income, the doctor gets 100% of all payments (if any) until the total received by her is also $50,000. After that, your collaboration agreement should provide that the two of you will split all payments 50/50. If the book doesn’t earn enough for the doctor to get $50,000, that’s her risk; you should not be obligated to share any portion of what you have been paid.

There are three reasons this is appropriate. As the writer, you have done the lion’s share of the work. Second, the doctor—in addition to presumably being better able to take the economic loss—likely won’t need to significantly cut back on her work hours while

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MISMATCH

MVP Entertainment, Inc. v. Mark Frost
Court of Appeal of the State of California,
Second Appellate District, Division Eight

Mark Frost, author of The Match: The Day the Game of Golf Changed Forever, assigned his copyright to Good Comma Ink, of which he is sole owner. MVP Entertainment, Inc., and its president, Robert Frederick, sought to obtain the copyright to The Match from Good Comma Ink in order to make a movie based on the work. On April 30, 2009, MVP’s attorney, William Jacobson, sent Good Comma Ink’s attorney, Alan Wertheimer, an e-mail that proposed certain deal terms. If they were satisfactory to Wertheimer, Jacobson would then prepare the necessary paperwork to execute a formal binding agreement between the parties. Wertheimer responded succinctly: “Done . . . Thanks! Werth.” On May 9, 2009, Jacobson sent Wertheimer a proposed agreement. On July 23, 2009, MVP’s Frederick wrote Jacobson stating he would like the agreement to be signed by August 17 or 18. Before that could happen, Frost met with Frederick and informed him that he did not want MVP to make The Match into a movie. Though no formal agreement had been signed, MVP sued Mark Frost for breach of contract, promissory estoppel, declaratory relief and negligent misrepresentation. Frost brought a summary judgment motion to dismiss the complaint.

The trial court granted Frost’s motion to dismiss, holding that without a signed document specifically transferring copyright from one party to another, a copyright transfer could not have been effectuated. The trial court also held that even if express authority was not required, Good Comma Ink and Mark Frost had done nothing to suggest that Wertheimer had the authority to transfer the copyright on his own. On appeal, the Court of Appeal of the State of California, Second Appellate District, Division Eight, confirmed that “a transfer of copyright ownership is not valid unless the instrument of conveyance, or a note or memo of the transfer, is in writing and signed by the owner of the rights conveyed or such owner’s duly authorized agent.” Here the court found that it was indisputable that Wertheimer did not have actual authority from Good Comma Ink (via Mark Frost) to transfer copyright in The Match.

The court also examined whether Wertheimer had ostensible authority to transfer copyright, noting that “ostensible authority is such as a principle, intentionally or by want or ordinary care, causes or allows a third person to believe the agent to possess.” In this case, MVP asserted that Wertheimer had the ostensible authority to transfer the copyright on behalf of Good Comma Ink. However, under California law, the court noted that this type of authority is insufficient to transfer copyright under Section 204 of the Copyright Act, since it requires a written statement “signed by the copyright owner or the owner’s duly authorized agent.” The court held that this requirement prevents an attorney representing the copyright owner from transferring copyright without the copyright owner’s

Legal Services Scorecard
From November 2, 2012 through March 20, the Authors Guild Legal Service Department handled 421 legal inquiries. Included were:
49 book contract reviews
13 agency contract reviews
26 reversion of rights inquiries
44 inquiries on copyright law, including infringement, registration, duration and fair use
11 inquiries regarding securing permissions and privacy releases
34 electronic rights inquiries
3 First Amendment inquiries
241 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

An unsigned contract, an unauthorized transfer of rights.

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Authors Guild Centennial

100 Years of Advocacy

We continue our anniversary observation with a look at the League’s early focus on movie rights and a John Hersey essay on Luise Silcox, the “cheerful heart” of the League for close to half a century.

Championing Writers From the Start

BY KAREN HOLT

Consider the 2013 Oscars—with Hollywood feting page-to-screen adaptations like Silver Linings Playbook, Life of Pi, Argo and (by way of the stage) Les Misérables—and the founders of the Authors Guild look downright prescient.

“Moving pictures in their relation to authorship may not sound particularly interesting to those fiction writers who are not given to writing plays, if there be any such,” the founders wrote a century ago in the first issue of the Bulletin. “But that is because most authors do not realize the future significance of recent developments in this rapidly growing infant industry.”

In a spirit of advocacy that still defines the Guild—expressed in the digital age through battles against unauthorized downloads and lowball e-book royalties—its founders worked to help writers get their fair share of the cash that was starting to flow in from film studios.

Authors certainly couldn’t rely on legal safeguards. As the League founders put it in that same issue: “There are few better examples of the stupidity of the law than its archaic attitude toward ideas.” And this was after the landmark Copyright Act of 1909, the first overhaul of U.S. copyright law since 1790, which would govern intellectual property protection for nearly seven decades.

Theodore Roosevelt, the League’s first vice president, had pushed the act through Congress when he was president of the United States, but just a few years later the Bulletin was warning that authors are “still at the mercy of customs that would shame a boys’ school and amuse the devil.”

Of particular concern was the 1909 decision in Dam vs. Kirk LaShelle Company. The U.S. Circuit Court of Appeals, Second Circuit, ruled that unless a contract specified otherwise, a magazine that pays to publish a story claims all rights to the work. Though the case revolved around dramatic rights—La Shelle produced a play based on a story written by Henry J.W. Dam that had been published in a magazine—it set a much wider precedent.

Movie money, which promised to exceed what writers received for print rights, raised the stakes on the Dam vs. La Shelle decision. In the Bulletin’s second issue, May 1913, novelist and playwright Rex Beach dramatized the threat through the fictional character of “obscure” and “crippled” writer Jane Doe in “It Happens Every Day” [see box]. Beach would go on to see a number of his books, including his debut novel, The Spoilers, adapted for film. Having negotiated one-time movie rights to his novels, he avoided the fate suffered by poor Jane.

Authors hoping to profit from this exciting new medium also faced confusion over the relationship between dramatic and moving picture rights. Since the courts had yet to clarify the issue, contracts with no mention of film rights were vulnerable to multiple interpretations—foreshadowing disputes at the dawn of the next century over whether the right to publish e-books was implied in decades-old book deals.

Writing in the Bulletin, founder Arthur Train urged authors to protect themselves by specifically addressing movie rights in future contracts. At the same time, the League—recognizing that many authors lacked the savvy or the clout to effectively fight for their individual interests—argued for a change in industry standards regarding not just film but all types of rights.

The League developed an official seal that members could put on manuscripts, and then persuaded magazine publishers to agree that when they pur-

Karen Holt is a frequent contributor to the Bulletin.
chased first serial rights on material bearing the seal they would hold all other rights to the work in trust for the author.

With this early victory the League was only beginning to use its newfound clout as a collective voice advocating for authors. The League’s Committee on Relations with Publishers began discussions with the heads of major book houses about rights, royalty audits, timing of payments and other issues. Though these conversations set the stage for eventual reforms in accounting procedures and standards surrounding rights, the publishers’ early responses were not altogether encouraging.

“In general these representatives of publishing houses admit that most publishing contracts are woefully old fashioned and un-business-like, and profess themselves willing to alter their business to accord with modern methods,” committee chairman Will Irwin [see Bio] wrote in the Bulletin. “However, when pinned down to particulars they usually defend in detail the existing method.”

One publisher reportedly told committee members that 20 years earlier—when “a novel that stood dramatization was extremely rare”—his company made ac-

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quiring dramatic rights part of its standard book deal. “This clause was slipped into the contract without much consideration on either side,” the publisher said. As for movie rights specifically, this publisher hadn’t thought much about them.

Rex Beach sought to illustrate the perils of carelessly signing away rights with this drama, published in the May 1913 issue of the Bulletin.

**“IT HAPPENS EVERY DAY”**
**A TYPICAL PHOTO-PLAY SCENARIO FOUNDED ON FACT**

Scene: The modest workroom of Jane Doe, an obscure writer.

Jane, a crippled girl, is seated at work at a typewriter. The mail arrives containing a letter of acceptance from one of the popular magazines. Enclosed is a check for $20 in payment for one of Jane’s short stories, entitled “The Helping Hand.”

Upon the back of the check is a printed form transferring all rights to the purchaser. Jane is seen to endorse the check without alteration of the printed form.

Scene III. An editor’s office.

Time: Three months later.

Enter Jane, on crutches. She produces a letter from a motion-picture concern offering her $50 for the film rights of her story, “The Helping Hand,” and asks permission of the editor to accept. She explains that she is badly in need of money and that this price is greater than the one she received from his magazine. The editor produces the cancelled check and shows her that she disposed of all rights. Exit Jane on crutches, with the editor bowing courteously.

Rex Beach.

By contrast, another publisher had quite definite ideas about the role of moving pictures. “He considers them valuable mainly as a means of advertising the book. Since advertising is the publisher’s function in production of a book, he considers that this right should also belong to the publisher, who should divide with the author any actual cash received.

“This is a statement of the extreme view,” Irwin commented. “And I give it at length in order that the League may know what to expect from its opponents.”
Hired to Lick Stamps, She Wound up Running the Place

BY JOHN HERSEY

For almost half a century, Luise Sillcox presided over the Authors League as Executive Secretary. There are no photographs of her to be found in the League’s files and we’ve turned up no details of her personal history, but her name can be spotted again and again in newspaper clippings that track the progress of the League through the first half of the 20th century. In October 1979, the Authors League and the Center for the Book saluted her memory with the Sillcox Lecture, given by Barbara Tuchman at the Library of Congress. John Hersey, president of the League at the time, gave an introductory talk titled “But Why a Sillcox Lecture? What does the name Sillcox stand for?” from which the following is excerpted.

For many years the late Luise Marie Sillcox—we don’t know for sure how many years, but we think 49, or perhaps it was a round 50—was a presence in the office of the Authors League of America. She served the League and gave herself to the world of books and plays for half a century.

In her time with the League, Luise Sillcox became the memory, the spur, the conscience, the will, and the cheerful heart of this organization. Her story incidentally provides a fascinating study in how a woman of ability was obliged to make her moves during the first half of this century.

At birth, two days before Christmas in 1889, in New York City, Luise Sillcox weighed two and a quarter pounds. She spoke of having been a “teentsie thing”; and even when she had become a quite generously full-sized lady, she habitually represented herself, in her over-modesty, as small. Daughter of a sewing-machine salesman who later became a successful exporter of agricultural tools, she graduated from Barnard in 1911 and was soon offered a clerkship in a textbook publishing house, Silver Burdett.

But her father thought it not nice or proper for a young lady to go into trade. She once told me: “Daddy said I could go if I’d be good at it, but not otherwise. I told him that was absurd. How could I guarantee I’d be good? ‘You have to be,’ he said, ‘because you’re carrying my name.’”

Finally, but reluctantly, he gave his permission, and Luise went to work for the publisher for three dollars a week. In 1912 the Authors League was founded, and about three years later it hired Miss Sillcox: I’m glad to say all trace of what we paid her then has been lost. She was hired to lick stamps. Up to then, the author members of the executive committee had licked stamps, and they had had enough of that. The man who interviewed her for the job was an author by the name of Theodore Roosevelt. Luise chased about New York as a courier for a manuscript-delivering service the League ran then and served as file clerk and book-keeper. At a board meeting a director dropped a word about double-entry bookkeeping. “What’s that?” Luise said. “I just put the figures here and put them there—and, well, they come out.”

“Think!” Teddy Roosevelt roared at her at another meeting. “Think, child! You have to walk to think. You can’t think sitting in that armchair. On your feet, girl! Move about! Think!”

Three years after the League was founded, Theodore Roosevelt hired Sillcox to deliver manuscripts, file documents and keep the books.

After the achievement of the Dramatists’ Minimum Basic Agreement, one of the greatest accomplishments of her early years, she rode back to the office one day with Arthur Garfield Hayes, then the League’s attorney. “We’ve got to find a secretary to run this thing,” Hayes said.

“Secretary?” Luise said in one of her tones of voice, that of the dainty uncertain slip she once had been. “What about me?”

“Oh you’ll work for him,” Hayes said.

Then suddenly out came Luise Sillcox’s other voice, the one so many of us remember having heard in later years at moments when Luise’s authors were threatened in any way. “Oh, I will, will I?”

Needless to say she, and not Hayes’s him, became the executive secretary of the League. She helped form the Screen Writers Guild and Radio Writers Guild, both of which, because they had become labor unions, separated from the League. With Sidney Howard, she hit upon the idea behind the Dramatists’ Play Service, which handles amateur rights for many playwrights. In the late ‘40s she worked with Richard Lockridge and Christopher LaFarge in negotiating a book contract with Random House which met many Authors Guild standards and paved the way for a later model

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Peter Hildick-Smith: 
How We Read Now

I’ve been in and around the book business for a good twenty years now, and I would say that in the last two years we have seen the most unprecedented change in our business you could ever imagine. We really are at a crossroads, and the next year or two are very likely to determine the way people find books, the diversity of the books they read, how new authors get discovered and the direction the whole business model of publishing is going to take for years to come.

At Codex we talk to tens of thousands of book buyers every year. We’ve talked to well over a quarter of a million over the last couple of years alone. Here is what we’re hearing from book buyers and what that means for the marketplace.

Essentially what’s happening is, we in the book industry are caught in a battle of titans. You’ve got the largest market cap companies on the planet all fighting for the digital future, certainly in the North American marketplace, but really in the rest of the world as well. So the little old book industry, very mature, very focused, very small, is suddenly caught up in an incredible battle royal with a number of massive players.

Sony dipped its toe into the water with the Sony Reader in 2006. This was followed a year later by Amazon’s first Kindle e-reader. Since that time, you’ve seen a wave of companies jumping in—Barnes & Noble, then Apple and Samsung in 2010 with their new tablet offerings—and this year, really in the last six months, the great titans Microsoft and Google joining the market with their Surface and Nexus products. It’s been an amazing rampage, if you will, of new technology companies bumping into our small space and changing the way the market works. Over the last two or three years we’ve seen 1.4 billion dollars spent in advertising alone to drive the sale of new reading devices and new tablet devices. These numbers are absolutely staggering. To put them into perspective, if you’re very lucky as an author, you may get a $50,000 marketing budget behind your book. Total U.S. sales of physical trade books are about four billion dollars just now.

So that’s the level of investment, that’s the price of entry, in e-book retailing today. Very high technology. Massive multi-million-dollar budgets. You’re not go-
In a very short period of time we’ve seen a huge growth in terms of the number of book buyers who own digital devices, whether those are e-readers, devices like the Kindle or Nook, the black- and white-screened tablets that many of you have. The biggest surge has been in the last twelve months, with many people buying color tablet devices. These devices are the fuel that’s driven digital reading, and digital reading has grown pretty much in lockstep with the sales of e-reader and tablet devices since the start. We’ve gone from about 26 percent of frequent book buyers reading digitally two years ago to almost 60 percent now.

The effect of that growth on our industry overall is the massive implosion of physical book retailing that Scott [Turow] alluded to earlier. Just two years ago, print books had about two-thirds of the market in physical retail. Now we believe that may be as low as 40 percent on a unit basis. The online piece has just exploded, driven by the massive investment in digital participation. This is also having a huge effect on how books get discovered, how new authors are identified, and how the whole business of publishing is going to work in the future.

What we’re finding is that even with online purchases of books dominating, the number of books discovered through online stores is less than half of what it is in physical retail. So while book readers are telling us that physical retailing accounts for about 40 percent of their book purchasing, it also represents almost 20 percent of their “discovery” share—where they learn about new books. In contrast, online purchases now account for about 60 percent of book unit sales, but just 9 percent of their discoveries of new titles. And the loss of physical store discovery is not really being replaced. Our September study showed that only 2 percent of purchased books were discovered through social media. Most of the major publishing houses are making a big investment in social media marketing, but it’s not filling the gap. What does that mean for authors? It means that the kind of bestsellers Scott was talking about become more and more successful. New authors and mid-list authors have a much harder time breaking through. And we lose a lot of reading diversity.

Another thing that’s very curious is that 96 percent of the people who are reading digitally say they are still very much wedded to print. They’re telling us that e-books are for “reading for myself,” for “light reading,” for “convenience.” Print books, on the other hand—and they still read a fair number of them—are more for serious reading. Print books are more for sharing, more for giving, more for things they want to refer to later. It’s not as if we’re seeing what we saw in music, an all-of-a-sudden wholesale shift from the analog world to the digital world. For the foreseeable future, it looks as if we’re going to be living in both worlds—print and digital.

Even as we continue to lose stores that sell physical books, readers remain hungry for print. So we find ourselves in a very peculiar situation. Only 2 percent of frequent book buyers are reading only digital, and that number hasn’t changed in the several years we’ve been tracking it. So it’s not quite as simple as we’re going from A to B.

The other thing, which Scott also alluded to, is that we’re looking at a real loss of diversity in terms of reading. If you look at what’s being sold through lead-
We are at high risk of losing a lot of the things we believe are very important to reading.... Affordable access to books is being challenged. If you have to spend $199 on a device just to access a book, that's a problem.

Panel Discussion: How We Write Now

JOHN COLE: I'd like each of our panelists to say a few words about what they've heard today from our two speakers, and then we will begin the discussion. Bob?

ROBERT MASSIE: I'm delighted to do that, John. I have rarely, if ever, in all my long life heard such a cogent, powerful expression of the dilemma, the challenge facing authors, as we all heard today from Scott. I share his sense of urgency and his identification of the challenges 100 percent. And from Peter, who put it all up there, all the scary facts and figures, particularly for nonfiction writers—a powerful, powerful duo.

The situation is dire. I'm beginning to feel like one of the monks on the western isle off Scotland or Ireland who's been spending his life illuminating manuscripts, things which we still recognize have beauty. But suddenly, word comes—maybe slowly, but it comes—from Germany that some bugger named Gutenberg has invented a system of movable type, and of course, we're still represented in the museums of art but our stories are really replaced.

I don't know whether this revolution that we've been talking about and hearing about today is going to be that profound. I don't know whether it will be, in the very, very long run, as important and beneficial as print was. But I am kind of glad I'm not going to be around to see it. Scott mentioned—though he didn't mention it as the original villain in this—Google, which simply stole our work, and now Amazon, and e-books and Kindles, which I have to admit, everybody in my house, except me, has. You can't go to a bookstore to browse and see and read a few pages and see whether you like the author's style and whether you want to own this physical book. My wife, who is the best-read person I've ever met, simply orders the book, and that's what Amazon wants. We get boxes coming in every day. I don't mind dividing our income and it going to books, but I wish it went to bookstores and not to—is his name Bezos?—the man who's the head of Amazon and doesn't seem to have any concept of what he's doing to authors.

COLE: I guess our panel goal is to look for a ray of optimism in all this, so can you give me just a ray?

MASSIE: If it were a cheerful and optimistic situation,

*An edited version of the Scott Turow speech referenced by the panelists ran as Mr. Turow's Letter from the President in the Fall 2012/Winter 2013 Bulletin.*
we wouldn’t be coming to Washington—well, we would be coming to celebrate our 100th anniversary, but we wouldn’t be asking for help. We need help.

COLE: What did I tell you? A nineteenth-century man. Louisa, would you like to weigh in here a little bit? What’s your reaction to all this? Can you give us a ray of optimism?

LOUISA THOMAS: It’s a bit frightening, I have to say, to be closer to the start of my career as an author and to be surveying the landscape and realizing that no one quite has a map for what it looks like.

COLE: Well, the map we just saw we didn’t particularly care for.

THOMAS: Right. For a compass, young authors are generally directed to Twitter.

I will say in defense of Google and the Internet that in some ways it’s never been a better time to be a non-fiction author. I’m working on a biography right now of a nineteenth-century woman, and I use Google and Google Books all the time. For instance, I’ve been trying to solve a mystery that Henry Adams had tried to solve a hundred years before. He hired a genealogist to find the identity of a woman. The genealogist searched for two years and was unsuccessful.

I have all these resources available to me that Henry Adams didn’t. I can search digitized parish registers and databases. I also hired someone to follow up on all these leads I’ve found, and we’re in contact a couple times a week via e-mail. A wealth of information has turned up. It’s wonderful. So, thank you to the Internet and Google for that.

But at the same time, I realize the industry is facing real threats. What we just heard from Scott is sobering. I had thought that when I published a book in 2011, the hardest part would be selling the idea, and then writing the book, but I was wrong. The hardest part was trying to get people to buy it. Especially, perhaps, for a book like mine, which was not immediately classifiable and marketable. Galleys were sent out, and reviews were written, and they were good, and I was grateful for that. My publisher did a wonderful job.

But at the end of the day, the biggest thing people were hoping for was luck. You do need to be lucky, and I am lucky, because even though my book didn’t sell that well, my publisher gave me a chance to write another one.

I know that I’m lucky and that my luck might not last. This model might be impossible to sustain, and that’s frightening. The biggest thing I’ve realized is that books take a lot of time to write, and a lot of the time has to be spent thinking, away from the computer. It would be really, really hard for me to be doing anything else, besides even the minimal amount of writing I do on the side.
"I had thought . . . the hardest part of publishing a book] would be selling the idea, and then writing the book, but I was wrong. The hardest part was trying to get people to buy it."
—Louisa Thomas

Other writers are different. Some can be doing all sorts of other jobs while they’re working on a book, but for me, imaginatively entering the life of someone else would be impossible if I weren’t at it every single day. Even in my sleeping hours—I woke up in the middle of the night recently and my foot was itching, and I was actually convinced it had something to do with the fate of my subject’s parents.

I mean this is crazy, but this is actually where I am, and where I feel I need to be. I am so grateful to my publisher for giving me the chance to live in the nineteenth century with Bob.

COLE: Let me ask, what was the drive behind your desire to write your first book? Did you have a manuscript that you shopped around?

THOMAS: Actually, I had a proposal. I didn’t have a fully written manuscript. It was about my great-grandfather and his three brothers. My great-grandfather was a socialist, Norman Thomas, whom some of you will know.

COLE: Some of us are old enough to remember, yeah.

THOMAS: I had read a paper my father wrote in law school about Norman’s brother, who was a conscientious objector during World War I.

COLE: It’s a family deal.

THOMAS: It’s a family story, yeah. Once I started reading their letters, I knew that this was a story that resonated with me, and I thought it would resonate with other people. I’ll stop, because I’m using up all the time, but I think with a story like that, it isn’t easy to find a natural audience. It’s not like a biography, you know, of Tim Tebow or Snooki or whatever. The story of a conscientious objector in World War I is not an obviously popular story. For an author like me who is drawn to stories of people who are maybe standing next to or in the shadows of the people in power, the institutions and networks of people who make publishing possible are really important.

COLE: Monique, you are a prizewinning young author of fiction and nonfiction.

MONIQUE TRUONG: Thanks for calling me young.

COLE: What would be your perspective? How do you feel about a) the shocking things we just saw, and b) How do you feel about the future from your relatively . . . I won’t use the word young again . . . perspective?

TRUONG: Given today’s panel, I thought I would give the audience a case study from my own publishing history. Basically, my second novel sold in 2003 as a partial manuscript. By the time it came out in 2010, the manuscript had been with three editors and five publishing houses: Houghton Mifflin, Houghton Mifflin Harcourt, Doubleday, Doubleday Knopf, and finally, Random House. And that movement, or rather turbulence, had little to do with me, or my manuscript. It had to do with what Scott alluded to, which is the mergers.

SCOTT TUROW: The corporate side of things?

TRUONG: Yes, exactly. I suppose I say that because I don’t think that what happened to my manuscript was unusual. I’m a real-life example of what can happen, so when you hear in the newspapers and trade journals about the mergers, the reorganizations, the firings, and the downsizing, I hope you’ll remember that there are authors who are being reorganized, down-
sized and fired as well. And now, I want to give a short little anecdote that I hope will make you think about value, or rather misplaced value.

I don’t know if you remember that last year there was briefly a big news story about the fact that Toni Morrison had been paid $30,000 to give the commencement speech at Rutgers University. Snooki was also invited to Rutgers that year, and she was paid $32,000.

So I thought I’d share with you some of the advice that Snooki gave the Rutgers students. Pithy advice: Study hard, but party harder.

Right. So, I’ve also read at Rutgers, and I was paid $500, and that was in 2008. Granted, I only had one novel to my name then, but it was a national bestseller, it had a long list of awards. I suppose this is an example of a professional writer. This is our value in the world.

COLE: What advice did you give to the students?

TRUONG: Well, I was invited to read to the MFA students.

COLE: Oh, all right.

TRUONG: I think I told them to travel the world, and I might have told them to quit their MFA program.

So my point is now, with two novels, I would be very lucky to get $1,000 to read at Rutgers. And if I were very, very lucky, and a lot of the departments got together and pooled their funding, I might get maximum $3,000. Chances are I will get an e-mail that says, I’m so sorry, funding has been cut, we have no budget and the honorarium is nonnegotiable. I suppose my point here is that every single time an author gets that e-mail, Snooki wins.

COLE: Scott, before we open up for questions from the audience, would you like to offer a final reflection on what you’ve heard?

TUROW: First of all, I’d like Monique to feel better. I gave the commencement speech at Rutgers Law School and I got nothing. The other thing I have to throw in is I have a daughter who is finishing an MFA at The New School in New York, and I was talking with her about some of these issues, and she looked at me, and said, “Oh, Dad, none of my friends think we’ll be able to make livings as writers.”

That may be true. When I was in a writing program at Stanford years ago, if you look at the fate of many of us, probably in half the cases that was true, but we didn’t think so.

COLE: I’m going to come back to Bob, but first Scott, when you saw Peter’s slide show with all of those overwhelming statistics, and in a way, bad news, were you surprised at the intensity of it or did you figure it out on your way out on the airplane?

TUROW: No, it’s the overwhelming nature of what’s happening. I’ve heard these numbers from Paul Aiken before, the executive director of the Authors Guild, who is sitting right there. He’s shared some of Peter’s information with the board over the last year. It’s evident anyway in terms of what’s happening and those of us who are sounding the alarm are not Luddites. We’re not against e-books or the digital universe. Amazon as a company has done a lot of things I ad-
mire. But you look at this and go, why in the world are all of these people fighting over readers? I mean it’s not like the movie business. The reality, of course, is that readers are the elite. Peter was talking to me on the train down. Readers come from the upper 20 percent of incomes in this country and they turn out to be the greatest Internet shoppers. They’re rational; you can tell them something is on sale and they’ll respond to price incentives rather than a girl in a bikini on the hood of an automobile. So they’re great customers to have. That’s what the fight is really about—the Internet beachhead that readers represent. So you have all these massive corporate interests fighting for probably everybody who’s in this room.

COLE: Bob, you had something to add?

MASSIE: I wanted to add just one more thing, which we haven’t talked about as a panel, and that is to reinforce Scott’s information about copyright infringement. There are the commercial companies, like Google, that are trying to use fair use as an excuse for taking blocks of texts up to whole books, but there’s also another effort, which I think authors would have mixed reactions to if they were consulted. That’s the effort on the part of various libraries, some of which are the most distinguished libraries in our country and the world, to digitize books. The University of Michigan, for example, several years ago, told Google to come in and digitize every book on the shelf. It didn’t matter if it was still under copyright, a so-called orphan book, where they didn’t know who the author was or whether or not he or she was still alive—just go ahead. I think it was Scott who said the university library got paid off with a copy of this digitization. Google took the other half and they were going to go ahead and put it on their screens and try to make money from it. There’s merit in this effort to keep electronic copies. I live near New York City, and after Hurricane Irene had passed through and drowned out library basements and so forth, the example used by the academic librarians who want to preserve books digitally was they didn’t want the Alexandria library fire to happen to them. But for the most part, they’re leaving authors out of it.

My wife and I don’t go to many dinner parties, but we went to one a few months ago and I sat next to a very bright and nice and attractive young woman who’s the head of the Brooklyn Library. You can look it up; I won’t give you her name. She thought she and I were on the same page. She just came back, she told me, from a big conference at Harvard, arranged, I guess, by Robert Darnton, a distinguished scholar of the eighteenth century and the French Revolution, who keeps talking, along with others, of a new Enlightenment, where information is free in the sense that Louisa was talking about. I have read a number of lengthy articles in The New York Review of Books by Robert Darnton, and they make the point that this is all part of a new Enlightenment where this kind of information is accessible by all, but in five pages of The New York Review of Books, which can get a lot of words on the page, there is maybe one sentence saying something like, Of course, the problem of copyright needs to be addressed.

When my dinner partner was telling me about all this and how this was going to be a good thing for everybody, I said, along with Robert Darnton and the other people who were there, What authors were there? And she said, authors?

Authors? There weren’t any. Then she saw my face clouding up, and she said I suppose there should have been some. So we agreed to have lunch and talk about

“I have a daughter who is finishing an MFA . . . and I was talking with her about some of these issues, and she looked at me, and said, ‘Oh, Dad, none of my friends think we’ll be able to make livings as writers.’”

—Scott Turow
it. That was in August. She has just e-mailed me and said, “Let’s have lunch.” I think it’s because the American Library Association gave me a pat on the back and I’m going to introduce the ten best librarians in America next week, and probably as head of a big library, she saw my name and thought, I ought to do something.

I don’t think these people think. And one other thing: Robert Darnton ought to know better. Eighteenth-century scholar. Voltaire, eighteenth-century writer. Still a 21st-century writer. Voltaire advocated many ideas that spread all over Europe and the world. Voltaire was a very successful writer. He made a lot of money. Not just Candide, but everything he wrote, he got paid for. He wasn’t just doing it so he could spread his thoughts. He was a professional philosopher and writer, and that’s all we want to be. Thank you.

COLE: Monique or Louisa, do you have any last thoughts?

THOMAS: After that eloquent note? One of the things I want to clarify, one thing that’s exciting about the digitization of books is that rare physical books you can only get in certain repositories far away—and which are out of copyright—are now online. This is a question for the Authors Guild people: Do you separate the digitization of books that are out of copyright and the digitization of books that are still under?

TUROW: The Constitution says for a limited time in terms of copyright. It’s a limited monopoly, and once that period has passed, it’s perfectly appropriate to make any use of a formerly copyrighted work.

THOMAS: That’s what I’m using, by the way.

TUROW: I don’t have a problem with the digitization of copyrighted works as long as authors are compensated.

THOMAS: There’s payment.

TUROW: That’s the problem. I think one of the difficulties is, there actually was a pretty good settlement that took into account the interests of libraries and publishers and authors and Google, and it was scuttled by opposition from the antitrust division of the Justice Department. Theirs weren’t irrational concerns. I just thought it was an incorrect balancing of the public interest.

COLE: Monique, anything to add? Any advice for anybody?

TRUONG: I think the advice I would give is the same I would give to young writers, which is just to remember that your work has value. That giving it away for free is basically unwise. Lawyers don’t give work away for free. I’m a lawyer too. I was not the greatest lawyer, and I am not enamored of the legal profession, but one of the things I do greatly admire my fellow lawyers for is understanding the worth of their skill sets. Writers, as we move towards this idea that everything we do should be free, we have to just stop and think, yes, what I do means something. And I hope that readers will remind themselves of that as well.

COLE: Thank you. And thanks again to everyone on the panel and to our audience. I think we’ve had an interesting discussion. And we did find a few rays of hope—in part because we have these young people among us who are optimistic.
Along Publishers Row
Continued from page 2

The letters and other documents have been in the possession of Esther Hoffe, the daughter of Brod’s former secretary. Hoffe sold Kafka’s manuscript of The Trial for $2 million in 1988. The archive has tens of thousands of pages, most written by Brod, who was a journalist and novelist himself.

Hoffe’s lawyer says she plans to appeal the decision.

ON DIALOGUE: Alexander McCall Smith’s latest novel is The Importance of Being Seven. In an essay for The Wall Street Journal, he took up the subject of dialogue. Realistic dialogue will not work. “So a writer,” Smith wrote, “should not be afraid to have characters talk in a way that’s more formal or correct than is common in real life. This means cutting out all the verbal tics, sputterings and cliches that litter everyday speech in these days of verbal decline.

“Dialogue can be beautifully crafted, ornate and colorful. That is not how most people speak, but it makes for good reading.”

Magnificent dialogue can make a book great, Smith concluded. It should be “informative, cogent and poetic. It works. And readers want it.”

THE RIGHT TIME: When do you write your autobiography? Evelyn Waugh said, “Only when one has lost all curiosity about the future has one reached the age to write an autobiography.”

LOVE STORIES: Beth Ciotta is the author of novels that PW called a “steampunk series.” It began with a novel titled Her Sky Cowboy.

In an interview, Ciotta was asked what kind of romance she empha-

sized. The author said, “I champion the cliché that love conquers all. The best love stories involve a seemingly insurmountable challenge; if one is determined and passionate and willing to take a chance, anything is possible.”


Publishers are increasingly worried about the leverage wielded by Internet giants like Amazon, Google and Apple. Consolidation may be the only route to survival.

PUSH BACK: Booksellers are pushing back against Amazon’s power grab “by scorning the imprint’s most prominent title, Timothy Ferriss’s The 4-Hour Chef.” That quote is from another article in the Times. The book came out before Thanksgiving into a fragmented bookselling landscape that Amazon has done much to create but that eludes its control.

“The future looks angry and a mess,” the Times said. Barnes & Noble has said that it would not carry Amazon’s books. Many independent stores will do nothing to help sell Ferriss’s book if it involves helping a company they feel is hell-bent on their destruction.

Michael Tucker, owner of the Books Inc. chain in San Francisco, told the Times: “At a certain point you have to decide how far you want to nail your own coffin shut. Amazon wants to completely control the entire book trade. You’re crazy if you want to play that game with them.”

SEXY NEW SUBGENRE: “ Worried about losing avid YA readers who are ‘aging out’ of the genre,” PW said, “and eager to capture adult readers who have been ‘reading down,’ a new subgenre has been born: new adult.

“Roughly speaking, these are books geared at readers 18 to 23, to having issues of, well, new adulthood. What exactly that means, though, is in flux.”

According to The New York Times, “Publishers and authors say they are seeing a spurt in sales of books that fit into the young-adult genre in their length and emotional intensity, but feature slightly older characters and significantly more sex, explicitly detailed.” This category is called “new adult.” It is aimed 18-to-25-year-olds and some describe it “as Harry Potter meets 50 Shades of Grey.” Many of the jacket illustrations show more skin.

Meg Cabot wrote a successful Princess Diaries series, but she said that in her new book she had “added some sex for good measure” and that the genre’s core was still

Review of Books. He made some interesting observations about the boy Jim in Treasure Island.

“Treasure Island is a book of tight spots, of spaces that are both protective and hazardous, and one of the vicarious pleasures of reading it comes from being privy to Jim’s ravenous need to be there and to see it all, regardless of what may transcend. ‘My curiosity, in a sense, was stronger than my fear,’ he says; later on, ‘curiosity began to get the upper hand, and I determined I should have one look.’ When he finds himself in the apple barrel ‘in the extreme of fear and curiosity,’ it is no longer simply that curiosity wins out over fear; fear itself is translated into a kind of curiosity. The feeling is close to what Robert Louis Stevenson elsewhere called ‘the sympathy of fear.’

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about fantasy. "This is for a generation that is having an extended adolescence—maybe they would like to leave home but can’t because they can’t find a job," she said. "This is about escaping to a new life in New York—it is like going to boarding school with wizards, only aged up appropriately."

HANGOUT GONE: Stuart Woods has published 50 novels. Severe Clear was the 24th volume in his Stone Barrington series and it was an immediate bestseller.

Unnatural Acts, the 23rd Barrington novel, appeared early in 2012 and the 25th, Collateral Damage, came out early this year.

PW said, "Nearly every Stone Barrington novel opened with Stone and friends dining at Elaine’s. That was the hangout for Woody Allen and many other celebrities. It closed six months after Elaine’s death in 2010. In Unnatural Acts, Stone and friends mourn the passing of both Elaine and her café."

NEW: Johnny Depp, the movie star, is heading up a new imprint (at HarperCollins) called Infinitum Nihil. Among promised volumes is one about Bob Dylan by the historian Douglas Brinkley. House of Earth, a novel written by Woody Guthrie in 1947, was published in March, with an introduction by Brinkley and Depp.


The answer? "These days repulsive and strange are in vogue."

And it added, "Speculative fiction is seeking new directions with more science fiction, more science-fiction/fantasy mixes, and some interesting subgenres."

Generic mutation is hot, but romance has become "an indispensable part of the story," said Curtis Brown agent Ginger Clark.

BIG FAMILY: Bella Andre, author of more than 20 novels, got "a seven-figure deal" for her eight-book Sullivan series, PW reported. Harlequin’s Mira imprint was the buyer of the books about a family of six brothers and two sisters. The sixth in that series, Let Me Be the One, is a bestseller.

A Mira spokesman said the books are "sexy, fun, emotional, contemporary romances."

THREE RULES: Rosemary Ahern is the author of the recently published The Art of the Epigraph: How Great Books Begin. She wrote an essay on that subject for The Wall Street Journal. She said that an epigraph is an "act of literary semaphore: an author signaling his themes and sensibility to readers inclined to respond to both."

Ahern said that she had surveyed 700 years of literary epigraphs for her book and come up with three rules.

The first: Be Brief. "Brevery amplifies truth and seals it in our memories." Example: E. M. Forster’s epigraph for Howards End: "Only connect."

Second rule: Be Funny. Example: Vladimir Nabokov’s epigraph for The Gift came from a Russian grammar book: "An oak is a tree. A rose is a flower. A deer is an animal. A sparrow is a bird. Russia is our fatherland. Death is inevitable."

Third rule: Be wise. Example: M.F.K. Fisher’s epigraph for The Gastronomical Me: "To be happy you must have taken the measure of your powers, tasted the fruit of your passion and learned your place in the world (Santayana)."

Ahern ends with a quote from Horace: "Begin, be bold and venture to be wise."

NEXT, WAR: Conn Iggulden, co-author of the best-selling The Dangerous Book for Boys, is the author of two best-selling series, one about Julius Caesar and the other about Genghis Khan.

Putnam has signed him for a trilogy set during the War of the Roses. The first volume, PW said, will be out in 2014.

ON DIETS: Jonathan Bailor’s self-published diet book, The Smarter Science of Slim, has been purchased by Harpers for republication in January of 2014. The book reviews more than 1,000 studies on dieting. It sold 7,000 copies in seven months.

HEIRS: The Return of the Thin Man is made up of two Dashiel Hammett screen stories that became films. This new book version was coedited by Julie M. Rivett, Hammett’s granddaughter.

In a PW interview, Rivett was asked to name Hammett’s literary heirs. She said, "For op- or Spade-like imperfect heroes struggling to find just paths through imperfect worlds, I’d vote for James Lee Burke’s Dave Robicheaux, Declan Hughes’s Ed Loy, and James Ellroy’s Lloyd Hopkins. For tight, witty language, there’s Carl Hiaasen, Joseph Wambaugh and the late great Joe Gores. For well-crafted dark, existential worlds, try Dennis Lehane, Kelli Stanley, Michael Koryta, Daniel Woodrell. Among mainstream authors, count in Margaret Atwood, who read and reread Hammett in her youth, and Paul Auster, who has attached himself to my grandfather’s philosophical underpinnings."

AN EDITOR’S PROSE: Robert Gottlieb, former editor at Knopf and The New Yorker, has written Great Expectations: The Sons and Daughters of Charles Dickens.

As expected, PW how his career as an editor informs his writing process, Gottlieb said, "I write, and
then I edit it into writing, if you know what I mean. I keep going
back, whether it’s a sentence or a
paragraph or a page, making it more
fluent, more lively, more organized.
Many people say to me, particularly
about my dance writing, ‘It sounds
just like you.’ But it sounds just like
me after I’ve made it sound like me.”

BRIT vs. U.S.: Benjamin Wood
teaches creative writing at the
University of London. His first novel,
The Bellwether Revivals, is set in Cam-
bridge. He was the subject of an
interview in the Washington Inde-
pendent Review of Books, a website.
Wood was asked if he thought a
writer could take longer to tell his
story in Great Britain than in
America. He said, “No. I believe the
qualities of a good story are univer-
sal. . . . However, speaking very
generally here, I do believe that
American novels . . . show more
consideration for dramatic structure
than British novels, which is per-
haps why I favor them more, and
perhaps why they are so celebrated
internationally. There is sometimes
a rather snippy attitude towards plot-
building and storytelling in Britain,
too much regard given to form-
less linguistic bluster masquerading
as characterization. But that’s only
my opinion.”

NOVEL: Elizabeth Stout’s col-
collection of short stories, Olive Kitteridge,
won the Pulitzer in 2009. A new
novel, The Burgess Boys, will be pub-
lished in March.

A news release from Random
House said the book “would focus
on two brothers in Brooklyn who
are called back to Maine by their sis-
ter because of a family scandal.”

WITH MUSIC: Jessica Sorensen
lives in Wyoming with her husband
and three children. Her latest self-
published bestseller is The Coin-
cidence of Callie and Kayden.
She wrote “About Me” on the
Web: “I love writing and reading
almost anything that is YA . . . I ab-
solutely love music. When I’m
writing, nine out of 10 times I have
music blaring in the background.”

With music blaring, she has writ-
ten The Fallen Star, The Fallen Soul,
and The Darkness Falls series, and
other adult contemporary novels.”

TAKING NOTES: Danny Heitman
writes a column for the Baton Rouge
Advocate and his latest book is A
Summer of Birds: John James Audubon
at Oakley House.

In The Wall Street Journal he wrote
about the importance of keeping a
commonplace book. “In copying by
hand a masterful construction from
another writer, we can inhabit the
words, grasp their rhythms and,
with some luck, learn a little some-
thing about how good writing is
made.”

Heitman ended his essay with
the following: “Author Nicholson
Baker writes of keeping a common-
place book that ‘it makes me a hap-
pier person: My own bristling
brain-urchins of worry melt in the
strong solvent of other people’s
grammar.’ It’s a lovely passage, and
I couldn’t help entering it into my
own commonplace book.”

HOW-TO: Ford Madox Ford, novel-
ist (The Good Soldier) and editor of
Joseph Conrad, once maintained
that prose “should give the effect
of a long monologue spoken by a lover
at a little distance from his mist-
ress’s ear.”

THE LAW: Many successful authors
these days started out as lawyers.
One of them is Robert Ducconi. His
latest legal thriller is The Conviction.
In an essay for The Wall Street
Journal, Ducconi said he had worked
as a civil litigator, and he described
the elaborate, extensive interviews
with law enforcement men and
criminal lawyers that he conducted
in the name of research for his first
novel, Murder One.

Then he writes, “Don’t fall in
love with your research. You’ll only
use a fraction of what you dis-
covered. Too many details slow the
story down and can overwhelm the
reader. Use only those details that
move the story forward.

“Unknown subjects shouldn’t in-
timidate a novelist. A better rule
than ‘write what you know’ is write
what interests you—and what
you’re eager to learn about.”

IT’S THE STORY: Dennis Lehane,
author of Mystic River and other
novels about Boston, was inter-
viewed by The New York Times Book
Review. Asked what advice he
would give to aspiring novelists,
Lehane said:

“I believe so deeply in the pri-
mary of language, in lifting your
prose to the highest level you’re ca-
ble of and making your words
symphonic. But I worry that writing
programs spend too much time on
the words and not enough on the
story. Faulkner understood story,
but he had such astounding tech-
nical skill he could seem to abandon it
and no one would care. But most
students don’t have that staggering
degree of technical ability, so they
should learn to tell a story first.
That’s what it is at the end of the day—storytelling."


Johansen, who lives in Georgia, started writing after her children left home for college. She began publishing historical romance novels in the early 1980s. In 1989 she switched to crime fiction. According to the bibliography in Wikipedia, she has written 69 novels.

Her son Roy Johansen is a screenwriter and novelist (*Silent Thunder, Storm Cycle*). Her daughter, Tamara, is her research assistant.

TRIO COMING: Jane Casey, author of *The Reckoning*, will write three YA novels for Macmillan’s Minotaur Books. The first title will be *How to Fall*. The heroine is “a modern-day teenage detective,” PW said. *How to Fall* will be “in the style of the Nancy Drew thriller,” the publisher said, “with a contemporary twist.”


He wrote: “The displays [at the Expo] suggested that people want to know how to get along with their spouses, attend to their children’s mental hygiene, start a successful online business, survive a genocide, get to heaven, kill zombies, or achieve success after losing a limb.”

Lorentzen wrote that Steve Wasserman, in an article for *The New Yorker*, “collected the comments of publishers and booksellers, most of them afraid that what’s in prospect is ‘a largely denuded wasteland,’ purged of publishers, agents and retailers, leaving only readers, writers and a few editors who work for Amazon.”

Lorentzen observed, “I’m a fatalist, but I can’t believe that one of the ultimate effects of ebooks will be some kind of gold rush for writers. They are pawns in a bigger game. (Publishers are even less significant next to Walmart, Google and Apple.)”

The conclusion: “Books, most of them useless, will still come out, and writers will go on leading their more or less precarious lives. If characters like Rupert Murdoch and the executives of Hachette leave the story, who’ll be upset?”

OH, HORROR: A blog by Stuart Kelly on *The Guardian’s* website asked if horror is a genre doomed to literary hell.

Recently, such literary writers as Jonathan Lethem, Donna Tartt and Michael Chabon have dipped into pop genres. Crime, science fiction and fantasy all have been elevated. But horror has been neglected. A writer named Theodor Adorus is quoted: “Horror is beyond the reach of psychology.” And the blog asked, “Might this be a starting point for the horror genre?”

DIGITAL IMPRINTS: According to PW, Random House is launching three new digital only imprints: Alibi, a mystery-thriller line; Flirt, a YA/new adult list; and Hydra, a sci-fi list.

Loveswept, a digital romance imprint, will be expanded.

Allison Dodson is the digital publishing director and Scott Shannon is publisher.

NEW VERSION: Since it was first published in 1947, *Margaret Wise Brown’s* famous bedtime story, *Goodnight Moon*, has sold more than 60 million copies. It has now become an interactive app with narration and a piano soundtrack. *The New York Times* reported that a “magnifying glass” technology lets children search for hidden objects. Two add-ons are an alphabet book and a counting book.

MAYBE IT’S LOVE: Jay Neugeboren has taught at the University of Massachusetts in Amherst, at Columbia, Stanford and Freiburg, and has written 18 books. He lives in New York City.

In his latest novel, *The Other Side of the World*, two of the characters are writers and one, a woman, says to another, a man, “…think about this … if there is such a thing as love, maybe it shows itself in stories and in who we choose to tell them to—in the way we exchange stories of our lives with others.”

Neugeboren said in an interview on the Kirkus blog: “When I write I rarely think about other writers. In fact when I write novels or stories, I never read novels or stories. I’m too subject to their enchantments and, then, much too vulnerable and suggestible.”

NURSE: Priscille Sibley is the author of *The Promise of Stardust*, which includes a right-to-die decision. She is also a registered nurse.

In a PW interview, she said that she was working on a second novel that also “involves an ethical dilemma… I enjoy putting characters in situations where there are no easy answers, and it is something I’m excited about exploring.”

GROWING OLDER: Helen Fielding is at work writing a third novel featuring the popular character Bridget Jones, the BBC reported. Fielding said the new book will focus on “things that didn’t exist when I wrote the last Bridget, like e-mails, really, and texting, the way life is lived through texting and Twitter, and a whole new idea for a phase of her life.”

SPEEDY: Just a couple of weeks af-
After the last presidential election, Calvin Trillin came out with a collection of poems entitled Dogfight: The 2012 Presidential Campaign in Verse. Earlier books, Deciding the Next Decider: The 2008 Presidential Race in Rhyme and Obliviously On He Sails: The Bush Administration in Rhyme were both bestsellers.


Kosner wrote that “Styron could sometimes be two-faced when ridiculing competing writers, often pals whose work he later lavishly praised. ‘I wonder if Jim Jones knows how really bad he is,’ he writes early on to Mailer, and later confides to Jones that Mailer ‘has flipped his lid.’ He calls J. D. Salinger ‘a pr—k,’ Irwin Shaw, eventually a dear friend, ‘something of a jerk,’ and sneers at Gore Vidal, ‘that talentless, self-promoting, spineless slob.’ After appearing on a panel with poets Allen Tate, W. H. Auden, Lowell and Stephen Spender, and the Chicago poet Lowell’s son, the Chicagoan James T. Farrell, Styron pronounced them all ‘terrible bores.’”

GIRL DETECTIVE: Allen Bradley writes mysteries, and in his fourth one, the detective is an 11-year-old girl named Flavia. The title is Speaking from Among the Bones.

In a PW interview, Bradley explained his choice of a child detective in a novel intended for adults. He said, “Eleven-year-old girls are completely invisible. No one pays the slightest attention to Flavia, or even dreams that she will make use of the information she’s able to extract from their gossip or indiscretions.”

GOING STRONG: Herman Wouk, 97, has written 18 books. His latest is another novel, The Lawgiver. After years of avoiding interviews, Wouk seemed to relish an encounter with The New York Times’s Brooks Barnes.

The photograph on page one of the Arts section showed a twinkle in his eyes and an impressive, flowing white beard. His new book is about characters who are making a movie about Moses. Wouk included himself as a nonfiction character in the epistolary novel, written in letters, e-mails, memos, and text messages, rather than the usual narrative.

But Wouk said, “In terms of narrative, my boy, how do you get at something that has already been done so perfectly?”

To get the present day details about the workings in Hollywood right, Wouk asked a producer to check them out. The movie man told Wouk, “Yes, this is pretty much how things work.” Wouk said, that “cheered me up no end.”

The author of several bestsellers, including The Caine Mutiny and Marjorie Morningstar, is working on another book, “of which I will tell you nothing,” Wouk said.

HOW IT STARTED: Jennifer McMahon is the author of the bestselling Promise Not to Tell. Her latest is The One I Left Behind.

In an interview in PW, she told what had inspired the novel. “I was looking at a milk carton one morning and—my mind goes funny places sometimes—I’m like, ‘Wow, wouldn’t it be really creepy if you just found a milk carton and opened it and there was a hand inside?’ And then my mind continued to work...who’s the killer and who are the women the killer is taking, and I had to start writing to find out.”

WINNER: Maggie Shipstead, 28, won the Dylan Thomas Prize of 30,000 pounds for her first novel, Seating Arrangements.

The story is set on a fictional island off New England and is about a local society wedding.

Shipstead was a student of Zadie Smith at the Iowa workshop. Shipstead was quoted in The Guardian: “I wrote the first draft in about nine months. I was on the island of Nantucket. I had no friends, so I was very efficient.”

The Harvard graduate said of Smith, “It was the first time she had ever taught so I think she had fairly mixed feelings about it. She was only 30 and she was writing On Beauty. She was brilliant—a little frightening as she was really hard on us, which caught everyone off guard. But for me it was a really good thing—I realized this was supposed to be difficult.”

WINNER: The National Book Award for nonfiction went to Behind the Beautiful Forevers: Life, Death and Hope in a Mumbai Undercity by Katherine Boo. Her book, according to The New York Times, “tells of the heart-rending struggles of the dwellers of a slum in the shadow of luxury hotels in India.”

In her acceptance speech, Boo said, “If this prize means anything, it is that small stories in so-called hidden places matter because they implicate and complicate what we consider to be the larger story, which is the story of people who do have political and economic powers.”

Louise Erdrich’s novel The Round House won the fiction prize. Erdrich’s book is about a teenage boy’s effort to investigate an attack on his mother on a North Dakota reservation. The author told the banquet crowd, “This is a book about a huge case of injustice on-going on reservations. Thank you for giving it a wider audience.”

OBSERVATION: Michiko Kakutani of The New York Times reviewed a collection of essays by the late David Foster Wallace. The title is Both Flesh and Not and some of the essays are...
about writing, which Wallace taught for many years.

Kakutani concluded her review with: “Today’s literary landscape, of course, is exponentially richer, more variegated and more complex—in no small part because of Wallace’s influence on contemporaries and younger writers, who have learned from him how to break the rules, how to combine the high and the low, the pop and the highbrow, and how to find idiosyncratic voices of their own. And Wallace writes here about Roger Federer: ‘Genius is not replicable. Inspiration, though, is contagious, and multiform.’”

NEW DIRECTIONS: Tenth of December is the title of George Saunders’s fourth collection of stories. Saunders’s stories often appear in The New Yorker. In an interview in PW, he was asked if it was difficult for him to move in a new direction.

Saunders said, “Kind of, yes. If you’ve got a certain rep, it induces a little panic because you’re aware of what you do and want to use the best parts of that while avoiding falling into habit. What I find is that, if I work on something very hard and continue to revise it, it sounds something like me no matter what. But you always look for opportunities to confound yourself. And if you suddenly find yourself doing something that doesn’t quote unquote ‘sound like yourself,’ [you] kind of go, ‘Oh, thank God.’ You want to honor what’s authentic and earned while pushing into new territories.”

MYSTERY SHADOW: Stacy Schiff is the author of Cleopatra: A Life. In an essay for The New York Times about writing biographies, she observed:

“Just as autobiography has been said to be a perfect vehicle for telling the truth about other people, so biography contains some small sketch of its author. Its outlines are lost only to one person. Sunk deep in someone else’s psyche, you’re either pathologically unwilling or just plain unable to recognize your own shadow.”

FEELING DOPEY?: The title of Dr. John J. Ross’s new book is Shakespeare’s Tremor and Orwell’s Cough. How much of what many famous writers produced was inspired by illness and/or the drugs they took? Samuel Coleridge, Edgar Alan Poe and Hunter Thompson come to mind.

In The New York Times, reviewer Dr. Abigail Zuger wrote, “Jonathan Swift was a classic obsessive-compulsive long before he succumbed to frontotemporal dementia (Pick’s disease). Poor [Nathaniel] Hawthorne, so forceful on the page, was in person a tortured shrinking violet, the embodiment of social phobia and depression. Emily Bronte’s behavior was strongly suggestive of Asperger syndrome; Herman Melville was clearly bipolar; Ezra Pound was just nuts.

“Yet they all wrote on, despite continual psychic and physical torments.”

PS.: Dr. Oliver Sacks’s latest book is Hallucinations. It provides observations about how physical problems can affect a writer’s storytelling. In a New York Times review Michiko Kakutani wrote: “many famous images in literature and art could well have been inspired by hallucinations. Dr. Sacks points out that Lewis Carroll suffered from migraines and notes that some experts believe that migraine auras might have inspired the weird fluctuations in size that occur in Alice’s Adventures in Wonderland.”

AMISH TASTE: There are more than 39 writers who specialize in fiction about the Amish, PW said. One of them is Suzanne Woods Fisher who wrote about what the Amish read for PW.

Fisher wrote: “You might assume that because formal education ends at eighth grade for the Amish, an education stops too. Not so! These people read and read and read.”

What do they read? Most of the Amish like real-life inspirational stories or anecdotes, often with a Christian background. “Without television and computers, they read more than most Americans . . . and value lifelong learning.”

GREAT: Don’t hear much these days about The Great American Novel. But it once was a topic of much comment. Frank Norris wrote that it “is not extinct like the Dodo but mythical like the Hippogriff.” He thought we should be looking for a great novelist who is also an American.

Jack London once wrote in a letter: “I’d rather win a water-fight in a swimming pool or remain astride a horse that is trying to get out from under me than write the great American novel.”

BIG SHIFT: Simon & Schuster has teamed up with Author Solutions to get into the self-publishing business. Authors can buy packages ranging from $1,599 for a children’s package to $24,989 for a business book package. Authors will get access to a speaker’s bureau and a video production department that creates and distributes book trailers.

The New York Times said that no S&S personnel will be involved and the S&S name will not be attached in any way. But S&S will monitor sales of the books and will use the service as a way to spot authors it might then want to sign to a contract.

HOW TO THINK: Maria Konnikova, a psychologist, is the author of the nonfiction Mastermind, which PW said, in an introduction to an interview, “reveals how anyone can strengthen his or her thinking by adopting some of Sherlock Holmes’s best practices.”
Konnikova’s advice: “Turn off the Internet. Turn off Twitter. Don’t respond to e-mail. You can also make a habit of not multitasking; learn to monitor your behavior and note when you slip off course. . . . Self-monitoring is an important step to learning to master your focus.”

BIO: Martin Amis is a best-selling British author who now lives in Brooklyn. He is also the subject of a biography by Richard Bradford. Amis is 63. He’s quoted in a New York Times review: “Novelists tend to go off at 70, and I’m in a funk about it. I’ve got myself into a real paranoid funk about it, how the talent dies before the body.”

Amis cooperated with his biographer who, according to reviewer Dwight Garner, “had delivered a book that is mortifying in its dullness and lack of instinctive feeling for its subject. Reading Martin Amis: The Biography is like watching a moose try to describe a leopard, using only its front hooves.”

The reviewer came up with one good quote from Amis who had a character in his 1996 novel, The Information, say: “I didn’t want to please the readers. He wanted to stretch them until they twanged.”

PERFECTION: British novelist Ian McEwan (Atonement, Sweet Tooth) was interviewed for the “By the Book” feature in The New York Times Book Review.

He said he had read James Joyce’s The Dead many times. “It needs to be considered as a novella, the perfect novella . . . a closing reflection on mortality as sleep closes in and snow begins to fall—I wouldn’t swap the last dozen pages of The Dead for any dozen in Ulysses. As a form, the novel sprawls and can never be perfect. It doesn’t need to be, it doesn’t want to be. A poem can achieve perfection—not a word you’d want to change—and in rare instances a novella can too.”

GETTING IT DOWN: Dena Sachs wrote a 50,000-word novel in 30 days. Five years and 15 drafts later, the novel, The Secret of the Nightingale Place, was published in February.

Sachs explained in an essay in PW that she had participated in National Novel Writing Month, an online Challenge for which one commits to write a 50,000-word novel during November.

She explained that she was a perfectionist and NaNoWriMo forced her “to ignore her incapacitating inner critic and keep going . . . it forces us to lower our standards.”

The bigger negative: “You write when you’re exhausted, when you’re bored and when you would not be able to find an ounce of inspiration even if your glorious career depended on it. At my lowest moments, I considered the whole thing a tedious slog, but I also value it as much as anything I do as a writer.”

ART: Gustave Flaubert said: “The art of writing is the art of discovering what you believe.”


“As I found myself scouring my manuscript to remember, for the fifth time, whether I’d made that driveway gravel or paved, and where exactly it forked, and how long it was, I started to worry. . . . “And so, 200 pages into my manuscript, I sat down to do what I should have done the first day. . . . For the first time in 20 years, I broke out the graph paper. I borrowed my daughter’s colored pencils and sketched things out. Not just the general shape of the house, but 30 rooms plus couches, doors, rugs, the dog’s water bowl, the junk in the attic. And since my novel is set in three time periods—the 1920s, ’50s and ’90s—at the same estate, I did all of this three times over.”

The next time she sat down to write, “I did not mention the kitchen’s square footage or that its stairs lay in the northeast corner. But I could say with utter confidence that my character ran up the kitchen stairs . . .

“And if all this extra work is ridiculous, then so is fiction itself. What else do writers do, all day long, but try to convince the world that our imaginary castles are real? That our dream spaces belong to our readers too?”


One of the most entertaining was H. L. Mencken’s description of President Harding’s speaking style. Mencken wrote, “It reminds me of a string of wet sponges; it reminds me of tattered washing on the line; it reminds me of stale bean-soup, of college yells, of dogs barking idiotically through endless nights.”

Can you top that one?

REVIEWS?: After several cases of writers buying or manipulating reviews, Amazon is taking steps. The New York Times reported that thousands of “reviews” have been deleted from the shopping giant’s site recently. If you are a relative of the author and Amazon knows it, your review will be removed.

The most prominent reviewer, Harriet Klausner, has written more than 25,000 reviews. How can she read so many books so fast? Why are her reviews overwhelmingly full of praise?

Regan Buckley has waged a campaign against Mrs. Klausner under the name “Sneaky Burrito.” She told the Times, “There are so many fake reviews that I’m often better off just walking into a physical store and picking an item off the shelf at random.”
HISTORY COUNTS: Caleb Carr is the author of The Alienist and The Legend of Broken, published last November. In an essay for WSJ Review, he wrote about historical fiction.

Carr wrote, “Certainly the 19th century saw a great many writers whose ability to discuss the past helped to develop their distinctive styles. Not a few began with journalism or social commentary: Nathaniel Hawthorne, Herman Melville, Edgar Allan Poe, Charles Dickens, Leo Tolstoy. This pattern was continued through . . . Gertrude Stein, Ernest Hemingway and F. Scott Fitzgerald.

“The work of all these writers was informed by a primal quest to achieve the role of the recorder, the person who bears testament. It’s still a useful goal. Thus my advice to the aspiring fiction writer: Don’t be tempted by that graveyard of literary talent, creative writing courses. Take a sharp turn and study history instead.”

FRANK: Novelist Lauren Myracle lives with her three children in Fort Collins, Colo. Her books for teens have been “hailed as this generation’s Judy Blume for her candor, but outraged parents have lobbied to ban her books,” The New York Times said in a Style section feature article. Subject matter: “awkward first bra purchase, and clueless flirting that leads a sophomore to have a hot-tub encounter with a teacher.”

Myracle’s Internet series for girls has titles like ttty, ttfrn and l8r8r8.

Her editor, Susan Van Metre at Abrams Books, told the Times that the writer had become accustomed to controversy. Van Metre said, “She’s grown to be proud of it for what it represents in terms of being honest with kids, and bearing the brunt of parental fear.”

Myracle’s new novel is about an 18-year-old losing her virginity. Myracle said she wanted to write about sex without a “soft fade.” the Times added: “Kids are curious about the mechanics of sex, and deciding when first to have sex has inherent drama.”

REJECTION: The Guardian sampled some of the content of The Letters of T. S. Eliot: Volume 4. The following is a rejection of a poem by e. e. cummings, noted for his avoidance of capital letters:

“Dear Cummings,

“Thank you for sending me your new ditty. Unfortunately it is not quite suitable for The Monthly Criterion. Have you thought about taking remedial lessons in grammar and punctuation? Yours, etc.”

NEWS: Thomas Pynchon’s Gravity’s Rainbow was published 40 years ago. In January, his publisher announced that a new Pynchon book, entitled The Bleeding Edge, will be published, but no date was set.

TITLE TALK: Joe Queenan has a regular column in the WSJ Review weekend section. In a recent issue he complained about book titles.

“In the last couple of months,” Queenan wrote, “by my reckoning, there have been at least 10 books called The Last This or The Last That or The Last Something or Other. These include two bestsellers, The Last Lion . . . and Vince Flynn’s latest thriller, The Last Man.” Queenan cites eight more.

He winds up his column with “Another word we could do without is ‘American.’ Sticking the word ‘American’ in a book title is like sticking ‘organic’ on cheesy food-stuff in the hopes of giving the product more class than it really has. Whether it’s An American Life, or An American App Designer or The Last American Icon Standing, a book with ‘American’ in the title is almost always the last refuge of a scoundrel. Or a politician. Same difference.”

THE WINNER: In 1962, 66 authors were considered for the Nobel Prize in Literature. The list was whittled down to Robert Graves, Lawrence Durrell, Karen Blixen, John Steinbeck and Jean Anouilh. The Guardian published an article about the Nobel selection process and quoted a member of the 1962 committee: “There aren’t any obvious candidates for the Nobel Prize and the prize committee is in an unenviable situation.” The prize was awarded to Steinbeck.

WORD LOVER: Australian Kerry Greenwood, author of Out of Black Land, was asked by PW what led to her becoming a writer. Black Land is set in ancient Egypt.

Greenwood said, “I went to a basic school, which had children from all over the world and met my best friend and had to learn Greek because she didn’t speak English. I fell in love with words in all languages, and I read everything I could find, particularly myths and legends and histories and archeology and any novels. I used to tell my three younger siblings stories because that was my household chore, and I told long stories in installments because it was easier and more fun than making up a new story every night.”


Flynn tried for a career as an aviator with the Marines, but was medically disqualified one week before leaving for training.

Then, in an effort to overcome dyslexia, he said, “I started reading everything . . . I read fiction, nonfiction, but I especially loved espionage.”

He completed his first book as he worked as a bartender. Term Limits out by Pocket Books as a hardcover. More than a dozen of his novels have been published by a division of Simon & Schuster.

Flynn’s fictional hero is Mitch
Rapp, and movie deals are being negotiated.

PASS IT ALONG: Jonah Berger is the author of Contagious: Why Things Catch On.

He explained in PW why word of mouth is important. “We get information from ads, and from our friends. But we really don’t believe what we hear from ads; we’re much more likely to believe our friends. Because of that, word of mouth is much more effective at driving sales and popularizing ideas than is traditional advertising.”

And it is word of mouth that creates the big bestsellers.

DEATHS

Letitia Baldridge, 86, died October 29 in Bethesda, Md. The “etiquette maven” was the author of Roman Candle (1956) and Taste: Acquiring What Money Can’t Buy (2007).

Jacques Barzun, 104, died October 25 in San Antonio, Texas. The Columbia professor was the author of dozens of books including From Dawn to Decadence (2000) when he was 92. Other titles included The House of Intellect (1959) and The Delights of Detection (1981).

Joseph Blotner, 89, died November 16 in Oakland, Calif. A professor at several universities, he was the author of Faulkner: A Biography (1974) and Robert Penn Warren: A Biography (1997). He also wrote, edited or contributed to a dozen more books on Faulkner and a study of J. D. Salinger.

James M. Buchanan, 93, died January 9 in Blacksburg, Va. The economist and Nobel laureate was coauthor of The Calculus of Consent: Logical Foundations of Constitutional Democracy (1962) and the author of The Limits of Liberty: Between Anarchy and Leviathan (1975).

Evan Connell, 88, died January 10 in Santa Fe, N.M. He was the author of Mrs. Bridge (1959), a best-seller, and Mr. Bridge (1969). Other novels included The Patriot (1960) and Son of the Morning Star (1984)—14 books in all.

Bryce Courtenay, 79, died November 22 in Canberra, Australia. He was the author of The Power of One (1960) and sold more than 20 million copies of 21 books, all written after he was 50.


Richard N. Current, 100, died October 26 in Boston. He was a historian who wrote or edited more than 30 books, including a history of the typewriter and a biography of Daniel Webster. He also wrote The Lincoln Nobody Knows (1958), Lincoln and the First Shot (1963) and Lincoln’s Loyalists: Union Soldiers from the Confederacy (1994).


Jim Flick, 82, died November 5 in Carlsbad, Calif. A golf teacher, Flick was the coauthor of How to Become a Complete Golfer (1984), Finding Your Own Fundamentals (1992) and Jim Flick on Golf (2001).


Jean S. Harris, 89, died December 28 in New Haven. The headmistress and convicted murderer of Herman Tarnower, the Scarsdale Diet doctor and author, was the author of Stranger in Two Worlds (1986).

Sven Hassel, 95, died September 21 in Barcelona, Spain. The Danish-born writer was the author of 14 novels about the Germans in World War II that sold 53 million copies worldwide. Wheels of Terror (1959) was made into a 1987 movie, The Misfit Brigade.

Albert Hirschman, 97, died December 10 in Ewing Township, N.J. An economist, he was the author of Journeys Toward Progress: Studies of Economic Policy-Making in Latin America (1963) and Exit, Voice and Loyalty: Responses to Decline in Firms, Organizations and States (1970).

Ada Louise Huxtable, 91, died January 7 in Manhattan. The architecture critic was the author of 11 books, including Four Walking Tours of Modern Architecture in New York City (1961) and The Search for a Skyscraper Style (1984).

Susan Jeffers, 74, died October 27 in Santa Monica, Calif. A psychologist, she was the author of Feel the Fear and Do It Anyway (1987), which sold millions worldwide, I’m Okay, You’re a Brat! (1999) and Embracing Uncertainty (2003).


Stanley Karnow, 87, died January 27 in Potomac, Md. The Pulitzer Prize-winning historian was the author of Mao and China: From Revolution to Revolution (1972), Vietnam: A
History (1983) and In Our Image: America’s Empire in the Philippines (1989). Vietnam was also a prize-winning PBS documentary series.

Jane Holtz Kay, 74, died November 5 in Boston. An architecture critic, Kay was the author of How the Automobile Took Over America and How We Can Take It Back (1976), Lost in Boston (1980) and Preserving New England (1986).

Larry L. King, 83, died December 18 in Washington, D.C. He was the author of The One-Eyed Man (1965), Confessions of a White Racist (1971) and In Search of Willie Morris (2006).

Klemens von Klemperer, 96, died December 23 in Easthampton, Mass. The emeritus professor of history at Smith College was the author of seven books, including German Resistance Against Hitler: The Search for Allies Abroad, 1938–1945 (1992) and Fleeing Nazi Germany: Five Historians Migrate to America (2011).

Paul Kurtz, 86, died October 20 in Amherst, N.Y. A philosopher, professor and publisher, he was the author of several books on humanism including Forbidden Fruit: The Ethics of Secularism (2006). His final book, The Turbulent Universe, will be published in the spring.


Ralph G. Martin, 92, died January 14 in Sleepy Hollow, N.Y. He was the author or coauthor of more than 30 books about celebrities, including many bestsellers. Titles include: Jennie: The Life of Lady Randolph Churchill (1996), The Woman He Loved (1974), A Hero for Our Time (1983) and Charles & Diana (1985).


Ethel Person, 77, died October 16 in Manhattan. A psychiatrist, she was the author of four books, including By Force of Fantasy: How We Make Our Lives (1995).


David Oliver Relin, 49, died November 15 in Multnomah County, Oreg. The adventurous journalist was the coauthor of Three Cups of Tea (2006), which sold more than four million copies.

Midge Turk Richardson, 92, died December 24 in Manhattan. A Catholic nun for 18 years, she later became editor of Seventeen for 18 years. She was the author of a memoir, A Buried Life (1971).

Ferrol Sams, 90, died January 29 in Lafayette, Ga. The small-town southern doctor was the author of Run with the Horsemen (1982), The Whisper of the River (1986), and When All the World Was Young (1992).


Richard G. Stern, 84, died January 24 in Tybee Island, Ga. Stern taught creative writing at the University of Chicago, and authored more than 20 books of fiction and nonfiction. Titles include Other Men’s Daughters (1973), Natural Shocks (1978) and A Father’s Words (1986).

Han Suyin, 96, died November 2 in Lausanne, Switzerland. She was the author of more than two dozen books, including Destination Chungking (1942), Love Is a Many-Splendored Thing (1955), The Mountain Is Young (1958) and My House Has Two Doors (1980).

Diane Wolkstein, 70, died January 31 in Taiwan, where she underwent emergency surgery. The New York storyteller was the author of two dozen books, most collections of folk tales and legends. One title: Esther’s Story (1996).

Bertram Wyatt-Brown, 80, died November 5 in Baltimore. The historian was the author of Honor and Violence in the Old South (1986). His last book, A Warring Nation: Honor, Race and Humiliation in America’s Wars, will be published by the University of Virginia Press.

Sol Yurick, 87, died December 8 in Manhattan. He was the author of The Warriors (1965). Other novels were Fertig (1966) and The Bag (1968). A collection entitled Short Stories was published in 1972. •
The Golden Age for Writers Is Right Now

Continued from page 10

hasn’t been higher since Gallup and Pew began tracking the figure in 1990. And it’s not just crap books. The percentage of Americans who told the National Endowment for the Arts that they read literature rose in 2008 (their most recent survey) by 3.5 percentage points to more than half the population—the first gain in 26 years.

A massive process of literary rebirth is under way. Everyone seems to understand and accept this golden age except the writers themselves. Colson Whitehead titled his Grantland series about playing in the World Series of Poker “Occasional Dispatches from the Republic of Anhedonia,” but it could just as easily apply to a country of writers generally, naturally given to feeling downtrodden at the best of times. Zadie Smith’s recent advice on the writing life in The Guardian was hilariously bleak: “Resign yourself to the lifelong sadness that comes from never being satisfied.” The most startlingly contradictory case is Jonathan Franzen. In 1996, he wrote his famous “end of the novel” essay for Harper’s Magazine. The novel was so dead that The Corrections sold nearly three million copies. Then, during the tour for Freedom, he told Terry Gross that he had imagined that he could at least hand-sell a couple hundred copies on the book tour and maybe those people would tell their friends to buy one as well. “Everyone decided we really don’t have to read novels anymore,” he said. This was around the same week he was on the cover of Time.

As Lily Tomlin once said, “We developed language because of our deep inner need to complain.” The whining by writers is not just untrue; it’s becoming embarrassingly untrue. New advice: Be grateful. Revel.

BOOKS BY MEMBERS


Pretty Penny Makes Ends Meet; Laure
tance Klavan (and Susan Kim): Wasteland; Christina Baker Kline: Orphan
Train; G. Bruce Kneckt: Grand Ambition: An Extraordinary Yacht, the People
Who Built It, and the Millionaire Who Can’t Really Afford It; Keith Koeman
First Son: The Biography of Richard M. Daley; Gordon Korman: Hideout;
Stephen Krensky (and Sara Gillingham, Illus.): Now I Am Big!; Uma
Krishnaswami (and Nasrin Khosravi, Illus.): The Girl of the Wish Garden;
Laura Homan Lacey: Ortiz; To Live a Man’s Life; William Douglas Lans
ford: The Wind and the Ships; Anthony LaPenta: The Sniper; Kirby Larson:
Hattie Ever After; Patricia Laurence: Lily Briscoe’s Chinese Eyes: Bloomsbury,
Modernism, and China; Eric Lax (and Robert Peter Gale): Radiation: What It
Is, What You Need to Know; Tosca Lee: Iscariot; Christopher Lehman: Ener
gize Research Reading and Writing; Leslie Lehr: What a Mother Knows;
Lillie Leonard: In the Shadow of a Badge: A Memoir About Flight 93, a Field
of Angels, and My Spiritual Homecoming; Peter Lerangis (and Mike Reagan,
Illus.): The Colossus Rises; Paul Levin
son: The Plot to Save Socrates; Richard Lingeman: The Noir Forties: The Amer
ican People from Victory to Cold War; Elinor Lipman: The View from Pent
house B; Phillip Lopate: To Show and to Tell: The Craft of Literary Nonfiction;
Portrait Inside My Head: Essays; Mike Lupica: Play Makers; Barry Lyga:
Yesterday Again; Game;
Maryann Macdonald: Odette’s Secrets;
Sarah MacLean: One Good Earl Des
erves Another; Lawrence Malkin (and
Yuval Elizur): The War Within: Israel’s
Ultra-Orthodox Threat to Democracy and the Nation; Judy L. Mandel: Replac
ement Child; Fran Manushkin (and
Valeria Petrone, Illus.): Big Girl Panty
ties; Megan Marshall: Margaret Fuller: A New American Life; David Martin
(and David Walker, Illus.): Peep and Ducky; Robert Masello: The Romanov
Cross; Gordon McAlpine (and Sam
Zuppardi, Illus.): The Tell-Tale Start;
Donald McCaig: Mr. and Mrs. Dog:
Our Travels, Trials, Adventures, and
Epiphanies; David McConnell: Ameri
can Honor Killings: Desire and Rage
Among Men; Jill McCorkle: Life After
Life; Kimberly McCreight: Recon
structing Amelia; Richard Chase
Mears: The Bard Club; Robert Mec
koff: A History and Philosophy of Sport
and Physical Education: From Ancient
Civilizations to the Modern World (6th
edition); Meg Medina: Yuyu Delgado
Wants to Kick Your Ass; Ellen Meister:
Farelwell, Dorothy Parker; Carolyn
Meyer: Victory Rebels; Randy Susan
Meyers: The Comfort of Lies; Derek B.
Miller: Norwegian by Night; Kirsten
Miller: The Darkness Dwellers: How to
Lead a Life of Crime; Rebecca Miller:
Jacob’s Folly; Jacqulyn Mitchell:
What We Saw at Night; Mark Mon
monier: Lake Effect: Tales of Large Lakes, Arctic Winds, and Recurrent Snows;
Joseph Monninger: Margaret from
Maine; Eave Moore (and Nancy Car
penter, Illus.): Lucky Ducklings; Dick
Morris (and Eileen McGann): Here
Come the Black Helicopters!; UN Global
Governance and the Loss of Freedom;
Nancy Morse: This Child Is Mine;
Carolyn Nash: Phoenix Heart; Elinor
Nauen: My Marriage A to Z: A Big-City
Romance; Victor S. Navasky: The Art of
Controversy: Political Cartoons and Their
Enduring Power; Carl A. Nelson: An
napolis; Boot Camp Buddies; Jay Neuge
boren: The American Sun & Wind
Moving Picture Company;
Karen Offen: Les feminines en Europe
(European Feminisms); Irene O’Garden
and Pat Schories, Illus.: Forest, What
Would You Like?; Helaine Olen: Pound
Foolish: Exposing the Dark Side of the Personal Finance Industry; Jana Oliver:
Foretold; William O’Rourke: Confes
ions of a Guilty Freelancer; The Harris
burg 7 and the New Catholic Left (40th
Anniversary Edition); Toni Ortner: A
White Page Demands Its Letters; Traveling,
A Perspective; Jeopardy; Brenda
Maria Osbey: History and Other Poems;
Katherine Hall Page: The Body in the
Piazza; Dennis Palumbo: Night Ter
rors; Valerie O. Patterson: Operation
Oleander; Laura Pedersen (and Penny
Weber, Illus.): Unplugged: Ella Gets Her
Family Back; Melissa Jo Peltier: Reality
Boulevard; Stacy Perman: A Grand
Complication: The Race to Build the
World’s Most Legendary Watch; Peter
Petre (and Arnold Schwarzenegger):
Total Recall: My Unbelievably True Life;
Louis L. Picone: Where the Presidents
Were Born: The History & Preservation of
the Presidential Birthplaces; Julia Pome
roy: No Safe Ground; David Poyer: The
Whiteness of the Whale; Cathryn J.
Prince: Death in the Baltic: The World
War II Sinking of the Wilhelm Gustloff;
Lisa Pulitzer (and Lauren Drain):
Banished: Surviving My Years in the
Westboro Baptist Church; Robin Pulver:
Saturday Is Dadurday;
Emily Raboteau: Searching for Zion:
The Quest for Home in the African Dias
pora; Philip Raison: Swimming in the
Shallow End; Ashok Rajamani: The
Day My Brain Exploded; Kid Reed:
Son of Destruction; Joey Reiman: Story
of Purpose; Isolina Ricci: The CoParenting
Toolkit; Robert Riche: In the Waiting
Room; Karen Robards: Shiver; Duke
Robinson: An Old Notion in a New
Novel of Unthinkable Absurdity; Gabri
elle Robinson: The Reluctant Nazi:
Searching for My Grandfather; Suzzy
Roche (Giselle Potter, Illus.): Want to
Be in a Band?; Carl Rollyson: American
Isis: The Life and Art of Sylvia Plath; Pat
Romero: Cowboy Reunions of Las Vegas,
New Mexico; David Rosenfelt: Air
right; JoAnn Ross: Sea Glass Winter;
Victoria Rowell: The Young and the
Ruthless; Susan Goldman Rubin:
Diego Rivera: An Artist for the People;
Douglas Rushkoff: Present Shock: When
Everything Happens Now; Hank
Philippi Ryan: The Other Woman;
Ralph Salisbury: So Far, So Good: Sam
Savage: The Way of the Dog; Gerald
Shea: Song Without Words: Discovering
My Deafness Halfway Through Life;
Jacqueline Sheehan: Picture This;
Bonnie Shimko: You Know What You
Have to Do; Deborah Shlian: Lessons
Learned: Stories from Women in Medical
Management; Jennie Shortridge: Love
Water Memory; Marlene Fanta Shyer:
Happy Anniversary, He Said; Priscille
Sibley: The Promise of Stardust; Alan
Siegel (and Irene Etzkorn): Simple:
Conquering the Crisis of Complexity;
Joan Silber: Fools; Norma Simon (and Cherie Z Amazing, Illus.): All Kinds of Friends; Marilyn Singer (and Alexandra Boiger, Illus.): Tailulah’s Toe Shoes; Marilyn Singer (and Josee Masse, Illus.): Follow Follow: A Book of Reverse Poems; Joanna Campbell Slan: Picture Perfect Corpses; Artemis Smith: ArtemisSmith's GrandmaMoseX: The Final Testament Before the Apocalypse; ArtemisSmith’s The Third Sex; ArtemisSmith's The Sheets Diptych; Lachlan Smith: Bear Is Broken; Richard Smoley: Supernatural: Writings on an Unknown History; Stephen Solomita: Dancer in the Flames; Eileen Spinnelli and David Johnson, Illus.: When No One Is Watching; Harry George Spirides: Hotel Tybee: Elizabeth Spurr (and Manelle Oliphant, Illus.): In the Woods; William Stadiem: Moneywood: Hollywood in Its Last Age of Excess; Ann Redish Stampp (and Francesca Carabelli, Illus.): The Cats on Ben Yehuda Street; Stephen Stark: The Final Appearance of America’s Favorite Girl Next Door; David Ezra Stein: O’ Mama Squirrel; Elisabeth Stevens: Ride a Bright and Shining Pony; Larry Stillman: The Rope Catcher; John Stoltenberg: GONERZ; Tanya Lee Stone (and Marjorie Priceman, Illus.): Who Says Women Can’t Be Doctors?: The Story of Elizabeth Blackwell; Courage Has No Color: The True Story of the Triple Nickles: America’s First Black Paratroopers; Nancy Rubin Stuart: Defiant Brides: The Untold Story of Two Revolutionary-Era Women and the Radical Men They Married; Ellen Sussman: The Paradise Guest House; James M. Tabor: Frozen Solid; Janelle W. Taylor: Unnecessary Evil; Dangerous Deceptions; Ross Terrill: Wo yu Zhong-guo (Myself and China); Tracy Thompson: The New Mind of the South; Kiki Thorpe (and Jana Christy, Illus.): In a Blink; Amy Timberlake: One Came Home; Douglas Trevor: Girls I Know; Linda Trice and Pamela Johnson, Illus.: Kenya’s Song: Danielle Trussoni: Angeleopolis; Kristin O’Donnell Tubb: The 13th Sign: Lily Tuck: The House at Belle Fontaine; Lynn Underwood: Spiritual Connection in Daily Life: Sixteen Little Questions That Can Make a Big Difference; Linda Urban: Center of Everything; Sally Van Doren: Possessive; Steven J. Venturino: The Complete Idiot’s Guide to Literary Theory and Criticism; Lisa Verge-Higgins: Friendship Makes the Heart Grow Fonder; Richard Vettere: The Other Colors in A Snow Storm; Bird Brain: Leon Vicki: The Joy of Sexus: Lust, Love, and Longing in the Ancient World; Patricia Volk: Shocked: My Mother, Schiaparelli, and Me; Jess Walter: We Live in Water; Betty Webb: The Llama of Death; Cynthia Weill (with The Aguilar Sisters, Illus., and Jorge Luis Santiago, Photog.): Count Me In!; Ellen Weiss (and Sam Williams, Illus.): Playtime for Twins; Alana White: The Sign of the Weeping Virgin; Katerina Katsaraka Whitley: Around a Greek Table, Recipes and Stories Arranged According to the Liturgical Seasons of the Eastern Church; Dennis Wholey: The Chance of a Lifetime: An Amazing Super Bowl Story; Elie Wiesel: Open Heart; Brenda Williamson: Handcuffed . . . to Him!: An Unbridled Lust; Lauren Willig: The Ashford Affair; Andrew Wilson: Mad Girl’s Love Song; Sylvia Plath and Life Before Ted; Robert Wilson: Capital Punishment; Michael Wolfe: Cut These Words into my Stone: Ancient Greek Epitaphs in Translation, with a Foreword by Richard P. Martin; Meg Wolitzer: The Intersections; Stuart Woods: Collateral Damage: Unintended Consequences; Arthur Wooten: Dizzy: A Fictional Memoir; Peter Wortsman: Ghost Dance in Berlin: A Rhapsody in Gray; Tales of the German Imagination: From the Brothers Grimm to Ingeborg Bachmann; Selected Tales of the Brothers Grimm; Margaret Wrinkle: Wash; Sharon Dennis Wyeth (and Bargram Ibatoulline, Illus.): The Granddaughter Necklace; Rosemary Wylie: Loving Andrew: A Fifty-Two-Year Story of Down Syndrome; Ben Yagoda: How to Not Write Bad: The Most Common Writing Problems and the Best Ways to Avoid Them ◆

MEMBERS MAKE NEWS

Lydia Davis was awarded the 2013 Man Booker International Prize “for achievement in fiction on the world stage,” at a ceremony at the Victoria and Albert Museum in London on May 22. The author of nine collections of short stories and one novel, Davis is the fifth winner of the prize, and the second American to be honored.

The Crystal Kite Awards are awarded annually by the Society of Children’s Book Writers and Illustrators to recognize great books from 15 regional SCBWI divisions around the world. Guild winners include Orel Protopopescu’s Thelonious Mouse, New York region; Lee Wardlaw and Eugene Yelchin’s Won Ton: A Tale Told in Haiku, California/Hawaii region; Holly Thompson’s Orchards, East/India/Asia region; Larry Brimner’s Black & White: The Confrontation between Reverend Fred L. Shuttlesworth and Eugene “Bull” Connor, Southwest region; Kathryn Erskine’s The Absolute Value of Mike, Atlantic region, and Kirby Larson’s The Friendship Doll, West region.

The winners of the 2012 National Book Critics Circle Awards were announced on February 28, 2013 during a ceremony at the New School’s Tishman Auditorium. Robert A. Caro won in the Biography category for The
Deborah Henry’s *The Whipping Club* was named one of Kirkus Review’s Best of 2012 and one of *O* Magazine’s Hottest Summer Reads.

David Huddle’s *Nothing Can Make Me Do This* won the Library of Virginia’s Annual Literary Award.

Linda S. Johnston was presented with the Kansas Historical Society’s Edward N. Tihen Historical Research Grant to complete her book *Hope Amid Hardship: Voices from Kansas Territory*, due out in August 2013.

Kim Kavin won the Dog Writers Association of America’s Merial Human-Animal Bond Award for Little Boy Blue: A Puppy’s Rescue for Death Row and His Owner’s Journey for Truth. The award honors a work that best exemplifies the bond between dog owner and pet. The DWAA Awards were presented at the Affinia Manhattan Hotel on February 10.


Patricia Laurence received a Fulbright Award at the University College Cork in 2012 for teaching and work on her biography of the Anglo-Irish writer Elizabeth Bowen.

The second edition of *Invertebrate Medicine*, edited by Gregory A. Lewbert, received a “Texty” Textbook Excellence Award in the College Life Sciences category from the Text and Academic Authors Association. It also received the American Medical Writers Association’s Medical Book Award, in the Health Care Professionals (Non-Physicians) category.

*Truth Like the Sun* by Jim Lynch was nominated for the Hammett Prize, presented by the International Association of Crime Writers. The winner will be announced during the New Atlantic Independent Booksellers Association Fall Conference in Somerset, NJ in late September.

Mark Massé was presented with the American Psychoanalytic Association’s 2012 Award for Excellence in Journalism for his “commitment to covering mental health issues with integrity and sensitivity.” The award was for the chapter titled “Transformer” that appears in *Trauma Journalism: On Deadline in Harm’s Way* (2011).

Rusty Morrison’s short story, “Aftermath: Addition,” from his collection *After Urgency* was nominated for the Pushcart Prize.

The *Trunk Key* by Carolyn Nash was named one of the 10 Best Kindle Singles of 2012.
Jim Nichols was a finalist for the 2012 Maine Literary Award for Fiction for his novel *Hull Creek*. His book also received the silver medal for the 2012 Independent Publisher Award for Regional Fiction.

Katherine Paterson was awarded the 2013 Laura Ingalls Wilder Award, which honors an author or illustrator whose books have made a substantial and lasting contribution to children’s literature.

Laura Pedersen’s *Unplugged: Ella Gets Her Family Back*, received the Gold Mom’s Choice Award, which recognizes authors for creating quality family-friendly media, products, and services.

The Young Adult Library Services Association, a division of the American Library Association, presented Tamora Pierce with the 2013 Margaret A. Edwards Award for her lasting contribution to writing for young adults for her *Song of the Lioness* quartet and *The Protector of the Small* quartet.

Mara Purl’s *What the Heart Knows* won the USA Book News Award for Best Romantic Fiction. Her short story, “When Hummers Dream,” won the Award for Best Short Story.

Lois Roma-Deelely was named the 2012 Outstanding Community Colleges Professor of the Year by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education (CASE). She teaches creative writing at the Paradise Valley Community College in Phoenix.

Pen American Center presented Philip Roth with the PEN Literary Service Award at the Pen Literary Gala on April 30 during the PEN World Voices Festival.

*Seven Living Splendors* by Albert Russo was a 2013 Great Southwest Book FestivalHonorable Mention in the category of Photography/Art. The awards were presented on March 23 in New Orleans. He also received the Life Achievement Award for Literature from Calcutta University. That award was presented on January 25.

Cheryl Strayed won the 2012 Barnes & Noble Discover Award for Nonfiction for her memoir, *Wild*. The Discover Awards were presented on March 6 in New York City.

Ross Terrill is currently a Senior International Visiting Fellow at the Australian Strategic Policy Institute in Canberra, writing and lecturing on China’s challenges for the United States and Australia.

Crossing Borders: *Personal Essays* by Sergio Troncoso was chosen as a winner in ForeWord Reviews’ Book of the Year Award for Essays.

Rachel Vail’s *Flabbersmashed About You* was named a 2013 Charlotte Zolotow Honor Book, which is given annually for outstanding writing in picture books. Her YA novel, *Kiss Me Again*, is nominated for a Teen Choice Book of the Year Award.

*Code Name Verity* by Elizabeth Wein was an American Library Association Printz Honor Book.

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Legal Watch

*Continued from page 14*

signature or some “express authorization” from the owner. The court pointed out that the point of this rule was to protect the copyright owner from giving the copyright away unknowingly, and to oblige the party who desires the copyright to deal directly with the owner to determine what rights are transferred as well as the finances surrounding such transfer. As such, the court concluded that MVP had failed to raise a triable issue of fact as to its compliance with Section 204’s in-writting requirement. Since it could not prove that Wertheimer was Good Comma Ink’s duly authorized agent, and no valid enforceable contract had ever been signed by the crucial parties, all MVP’s causes of action were properly dismissed by the trial court.

—Michael Gross
Staff Attorney

**Sixteen Seconds of Unplanned Fame**

*Ann Bogie v. Joan Alexandria Molinsky Sanger*  
Rosenberg a/k/a Joan Rivers, IFC films LLC,  
Break Thru Films, Inc., Ricki Stern,  
Annie Sundberg, and Seth Keal  
U.S. Court of Appeals for the Seventh Circuit

Ann Bogie attended a comedy performance of Joan Rivers at the Lake of the Torches Casino in Lac du Flambeau, Wisconsin. After the show, Bogie was able to get backstage and approached Rivers to have her sign a copy of her book. They had a brief conversation, which focused on one audience member who was heckling Rivers during the show over a Helen Keller joke Rivers told. Unbeknownst to Bogie, the conversation was recorded and included in a documentary film on Rivers called *Joan Rivers: A Piece of Work* that was seen nationwide. The conversation spanned 16 sec-
ounds of an 83-minute film, accounting for approximately .3 percent of the film. Nonetheless, Bogie sued Rivers and her production company for invasion of privacy and misappropriation of her image under Wisconsin Statute §995.50(2)(a)-(b). The district court dismissed both claims with prejudice for Bogie’s failure to state a claim. Bogie appealed the decision.

The Court of Appeals for the Seventh Circuit first examined the invasion of privacy claim, which protects people from those “who intentionally intrude, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns.” To establish an invasion of privacy claim, the court noted that Bogie must prove: 1) that her conversation with Rivers was “in a place that a reasonable person would consider private” and 2) the alleged intrusion on her privacy through filming was “highly offensive to a reasonable person.” From the video footage attached to the complaint, the court was able to discern that the conversation between Bogie and Rivers occurred in a crowded backstage area (the hum of chatter could be heard on the videotape) immediately after Rivers exited the stage, surrounded by security personnel and a film crew. The court found that no reasonable person could expect privacy in that situation. Moreover, Bogie voluntarily approached Rivers after her public performance and, as such, any reasonable person would have or should have expected to encounter some kind of security, which she did, in fact, encounter.

The court next investigated whether the alleged intrusion into Bogie’s privacy met the threshold of being highly offensive to a reasonable person. The court found that despite Bogie’s allegation that she was filmed without consent and that Rivers made profits from the documentary, these factors do not amount to being highly offensive in and of themselves. The court also found that the lack of consent claim was irrelevant, and did not advance Bogie’s claim. Consent could be used by Rivers as an affirmative defense by Rivers, so lack of consent was really irrelevant for Bogie to claim. Likewise, since the statute didn’t mention profit motive, the court would not read into the evidence of profit weighing in favor of Bogie. Finally, in regard to Bogie’s own statements, the court found that “the offensiveness of the intrusion itself cannot be based on the content or substance captured by virtue of alleged intrusion.” Essentially, the fact that Bogie said something she later regretted and now personally deemed offensive did not convert the filming itself into a highly offensive intrusion, as the court held that the invasion of privacy law does not protect someone from being associated with offensive material; it only protects someone from the offensive intrusion of privacy. As such, the court ruled that neither element of the claim was supported and dismissed both of them.

In regard to the separate misappropriation claim, Bogie alleged that Rivers misappropriated her picture without first obtaining consent, for “advertising purposes or for purposes of trade” in violation of Wisconsin Statute §995.50 (2)(b), which is aimed at “preserving the individual’s right of control over the commercial aspects of one’s identity.” However, the court found Rivers had two affirmative defenses that nullified the claim. The first affirmative defense was the newsworthiness exception, which nullifies a misappropriation claim if the matter at issue is of legitimate public interest. The court noted that the newsworthiness exemption should be construed broadly, “covering not only descriptions of actual events but also articles concerning political happenings, social trends or any subject matter of public interest.” As the Rivers documentary was ruled a matter of public interest, the court ruled Bogie’s appearance in it was not a misappropriation of Bogie’s likeness. The court also noted that Bogie’s misappropriation claim separately failed because of the incidental use exception. Under Wisconsin law, for the use of a person’s name for advertising or trade purposes to be actionable, “there must be a substantial rather than an incidental connection between the use and the defendant’s commercial purpose.” Here, the court noted that Bogie’s appearance constituted .3 percent of the total running time of the documentary, and as such was ruled minimal and incidental as a matter of law. Moreover, there was no indication that the exchange between Rivers and Bogie was used to sell the film or advertise the film.

Ultimately, the court dismissed Bogie’s invasion of privacy claim and her misappropriation claim with prejudice.

—M.G.
Hired to Lick Stamps

Continued from page 17

contract devised by the Guild for its members. With rare tact she managed the Authors League Fund, which lends money to authors who are in times of trouble, or sickness, or particular need, and have no collateral but their talent.

These things may sound to anyone but a writer like humdrum matters, but the point about Luise Sillcox was that in these and her myriad other labors at the side of authors—authors like Rex Beach, Arthur Train, Alice Duer Miller, Sidney Howard, Oscar Hammerstein, Rex Stout, and many others—it was always the well-being of the writer as a person that she cared about, not the professional technicality, not the fine contractual point for its own sake. For she understood that behind and in front of every book stand two mortals who need each other, the author and the reader; backstage and out front at every play two others, the playwright and the witness. It was whatever would affect the quality of the transactions between those pairs of partners that she cared about, and worked for.

So it is that every writer in the country, whether a member of the Authors League or not, owes an indirect debt to Luise Sillcox. And since we are celebrating the book here tonight, one could say that she has left her small mark, even if it cannot be seen by the naked eye, a kind of invisible colophon in every book published in recent decades of the United States.

BULLETIN BOARD

Residencies

The Amy Clampitt Fund Residency Program is open to poets and established writers and grants free use of the Amy Clampitt House for a six to twelve month period beginning February 3, 2014 and ending January 17, 2015. The resident fellow receives a $2,500 monthly stipend and is expected to reside in the house full time and focus exclusively on his/her creative work. The resident is also expected to give occasional readings in the local community. Deadline: August 1, 2013. For details, visit berkshiretaconic.org/Grantseekers/guidelines Clampitt.shtml. Contact: Berkshire Taconic Community Foundation, 800 N. Main Street, PO Box 400, Sheffield, MA 01257. programs@berkshiretaconic.org

Yaddo, the artists’ community, offers residencies from two weeks to two months that include room, board and studio. Artists may apply individually or as collaborative teams of two or three. There is no fee for residency. Application fee: $30 (plus applicable fees for media uploads). Deadline: August 1, 2013 (for residencies starting in late October through May of the following year). For details, visit yaddo.org/yaddo/ApplicationGuidelines.shtml. Contact: The Corporation of Yaddo, P.O. Box 395—Union Avenue, Saratoga Springs, NY 12866-0395.

Fiction

The Glimmer Train Very Short Fiction Award is open to all writers. Stories cannot have appeared in print before. Submissions cannot exceed 3,000 words. The winner receives $1,500, publication in Glimmer Train Stories, and 20 copies of that issue. Second place wins $500 and third place wins $300. Entry fee: $15 per story. Please do not submit more than three stories. Deadline: July 31, 2013. For complete guidelines, visit glimmertrain.com/writguid1.html. Please use Glimmer Train’s online submissions manager to submit contest entries. Contact: Glimmer Train Press, 4763 SW Maplewood, PO Box 80430, Portland, OR 97280.
Dearest Reader

An Austenite takes the tradition of hand-selling one’s book to a happy extreme

BY PATRICE HANNON

I want to tell you that I have got my own darling Child from London;—On Wednesday I received one Copy sent down by Falknor, with three lines from Henry to say that he had given another to Charles & sent a 3rd by the Coach to Godmersham.

—Jane Austen to her sister Cassandra, January 29, 1813

I'm often asked how I came to write two books about Jane Austen. Many people are also curious to know how those books came to be published by major publishers. The story behind the publication of my books should give encouragement to imaginists everywhere.

I had always loved reading Jane Austen’s novels and once I started teaching college I naturally taught those books as often as I could work them into the curriculum—which was very often. Introductory literature course? Must assign Pride and Prejudice. Nineteenth-century period survey? Can’t leave out Emma. Genre course on the novel? Northanger Abbey fits the bill. Jane Austen seminar? The jackpot!—We’ll read novels, fragments, juvenilia. You get the idea. In more recent years I’ve had the rewarding experience of teaching literature courses for adults in New York City. The Austen course is always by far the most popular. In teaching Austen’s books to a variety of people I was struck by how involved students always became in the problems and choices facing the characters, particularly the heroines, whose situations provoked lengthy discussions about Austen’s still relevant portrayal of human nature. I was thus inspired to write a Dear-Abby-style “self-help” book based on Austen’s writings and her life. Just as Austen was aware of the complexity of characters and circumstances, I complicate “her” answers to letters from distressed “heroines-in-training” by surrounding the exchange with a framing drama in which Austen herself is the main player.

Given Austen’s enormous popularity in recent years, I thought I had a manuscript publishers would be clamoring for. My agent was shopping a novel I had written, and I expected him to sell Dear Jane Austen: A Heroine’s Guide to Life and Love quickly. No such luck. In a routine familiar to most writers, we received rejection after rejection. I decided to take matters into my own hands. My agent and I parted ways. I seriously considered “self-publishing.” Hadn’t Jane herself done something similar? But first I queried some small publishers directly. To my delight, Pamela Aidan, well known as the author of the Fitzwilliam Darcy, Gentleman trilogy, loved Dear Jane Austen. Pamela is a publisher as well as a writer: she and her husband, Michael, run Wytherngate Press, and they wanted to publish my book. I was thrilled—in dancing, singing, exclaiming spirits—when Dear Jane Austen was published by Wytherngate in December 2005.

While Dear Jane Austen was not “self-published”—I had paid no money to Wytherngate Press—it was published using print-on-demand technology, which is also used by self-publishing operations. What this means is that books are printed as they are ordered and cannot be returned to the publisher. For this reason, while the books are sold on line, “brick-and-mortar” bookstores, accustomed to returning what they don’t sell, generally won’t carry them (except, in rare cases, on consignment). It is also difficult to get print-on-demand books reviewed in the usual places. So, I was facing a new hurdle. While Wytherngate had done a very nice job with my book, it was a very small press. I was only their second author. And they were located

Patrice Hannon has been a member of the Guild since 2007. This essay originally appeared on www.janeausten.co.uk and is reprinted here with the author’s permission. Since the publication of Dear Jane Austen and 101 Things You Didn’t Know About Jane Austen, Hannon has written two novels. She does not yet have a publisher, but is certain the universe will once again provide one.
in Idaho. How was the world going to hear about my book? Again, I took matters into my own hands, this time quite literally.

To the amazement of family and friends, I took a part-time job at Clary & Co. Antiques, a charming shop in the heart of New York’s Greenwich Village, where the owners, Denise Sheehan and Sandra Wasserman, said I could sell Dear Jane Austen in addition to the lovely antique crystal, china, jewelry and furniture that made up the shop’s regular wares. I had never worked in retail before but my book was to me what Sanditon was to Mr. Parker (in Austen’s final, unfinished novel)—“his mine, his lottery, his speculation and his hobby horse; his occupation, his hope and his futurity.” I was determined to see Dear Jane Austen succeed.

My book was to me what Sanditon was to Mr. Parker—“his mine, his lottery, his speculation and his hobby horse; his occupation, his hope and his futurity.”

When customers entered the shop I would wait until their eyes passed over the copies of my book that were stacked on a small table or fanned out on a Limoges platter. If they were in danger of leaving without having noticed Dear Jane Austen, I would approach them, sometimes with copy in hand, and ask, “Are you a Jane Austen fan?” Many said “yes” with that eager delight we all know so well. Some shrugged and said, “Not especially”—at which I tried to hide my surprise, this being one point upon which I can never suppose that other people could feel differently from myself. And yes, even in New York City, some people responded with a blank look and the staggering question, “Who’s Jane Austen?”

But almost everyone became interested to some degree when I told them I was the author. They would turn the book over, see my photo, and, more often than even I could have imagined, would say, “I’ll buy a copy”—sometimes two or three—“if you’ll sign it for me.” Every sale was a triumph. In my time at Clary & Co., I sold many hundreds of copies of Dear Jane Austen to people from all over the country and the world, aided by the fact that the shop was located in an area very popular with both celebrities and tourists (right on the “Sex and the City tour” route).

As part of my personal media blitz, I sent a copy of Dear Jane Austen to Maggie Sullivan at Austenblog. Maggie gave it an excellent review, then did something for which I will be forever grateful. When Paula Munier at Adams Media asked her shortly thereafter to recommend a writer for a book on Austen, Maggie referred Paula to me. Paula was fabulous. She and I quickly came to an agreement about plans for the new book. So, while I was selling Dear Jane Austen at Clary & Co. I was also writing 101 Things You Didn’t Know About Jane Austen, which was scheduled to be published early in 2007.

Some time around Thanksgiving 2006, a woman entered Clary & Co. I launched into my routine (while helping her find what she’d actually come for). She was very interested in learning about my book, both the content and the publishing history. As I wrote up the sales ticket for Dear Jane Austen—another little victory—she mentioned that she worked in publishing, “Are you an editor?” I innocently asked as I calculated the sales tax. “No,” she replied, “I’m the publisher of Penguin. We might be interested in publishing your book.”

The wonderful Kathryn Court returned to Clary & Co. a week later and told me Penguin was indeed interested in publishing my book if Wytherngate Press would let them. Pamela and Michael graciously released me from my contract and in December I signed with Plume, an imprint of Penguin.

And that is the story of how my two books on Jane Austen were published. ✷
Gamesmanship

Virtual Pirates Befuddle
Real Ones

Adapted from an Authors Guild online post May 3, 2013

Fil this one under behavioral science experiments. Also, file it under brilliant promotional stunts.

In late April, Australian game developer Greenheart Games, run by brothers Patrick and Daniel Klug, released its first product, "Game Dev Tycoon." It's a computer game in which players pretend to be game developers of the 1980s, starting their businesses from their garages.

Just as Greenheart Games opened its virtual doors for business, Patrick Klug purposely released an unlocked version of Game Dev Tycoon on the "number one torrent sharing site" (Pirate Bay, which beat out KickassTorrents for the honors, according to TorrentFreak). Here’s what Patrick posted:

FULL VERSION OF GAME DEV TYCOON FOR WINDOWS—CRACKED AND WORKING! NAME: GAME DEV TYCOON VERSION: 1.3.0 PLATFORMS: Windows RELEASE-DATE: APRIL 2013

DESCRIPTION: Start your own game development company and replay the history of gaming in this business simulation game. Start your business in a garage in the 80s. Research new technologies and create best selling games. Hire and train staff. Move into bigger offices and unlock secret labs. Become the leader of the market and gain worldwide fans.

DEVELOPER WEBSITE: http://www.greenheartgames.com/app/game-dev-tycoon/

INSTRUCTIONS: Just run installer. VIRUS FREE, TROJAN FREE, NO SPYWARE. SIMPLY WORKS!

Patrick Klug reports on his blog that within a minute of the post, users were downloading the game, soon maxing out the capacity of his torrent client. The unlocked version that users were busily torrenting was different from real thing in one critical way, however: after players had been at the game for hours, so that the budding virtual tycoon has employees and real offices, a sales report appears as an in-game message:

Boss, it seems that while many players play our new game, they steal it by downloading a cracked version rather than buying it legally. If players don’t buy the games they like, we will sooner or later go bankrupt. A frowny face accompanies the message.

The virtual game development company starts losing money. Releasing new games doesn’t help much, since pirates are now swarming about, preying on the fledgling tycoon’s efforts. The virtual gaming enterprise goes bust.

What’s most fascinating about this is the online discussions Patrick Klug found as the community of real gaming pirates tried to figure out what to do about the virtual ones in Game Dev Tycoon. Here’s one (bold-face emphasis added):

I can’t progress further . . . HELP! Guys I reached some point where if I make a decent game with score 9–10 it gets pirated and I can’t make any profit. It barely sell 100k units [...] Is there some way to avoid that? I mean can I research a DRM or something [...] There’s no point in inventing a new engine because the revolutionary game made out of it will get pirated and I will not be able to cover my expenses.

Patrick Klug himself isn’t sure whether DRM (Digital Rights Management) is a good idea for a start-up like Greenheart Games. He points out in his blog that DRM inconveniences paying customers and can always be cracked, so it “only slightly delay[s] the inevitable. The only way to protect yourself is to create an online game.” (With online games, a company can monitor whether those logging in have legitimate access.) He laments that this is “probably a driving force to eradicate traditional single player games.”

Greenheart Games chose to sell Game Dev Tycoon without DRM for $7.99, and makes a pitch to those using the cracked version of the game that a low-priced DRM-free game is just the sort of thing the gaming community should embrace.

Those sales are probably brisk. The Greenheart Games ploy generated an enormous wave of publicity.

We also now have an answer to an interesting question: How do online pirates react when put in the role of copyright owners? 
Contracts Q&A

Continued from page 13

the book is being written. Third, the principal reason that doctors (and, e.g., celebrities) “write” books is either to enhance their professional reputation or because they believe there’s something important that needs to be said, and the money is often secondary.

Note: A production error in the Fall 2012/Winter 2013 issue of the Bulletin caused the wrong link to appear in my response to a letter to the editor concerning separate royalty checks for authors and agents. The correct link, to a suggested clause requiring separate checks, is bit.ly/V8Nliv.

E-mail questions to Q&AColumn@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.
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