Library of Alexandria Meets Book Publishing's Long Tail: The $125 Million Authors Guild v. Google Settlement
Publishing's Golden Age? Al Silverman Looks Back
The Harvard MBA Route to Authorship
LETTER TO THE EDITOR

Robert Giroux [see Deaths, p. 25] edited many of the great writers of the 20th Century but he also reserved a fraction of his attention for the so-so, which I know because he edited me.

It was the early '90s and I was trying to find a publisher for a coming-of-age novel about a U.S. Navy sailor serving aboard an ammunition ship in the Far East. I had submitted it to Giroux on the pretext that he and I had attended the same Jesuit prep school—some 40 years apart.

Months passed. No word came. So I contrived to visit his offices in Union Square unannounced, while I was in Manhattan on a business trip.

When I arrived I was told he was out to lunch. So I waited on the sidewalk until I saw an elderly man who looked like Giroux's picture. I sidled up next to him and literally delivered the elevator pitch in the creaking enclosure that took us to the third floor of his offices at 19 Union Square West.

Some weeks later I received a polite rejection that began by apologizing that my manuscript had been lost in the slush pile. Giroux went on to offer a constructive critique that my supporting characters were flat and the manuscript lacked the dramatic impact of similar works (“think of the ‘Caine Mutiny,’” he wrote).

He offered this parting encouragement—“You write well and you have a writer’s eye.” We should all mourn the passing of this editor of extraordinary grace and humanity.

—Tom Abate
Castro Valley, CA

Continued on page 38

ALONG PUBLISHERS ROW

BY CAMPBELL GESLIN

In a first novel titled The Shack, God is a jolly African-American woman. She calls herself “Papa.” Jesus appears as a Jewish workman, and an Asian woman named Sakryu is the Holy Spirit.

William P. Young, a former office manager and hotel night clerk in Gresham, Ore., said that he wrote the book as a gift for his six children. The shack was a metaphor for “the house you build out of your own pain.” The book was rejected by more than a dozen publishers before it was issued in paperback by two former ministers.

Last May, the book had become a bestseller, especially in Christian outlets, and mainline publisher Hachette entered into a partnership with the ex-ministers. Ads for The Shack were placed on subways in Atlanta, New York and Chicago and TV spots on the airport network. PW reported that it has sold more than two million copies.

SMART MOVE: T. S. Eliot gave up boxing in college and explained: “I was too slow a mover. It was much easier to be a poet.”

VISUALS: Poet Philip Larkin detested literary readings. He believed that his poems, like children, should be seen on a page and not heard. He did not want them to be read aloud.

In an essay in The New York Times Book Review, Rand Richards Cooper, author of The Last to Go, a story collection, wrote: “One of the first things I do when I pick up a novel is leaf through it to see what kind of pages I’m going to be staying in. Are these Raymond Carver pages, spare and white? Or Saul Bellow pages, packed with somber, thoughtful paragraphs? Certain novels are indissolubly linked in my mind with a particular look: the brazen formal experiments of Ulysses. The exquisite sadness of Evan Connell’s “Bridges” novels, their miniature chapters like short stifled sobs. The urgent italics Faulkner gives to Benji in The Sound and the Fury.”

And then, Cooper delivers the point of his article: “Taped novels, which are invisible, close the door on this way of knowing.”

SIGN OF THE TIMES: In July the Los Angeles Times discontinued its stand-alone section for book reviews.

Continued on page 20
THE AUTHORS GUILD BULLETIN

President
Roy Blount Jr.

Editor
Martha Fay

Assistant Editor
Isabel Howe

Senior Contributing Editor
Campbell Geeslin

Contributing Editor
David Curle

All non-staff contributors to the Bulletin retain copyright to the articles that appear in these pages. Guild members seeking information on contributors’ other publications are invited to contact the Guild office.

Published quarterly by:
The Authors Guild, Inc.
31 East 32nd Street
7th Floor
New York, NY 10016

The Bulletin was first published in 1912 as The Authors League Newsletter.

FALL 2008

Articles

Authors Guild v. Google Settlement Opens Up New Markets for Books
By Isabel Howe
Page 4

Two Guideposts
By Paul Aiken
Page 5

How the Settlement Will Work
By Isabel Howe
Page 6

Yield: One Author—At a Slow Boil
By Gloria Bley Miller
Page 8

Opening Lines
Writing Life v. The Writing Life
By Nicholas Weinstock
Page 9

David Godine:
Betting on Translations
By Isabel Howe
Page 10

Friends, Writers and Other Countrymen
By Sidney Offit
Page 12

A Writer’s Odds
By Jay Neugeboren
Page 13

For the Record
Macadam/Cage Royalties on Track, Says Publisher
Page 13

Contracts Q&A
By Mark L. Levine
Page 14

The Author’s Guild Interview
Al Silverman
By Isabel Howe
Page 15

Overheard

“I for one would never want one of my books referred to as ‘a big dish of Beluga caviar’ sailing in ‘on a sparkling bed of rice, with a mother-of-pearl spoon,’ as one of Alice Munro’s once was.”


Departments

Along Publishers Row..................2
Letter from the President..................4
Censorship Watch ......................17
Legal Watch ...........................18
Books by Members........................28
Bulletin Board ..........................33
Members Make News ....................36

About the Cover Artist

Kevin Sanchez Walsh is a freelance artist in New York City.

Copyright © 2008 The Authors Guild, Inc.
Authors Guild v. Google Settlement
Landmark $125 Million Agreement Reached
Publishers and Google Realigns Digital

From the President

By ROY BLOUNT JR.

Adapted from an October 28 e-mail sent to Guild members announcing the settlement while on tour for his most recent book, Alphabet Juice: the Energies, Gists, and Spirits of Letters, Words, and Combinations Thereof.

A couple months after I became Authors Guild president in 2006, we met with Google to propose a settlement to our class-action lawsuit. The Guild had sued Google in September 2005, after Google struck deals with major university libraries to scan and copy millions of books in their collections. Many of these books were in the public domain, but millions of others were still under copyright protection. Nick Taylor, then the president of the Guild, saw Google’s scanning as “a plain and brazen violation of copyright law.” Google countered that its digitizing of these books represented a “fair use” of the material. Our position was: The hell you say. Of such disagreements, lawsuits are made.

Our proposal to Google back in May 2006 was simple: While we don’t approve of your unauthorized scanning of our books and displaying snippets for profit, if you’re willing to do something far more ambitious and useful, and you’re willing to cut authors in for their fair share, then it would be our pleasure to work with you.

We’re happy to report that our proposal found a receptive audience at Google and at the Association of American Publishers and the several publishing houses that had filed a separate lawsuit in October 2005 against Google. Reaching final agreement turned out to be not so simple, but today, after nearly two and a half years of negotiations, we’re joining with Google and the AAP and those publishers to announce the settlement of Authors Guild v. Google.

The settlement, which must be approved by a federal judge before it takes effect, includes money for now and the prospect of money for later. There’ll be at least $45 million for authors and publishers whose in-copyright books and other copyrighted texts have been scanned without permission. If your book was scanned and you own all the rights, you’ll get a small share of this, at least $60, depending on how many rightsholders file claims.

Far more interesting for most of us—and the ambitious part of our proposal—is the prospect for future revenues. Rightsholders will receive a share of revenues from institutional subscriptions to the books made available through Google Book Search under the settlement, as well as from sales of online consumer access to the books. They will also be paid for printouts at public libraries, as well as for other uses.

The payments will flow through the Book Rights Registry, a new independent entity that can be thought of as the writers’ equivalent of ASCAP.

The settlement includes money for now and the prospect of money for later. Payments will flow through the Book Rights Registry, a new independent entity that can be thought of as the writers’ equivalent of ASCAP.

Readers are also big winners under the settlement of Authors Guild v. Google. Readers will be able to browse from their own computers an enormous collection of books. We hope this will encourage some readers to buy full online access to some of the books. Readers wanting to view books online in their entirety...
Opens Up New Markets for Books
by Authors Guild, Association of American Publishing and Online Book Searches

for free need only reacquaint themselves with their participating local public library: Every public library building is entitled to a free, view-only license to the collection. College students working on term papers will be able to point their computers to resources other than Wikipedia, if they’re so inclined: Students at subscribing institutions will be able to read and print out any books in the collection.

We expect that millions of out-of-print books (and many in-print books) will be available through Google Search to readers, but we don’t know how many. Participating rightsholders can choose to pull their books from this service with reasonable notice at any time and will retain substantial control over Google’s presentation and pricing of their books.

As with any class action, individual class members remain free to opt out of the settlement.

P.S. Since the settlement was announced, response around the world has been overwhelmingly positive. I know I look forward to having free access to millions of books at my local library and to getting some income from all the millions, or billions, or googols, of fingertips that will be tapping into my online oeuvre. The Guild was especially keen on preserving the integrity of texts: no dancing monkeys luring our readers into cheesy mortgages, and no wikification of what we have sweated to get right on our pages.

---

Two Guideposts
BY PAUL AIKEN

Adapted from Executive Director Paul Aiken’s opening statement at the October 28 press conference announcing the settlement.

It’s a pleasure to be here to jointly announce what may be the biggest book deal in U.S. publishing history.

It’s been a long and arduous negotiation. Here’s one yardstick, to give you some perspective: We first proposed the core terms for this settlement to Google at our general counsel’s office 29 months ago, a full nine months before Barack Obama announced his presidential candidacy.

We had issues to resolve with Google, of course, and nearly as many issues to resolve with publishers. We repeatedly faced hard issues that rarely yielded to easy solutions. Smart, creative people like Richard Sarnoff of Random House, John Sargent of Macmillan, Google’s David Drummond and Alexander Macgillivray and Dan Clancy, and the authors’ legal team of Mike Boni and Joanne Zack racked their brains to find their way through a forest of competing concerns. We all doggedly worked through these issues because we all knew we were onto something big.

I’d like to take a moment to talk about how the authors approached this challenge. Authors are often considered complicated people. We don’t agree with that. In fact, I can tell you very simply what all authors like: They like their books to be read, and, except for the most financially perversive of authors, they like a good royalty check.

Knowing this was a big help as we negotiated with a roomful of publishers and one of the world’s most successful technology companies. It gave us a couple of guideposts for nearly every decision along the way.

We had a major disagreement with Google about copyright law. We still do, and probably always will. We didn’t see eye to eye with publishers on book contract law. I guarantee we never will. For the sake of this
agreement, however, we were all able to set those differences aside.

The task before us was to take Google’s audacious library digitization project and transform it into something both good for readers and agreeable to the people who write and publish books. To do that, we found we had to make the project even more audacious.

We succeeded at that. And as a result, we expect that a vast repository of books—millions upon millions of out-of-print books and many in-print books—will find a new home and new readers online.

A quick example of this transformation: The library digitization effort originally had the aim, among other things, of showing three- or four-line snippets of text from scanned books in response to users’ queries on Google. Under the agreement we’re announcing today, Google will be able to display entire pages of text for most of this repository in response to online search requests.

This agreement goes far beyond that, however.

According to the American Library Association, there are some 16,500 public library buildings in the U.S. If the court approves our settlement, each of these buildings would be offered a free, online portal to this trove of books. Should the library choose to allow it, patrons would be able to print an unlimited number of pages from these books, for a reasonable per page fee, to read at their leisure, giving new meaning and immediacy to “print on demand.”

We intend also to offer institutional subscriptions to colleges and universities. Colleges will be able to offer their students unlimited access, right from their dorm rooms, to these books. Faculty members of the smallest and most remote colleges will have instantaneous access to this vast collection of books compiled from some of the finest academic libraries in the country.

Consumers will benefit as well. Individuals wanting to go beyond browsing a book in this collection will be able to purchase the unlimited right to read and print that book from a personal online bookshelf: Publishing’s long tail is poised to grow much, much longer.

We’re confident authors will be pleased: We followed our guideposts. All of these uses hold the promise of helping an author find new readers, and all will result in revenues, most of which will go to authors and publishers.

I haven’t talked about the money in the settlement. There’s a lot of money involved—Google has agreed to pay $125 million—but the money was never our chief concern, and ultimately, it’s not what’s most important about this agreement.

There’s an inherent conflict between the Internet, the largest, most efficient copying machine that ever was, and copyright, which seeks, in its efforts to protect literary and other rights, to regulate part of that machine. The name of the class-action lawsuit, Authors Guild v. Google, frames this conflict in its purest form.

But you never know what’s possible until you start talking things over. We think we’ve arrived at a particularly fruitful accommodation between the demands of the Internet and the needs of copyright, for an important corner of the Web.

How the Settlement Will Work

BY ISABEL HOWE

The landmark settlement between the Authors Guild and the Association of American Publishers (AAP) and Google promises to create new markets for out-of-print books, while vastly improving reader access to those books.

The settlement will establish a new not-for-profit organization controlled by authors and publishers, the Book Rights Registry, which will collect and distribute revenues from Google and maintain a database on rightsholders. The board will be composed of an equal number of author and publisher representatives, initially appointed by the Authors Guild and the AAP. Google will provide start-up funds for the registry; ongoing funding will come from an administrative fee the Registry will draw from overall revenue.

The Google Book Search “library” will be composed of both out-of-print and in-print books. Out-of-print books scanned by Google from academic libraries are included in the database by default, although authors or publishers may request that specific books be removed. In-print books work in opposite fashion:
They are not included without the approval of the author and publisher. One of the first tasks Google will have is to help determine what is in print and what is out of print, by discovering which books are commercially available.

Out-of-print books are the central focus of the project. The goal was not to displace the traditional market for in-print books, but to create a new market for out-of-print books. Many books that were unavailable to the general public, and thus earned nothing for their authors, will get a second chance as a result of the settlement.

Authors can easily opt out of the system through the Book Rights Registry. Authors can contact the Registry and say, for example, that they want some of their titles available and others unavailable—and can change this later on.

All licensing revenues go initially to Google, which keeps its 37% share and forwards the remaining 63% to the Book Rights Registry. The Registry then forwards the appropriate amount to rightsholders, keeping an administrative fee. Google also passes on usage data, which determines how the Registry distributes payments.

The revenue split between authors and publishers includes several different categories. For out-of-print books, there are three possibilities:

- If the rights have reverted to the author, he or she gets 100% of the income, minus the Registry’s fee.
- If the rights have not reverted, and the book was published after 1986, there is a 50-50 split between the author and publisher.
- If the book was published before 1987, the revenue split is 65-35 between the author and the publisher, the majority going to the author.

For in-print books, the split depends on the terms of the book contract between author and publisher.

The arrangement creates four initial sources of revenue: institutional licensing, purchase of individual online editions, advertising, and fees from printing at public access terminals available at public libraries and higher educational institutions. Institutional licensing promises to be the most significant economically. Google will license unlimited access to the database to colleges and universities for a flat fee based on the number of students and faculty.

The second source of revenue is from individual online use, which allows individuals to set up accounts with Google Book Search and pay to access particular books. Google will establish initial prices on books ranging from $1.99 to $29.99, but these can be changed later by authors or publishers. These online editions will not be downloaded by users; instead, account holders will log in to view books they’ve bought through the system.

The same 37–63 split will apply to the third source of income, advertisements. When readers use Google Book Search individually, not through a university license, they will see ads—plain text only, with no pop-ups, audio or motion permitted—on various pages. Google will receive the income from ads displayed on most of the pages, such as those that list search results, but income from ads that show up when a reader is looking at a full page of text from a specific book will be split between Google and the rightsholders.

The fourth source of revenue is from printouts from public access viewings of books.

What all of these uses will mean for authors is renewed economic life for books that are otherwise unavailable or have limited availability. Authors will control whether their books are included in the database, as well as over what is shown under the preview function. The agreement will also benefit readers and scholars, who will have unprecedented access to millions of books.

The Authors Guild will continue to send updates on the agreement. ♦

---

**Settlement Timeline**

**January 5, 2009:** Notice is mailed to rightsholders around the world and published in newspapers and magazines. A preliminary list of books covered by the settlement becomes available to rightsholders.

**May 5, 2009:** The last day to opt out of the settlement as a whole. The online list of books covered by the settlement is final.

**June 11, 2009:** A court hearing will take place to determine the fairness of the settlement.

**January 5, 2010:** The claims filing deadline.

**Official settlement website:**

[www.googlebooksettlement.com](http://www.googlebooksettlement.com)

**Settlement agreement:**

[www.googlebooksettlement.com/agreement.html](http://www.googlebooksettlement.com/agreement.html)

**Class notice:**

[www.googlebooksettlement.com/notice.html](http://www.googlebooksettlement.com/notice.html)
Yield: One Author—At a Slow Boil

BY GLORIA BLEY MILLER

Gloria Bley Miller, a member of the Guild from 1977 until her death in January 2008 at 86, was one of the Guild's most generous and consistent supporters. Ms. Miller was a best-selling cookbook author, whose The Thousand Recipe Chinese Cookbook, published in 1966, is still in print. She wrote or collaborated on several other books as well, including, with her friend Freddie Mae Baxter, The Seventh Child in 1999, and was at work on a memoir of her friendship with the writer Grace Paley at the time of her death. This essay appeared in The New York Times, March 23, 1977.

Since my husband is a sculptor, people often ask if I'm an artist too. "I'm a writer," I tell them. "Oh," they reply with undisguised pleasure at their good luck, preparing for vicarious participation in a novel, biography or perhaps a play.

"What do you write?" they quickly ask.


The reaction inevitably is one of disbelief, followed by consternation (for having been led astray) and a bit of politeness. "Oh," they repeat, recovering slightly, "how did you ever get interested in Chinese cooking?"

I mumble something about being introduced to the subject in San Francisco. "I see," they say and the dialogue drifts off to other matters.

Based on such encounters, I have concluded that people don't believe cookbooks are actually written. They see them as sprung full-blown—enveloped in pungent and heavenly aromas—as if from a 325 degree oven. To them there are no reams of paper, frazzled typewriter ribbons, harassed editors or near-sighted proofreaders.

They see cookbook writers as up to their elbows every day in flour and truffles, dining regally every night on their own creations. Just like Julia Child on TV—but with more people seated at the table.

But as a writer who cooks—as opposed to a cook who writes—I'm concerned with the structure of a sentence, the shape of a paragraph. To me, cookbooks touch some fundamental human well-spring and I believe they should offer the reader generous helpings of romance, adventure and suspense.

Alice B. Toklas understood. When a friend sent her a new cookbook, she wrote gratefully, "When things get too black, I peer into it and am immediately lost to everything. That's what a real nice cookbook can do for me."

Some people even admit to reading cookbooks in bed. Perhaps they're being lulled by the cadence of the recipes. Maybe they can hardly wait to learn what the next page will bring. I know of one man whose fantasy was to open a restaurant in Los Angeles, based on the recipes he found in one cookbook. Recently he successfully did so.

But why are those of us who are writers as well as cooks ever invited to join prestigious writers' organizations? Why aren't we heard from at the National Book Awards? Why are we never asked to sign petitions along with Norman Mailer, John Updike and Gloria Steinem? Why don't we get invited to publishers' parties for literary lions and tigers? Even when we appear on TV talk shows, it's assumed we cannot talk, but must demonstrate, instead, how to use a spaghetti-making machine.

Sometimes it makes me steam, simmer and boil.

Don't get me wrong. I don't wish to complain too vigorously. It's just that I have my fantasies like everyone else. I keep hoping someone will option the movie rights to one of my books. Then I can go to Hollywood and cook up a storm. ♦

© 1977 Gloria Bley Miller.
Opening Lines

Writing Life v. The Writing Life

BY NICHOLAS WEINSTOCK

For any writer, the ability to see life as a collection of relatable stories is a crucial skill. This is the journalistic sensibility—the instinct to observe and report—that births and sustains a life in letters, fueling novelists and guiding playwrights. Writers of all kinds owe their livelihoods to this precious literary gift. To Phillip Broughton, however, it became a curse.

"After being a journalist for ten years," confesses Broughton, 36, "I was rather desperate to get away from looking at the world as an endless series of articles. It's an impulse: No experience is complete until you've written about it. Or is that an addiction?" In any case, Broughton was eager for an opportunity to switch from the reportorial mode to the experiential. "I was extremely excited by the idea of getting up in the morning, going out, doing work, learning a thing or two, and just coming home."

So he took the most boldly anti-literary step he could: he enrolled in business school.

"I was not," he considers, "one of those people you'd call a born businessman." Born in Bangladesh, the son of a British missionary, Broughton grew up in England, studied writing at Oxford, and after graduation started penning a gossip column for the Daily Telegraph in London—"the lowest rung on the ladder," he explains, "as far as British tabloids go." Soon he moved into the newsroom at the Telegraph; began writing for the sister paper, the Times, as well; and at 25 was selected ("only when four other journalists ahead of me turned down the job") to relocate to the U.S. and serve as a foreign reporter for the Telegraph. For four years, Broughton was based in New York City, traveling around the country and throughout the Caribbean trolling for news stories to send back to London. The job inspired a memoir ("a fancy title for a stringing-together of articles, adventures and personal experiences about my time in New York and traveling around America"), which Broughton called Learning to Love Baseball and submitted to several London-based publishers without success. He married an American in 2002; and soon after, the couple moved to France with his appointment as the Telegraph's Paris bureau chief.

It was in Paris—despite his newfound position of journalistic authority, and despite the abundance of relatable stories—that Broughton came up with the idea of business school and applied and was accepted to Harvard.

Part of his decision, he explains, was a desire for the kind of self-sufficiency that does not necessarily define the life of the writer: "I wasn't interested," he admits, "in being someone who spends his life complaining about his editor and waiting for his agent to call him back." Part of it, as well, was pragmatic: He was pessimistic about the long-term robustness of the newspaper industry and therefore wary of basing his career and his growing family's security fully on its future. But more than anything else, it was an expression of respect for the brass-tacks, hands-on productivity of business leaders that contrasted so sharply with the writerly trade to which Broughton had become accustomed.

"When you've spent a lot of time covering politics—British politics, French politics—it's very easy to become cynical," he says. "And a lot of business journalists are cynical in the same ways. They don't understand that what a lot of businesspeople do may seem tedious, or greedy, from the outside; but they are actually moving things forward around the world in rather important ways."

Continued on page 32
David Godine
Betting on Translations

BY ISABEL HOWE

When the French author J.M.G. Le Clézio was awarded the 2008 Nobel Prize in Literature in October, most American readers could only ask “Who is he?” Given the limited number of foreign titles published in translation in the U.S.—last year just 330 of some 150,000 books published—it’s not all that surprising. But despite the shortage of books by foreign authors on domestic bookshelves, a handful of American publishers have consistently sought and published works in translation. Among them is David Godine, the only for-profit American publisher with a Le Clézio title on his list—The Prospector, first published in 1993.

When and how did you first begin publishing J.M.G. Le Clézio?

David Godine: We began in 1993, which means that we probably signed the contract in 1992 with Gallimard. They are one of the great French houses, if not the great French house. We asked them, as I always do at [the] Frankfurt [Book Fair], who their best authors were, who they would love to see published in America, and we got Le Clézio, Sylvie Germain and Patrick Modiano. We did all three of them, but Le Clézio was the first in that series.

How many books has he sold?

I was amazed because we did 6,000 originally, and we never remaindered it, that I know of. When the Nobel hit, we had about 600 left in inventory hardcover.

Is it too soon to see how the announcement of the Nobel has changed things?

It changes it for Le Clézio. I don’t know whether it’s going to change it in any significant way for the other French authors or foreign authors we publish in translation. Obviously it’s a laser beam right to his door, but in terms of translated fiction, I don’t think it has a serious effect.

Do you work largely with his translator or with both the translator and Le Clézio?

We can’t even locate the original translator [Carol Marks]. I’d love to, because a lot of people want to use this translation, but we can’t find her. We’re using C. Dickson now, who translated Le Clézio’s Wandering Star for [the nonprofit literary arts publisher] Curbstone. She’s the one we contracted to do his really great novel, Désert, which we plan to publish next spring.

Le Clézio is largely unknown in the U.S., even in literary circles, despite his popularity in Europe, where he’s won several prestigious awards and is published widely and in several languages.

That’s a very fair statement. But it’s true of other authors as well. Brecht is largely unknown in this country. Modiano is largely unknown in this country. I think most of the great foreign writers, with the exception of those who, like Bernhard Schlink and Umberto Eco, do break through in some way, are largely unknown in this country. After all, we translate very few of them.

In a recent New York Times article, “Translation Is Foreign to U.S. Publishers,” you were quoted as saying that books in translation make up 10–15 percent of your list. However, of all books published in the U.S. combined, only 2–3 percent are translations of foreign writers. Do you think 10 to 15 would be a healthy percentage for everyone? Are you happy with that percentage for your list?
I’m happy for our list, simply because that money is being invested in world-class authors who I think will be around for a long time, and have proven themselves not only in their native languages and in their native countries, but frequently in languages around the world. Investing in an author who’s been translated in, say, 15 foreign languages, is probably a lot wiser or more prudent an investment than some flash-in-the-pan American author who’s never been published before, who had one piece in The New Yorker and suddenly people are paying 10 or 12 thousand dollars for his next book. That just seems crazy to me.

That same article quoted the foreign rights director at Gallimard, Anne-Solange Noble, who suggested that U.S. publishers may be setting translated books up for failure by giving them such small marketing budgets and, when it doesn’t do well, blaming the book.

That’s like blaming the thermometer for the temperature. I think it has no bearing, the amount of publicity or advertising you do for the book. I think Le Clézio is a great writer, and was a great writer 25 years ago. I think a lot has to do with the fact that foreign language as a subject is being taught less and less in American universities. The number of French or German or Italian majors, it’s gone down dramatically over the past 25 years. The Second World War helped, because there were all those GIs in France and Germany and Italy, and suddenly Europe was right in their backyard. They came back and took courses in those languages they were interested in. It’s been a long time since the Second World War.

It’s also not helped by the fact that almost everyone in the world speaks English. You assume that anything of importance, whether it’s written, spoken or otherwise is going to be available someday in English. At least my son does, though that’s not necessarily the case.

With Le Clézio and other foreign writers, do you read the originals before deciding to publish them?

I’m good in French and pretty good in Italian. I’m hopeless in German. You learn to trust the foreign rights managers of the various houses to know something. We’re not a house like Gallimard, where they have people on staff who read Chinese and Uzbekistan. At Godine, you can only go to the publishers and say, “Who are the great authors on your list who have never been published in English, and whom you have great confidence in?” If you have a good foreign rights manager, as I think Anne-Solange is at Gallimard, they recommend people not from the point of view of who’s going to sell the most copies, or who has sold the most copies, because that’s always an irrelevant statistic, but who, 25 years from now, might still be read.

In that article you stated that for you it’s been economically viable to publish foreign writers because they’re often less expensive. Was that the case with Le Clézio?

I think with the exception of Baudelaire’s Fleurs du Mal, which is still our best-selling book at Barnes & Noble, for reasons I can never understand, very few of our foreign writers have done well. I think you do it—and I don’t want to sound self-righteous—you do it out of a sense of global responsibility. Or maybe just pragmatics—I go to Frankfurt with a limited budget. If I can buy a world-class author for $2,500, I’m more likely to invest in that than I am in an Englishman who’s published one book with Faber & Faber and they want 10,000 copies for his next one. I think it’s a combination of noble intentions and very practical instincts.

If an author has been published by the great houses of Europe, more than two of them, let’s say, then that author’s probably been recognized by someone other than you as a noteworthy writer. That’s the way European publishing works, or how much of it works, whereas not much of American publishing works that way; the primary question [for the American houses] is, are they going to earn out their advance, and are they going to make money for the firm and for the stockholders. That’s different from the approach of most of the European houses, which tend to be run with the presiding spirit of a founder perhaps, or at least a managing editor, who is making these choices from a very different perspective.

You’d expect the phones to be ringing off the hooks here, asking, “Where are the paperback rights to Le Clézio’s The Prospector?” We haven’t gotten one call, so we’re doing it. And I’d bet that Curbstone didn’t get one call. If this were a big financial deal, if there were guaranteed sales, you know that Vintage would be on the phone to us tomorrow saying, “Gee, can we buy the paperback rights? He’s a Nobel prizewinner and we’d love to have him on the list.”

We’re also running an interview with Al Silverman in this issue, and when I mentioned I was going to talk to you, he said hello.

Al and I worked at the Book-of-the-Month Club together. Tell him I still have the suit he bought me when I showed up looking like a mess. It doesn’t fit, but I still have it.

The first book in translation the Book-of-the-Month

Continued on page 32
A Bugle Call to a Young Writer, 1961

By Sidney Offit

Anyone with even a passing acquaintance with the Authors Guild over the last four decades will recognize the author as one of its most energetic advocates. Sidney Offit has served as a Guild Council member (since 1970), and as Guild vice president (1993–1995); he has also been president of the Authors Guild Foundation (since 1993) and vice president of the Authors League Fund since 1998. Somehow he managed to write a few books along the way. In his latest, Friends, Writers and Other Countrymen, he recalls, among many other adventures in the writing trade, his first years in the Guild.

In the summer of 1961, soon after the announcement of the publication of my first novel, I received an invitation to join the Authors Guild. It was like a bugle call sounding salute and call to arms. Less than a year later, I was among the members crowded into the Sky Garden Roof of the St. Moritz Hotel, Central Park South, for the annual meeting.

“What is the Authors Guild about?” Rex Stout, the president, asked, then declared, “Three words—contract, contract, contract.” A small man with a beard, who resembled a photograph of George Bernard Shaw, Stout was the bestselling author of a series of erudite mystery stories starring the detective Nero Wolfe. There seemed no conspicuous motive for Stout’s profound devotion to the Guild and League, composed of representatives of both the Authors Guild and Dramatists Guild. Although I never saw his contracts, the success of his books suggested he was among the handful of writers who made a living from royalties.

Stout conducted the meeting more like a political rally than a report to stockholders. There was assumed unanimity among the assembled authors—we were at war with publishers for a fair shake and improved contracts. At that time, contracts with my publishers seemed to me a gift from Apollo, if not Zeus himself. Peter Van Doren, G. P. Putnam’s Sons, Arthur Fields, Crown, and John A. Pope, Jr., St. Martin’s Press, were among the last people in the world to whom I felt the slightest hostility. The ten percent royalty and sharing of reprint and dramatic rights all seemed fair to me. Although not in the warrior class, I did feel in the company of colleagues, mentors and friends and honored to be a member of the Guild.

During the discussion of new business, Rex Stout called upon a well-groomed, athletically lean gentleman whom he addressed as John. I would not have anticipated the proposal coming from this stately gent: “The Guild should be offering programs to acknowledge the memberships of writers of books for young readers.” He didn’t say “juveniles” and certainly not “kiddie-lit.” Rex Stout nodded agreement in such a cordial, informal manner, it seemed there were only the two of them in conversation.

When John sat, a voice to the rear of me, with awed tones, identified the author by title, The Kid from Tomkinsville. The novel Philip Roth later defined as “the boys’ Book of Job” was certainly a scripture for my brother and me. We read and suffered Roy Tucker’s tormented career as a major-leaguer, not quite sure what to make of it. Was the message to stay away from professional baseball? Or, no virtue without pain? Putting those theological contemplations aside, Benson

Copyright 2008 St. Martin’s Press. Reprinted with permission.

Continued on page 39
A Writer's Odds

By Jay Neugboren

I recently sold a short essay on Ingmar Bergman to The Notre Dame Review, which was especially welcome news since I'd written the original version of this essay in 1962—46 years ago—and had been submitting slightly revised versions of it, if intermittently, ever since.

A few months after I'd written the Bergman essay, as it happens, I sold my first short story, by which time, at the age of 24, I'd accumulated, by exact count, 576 rejections. By this time, too, I'd written five unpublished novels, and it would be another three years, and nearly 2,000 more rejections, before I sold my first book.

During those years, in order to keep track of where things were, I kept a scoreboard pasted to the wall beside my desk on which I listed the title of the work, the place I'd sent it to, the date on which I'd sent it, and the odds. Most stories went out at somewhere between 500 and 1,000 to 1, novels usually had odds of about 10,000 to 1, although, depending on the early morning mood of the handicapper, these odds could, on any given day, ascend to several hundred thousand to one. At the bottom of the scoreboard I posted additional opportunities: a Best Bet, a Long Shot, a Hopeful, a Sleeper, and a Daily Double. Shrewd bettors in those years, undismayed by previous losses—the odds became outrageous once a story collected more than 30 rejections—could have cleaned up. Several times, in fact, after sending a story around for a few years, I'd change the title and send it back to a place I'd previously submitted it to, and it would, the second or third time around (this happened at The Atlantic, for example), be accepted.

Things didn't change much after I began publishing. Thus, my eighth book, The Stolen Jew, a New York Times Notable Book of the Year, and winner of Best Novel of the Year Award from the American Jewish Committee (and still in print), was rejected 17 times during a two-year period, and a nonfiction book published a decade ago, Imagining Robert, also still in print and also a New York Times Notable Book, along with being a Book-of-the-Month Club Selection, a Featured Selection of the Quality Paperback Book Club, and the basis for a prizewinning PBS documentary—was rejected, during a three-year period, by 41 publishers.

During the years I taught writing, what I used to say to my students, as to myself, was that while it was hard not to feel rejections personally, one shouldn't take them personally. Given the long list of commercially successful books turned down by publishers—from Catcher in the Rye and Peyton Place to A Separate Peace and Zen and the Art of Motorcycle Maintenance—who could figure out how to figure—how to tout—the vagaries of the literary marketplace? Best was to keep your eye on the object: to write the books and stories you wanted to write, and to hope that, with persistence and luck—and never underestimating either—your work would see its way into print. And once it did, as in any good story—or any interesting life, since the essence of both was unpredictability—anything could happen.

And sometimes I'd console myself, or celebrate, as with the Bergman essay, by reciting a faith-based mantra learned during the basketball-playing days of my Brooklyn youth: If you keep making the right moves, eventually the shots fall.

Jay Neugboren's 17th book, 1940, was published in April 2008.

For the Record:

Macadam/Cage Royalties on Track, Says Publisher

Adapted from the text of an e-mail sent to members of the Authors Guild on September 19, 2008

After today's Publishers Weekly report about lay-offs and a "cash crunch" at San Francisco publisher Macadam/Cage, we gave editor in chief Pat Walsh a call to check on the company's fiscal health. He assured us that recent layoffs are proactive and that royalty payments would go out on schedule at the end of October. Mr. Walsh invited any authors with concerns to contact Macadam/Cage directly.

This is a good sign. In our experience, it's when publishers are reluctant to answer calls that real trouble is brewing.

Please e-mail staff@authorsguild.org if you would like contact information for Macadam/Cage.
CONTRACTS Q&A

BY MARK L. LEVINE

Q. I recently received a one-page amendment from Simon & Schuster offering to publish one of my books in e-book form and pay a 15 percent (list) royalty on all copies. What do you think of this? My book has been in print since the 1980s, when I signed the contract for it.

A. My quick answer to what I think of your publisher’s one-page amendment is “Not much.” Authors should not sign the amendment in its current form.

The legal problems with the amendment are a direct result of what makes it, to the lay person, appear so attractive: its brevity and seeming simplicity.

Signing the one-pager that you received, however, will create significant ambiguities in crucial sections of your contract. When (not if) you and the publisher disagree on how to interpret those sections, you will have three choices: 1) argue and—given the unequal bargaining power of most individuals against large corporations—lose, 2) go to court and spend lots of money litigating before you and the publisher compromise and settle, or 3) give in.

Although a careful review of your contract might well find other affected provisions, the ones that are sure to be adversely affected are the out-of-print clause, the termination clause and the reversion of rights clause.

The principal danger is with the out-of-print clause. The problem is caused by conflating print-on-paper books with e-books. In your contract, both will be treated as “the Work,” the otherwise innocuous term that your contract uses as a form of shorthand to describe what you wrote. Without clarifying language in the amendment, which the one-pager does not provide, the publisher could make it difficult for you to regain publication rights for your book in traditional print-on-paper form even if bound copies are no longer available. Depending on the in-print definition in your contract, it could claim that the book is available for sale (and hence in-print) simply because an e-book edition is available to be printed or downloaded. So any hope you had of ever again seeing your book for sale between hard covers, or even stiff paper ones, could vanish.


The contracts of S&S and those of many other publishers from the 1980s (and, unfortunately, some even today) do not contain precise definitions of “in print” or “out-of-print.” Sometimes they simply refer to copies of “the Work” being “available for sale” “in any edition.” You don’t have to be a cynic to figure out how a company run by business people might interpret “any edition.” What would prevent the suits that run most major publishing companies these days from claiming that an e-book is an edition of “the Work” for the purposes of this clause? And, unfortunately, given the language of the amended contract, it would be difficult—even for those lawyers who pride themselves on not always telling clients what they want to hear—to advise them that it wasn’t.

The amendment also says that S&S will publish the e-book within 12 months after the amendment is signed. What happens if it doesn’t? Very few contracts even specify what happens when a publisher fails to pay royalties on time, let alone contain a general clause that provides a procedure and consequences if “any material provision” of the agreement is breached—a clause generally found in most well-drafted and properly negotiated commercial agreements though rarely in any publishing one. (Whether the failure to publish an e-book edition is a material provision is a subject for another column). So what happens if the publisher doesn’t publish the e-book on time?

If you complain that the e-book wasn’t published on time, the publisher’s legal department will instruct your editor to tell you that the amendment does not say “Time is of the essence,” a clause necessary in such situations for the English language to mean what linguists and laymen foolishly thought “in 12 months” meant. Without that phrase, the publisher can generally be late with impunity. But how late? One month? Two months? Without better language in the amendment, there’s nothing for you to point to when you go to the publisher and it says, in effect, “So what? Sue me.”

You’ll then presumably point out that the original contract had—as any contract negotiated by a good agent or a smart author would—a provision saying that the publisher could be late no longer than six months—and that that provision should apply to this situation. Most publishers would be glad to accept that logic and get the extra six months, of course. But if they wanted to, they could say that clause doesn’t apply either. “Our lawyers told me,” your editor would be forced to say, and s/he would go on to mention a Latin maxim, inclusio unius est exclusio alterius. Which essentially means that if something is specified in a

Continued on page 31
The Authors Guild Interview:  
AL SILVERMAN  
BY ISABEL HOWE

Al Silverman's The Time of Their Lives: The Golden Age of Great American Publishers, their Editors and Authors (Truman Talley Books / St. Martin's Press), is the latest in a long tradition of publishing memoirs, from longtime editor Al Silverman. A former editor of Sport magazine who began his publishing career as Editorial Director of the Book-of-the-Month Club and later its CEO, Silverman also served as editor-in-chief and Publisher of Viking Press from 1989–1998, editing Saul Bellow, William Kennedy, Robertson Davies and T.C. Boyle, and has written thirteen books of his own. Isabel Howe talked to him in October.

The Time of Their Lives tells the story of the "golden age" of book publishing, roughly post-World War II until the late '70s and early '80s. In your introduction, you describe some of the sadness you encountered among people in the industry about how it has changed. Were there other signal moments that told you there was a need for such a book?

Al Silverman: It wasn't that particularly, because by then I was set to do the book. I ran into those strains as I began to interview my eyewitnesses to the period, many of whom were fired without ceremony by the very people they had sold the company to. One was Oscar Dystel, the former CEO of Bantam Books and a major figure of the paperback revolution that reverberated throughout the golden age. He was the first person to encourage me. He thought my book was "a great idea." That may have been because Oscar and four other ex-heads of houses who met regularly for dinner—they called themselves The Council of Four—had begun talking about doing a book of their memoirs. Oscar, in fact, did do a memoir just for his family, which he let me see. That really got me started, because I felt, "Well, I'm probably on the right track. I'm going to get support from these people." I wasn't sure how much support I would get, and was astonished by their urgency to recall the past.

So there was a strong personal element, rather than a reaction to the changing climate.

Yes. With almost every person I interviewed, we ended with their saying to me, "I can't wait to read this." And I felt an immediate pain in my gut. What if I did a lousy job? It helped that the period I was writing about was so exciting: postwar America, postwar Europe, the recognition of literature almost all over the world. Abroad, came writers like Beckett, Camus, Brodsky and Solzhenitsyn—all being liberated almost at once. And here were the American ex-GIs—Norman Mailer, William Styron, James Jones, Irwin Shaw, Gore Vidal—all referring, with much skill in their early novels, to the significance of war.

You describe the development of paperback books, which took a little time to start up because of the war, then it really shot up. How aware were people that paperbacks were filling a void and would become popular?

Yes. One of the earliest pioneers of the movement, Ian Ballantine, wrote a letter to a friend in 1939, stating, "I intend to change the reading habits of America." That was a clarion call and soon after the war Jason Epstein, then at Doubleday, started an imprint called Anchor Books, converting classic books into lower-priced classic paperback books. When he moved to Random House, Jason did the same with Vintage Books. Most everyone else followed suit. Today, trade paperbacks, featuring literary works of fiction and nonfiction, as

Authors Guild Bulletin 15 Fall 2008
well as classic reprints, grow stronger and stronger, while mass market paperback publishing, which was huge in the golden age, seems to be in near full retreat.

Most of the chapters end on a low note, with the death or firing of a great editor or publisher, or the purchase of a company by a corporate conglomerate. Why were these structural changes so widespread during the late 1970s and early '80s?

When I interviewed the old heads of houses about how it ended for them I heard the saddest of stories. In 1975, Tom Guinzburg, whose father had founded Viking in the 1920s, found himself low on capital. It was the years when the economy had gone sour and interest rates were soaring. Tom picked who he felt the founder, Harry Scherman, was running it happily. But in 1977, wanting to straighten out his estate for the next generations of Schermans and Rosins, he sold the company to Time Inc. We were lucky for the first few years because Andrew Heiskell, who was president of Time Inc. treated us as a trophy. We did bring in a lot of cash for the corporation, but mostly Andrew appreciated our reputation. The Book-of-the-Month Club, at that point, was riding pretty high in readers' esteem. The problem was that when Andrew retired, he left his company to a group of Harvard MBAs to figure out who would get to run what. So we got close observation from these attentive fellows, who loved the bottom line more than they loved books. Into the mid-'80s, they spent much of their time trying to figure out how to squeeze more profit from the Book-of-the-Month Club. The squeeze hurt, and our house was never the same again.

Despite all the similarities between the houses, and the similar backgrounds of the main players—you point out in the book that the reader might be tired of hearing the description "well-born"—many publishers and editors did things their own way. The character of each house seemed to reflect the personality of the person running it, or the top editor.

Well, yes. There has never been a better example in my golden age than Bob Gottlieb. He came to Simon & Schuster in 1955 at age 24, all pumped up. When he hit his thirties he became editor in chief. In 1968 he moved his team to Knopf. With him came such fiction and nonfiction authors of the period as Joseph Heller, Chaim Potok, John le Carré and Miss Piggy. Other heads of house in the period possessed different eccentricities than Gottlieb's, but were brilliant in their own right.

Roger Straus, who founded his company in 1946, went to town in the mid-'50s after he brought in an editorial genius: Robert Giroux. For 36 years at Harper's, Cass Canfield was the most demanding editorial figure in the modern history of book publishing, right through the golden age. One of his best editors, Genevieve "Gene" Young, remembers doing a survey of Harper's one hundred most successful books. "The terrifying thing," Gene told me, "was that Cass had brought in, I'd say, ninety-five percent of them."

The original Grove Press was founded by the incomparable and incorrigible Barney Rosset, who spent much of his valuable time fighting the book banners with amazing success for all of book publishing. In 1985, short of money as always, Barney sold his house to Ann Getty of Getty Oil, and a British publisher, Lord George Weidenfeld. A year later, Barney was dumped.

---

From The Time of Their Lives:

"The fact is that books are unpredictable.
You can’t stage-manage publishing the way you might want to. . . . Where does [editorial] intuition come from?
It comes out of knowing the writer,
or empathy or sympathy for the writer."

—Robert Gottlieb, Former editor in chief of Alfred A. Knopf

would be a proper partner for his company, the British conglomerate Pearson, Longman Ltd. What made him feel good was that Pearson, in 1970, had bought the first great paperback house, Penguin Books. So Tom could now call his company Viking/Penguin. He also got, what he told me, were "pieces of paper that said I could run it forever." Three years later, lying in his bedroom with a bad leg, he was visited by Pearson's CEO, who wasted no time. "We're replacing you," he told Tom.

But many of these heads of houses, who were nearing retirement age anyway, wanted to take care of their offspring so that they could live the good life. I'll give you the best example I can. When I came to the Book-of-the-Month Club in 1972 it was a public company but still family owned. Axel Rosin, the son-in-law of...
Zack and Miri Make a [REDACTED]. Popular film director Kevin Smith (Clerks, Chasing Amy, Dogma) made a relatively clean R-rated movie about two characters, Zack and Miri, who try to make a dirty, dirty movie. It’ll be released on October 31 and stars Seth Rogan and Elizabeth Banks. Maybe you don’t know what it’s called because you hate movies and never watch them ever. Then again, maybe you don’t know what it’s called because some newspapers and television stations have refused to advertise the film. Why all the fuss? Apparently, the problem isn’t with Smith’s story; many critics describe the film as a romantic comedy. And the problem isn’t with the ad’s content. After an earlier ban by the MPAA, many of the movie’s posters feature stick figures instead of glossy actor photos. The problem is with the title of the movie itself: Zack and Miri Make a [insert risqué word]. The last word of the title, [redacted], isn’t a word that would get you banned from or “disemvoweled” on an Internet discussion forum. Truth be told, [deleted] isn’t a word that raises eyebrows nowadays. In fact, [censored] is even the title of a book by an author once long-listed for the Booker Prize. Nevertheless, some advertising outlets think [bleep] is too blue for broadcast and billboards.

The Los Angeles Dodgers asked Fox Sports to kill game-time commercials for the movie and the network agreed. A Dodgers spokesperson wants you to know that Dodgers baseball, possibly unlike some other baseball out there, is about “family,” ergo, the Dodgers, possibly unlike some other sports teams out there, is “sensitive to the type of advertising that runs on our games.” Boston posted bus stop ads for Zack and Miri Make a [expurgated], but Philadelphia, the City of Brotherly Love, refused. Philadelphia wouldn’t post bus stop shelter ads because school kids ride buses in Philadelphia and school kids in Philadelphia can read. They can read ads while they are taking shelter and waiting for their buses to arrive. This is not good, according to a Boston-area child development professor who expressed concern that stick figures like the ones featured in the poster are “something for children.” If stick figures appeal to children and reading appeals to children then apparently reading about what those stick figures plan on doing will really, really appeal to children and children will want to do it too.

The good news for the film studio’s publicity department is that most outlets have agreed to place the ads with the full title, Zack and Miri Make a Porno intact. The better news for fans of absurdity is that the studio actually developed another untitled version of the poster featuring the slogan: “Seth Rogan and Elizabeth Banks made a movie so outrageous that we can’t even tell you the title.”

The Great Lede Forward. There is a lot of censorship in China. Really. If you don’t know that, then you haven’t been reading anything—not magazines, not newspapers, not blogs. This means you’ll have to take my word for it. A couple of months ago, I was stuck in a room at the St. Regis Shanghai watching Blades of Glory on HBO. Now, if you have to get stuck somewhere, the St. Regis Shanghai is actually an excellent place to do that. But you’ll want to make sure you have your wits about you if you decide to watch a slightly raunchy, goofball, PG-13 ice-skating comedy on the version of HBO available to Chinese viewers.

I’ve never seen the original Blades, so maybe there’s no making sense of this movie no matter where it’s viewed. But the version that aired on HBO Asia, which is based in Singapore, was chopped up so badly, I had no better understanding of it than I would have if they’d aired only the opening and closing credits, with a couple of gawky axels and other ice-skating sight gags stuffed in between.

So, there’s a lot of censorship in China. Though maybe not as much as before. Until January 2007, foreign reporters couldn’t visit China without prior permission from local governments as well as from the state, and reporters traveling without permission were detained. But approval of China’s bid to host the Summer 2008 Olympics in Beijing was conditioned upon the government’s promise to allow free access to foreign correspondents. The rules enacted in response to that international pressure went into effect in January.

Continued on page 37
LEGAL WATCH

Sacha Baron Cohen Still Gets the Last Laugh


Kathie Martin, Michael Psenicska, Cindy Streit, Ben McKinnon, Michael Jared, Lynn Jared and Sarah Mosley all share one thing in common. They were all "unsuspecting participants" in the hit film Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan ("Borat"), which was written by Sacha Baron Cohen, who also starred in the film. Borat was a documentary-style film about fictional foreign reporter Borat Sagdayev, who traveled to the United States to learn more about the American culture. The film followed Borat as he traveled across the country, and included many of his encounters with the "unsuspecting participants," who, to put it nicely, were made to look like fools. At the time of filming, none of the participants knew who Borat was or that they were collectively going to be the butt of many jokes in a major motion picture that would be released worldwide.

Nonetheless, each of the participants signed a standard agreement in which they consented to being filmed, though none had any idea that they were about to get their "15 minutes of fame." After the movie's success, they all brought lawsuits against a myriad of parties, including 20th Century Film Corp. and Sacha Baron Cohen (the "Defendants"). The defendants filed for motions to dismiss the various suits. The actions were consolidated in New York and decided by the U.S. District Court, Southern District of New York.

At the outset, the court noted that all of the participants in Borat signed consent agreements that were identical in all material respects. Specifically, the agreements stated that the participants agreed to appear in a "documentary style... motion picture" intended "to reach a young adult audience by using entertaining content and formats." Moreover, by signing the agreements, the participants agreed to waive all legal rights against the producers of the film and any of the film's affiliates or licensees. The agreements also contained merger clauses, which provided that the participants did not rely on any promises made by anyone about the nature of the film or the identity of anyone involved with the film in any capacity when they signed the agreements. However, the participants argued that the term "documentary style film" was ambiguous and should not be enforced against them, since it didn't accurately describe Borat.

In evaluating the defendants' claims that the agreements were ambiguous, the court noted that an agreement is ambiguous only when there are "alternative, reasonable interpretations of a contract term." However, the court tempered this rule with the caveat that ambiguity cannot be found at the insistence of one party where the "interpretation would strain the contract language beyond its reasonable and ordinary meaning." Here, the court found the phrase "documentary style film," as used in the agreements at issue, was not ambiguous. At the urging of plaintiff Michael Psenicska, the court also looked to the New Oxford American Dictionary for guidance on the term "documentary." The court found, and both parties agreed, that the term "documentary" means "a work displaying the characteristics of a film that provides a factual record or report." The court held that there was no issue that Borat fit this definition, as the movie was wholly comprised of interviews with real people and contained real events that are intended to "provide a factual record or report," despite the fact that Borat's journey across America was premised on a fictional character's travels. The court further explained that

Legal Services Scorecard

From August 23, 2008 through October 31, 2008, the Authors Guild Legal Service Department handled 255 legal inquiries. Included were:

- 32 book contract reviews
- 9 agency contract reviews
- 15 reversion of rights inquiries
- 20 inquiries on copyright law, including infringement, registration, duration and fair use
- 2 inquiries regarding securing permissions and privacy releases
- 16 electronic rights inquiries
- 161 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)
the plaintiffs are clearly ignoring the word “style” in the descriptor “documentary style film” which was the language they signed off on in the agreement. In this respect, the court held that the fact that Borat is a fictional character does not change the fact that the film was depicted and filmed as a true story. Accordingly, the court concluded that the agreements were not ambiguous.

The participants also asserted that they were fraudulently induced to enter the agreements, noting that the director’s representations about the nature of the film as well as the real identities of Borat and the film companies alleged to be making the documentary were false and only used to induce the participants to sign the waiver to appear in the film. However, the court rejected this argument as the participants signed off on the merger clause, in which they explicitly disclaimed reliance on any statements made by anyone about the nature of the film or the identity of anyone associated with it. The court dismissed all of the participants’ claims, saying it could not “empower these Plaintiffs to avoid the wording of their own contracts.”

—Michael Gross
Staff Attorney

MySpace Mischief

J.S. (a minor) by and through her parents, Terry and Steve Snyder, v. Blue Mountain School District, Joyce F. Romberger, and James S. McGonigle
U.S. District Court for the Middle District of Pennsylvania

On March 18, 2007, J.S. and another student, both minors who attend Blue Mountain Middle School in Orwigsburg, Pa., created a fictitious MySpace profile for their principal, James S. McGonigle. The profile contained many false and lewd allegations, including the claims that Principal McGonigle was a “sex addict” and “loved children” inappropriately. The profile also contained a photo of the principal taken from the school district’s website. When the principal was made aware of the false profile, he suspended J.S. from school for 10 days as a punishment. In response, J.S.’s parents, Terry and Steve Snyder, initiated a legal action in the U.S. District Court for the Middle District of Pennsylvania, alleging that the First Amendment precludes the school from suspending J.S. over the fake profile, which they claim is non-threatening, non-obscene, and a parody, since the conduct did not occur on school grounds nor did it disrupt classes or school administration. They also claim that the school’s punishment interferes with their rights as parents to determine how to “discipline and educate their children” and is in violation of the 14th Amendment to the Constitution. The parents brought suit under the Civil Rights Statute of 1964, 42 U.S.C. §1983, seeking a temporary restraining order and a preliminary injunction.

In evaluating the Snyders’ claims, the court noted four factors to be considered in determining whether to grant both a temporary restraining order and a preliminary injunction. The factors are 1) whether the moving party has shown a reasonable probability of success on the merits; 2) whether the moving party will be irreparably injured by denial of the relief; 3) whether granting preliminary relief will result in greater harm to the non-moving party and 4) whether granting relief will be in the public interest.

In regard to the first factor, the court noted that the school district may regulate speech if it substantially disrupts school operations or interferes with the rights of others. In the case at hand, the court held that the plaintiffs have not demonstrated a likelihood of success on the merits because testimony at the hearing showed that some disruption occurred at the school as a result of J.S.’s parody even though it took place outside the school. Further, the principal had had to devote school time and resources to investigate the issue and to involve the school’s guidance counselor when meeting with J.S.’s parents. Moreover, the defendant had asserted some potentially valid claims for defamation over J.S.’s fictitious Web page. As such, the court found that the first factor favored the school district and its employees.

In regard to the second factor, the court could not conclude that a constitutional violation had occurred. The court pointed out that at the time of trial, the offending MySpace profile had already been taken down, and the Snyders were only challenging the fairness of the punishment. Accordingly, the court held that no irreparable harm had been done to the Snyders’ constitutional rights, as J.S. had already served six days of the suspension prior to trial, and that if the punishment were later found to be unconstitutional, the court could order the infraction expunged from J.S.’s school record.

In regard to the third factor, the court held that granting preliminary relief would not harm the school district or the principal.

In regard to the fourth factor, the court found that it is in the interest of the school to discipline its students without court involvement, that the public’s interest would best be served by denying temporary relief, and by allowing the school’s disciplinary actions to stand, at least temporarily.

Continued on page 35
Along Publishers Row

Continued from page 2

The New York Times offered this explanation: “Advertising revenues in newspaper book review sections have declined for years, causing publishers to scale back book coverage.”

LOST IN TRANSLATION: Brad Meltzer’s The Book of Lies is a current bestseller. In his first novel, The Tenth Justice, the opening lines are: “Ben Addison was sweating. Like a pig.” In the Hebrew translation it was: “Ben Addison was sweating. Like a horse.” PW said, “The author’s not sure if it’s a kosher thing or not.”

ABOUT POETRY: For 35 years, the late Mark Van Doren was a full-time professor at Columbia University. He also taught in the undergraduate college. He wrote 12 books of non-fiction, 14 books of poetry, four dramas and 10 volumes of fiction.

In reply to a letter about one of his poems, Van Doren wrote that the fan’s comment “was especially interesting because it discovers one of those ambiguities which are inescapable in poems, and sometimes are their good points—though not always.”

MEMORIES: In 1975, Alfred A. Knopf published Sixty Photographs “to celebrate the sixtieth anniversary” of the publisher.

The book is made up of pictures of famous people, mostly writers, taken by Knopf over many years. The first is of Joseph Conrad, followed by John Galsworthy, Hugh Walpole, Wila Cather, Leonard Woolf, Thomas Mann, Andre Gide and concluding with John Updike.
Ah, in those days there were giants staking the literary landscape, weren’t there? Some of the informal photos are remarkable (a cruel pro-
file of Lillian Hellman), and some are out of focus or poorly lighted.

The captions are as casual as the poses. Many have no dates and very little in the way of factual information. But of Walter de la Mare, Knopf wrote: “He was a dear man with a widely ranging curiosity and used to ask [for] outrageous royalties with a smile that was adorable—as naive as that of a young child.”

MALL LAND: David A. Adler began a series about a young female detective, Cam Jansen, in 1977. He was on leave from his teaching job to take care of his firstborn son.

There are now 45 novels in that series. They have sold more than 45 million copies. In addition, Adler has written more than 200 titles for children, including biographies and historical fiction. He told The New York Times, “If I only did Cam I might get sick of her.”

Adler, who lives in Valley Stream, Long Island, said, “I’m careful not to specify in the books exactly what town she’s in because I want people in Iowa to think it’s their neighborhood, and I want people in New Jersey to think she’s there. But Cam’s in the land where there’s shrubbery and shiny malls. She’s where I am.”


He was interested that some writers seem to avoid a desk entirely. Updike wrote, “Walker Percy is actually in bed, a classic writing site utilized by Edith Wharton, Colette, Proust and James Joyce, who sprawled across his and Nora’s bed in a riot of notes to himself.”

MORE WHARTON: In 1925, F. Scott Fitzgerald sent Edith Wharton a copy of The Great Gatsby. Her reply said he had taken a leap into the future and made her feel like “tufted furniture and gas chandeliers.”

Then she added that “I like Gatsby, or rather His Book, and how great a leap I think you have taken this time, an advance upon your previous work. My present quarrel with you is only this: that to make Gatsby really Great, you ought to have given us his early career (not from the cradle but from his visit to the yacht, if not before) instead of a short resume of it. That would have situated him, and made his final tragedy a tragedy instead of a ‘fait divers’ for the morning papers.”

STILL MORE WHARTON: “My little girl life, safe guarded, monotonous,” wrote Edith Wharton shortly before her death, “was cradled in the only world about which it is impossible to write poetry.”

SUCCESS STORY: Brunonia Barry self-published her novel, The Lace Reader, and then sold it to Morrow in a two-book deal for a reported $2 million. The Washington Post noted that the book is being promoted with “all the marketing tie-in gimmicks of a new deodorant, including a sweepstakes, a ‘pitch kit’ with a walking tour of Salem and something the publisher ominously describes as an ‘early widget disseminated online in a viral consumer campaign.’”


RECOVERED: When a man brought an old book to the Folger Library in Washington, D.C., to have its pedigreed checked, the FBI was called. The volume was a Shakespeare First Folio published in 1623 and stolen from the library at Durham University in Great Britain in 1998. Shortly after, police in England arrested a man in connection with the theft.

The folio, which will be returned to the university, is valued at $30 million.
SHIFTS: In an essay on G. K. Chesterton in The New Yorker, staff writer Adam Gopnik described the path of English literature: “There are two great tectonic shifts in English writing. One occurs in the early eighteenth century, when [Joseph] Addison and [Richard] Steele begin The Spectator and the stop-and-start Elizabethan-Stuart prose becomes the smooth, Latinate, elegantly wrought ironic style that dominated English writing for two centuries. [Edward] Gibbon made it sly and ornate; [Samuel] Johnson gave it sinew and muscle; [Charles] Dickens mocked it at elaborate comic length. But the style—formal address, long windups, balance sought for and achieved—was still a sort of default, the voice in which leader pages more or less wrote themselves.

“The second big shift occurred just after the First World War, when, under American and Irish pressure, and thanks to the French (Flaubert doing his work through early Joyce and Hemingway), a new form of aerodynamic prose came into being. The new style could be as limpid as [Evelyn] Waugh or as blunt as Orwell or as funny as White and Benchley, but it dethroned the old orotundity as surely as Addison had killed off the old asymmetry . . .”

PROTESTS: In August a novel by Sherry Jones about the child bride of the prophet Mohammed, was postponed indefinitely by Random House because it feared the book, The Jewel of Medina, “could incite acts of violence by a small, radical element.” Later, a Serbian publisher withdrew the book because of protests from an Islamic group, The Guardian of London reported. The author said she was saddened by the decision. “My intentions were to celebrate these great historical figures while dispelling misunderstandings about Islam.” The book was later picked up by a small American publisher, Beaufort Books.

SETTING: John Casey, 69, is a professor of English at the University of Virginia in Charlottesville. His 1989 novel Spartina won the National Book Award.

He was interviewed for an article in The New York Times Home Section. He explained that he wrote in a tent for years. He said, “I can’t write outside—too many distractions. But I liked being in a tent.” After his tent years he moved into a trailer until it came to seem like a hot box. He now works in a cabin on the banks of the Delaware River near Milford, Pa. He found his cabin while rowing on the river. It’s only 50 feet from the water so it has been flooded a couple of times, but “it’s soothingly quiet.”

Casey writes at a table in the kitchen that is spread with a manuscript and notes on index cards. A window gives him a view of the river. He said, “I can sit here and just watch the water flow.”

Last summer he was putting finishing touches on a Spartina sequel that he has worked on since the late 1980s. He has also produced another novel, The Half-Life of Happiness, and translated two Italian novels.

His new novel has a character who is a fish-and-wildlife officer. Casey gestured toward the surrounding forest and a waterfall. “This is sort of my reference library,” he said.

DOING IT RIGHT: When Chelsea Cain signed copies of her best-selling Sweetheart at Powell’s in Portland, Ore., she used a red ink pad to stamp a “bloody” thumbprint over her signature. A man in line to buy one of her books told her that he was a fingerprint technician and suggested that she roll from left to right like an expert. PW said the first printing of Sweetheart was 200,000.

HIGH FLYER: Eleanor Friede, 87, was the editor of the much-rejected manuscript by Richard Bach that became Jonathan Livingston Seagull, which sold more than three million copies. Friede died in July in Charlottesville, Va. In addition to Bach, Friede edited writers like Françoise Sagan and Jorge Amado, but she was a celebrity in publishing because of Seagull. In 1981, she told The New York Times, “You know, I really am very fond of the little creature. I have done and am doing other things. It’s really O.K. to be the seagull lady.”

FIVE FIRST: Jacqueline Frank’s editor, Kate Duffy, told PW that all five of the “Nightwalker” books were written before Frank got in touch with an editor. Duffy loved the books and said that Frank’s novels would “change the face of romance.” The first printing of the fifth, the best-selling paperback Noah, was 250,000.

Frank has a new series, “The Shadowdwellers,” due out in January. Title of the first will be Ecstasy.

SUMMER FARE: Cathy Horyn declared that summer novels are silly. She wrote in The New York Times, “You don’t have to read these books to imagine the outcome: girl meets guy; girl gets guy but first she has to discuss him endlessly with her gal friends and perhaps Mother, who is typically a dragon or an ex-supermodel or both. Subdued they are not.”

These novels, the headline said, are “informed by the values and brands of fashion [and] are pumping that well dry.” Brand name dropping happens in the titles too: Chasing Harry Winston, Breakfast at Bloomington’s, Bringing Home the Birkin and Sunday at Tiffany’s.

BENCH: Nobel Laureate Toni Morrison once complained that for
slaves and their history, “There is no suitable memorial, or plaque, or wreath or wall, or park or skyscraper lobby. There’s no 300-foot tower, there’s no small bench by the road.”

In July, she went to Sullivan’s Island, S.C., to dedicate the first bench. It is believed that Sullivan’s Island was the point of entry for about 40 percent of the millions of Africans who were enslaved in the U.S. The New York Times reported that the project is the work of a non-profit group called the Toni Morrison Society. This was the first of 10 benches to be placed in historic spots around the U.S.

RETURN: Illustrator and author Tomi Ungerer, 76, published his first children’s book, The Mellops Go Flying, in 1957. His friend Maurice Sendak said of him, “No one, I dare say, no one was as original. Toni influenced everybody.” Other successes included The Three Robbers, Emile and Moon Man.

Ungerer became controversial when he published a book of racy drawings called Fornicorns, and children’s publishers shunned him. He left the U.S. for his homes in Strasbourg and Ireland in 1970 and his success faded.

The New York Times reported that Phaidon has now acquired the rights and this fall will republish his children’s books in the U.S. and Britain.

INNOVATIONS: Amazon and Grove/Atlantic publishing allowed the downloading of a new novel, Spirit House by Christopher G. Moore, to Kindle customers three days in advance of regular publication.

A Stephen King short story, “N,” was adapted into a series of 25 comic-style video episodes. They can be bought online at Nishere.com and viewed on the Internet or on cell phones. The story is part of a collection to be published in November.

JUST CHECKING: Before taking a chance on publishing an article about a new memoir by a pseudonymous author called Kate Brennan, The New York Times required verification. The Times has been duped in the past. The title of this book is In His Sights, and it is about a woman who has been stalked by an ex-lover for 10 years. To try and dodge him, she moved 16 times in 16 months. His name is “Paul.”

The author’s true identity and that of Paul were revealed to the Times so that the outlines of her case could be confirmed. Reporter Andy Newman explained: “The Times reviewed police reports, confirmed biographical information about Ms. Brennan and Paul on the Internet and spoke by telephone to the former detective who handled Ms. Brennan’s case. On meeting, Ms. Brennan showed the reporter a current passport issued under her real name. The photo matched, and stamps in the passport matched trips described in her book.”

CRIME PAYS? Lee Israel is the author of a memoir that raised questions. The title is Can You Ever Forgive Me?, and in it, the author confesses that she spent two years writing and selling forged letters to dealers that she signed Noel Coward, Fanny Brice, Louise Brooks, Lillian Hellman and Dorothy Parker. The author defended what she did by telling The New York Times, “Those letters never misrepresented any large truth. They were fun, and nobody got hurt, and everybody made money.”

The book has been optioned for a film.

MAD ROMP? Miriam Toews of Winnipeg is the author of a novel, The Flying Troutmans, which PW said was “so much more than a lighthearted romp through America. It’s also the story of a family ripped apart by mental illness.”

Toews said she liked to write about tragic and difficult situations. “It’s how I make sense of my world. Fiction can be more true than truth.”

SHIFTED: Several writers have written books for adults that editors decided should be published for young adults. This happened to Margo Rabb, author of Cures for Heartbreak, who wrote an article about the experience for The New York Times Book Review.

Other writers who had had the same experience, Rabb said, include Peter Cameron, A. M. Homes, Francesca Lia Block, Meg Rosoff, Stephenie Meyer and Linda Sue Park.

Sherman Alexie’s first YA novel, The Absolutely True Diary of a Part-Time Indian, won the National Book Award for young people’s literature. He was quoted: “I obviously should’ve been writing YA all along.”

WORDS: Karen Maitland’s first novel was The White Room. Her new novel is Company of Liars, which is set in England during the Black Plague.

Maitland told PW: “One of the themes of Company of Liars is that the way society treats someone who’s different from the majority determines whether you see them as having a gift or a disability. As a dyslexic child, I was labeled ‘stupid.’ As an adult I am fascinated by words; in fact, I even did my doctorate in psycholinguistics. Dyslexia causes people to make unusual connections between words. The brain gathers up unrelated concepts, turning them into visual images and sounds, which is a great gift to the writer and is probably why many dyslexics work in creative arts.”
WOUND DOWN: Doris Lessing, 88, won the 2007 Nobel Prize in Literature. She lives in London and is the author of more than 50 books. She was asked by a New York Times interviewer: “Do you write every day?”

Lessing replied, “No. I have run out of energy completely. I have ideas that I will probably never write now. You know, I have written quite a lot, so it is not really enough to weep over.”

OBSERVATION: Harrison E. Salisbury, the late pundit of The New York Times, once wrote of Aleksandr Solzhenitsyn that the Nobel Prize–winning Russian, “quite clearly, is a living example of a thought he expressed in The First Circle: ‘For a country to have a great writer is like having another government. That’s why no regime has ever loved great writers, only minor ones.’”

[For a brief obituary of Solzhenitsyn, see DEATHS below.]

FETE: Stephanie Meyer’s Breaking Dawn was released on a Saturday morning at 12:01 a.m., at bookstore parties across the country. Many pseudo-vampires attended in costume and 1.3 million copies of the novel, the fourth in her young-adult series, were sold.

The final volume of her “Twilight Saga” was delayed when an unfinished partial draft suddenly appeared online. The author wrote on stepheniemeyer.com, “I did not want my readers to experience ‘Midnight Sun’ before it was completed, edited and published. I think it is important for everybody to understand that what happened was a huge violation of my rights as an author, not to mention me as a human being.”

PLEASE CHECK: Sweeping generalizations are a newspaper’s stock-in-trade. They sometimes result in careless reporting that can hurt.

Robert W. Creamer is the author of Babe: The Legend Comes to Life. The book is a biography of baseball’s great Babe Ruth. Creamer was roused to action—in the form of a letter to the editor—by a quote from a Dr. William Maloney in the Albany [N.Y.] Times-Union who said: “In all his [Ruth’s] biographies, they completely skip over his illness, and they got it all wrong. They all said he had throat cancer—an easy conclusion.”

Creamer wrote to the newspaper: “I did not skip over his illness and I did not say he had throat cancer. I did not have the information Dr. Maloney uncovered, but what I wrote was accurate.

“The article is not only offensive to me personally, it is damaging to me professionally, since my book is still in print and still selling.” Creamer added, “Careless reporting like this can hurt a book.”

WITH MUSIC: Amy Tan’s novel The Bonesetter’s Daughter was turned into an opera with a libretto by the author and premiered in San Francisco in September.

As part of the pre-publicity, Tan was interviewed for The Wall Street Journal. She said, “I think that whatever form you write, whether it’s a story, an opera, a play, a novel, short stories or poetry, a writer has to have the same innate understanding of story. It’s often about trauma, these deep emotions that reverberate, as opposed to love, and did I wear the right dress, or social customs. I didn’t have to really spend a lot of time learning from Stewart Wallace, the composer; I knew intuitively.”

THE WINNER: A favorite literary event is the annual Bulwer-Lytton Fiction Contest for bad writing. This year’s winning first sentence for an imaginary novel, reported by the Associated Press, is: “Theirs was a New York love, a checkered taxi ride burning rubber, and like the city their passion was open 24/7, steam rising from their bodies like slick streets exhaling warm, moist, white breath through manhole covers stamped ‘Forged by DeLaney Bros., Piscataway, N.J.’”

That was written by Garrison Spik, 41, a communications director from Washington. The prize of $250 was awarded by the San Jose State University English Department.

MEMORIAL: Dorothy West’s house is located on Dorothy West Avenue on Martha’s Vineyard. The author died in 1998, the last survivor of the Harlem Renaissance. Poet Langston Hughes called her “the Kid.” She was the author of The Living Is Easy, published in 1948, and then wrote nothing until 1995, when The Wedding was published. That novel, her second and her first in 47 years, was completed with help from her editor, Jacqueline Kennedy Onassis, who visited on Saturdays for their weekly work sessions.

Her cottage has been named a site on the African-American Heritage Trail of Martha’s Vineyard. The New York Times reported the ceremony in August.

DARK STUFF: Ellen Hopkins’s latest young adult novel, Identical, is on the children’s fiction bestseller list.

PW says the book is about twins who have suffered sexual abuse, drug and alcohol use and eating disorders. Other novels by Hopkins have been about crystal meth addiction, physical abuse and attempted suicide.

More than a million copies of Hopkins’s books are in print.

MARKETING PLOY: The 12 volumes of the “Gossip Girls” series for teenagers have sold 5.6 million copies. To sell more, the publisher printed a version of the first “Gossip Girl” book, written by Cecily von Ziegesar, with a cover that featured...
the cast of the TV show. It sold 20,000 copies in 2007, The New York Times reported, and 12,000 copies by August of this year.

There is also a push to sell an audio version that can be played on an iPod. iPods and other music players are sometimes blamed for making youths more detached and are banned as distractions in some schools. Donald Katz, chief executive of Audible, told the Times that audiobooks could "reposition" iPods from parental scourge to "storytellers and learning machines."

And what will they learn from "Gossip Girls?"

IN PRAISE OF CHEKHOV: Raymond Carver once wrote, "Chekhov's stories are as wonderful (and necessary) now as when they first appeared. They present, in an extraordinarily precise manner, an unparalleled account of human activity and behavior in his time; and so they are valid for all time. Anyone who reads literature, anyone who believes, as one must, in the transcendent power of art, sooner or later has to read Chekhov. And just now might be a better time than any."

NEW REVENUES: In exchange for a percentage of the revenues, Simon & Schuster may agree to publish a book before it is written, based on an assurance that it has Hollywood potential. The publisher will also get paid when a children's book is turned into video games, comic books or other properties. This new arrangement is being set in motion by the Gotham Group, a Los Angeles management firm.

David O. Russell is writing a film script for his book series, "Alienated." He is the author of the films I Love Huckabees and Three Kings. A film could be produced along with the book series.

Tony DiTerlizzi, who wrote The Spiderwick Chronicles with Holly Black, told The New York Times that he tried early in the publishing process to develop the film at the same time. "It was almost like a tool to get the book launched and off the ground. I knew also that financially this is where I would see my benefit in having the film made."

SHIFT NOTED: In 1971, when Gordon Lish became fiction editor of Esquire magazine, he wrote, "Fiction has now become a vehicle for conveying a feeling." He added, "the principal elements in a piece become tone, mood, atmosphere, style, color, form—the esthetic elements—as against the narrative elements on which were established the great stories of the '50s."

WHAT STORIES DO: In an introduction to The Granta Book of the American Short Story, Richard Ford wrote that stories "treat us to language. They stir our moral imaginations. They take our minds off our woes and give order to the previously unordered for the purpose of making beauty and clarity anew. They do the best for us that fiction can do."

PLOY: Here's a way to turn a previously published book into a hot seller. Just get selected to be a presidential running mate.

The moment that happened to Senator Joe Biden, his memoir, Promises to Keep: On Life and Politics, became a bestseller. Random House then printed 100,000 of a paperback version to supply the market.

WORD MAN: Laurence Urdang was a lexicographer who worked on more than 100 dictionaries and reference books. He was 81 when he died in August. He lived in Old Lyme, Conn.

In 1972 he compiled The New York Times Everyday Reader's Dictionary of Misunderstood, Misused, and Mispronounced Words. Urdang wrote in the introduction: "This is not a succedaneum for satisfying the nympholepsy of nullifidians. Rather it is hoped that the haecceity of this enchiridion of arcane and recondite sesquipedalian items will appeal to the onomania of an eximious Gemeinschaft whose legerity and sophrosyne, whose Sprachgefilhl and orexis will find more than fugacious fulfillment among its felicific pages."

MAKING ART: Library of America has brought out two volumes containing almost all the fiction of the late William Maxwell. A review in The New Yorker quotes a comment made by the author in an interview: "For me, 'fiction' lies not in whether a thing, the thing I am writing about, actually happened, but in the form of the writing . . . a story, which has a shape, a controlled effect, a satisfying conclusion—something that is, or attempts to be, a work of art."

TRIBUTE: Herman Wouk, 93, author of The Caine Mutiny and other novels, was awarded the first lifetime achievement award for fiction writing from the Library of Congress. The September ceremony at the library included Supreme Court justice Ruth Bader Ginsburg and pop entertainer Jimmy Buffett. Martha Raddatz, an ABC-TV news correspondent, was among those who read from Wouk's work.

RULING: Judge Robert P. Patterson Jr. of Manhattan's federal court wrote a 68-page ruling, blocking the publication of a Harry Potter lexicon written by Steven Jan Vander Ark. The judge wrote, "Plaintiffs have shown that the Lexicon copies a sufficient quantity of the Harry Potter series to support a finding of substantial similarity between the Lexicon and Rowling's novels."

Author J. K. Rowling said, "I took no pleasure at all in bringing..."
legal action and am delighted that this issue has been resolved favorably. I went to court to uphold the right of authors everywhere to protect their own original work.”

ADDITIONS: Scholastic is out to publish a series, “The 39 Clues,” that the editors hope will fill the giant hole that no-more-Harry-Potters leaves in its income. But the books, published at the rate of one book every two or three months, will be just part of the package. There will be a Web-based game and collectors’ cards. The 10 books will reveal only one clue per title, leaving readers to find the other 29 online.

The New York Times said, “The publisher . . . is now facing the reality that many children are now as engrossed in the Internet and video games as they are in books.”

FOR ADULTS TOO: Another series of books will be linked to the Web. Penguin’s Dutton is publishing a “digi-novel” by Anthony Zuiker, creator of the C.S.I. series on television. The three volumes will feature a mystery novel that sends readers to a website with footage relating to the plot. It will be out in the fall of 2009.

TIP SHEET: The Wall Street Journal announced in September that this was going to be “The Season of Heavy Hitters: For fall, Updike returns to Eastwick, Lehanetakes on Babe Ruth and Gladwell looks at success.”

Robert J. Hughes wrote, “After a slow summer, publishers are rolling out their stars for fall.

“Toni Morrison, Stephen King, Annie Proulx and Marilyne Robinson have new novels. So do Christopher Paolini (who wrote Eragon) and Candace Bushnell (Sex and the City). . . .


STEPPING DOWN: Dana Gioia, administrator of the National Endowment for the Arts, is leaving that job in January. The poet told The New York Times, “I’ve given up six years of my life as a writer. I felt I had to go back to writing when I still have the kind of stamina to do it seriously.”

SHRINK: Wally Lamb’s new novel is The Hour I First Believed. He’s been hit twice by Oprah’s lightning, for I Know This Much Is True and She’s Come Undone.

Lamb told PW, “I’m really like the shrink character in most of my books: the observer.”

He said that “writing a novel is like taking a sledgehammer to a stained glass portrait of yourself and then putting all the pieces back together to create a new picture.”

THOUGHTLESS: Robert Frost said that a poem “begins as a lump in the throat, a sense of wrong, a homesickness, a love sickness. It is never a thought to begin with.”

BACKGROUND: Agatha Christie’s grandson found 13 hours of tapes that the late mystery writer had made talking about her career.

Among the many things revealed and quoted in The New York Times: “I have now no recollection at all of writing Murder at the Vicarage. That is to say, I cannot remember where, when, how I wrote it, why I came to write it. And I don’t even remember why it was that I selected a new character, Miss Marple, to act as a sleuth in the case. Certainly at the time I had no intention of continuing her for the rest of my natural life.”

CONFESSION: John le Carré, noted for novels such as Tinker, Tailor, Soldier, Spy, told The Sunday Times of London that during the Cold War he was tempted to defect to the Soviet Union.

The author’s real name is David Cornwell and in the 1960s he worked for British intelligence. He said, “When you spy intensively and you get closer and closer to the border . . . it seems such a small step to jump . . . and, you know, find out the rest.” He added that he was not a Communist but that he just wanted to know what life was like behind the Iron Curtain.

TOO LAZY? The prolific John Grisham’s The Innocent Man was a big success, but PW said that he wasn’t planning to write any more
nonfiction. In an interview on Amazon.com, Grisham said, “Too much work! You’ve got to do research, you have to be accurate, which is not one of my strong points. . . . Nonfiction is brutal. I had to hire a full-time research assistant just to plow through all the documents and keep everything straight. . . . I’m just too lazy to write nonfiction.”

Then there was a libel suit too. But a judge in Oklahoma dismissed the suit against Grisham, the Associated Press reported. The plaintiffs, including a former district attorney, a state “criminalist” and a former Oklahoma state investigator, had accused Grisham of conspiring to commit libel and intentionally inflict emotional distress. Grisham had written that evidence had been suppressed in the case of two men who had been convicted of murder. The men were freed by DNA evidence after 12 years in prison.

JUGGLER: Faye Kellerman’s The Mercedes Coffin is a hardcover bestseller. There are 20 million copies of her books in print. She wrote on her website:

“Every writer essentially deals with three books—the one that’s being published, the one that is being actively written and the one that’s being conceived. That’s a lot of mental juggling. To unwind, I exercise, I read, I watch TV and I love to garden. There is something so utterly gratifying watching things grow.”

LOUD FAN: David Ebershoff’s The 19th Wife is a bestseller. He did an 18-city tour. In Milwaukee, a polygamy activist showed up at the bookstore and shouted, “Freedom!” Then, PW reported, he ran out of the store.

LOTS OF BOOKS: Sandra Brown’s Smoke Screen hit No. 1 on the hardcover bestseller list. PW said that she has written 56 bestsellers, and there are 70 million copies of her books in print worldwide.

NO JOKE: Jack Handey’s latest book is What I’d Say to the Martians: And Other Veiled Threats. It’s in the Humor section of bookstores, and the author wrote an essay about such placement in The New York Times Book Review. He noted, “In general, the easiest way to locate the Humor section in any bookstore is to go through the front entrance of the bookstore and to the farthest point from the entrance. That’s where the Humor section will be . . . .”

Handey concludes: “Some scientists bemoan the fact that it’s so hard to find humor in bookstores. But I prefer to look at it philosophically. I think it was Robert E. Lee who said, “It is well that the Humor section is so terribly hard to find lest we laugh too much.”

FIX THAT BLOCK: Lisa Jackson has a paperback bestseller, Left to Die. She talked about writer’s block in an online interview with Blogcritics magazine and said, “If I’m having trouble on page 256, I can bet the reason is hidden in the previous 255 pages. My job is to find it, fix it, and fix all the subsequent pages so they make sense.”

PW says that Jackson has written more than 75 novels set in Montana, New Orleans, Savannah, San Francisco and the Pacific Northwest.

IN BRIEF: Lawrence Hughes, who “works for a big publishing company,” wrote a “Soapbox” essay for PW. The title: “Blurb Service: As book review space shrinks, reviews must shrink accordingly.”

He gives three hypothetical examples of new reviews:

On a Stephen King novel: “Guaranteed to induce chills, shivers and shakes, followed by fever, vomiting and possible coma.” —Los Angeles Times

On John Grisham’s latest: “Grisham continues to electrify readers and somehow gets away with it.” —Chicago Tribune

On the next Dan Brown: “Harder to put down than my rottweiler.” —San Francisco Chronicle

TWO JOBS: David Gessner has written six books, including Sick of Nature and Soaring with Fidel. He is an assistant professor of creative writing at the University of North Carolina Wilmington.

He wrote an article for The New York Times Magazine entitled “Those Who Write, Teach: But can an artist survive success in the academy?”

Gessner begins with, “Five years ago I gave up the full-time writing life and became the kind of domiciliated writer known as a professor. . . . I underwent this conversion more or less of my own free will, drawn by the lure of health insurance, salary and security . . . .”

After admitting that he loves teaching, Gessner wrote that “lately I have begun to feel something rising up inside me. A part of me misses the glee and obsession and even the anger. And a part of me worries that my work has become too professional, too small, and worries that I don’t spend as much time as I should reading or brooding or even fretting. Yes, my lifestyle is more healthful, but is health always the most important thing? The part that answers no to that question is now lying in wait, looking for ways to undermine my so-far-successful teaching career. In fact you could argue that that part of me had a hand in writing this essay, which I am finishing now, a few weeks before going up for tenure. After all, what would that part, my inner monomaniac, like more than to tear off his collar and sabotage the job that keeps him from running wild.”

NEW TITLE: Tess Gerritsen is called “the medical suspense queen” by
PW. Her latest mass paperback bestseller, The Bone Garden, is a historical novel about an 1830 murder in Boston, set in a contemporary framing story. Gerritsen’s books have sold more than 15 million copies worldwide.

**ADVICE:** Ann Patchett did a seven-city book tour for her trade paperback Run. In an essay in the Atlantic Monthly entitled “My Life in Sales,” she quoted advice she had gotten on touring from Allan Gurganus (“the only thing worse than going on a book tour is not going on a book tour”). And Clyde Edgerton told her, “drink plenty of water.”

**FUN FOLK:** Sarah Vowell is author of The Wordy Shipmates, a book about John Winthrop, one of the first settlers in the Massachusetts Bay Colony. She told PW that she did her research mostly in Boston, “the Grand Canyon of history, with one layer of sediment after another.”

Vowell said she looks for the humor in every story and, surprisingly, she found plenty to amuse her in the letters and papers of Winthrop and other Puritans. And I had assumed that all those people were sourpusses.

---

**JOB CHANGES, NEW TITLES**

* Sarah Durand is a senior editor at Atria Books, an S&S imprint.

* Marjorie Braman was hired by Henry Holt to fill its position of editor in chief. Jennifer Barth left that job in December 2006 and is now an executive editor at HarperCollins.

* Keyren Gerlach is an associate editor at Harlequin, and senior editor Krista Stroever has taken over the Silhouette Desire line at the same publishing house.

* Emmanuelle Alspaugh, formerly an agent at Wendy Sherman Associates, has moved to Judith Ehrlich Literary management.

* Ursula Cary, formerly at Simon Spotlight Entertainment, is editor at Chronicle Books’ One & Others Group. She is focusing on acquiring titles with mass market appeal in parenting, retirement and relationships.

---

**DEATHS**

* **Ed Arno,** 92, died May 27 in Queens, N.Y. The cartoonist was the author and illustrator of The Gingerbread Man, and illustrated The Magic Fish. His cartoons were collected in Ed Arno’s Most Wanted.

* **Michael Baxandall,** 74, died August 12 in London. The art historian was author of Giotto and the Orators (1961), Painting and Experience in Renaissance Italy (1961), Painting and Experience in 15th Century Italy (1972), The Linwood Sculptors of Renaissance Germany (1980) and Words for Pictures (2003).


* **James Crumley,** 68, died September 17 in Missoula, Mont. He was the author of The Wrong Case (1975), Dancing Bear (1983), The Final Country (2001), The Last Good Kiss (1978) and other crime novels.


* **Jeannette Eyerly,** 100, died August 18 in Des Moines. She was the author of almost 20 novels for teenage girls, including More Than a Summer Love (1962), Drop-Out (1963), The Girl Inside, Bonnie Jo, Go Home and Angel Baker, Thief.

* **Dave Freeman,** 47, died August 17 in Venice, Calif. He was the co-author of 100 Things to Do Before You Die (1999) and dozens more books with titles like 100 Things Project Managers Should Do Before They Die.

* **Otto Fuerbringer,** 97, died July 28 in Fullerton, Calif. The former managing editor of Time magazine was the author of On Time (2007).


* **Edwin O. Guthman,** 89, died August 31 in Los Angeles. The Pulitzer Prize-winning newsman was author of We Band of Brothers: A Memoir of Robert F. Kennedy (1971).

* **Roger Hall,** 89, died July 20 in Wilmington, Del. A spy in WWII, Hall was the author of You’re Stepping on My Cloak and Dagger (1957) and two novels, All My Pretty Ones and 19.

* **Michael Hammer,** 60, died September 3 in Boston. He was co-author of a bestseller, Reengineering the Corporation and three other books within a six-year period: The Reengineering Revolution, Beyond Reengineering and The Agenda.

* **L. Rust Hills,** 83, died August 16 in Belfast, Me. He lived in Key West, Fla. The Esquire editor was author of How to Do Things Right: The Revelations of a Fussy Man; How to Retire at 41, or Dropping Out of the Rat Race Without Going Down the Drain; and How to Be Good or the Somewhat Tricky Business of Attaining Moral Virtue in a Society That’s Not Just Corrupt But Corrupting Without Being Completely Out-of-it. Other books included a manual: Writing in General and the Short Story in Particular.
Ralph Kovel, 88, died August 28 in Cleveland. He was the author of 96 guides, including Antiques & Collectibles Price List (1967); and coauthor, with his wife Terry, of Kovel’s American Silver Marks (1989) and Kovel’s Bid, Buy, and Sell Online (2001). His 97th book, Kovel’s Antiques & Collectibles Price Guide 2009, was published in September.

Del Martin, 87, died August 27 in San Francisco. She was the author of Battered Wives (1976) and coauthor of Lesbian/Woman (1972) and Lesbian Love and Liberation (1973).

Gregory Mcdonald, 71, died September 7 in Pulaski, Tenn. He was the author of Fletch (1974), Confess, Fletch (1976) and Fletch Won ((1989). The novels won Edgar Awards and sold tens of millions of copies.


Randy Pausch, 47, died July 25 in Chesapeake, Va. The professor was coauthor of The Last Lecture, a No. 1 bestseller.

Peter Rodman, 64, died August 2 in Baltimore. The foreign policy expert was the author of More Precious Than Peace: The Cold War and the Struggle for the Third World (1964) and Presidential Command: Power, Leadership and the Making of Foreign Policy from Richard Nixon to George W. Bush will be published next year.

John Russell, 89, died August 23 in the Bronx. The art critic was author of Reading Russell (1989) and monographs on Seurat, Francis Bacon, Henry Moore, Max Ernst and a multivolume series “The Meanings of Modern Art.”

Theodore Solotaroff, 80, died August 8 in East Quogue, N.Y. The founder of The New American Review was author of a memoir Truth Comes in Blows and a second installment First Loves (2003). His essays were collected in The Red Hot Vacuum and A Few Good Voices in My Head.

Aleksandr Solzhenitsyn, 89, died August 3 in Moscow. The Nobel Prize winner was the author of A Day in the Life of Ivan Denisovich (1962), The First Circle, The Cancer Ward and The Gulag Archipelago.


Richard Wade, 87, died July 18 in New York City. He was the author of The Urban Frontier (1958), Slavery in the Cities: The South, 1820–1860 and coauthor (with Harold M. Mayer) of Chicago: Growth of a Metropolis.

David Foster Wallace, 46, died September 12 in Claremont, Calif. He was the author of The Broom of the System (1986), Infinite Jest (1996), Girl with Curious Hair, Brief Interviews with Hideous Men, Oblivion and Consider the Lobster and Other Essays (2006).

Stuart Cary Welch, 80, died August 13 in Hokkaido, Japan. His home was in New Hampshire. His books include Room for Wonder: Indian Painting During the British Period, 1760–1880 (1978) and Imperial Mughal Painting (1978), and he was coauthor (with Martin Bernard Dickson) of The Houghton Shahnameh (1981).

Edgardo Vega Yunque, 72, died August 26 in Brooklyn. He was the author of The Lamentable Journey of Omaha Bigelow Into The Impenetrable Loisada Jungle (2004) and No Matter How Much You Promise to Cook or Pay the Rent You Blew It Cause Bill Bailey Ain’t Never Coming Home Again (2003). His latest, Rachel Horowitz, Puerto Rican Sex Freak, was canceled after a dispute with his publisher in the summer. ♦

Books by Members

Maha Addasi: The White Nights of Ramadan; David A. Adler: Fun with Roman Numerals; Cam Jansen and the Green School Mystery; Arlene Alda (and Lisa Desimini, illus.): Iris Has a Virus; Laurie Halse Anderson: Chains; Maya Angelou: Letter to My Daughter; Kim Antieau: Ruby’s Imagination; John Arthur: Theophilus Brown: Paintings, Collages & Drawings; Linda Ashman: When I Was King; Deborah Turrell Atkinson: Pleasing the Dead; Paul Austin: Something for the Pain: One Doctor’s Account of Life and Death in the ER; Avi: Hard Gold: The Colorado Gold Rush of 1859;

Gail Konop Baker: Cancer Is a Bitch: (Or, I’d Rather Be Having a Midlife Crisis); Sandra Balzo: Bean There, Done That; Kate Banks: Monkeys and Dog Days; Linda Barnes: Lie Down with the Devil; John Barth: The Development: Nine Stories; Marion Dane Bauer (and Peter Ferguson, illus.): The Green Ghost; Daphne Beal: In the Land of No Right Angles; Mary Jane Begin: Willow Buds: When Toady Met Ratty; Christopher R. Beha (and Joyce Carol Oates) (Eds.): The Ecco Anthology of Contemporary American Short Fiction; Karen Magnuson Beil (and Mike Wohnothka, illus.): Jack’s House; James R. Benn: Blood Alone; Marianne Berkes (and Jill Dubin, illus.): Over in the Arctic: Where the Cold Winds Blow; Cordelia Frances Biddle: Deception’s Daughter; Elizabeth Bluemle (and Anne Wilsdorf, illus.): Dogs on the Bed;
Fred Kaplan: Lincoln: The Biography of a Writer; Larry Karp: The King of Ragtime; Karen Katz: Ten Tiny Babies; Peg Kehret: Stolen Children; Garrison Keillor: Liberty; Eric A. Kimmel (and Katya Krenin, illus.): The Mysterious Guests: A Sukkot Story; Eric A. Kimmel (and Vincent Nguyen, illus.): Little Britches and the Rattlers; Eric A. Kimmel (and Janet Stevens, illus.): Anansi’s Party Time; Stephen King: Just After Sunset: Stories; Sandra Kitt: For All We Know; Lisa Williams Kline: Write Before Your Eyes; Deborah Copaken Kogan: Between Here and There; Bill Konigkman: The Juvie Three; Alexandra Kostow: Slecker Girl; Bennett Kremen: Savage Days Haunted Nights; Stephen Krensky (and Amanda Hale, illus.): Spark the Firefighter; Justine larbalestier: How to Ditch Your Fairy; Michael Largo: Genius and Heroin: The Illustrated Catalogue of Creativity, Obsession, and Reckless Abandon Through the Ages; Kirby Larson (and Mary Nethery): Two Bobbies: A True Story of Hurricane Katrina, Friendship, and Survival; Loren Leedy: Crazy Like a Fox: A Similar Story; Ellen W. Leroe: My Cat Takes Over the First Grade!; Lawrence Lessig: Remix: Making Art and Commerce Thrive in the Hybrid Economy; Janet Taylor Lisle: Highway Cats; Phillip Lopate: Two Marriages: Novellas; Peter Lourie: On the Texas Trail of Cabeza de Vaca; Helen Lowe: Thornspeak; Christopher Lukas: Blue Genes: A Memoir of Loss and Survival; Sarah-Kate Lynch: House of Daughters; John R. MacArthur: You Can’t Be President: The Outrageous Barriers to Democracy in America; Carol K. Mack (and Dinah Mack): A Field Guide to Demons, Fairies, Fallen Angels & Other Subversive Spirits; Kenny Madden: Harper Lee, Up Close; Leslie Margolis: Boys Are Dogs; Margaret Marion: Death’s Half Acre; Ann M. Martin (and Laura Godwin): The Runaway Dolls; Margaret H. Mason: Inside All: Wendy Mass: Every Soul a Star; Alice Mattison: Nothing Is Quite Forgotten in Brooklyn; Henry S. Maxfield: Legacy of a Spy; Another Spring; Justice Justice; A Dangerous Man; Carla Killough McClafferty: In Defiance of Hitler: The Secret Mission of Varian Fry; Barbara McClintock: Adelle & Simon in America; Kelly Mcclmyer: Must Love Black; Emily Arnold McCully: Manjori: The Boy Who Risked His Life for Two Countries; Dermot McEvoy: Our Lady of Greenwich Village; Robin McKinley: Chalice; Roland Merullo: American Savoir: A Novel of Divine Politics; Jenny Meyerhoff (and Jill Weber): Third Grade Baby; Annette Meyers and Martin Meyers (writing as Maan Meyers): The Organ Grinder; Teresa Miller: Means of Transit: A Slightly Embellished Memoir; Jode Susan Millman: Seats: New York (3rd Ed.); Craig Moodie: Seaborn; Elaine Moore: The Promise of Low Dose Naltrexone Therapy: Potential Benefits in Cancer, Autoimmune, Neurological and Infectious Disorders; Toni Morrison: A Mercy; Walter Mosley: The Right Mistake: The Further Philosophical Investigations of Socrates Fortlow; Shirley Rousseau Murphy: Cat Deck the Halls; Donna Jo Napoli: The Smile; Donna Jo Napoli (and Richard Tchen) and Anna Currey, illus.): Corkscrew Counts: A Story About Multiplication; Phyllis Reynolds Naylor: Cricket Man; Katherine Neville: The Fire; Walter Nugent: Habits of Empire: A History of American Expansion; Vicky Oliver: Bad Bosses, Crazy Coworkers & Other Office Idiots; Pat Olsen (and Petros Levounis): Sober Siblings: How to Help Your Alcoholic Brother or Sister—And Not Lose Yourself; Alexis O’Neill: The Worst Best Friend; Doris Orgel (and Alexandra Boiger, illus.): Doctor All-Knowing: A Folk Tale from the Brothers Grimm; Doris Orgel (and Meilo So, illus.): The Cat’s Tale: Why the Years Are Named for Animals; Jan Ormerod (and Carol Thompson, illus.): Molly and Her Dad; Daniel Paisner and Krystyna Chiger (and Ursula Smith): Full-Court Quest: The Girls from Fort Shaw Indian School: Basketball Champions of the World; Nathaniel Philbrick: The Mayflower and the Pilgrims’ New World; Tamora Pierce: Melting Stones; Susan Pitchford: Identity Tourism: Imaging and Imagining the Nation; Nancy Poydar: Zip, Zip… Homework; Skip Press: The Complete Idiot’s Guide to Screenwriting (3rd Ed.); Marjorie Priceman: How to Make a Cherry Pie and See the U.S.A.; Robin Pulver (and Lynn Rowe Reed, illus.): Silent Letters Loud and Clear; Barbara Quick: Vividli’s Virgins; Diana M. Raab: Dear Anaïs: My Life in Poems for You; George Rabasa: The Wonder Singer; Chris Raschka (Adapt.): Peter and the Wolf; Sam Reaves: Mean Town Blues; Johanna Reiss: A Hidden Life: A Memoir of August 1969; Sheri Reynolds: The Sweet In-Between; Dennis Rhodes: Timberland; Isolina Ricci: Mom’s House, Dad’s House for Kids; Anne Rice: Called Out of Darkness: A Spiritual Confession; Dorothy Rich: MegaSkills: Building Our Children’s Character and Achievement for School and Life; Boris Riskin: Deadly Bones; Penelope Schwartz Robinson: Slippery Men; Howard Rosenberg (and Charles S. Feldman): No Time to Think: The Menace of Media Speed and the 24-hour News Cycle; Saralee Rosenberg: Dear Neighbor, Drop Dead; Karen Gray Ruelle and (Deborah Durland DeSaiX, illus.): The Tree; Charles Salzberg: Swann’s Last Song; Diane Scharper (and Philip Scharper): Reading Lips and Other Ways to Overcome a Disability; Pat Schories: Jack Wants a Snack; Stephen Schwartz: The Other Islam: Sufism and the Road to Global Harmony; Daniel Scott: Pay This Amount; Elizabeth Scott: Living Dead Girl; Brenda Seabrooke: Cemetery Street; Marty Sederman (and Zachary Pullen, illus.): Casey and Derek on the Ice; Lawrence Shainberg: Crust; Nancy Shaw (and Margot Apple, illus.): Sheep Blast Off!; Lynn Sholes: The 731 Legacy; Anita Shreve: Testimony; AIX Kates Shulman: To Love What Is: A Marriage Transformed; Anne Rivers Siddons: Off Season; Judy Sierra (and Marc Brown, illus.): Born to Read; Daniel Silva: Moscow Rules;
contract for one situation but not for a similar situation, the parties to the contract intended that it apply only to the first situation and not to the second.

In sum, you would be left trying to negotiate something important without, in the case of most authors who are not Stephen King or Philip Roth, a lot of negotiating clout. You could, of course, go to court. But as mentioned in an earlier column (Contracts Q&A, Winter 2008 issue), litigation is expensive, takes an inordinate amount of time, and involves considerable emotional stress. (The suits, rest assured, will sleep well throughout. A lawsuit like that is not only considered “in the ordinary course of business” but “the cost of doing business” and “non-material litigation” that neither management nor its lawyers have to report to the firm’s auditors.)

The crucial lesson is not to sign any amendment without careful review of the original contract by you and an experienced publishing lawyer to make sure you understand how the proposed amendment might affect the interpretation of the original contract and how the original contract affects interpretation of the amendment.

A final point, important only to those who consider the amount of royalties they receive important. Although S&S is apparently unwilling to increase the 15 percent royalty to a fair one, it reportedly will add a provision to the amendment saying that it will renegotiate the percentage after three years. But only if you ask for it. Of course if the provision is just stated in such simple, brief language . . .

E-mail questions to QandAColumn@authorsguild.org.

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 which 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.
did was Anna Segher’s *The Seventh Cross*, and I think it was in 1943. If I’m not mistaken, that was the first book on the list from a foreign author that had been translated that was a Main Selection. That would never happen today. You would never find the equivalent of a writer from wartime Germany being the Main Selection of the Book-of-the-Month Club. There’s no way, in a thousand years, that that will happen. But there it was.

**Opening Lines**

*Continued from page 9*

At business school, Broughton was both daunted and impressed by this entrepreneurial ambition. “Being able to provide toilet paper to the world is actually a crucial service. How to get people a hamburger in 30 seconds is something that I don’t know how to do; so I have a huge amount of respect for it.” But even more, he was impressed by the people themselves. “When you first meet them, it can be terrifying to run up against these people who spent five years dominating on Wall Street. They seem to be caricatures. And if you’re not from the business world, they can appear scary: very biting, money-grabbing, competitive. But then you get to know them and they’re good people. A lot of the hard-core people who have done extremely well, when you talk to them, are actually very eager to talk about the compromises they’ve made, how their lives have been limited and what they’ve lost in the process.”

Nonetheless, he found his note-taking pen hard to drop. He began keeping a diary of his experiences at class and among his fellow graduate students. He worked to complete the novel he’d begun in Paris, about a rich banker in the south of France, using his helpful new surroundings to inform his “theme of how a wealthy man finds meaning in life.” Upon graduating he attempted, like a good business school alumnus, to go into business; but “it wasn’t pretty,” he admits. “I failed dismally in my interviews with some big firms—McKinsey, Google, a couple of investment management firms. I worked for a year at an independent film company, raising money for two PBS documentaries and trying to figure out new distribution models for their content. The raising money bit worked, the new distribution models didn’t.” He sent his novel to several agents with, once again, no luck—until Tina Bennett, of Janklow Nesbit, responded. Although Bennett advised him that publishing first-time fiction was extremely difficult, she expressed interest in his writing—which turned his sights to the nonfiction opportunity at his fingertips. He retrieved his diary from business school, plotted out a combination of memoir and guidebook that he thought might be useful, and with Bennett’s help interested Penguin in publishing *Ahead of the Curve: Two Years at Harvard Business School* this past summer.

The book briskly entered The New York Times bestseller list, an unexpected turn of events that has provided Broughton (now with two children) some much-needed income—and with a perspective, as a writer, that incorporates both his literary and nonliterary impulses.

“The worlds of business and writing rarely collide; but if you can straddle them a bit, it’s a very rich space to be in,” he concludes. “I was always interested in the career of the English novelist Henry Green. And I think it was in an interview he did with John Updike when Updike asked him why he kept on managing his family’s factory when he could be a full-time writer. And Green said something along the lines of: ‘Well, if I didn’t have the factory to run, I’d have nothing to write about.’ I think if you can look at how people retain their humanity in institutions of capitalism—in this world of capitalism—there’s something pretty interesting to describe if you can describe it well.”

---

**Stuart Little,**
former Bulletin editor

Stuart W. Little, author of *The Playmakers* and *Off-Broadway: The Prophetic Theater* as well as dozens of articles on the theater, died on July 27. Little was theater critic for the New York Herald Tribune from 1958 to 1966 and served as editor of the Authors Guild Bulletin from 1968 to 1982. He was the originator, with William F. Buckley, Jr., of the Buckley–Little Catalogue, a listing of out-of-print books available for purchase directly from the authors, which evolved into the Guild’s current Backinprint.com program. His last contribution to the Bulletin was a recollection of the catalogues’s beginning in the Spring 2008 issue.

---

Authors Guild Bulletin 32 Fall 2008
BULLETIN BOARD

Multiple Genres

The Modern Language Association offers several competitions for scholarly works with deadlines in 2009. For a list of awards and instructions for entering a book, visit mla.org or contact the Office of Special Projects, MLA, 26 Broadway, 3rd Floor, New York, NY 10004-1789. (646) 576-5141; awards@mla.org.

The Commonwealth Club of California is accepting submissions to its 78th Annual California Book Awards for literature published in 2008 by authors living in California. Awards are presented in the categories of fiction, nonfiction, first work of fiction, poetry, California, notable contribution to publishing, juvenile (up to age 10), and young adult (ages 11–16). First prize in each category is a $2,000 cash prize; runners-up will receive $300. Submissions must be accompanied by six copies of the title. Applications can be downloaded at commonwealthclub.org/features/caBookAwards. Deadline: December 19, 2008. Contact Gina Baleria, Director of Literary Events, at bookawards@commonwealthclub.org or (415) 597-6703 with questions. The Commonwealth Club of California, Attn: The California Book Awards, 595 Market Street, San Francisco, CA 94105.

The Donald Keene Center of Japanese Culture is offering its annual Japan–U.S. Friendship Commission Prize for the Translation of Japanese Literature. The contest will award $6,000 to the author of the best translation of a modern work or to the best classical literary translation, or the prize will be divided between a classical and a modern work. Translations must be book-length works of Japanese literature, including novels, collections of short stories, literary essays, memoirs, drama, and poetry. Deadline: December 31, 2008. For guidelines, an application form, and a list of required application materials, visit donaldkeenecenter.org or contact the Donald Keene Center of Japanese Culture, 507 Kent Hall, MC 3920, Columbia University, New York, NY 10027. (212) 854-5036; donaldkeene-center@columbia.edu.

ForeWord Magazine sponsors annual Book of the Year Awards honoring excellence in independent publishing in several dozen categories. First, second and third place winners will be chosen in each category; the editors of ForeWord will award Best Fiction and Best Nonfiction cash prizes of $1,500 to two winners. Winners will be announced at Book Expo America. Visit forewordmagazine.com/awards for submission guidelines and eligibility requirements. There is a fee of $75 per title, per category. Deadline: January 15, 2009. Book of the Year Awards, ForeWord Magazine, 129 1/2 East Front Street, Suite C, Traverse City, MI 49684. (231) 933-3699.

The Salem College Center for Women Writers is holding its International Literary Awards: the Reynolds Price Short Fiction Award for a single short story of up to 5,000 words; the Rita Dove Poetry Award for a poem of up to 100 lines; and the Penelope Niven Creative Nonfiction Award for a single piece of creative nonfiction, including personal essay and memoir, of up to 5,000 words. The winner in each genre will receive $1,200, and two honorable mentions in each genre will receive $150. To enter, send three copies of previously unpublished manuscripts (up to two poems, for the poetry award) with one cover sheet per entry listing the author’s name, address, telephone number, e-mail address, genre, word count, and manuscript title. The author’s name and contact information should not appear on the manuscripts. There is a reading fee of $15. Deadline: February 2, 2009. For more information, visit salem.edu/go/cww or contact Ginger Hendricks, Director, Salem College Center for Women Writers, 601 South Church Street, Winston-Salem, NC 27101. (336) 721-2739; cww@salem.edu.

The Association of Writers & Writing Programs (AWP) sponsors annual competitions for book-length works: the Donald Hall Prize for Poetry and the Grace Paley Prize for Short Fiction, both of which award the winners $4,000 and publication, as well as awards for novels and creative nonfiction, the winners of which receive $2,000 and publication. Visit awpwriter.org/contests/series.htm for submission guidelines, eligibility requirements, entry forms, and a list of publishers involved. Submissions should be postmarked between January 1 and February 28, 2009. AWP Award Series in (genre), The Association of Writers & Writing Programs, Carty House, Mail Stop 1E3, George Mason University, Fairfax, VA 22030-4444. chronicle@awpwriter.org.

Arts & Letters, a journal of contemporary culture published by Georgia College & State University, will accept submissions for the 2009 Arts & Letters Prizes in drama and fiction, as well as the Susan Atefat Prize for Creative Nonfiction and the Rumi Prize for Poetry. Winners receive $1,000 and publication in the journal, and are honored at celebrations on the campus, in Milledgeville, Ga. To enter, send a cover sheet with name, address, contact information and manuscript ti-
tle, and the manuscript itself, without the author's name anywhere. For fiction and creative nonfiction, submit one story or essay, no more than 25 pages long; for poetry, submit up to eight pages of poetry with one poem or part of poem per page. For one-act plays, submit one work. Enclose a $15 entry fee for each submission. Submissions are accepted between January 1 and March 16, 2009. For manuscript formatting and other guidelines, visit al.gcsu.edu/prizes.htm or contact the university. Arts & Letters Prizes, Campus Box 89, Georgia College & State University, Milledgeville, GA 31061. (478) 445-1289; al@gcsu.edu.

Nimrod, the international journal of prose and poetry, is once again offering its annual prizes, the Katherine Anne Porter Prize for fiction and the Pablo Neruda Prize for poetry. First place will receive $2,000, publication, and a trip to Tulsa for the Awards Celebration. Second place will receive $1,000 and publication. To enter, send 3–10 pages of poetry (one long poem or several short poems) or a work of fiction of up to 7,500 words. Visit utulsa.edu/nimrod/awards.html for submission guidelines. The $20 fee includes a one-year subscription (two issues) to Nimrod. Entries will be accepted between January 1 and April 30, 2009. Nimrod, Literary Contest—Fiction or Poetry, The University of Tulsa, 800 S. Tucker Drive, Tulsa, OK 74104. (918) 631-3080; nimrod@utulsa.edu.

Fiction Contests

The Susan B. Anthony Institute for Gender and Women's Studies at the University of Rochester is offering its annual Janet Heidinger Kafka prize for fiction by an American woman. Entries must be submitted by publishers of authors whose work was published in 2008. Winner will receive a cash prize of $5,000. Submissions must be book-length works of prose fiction, including novels, short stories, and experimental fiction. Deadline: February 1, 2009. For submission guidelines, visit rochester.edu/College/WST/SBAI/kafka.html. University of Rochester, Jane Heidinger Kafka Prize, Susan B. Anthony Institute, 538 Lattimore Hall, University of Rochester, Rochester, NY 14627. (585) 275-8318; sbai@mail.rochester.edu.

The Wolfe Pack, an online forum devoted to discussing the Nero Wolfe books, written by Rex Stout, is holding its third annual Black Orchid Novella Award for the tradition of the Nero Wolfe series. There are detailed story qualifications affecting the plot, location and style. Entries must be 15,000 to 20,000 words. Deadline: May 31, 2009. The winner will be announced at the Wolfe Pack's annual in New York City in December 2009. Visit nerowolfe.org and click on “Literary Awards” to access the full submission guidelines. Jane K. Cleland, Chair, PO Box 3233, New York, NY 10163-3233.

Poetry Contests

The Poetry Society of America (PSA) sponsors several awards, some open to PSA members only and several open to non-members. Non-member poets and publishers may submit manuscripts for the George Bogin Memorial Award for a selection of four or five poems, the Robert H. Winner Memorial Award for a mid-career poet who has not had substantial recognition, open to poets over forty who have published no more than one book, and the Louis Hammer Memorial Award for a distinguished poem in the surrealist manner. Awards range from $250 to $2,500. Visit poetrysociety.org/psa-awards_gdlm.php for explanations of each award's focus, detailed submission guidelines, and a list of all awards, including those that are by nomination or publisher submission only. Deadline: December 22, 2008. Brett Fletcher Lauer, Managing Director & Awards Coordinator, Poetry Society of America, 15 Gramercy Park, New York, NY 10003. brett@poetrysociety.org.

Boston Review is holding two poetry contests with deadlines in 2009, the “Discovery”/Boston Review 2009 Poetry Contest and the Twelfth Annual Poetry Contest. The “Discovery” contest is open to poets who have not yet published a book of poems. Four winning authors will be awarded at a reading at the 92nd Street Y in New York City, and receive $500 and publication in the May/June 2009 issue of Boston Review. For submission guidelines, visit bostonreview.net/about/contest or call (212) 415-5759 for a recording of the instructions. Mail entries to “Discovery”/Boston Review 2009 Poetry Contest, Unterberg Poetry Center, 92nd Street Y, 1395 Lexington Avenue, New York, NY 10128. Deadline: January 16, 2009. For the Annual Poetry Contest, any poet writing in English may enter; the winner will receive $1,500 and publication in the November/December 2009 issue. Guidelines are available at bostonreview.net/about/contest. Deadline: June 1, 2009. Poetry Contest, Boston Review, 35 Medford Street, Suite 302, Somerville, MA 02143. (617) 591-0505; review@bostonreview.net.

Ahsahta Press is offering its annual Sawtooth Poetry Prize for a book of poems. The winner will receive $1,500 and publication in January 2010, as well as 25 copies of the published book. Send a manuscript of 48–100 pages, including two title pages, one with and one without the author’s name, address, phone and e-mail address. Include a $25 application fee. Deadline:
March 1, 2009. Send a SASE for guidelines or visit
ahsahatpress.boisestate.edu/contest.htm. Sawtooth
Poetry Prize, Ahsaht Press, MS1525, 1910 University
Drive, Boise State University, Boise, ID 83725. (208)
426-3134; ahsaht@boisestate.edu.

Residencies & Fellowships

The James Merrill House Program presents a residency
in Stonington, Conn. to a writer seeking to complete a
project of literary or academic merit. An apartment is
available for a full or half academic year; rent and util-
ities are provided, and there is a stipend of $5,000 for a
five-month term or $10,000 for an 11-month term.
Residents are asked to contribute to the community life
of Stonington by sharing some of their scholarship or
professional experience with local residents. Deadline
for the 2009–2010 residency: January 15, 2009. To ap-
ply, visit jamesmerrillhouse.org to download an appli-
cation form and instructions. James Merrill House,
107 Water Street, Stonington, CT 06378. writer@james
merrillhouse.org.

Once again, the Carson McCullers Center for Writers
and Musicians at Columbus State University is accepting
applications for the Marguerite and Lamar Smith
Fellowship for Writers. To apply for the September
1–December 1, 2009 fellowship, submit three copies of
the application form and a writing sample by April 1,
2009. Application and recommendation forms (two refer-
ces are required), along with a description of the fellow-
ship and full application guidelines, are available at mccullerscenter.org/fellowships.htm.
Fellows receive a $5,000 stipend and residence in a pri-
ate apartment in Carson McCullers’s childhood home,
now the Smith-McCullers house. Cathy Fussell,
Director, at (706) 568-2054, or write to The Carson
McCullers Fellowship Program, Department of Lan-
guage and Literature, Columbus State University, 4225
University Avenue, Columbus, GA 31907. ♦

Legal Watch

Continued from page 19

Ultimately, the court denied the Snyders’ attempt
to obtain a preliminary injunction and temporary re-
straining order, as three of the four factors favored
the school district and the principal.

—Michael Gross
Staff attorney

Silverman

Continued from page 16

Is it a question of how the parent companies run imprints
today?

Yes, and that’s working better than I ever thought it
would. Before he died, Roger Straus sold his house to
Holtsbrinck, a German company that seems to have al-
ways given Farrar, Straus and Giroux its space. That’s
possibly because Jonathan Galassi, a great editor, be-
came president of the company after Straus’s death.
Today, Bertelsmann, a German company that must
own at least half the publishing world, still lets many
of its U.S. imprints have their freedom. Sonny Mehta
succeeded Gottlieb at Knopf in 1987 and here he is, still
running it in the Gottlieb manner. As one of
Knopf’s great editors, Ash Green, told me, “The one
thing that never changed was that no one ever told us
to publish a book or not to publish a book.”

One chapter opens with a quote by George Braziller: “I was
doubly fortunate in the early years to have no preconcep-
tion about my role as a publisher. I simply felt that I was on a
quest to know more about the world and how others inter-
preted it, and every new discovery opened doors to others.”
Do editors and publishers follow the patterns set by their
predecessors, like George Braziller, or is it a different game
altogether today?

Well, it was a different game for George Braziller. He
was not like those who worked in the giant houses, or
owned them. Almost all of them came from wealthy
backgrounds, attended Ivy League schools, joined the
Army in World War II and, helped by their fathers or
forefathers, started off, or came back, with fresh capi-
tal and vast ambitions. Braziller served in the war
and never went to college. He always did want to know
more about the world. He founded what became basi-
cally an explorative one-person publishing house. And
he made his successes in his own way. Now over 90,
he still plays his own game today.

Has your overall attitude toward the publishing industry
changed since writing the book?

In my nine years at Viking in the 1990s, we had a bril-
liant champion of the book, Peter Mayer, who worked
hard on bottom-line decisions but always had time to
help us with our own editorial pursuits. The golden
age was over by then, but I made a lovely discovery:
that the treasures of the company were its young peo-
ple, book lovers just out of school who came to us be-
There is a calling. These kids started at the bottom, of course, but a good number of them, because of their own deep feelings about books, began to rise in the company. Good commercial novels were OK by them, but their hearts belonged to literary fiction or nonfiction. That was their calling.

In recent years, though, some houses changed the rules about editing. I have been told that now, after an editor signs up her book for the house, she is told not to worry about editing it. What she must do is help market the book. “Don’t worry,” they tell her, “we’ll get a good freelancer to edit your book.” Except that the author then loses something vital—the inspiration of the discovering editor, ready to try to make the work better. Yet these young ones who sought the calling are still helping to keep book publishing afloat, helping to keep the word alive.

MEMBERS MAKE NEWS

The winners of the 28th annual Los Angeles Times Book Prizes for the best books of 2007 were announced on the eve of the newspaper’s Festival of Books in April. Tim Weiner, Legacy of Ashes, received the award in the History category and $1,000. Finalists included Tom Bissell, The Father of All Things: A Marine, His Son, and the Legacy of Vietnam, Current Interest; Pamela Erens, The Understory, Art Seidenbaum Award for First Fiction; David A. Bell, The First Total War: Napoleon’s Europe and the Birth of Warfare as We Know It, History; and Walter Dean Myers, What They Found: Love on 145th Street, Young Adult Fiction. The awards were presented at UCLA’s Royce Hall on April 25.

The Coalition of Visionary Resources announced its annual awards. John Nelson’s The Magic Mirror was named Best Book of the Year. Julia Cameron received the award for Best Conscious Living/Self Help Book for The Complete Artist’s Way and was a finalist in the Alternative Health/Healing category for The Writing Diet: Write Yourself Right-Size. The other runner-up in that category was Susan E. Hale, for Sacred Space, Sacred Sound. Jan Frazier was a finalist in the Auto/Biographical category for When Fear Falls Away: The Story of a Sudden Awakening. P.M.H. Atwater’s The Big Book of Near-Death Experiences was a finalist for Spirituality/Alternative Science. The awards were presented at the annual International New Age Trade Show banquet on June 28 in Denver.

The Stanford University Libraries and the William Saroyan Foundation jointly sponsor the William Saroyan International Prize for Writing. The 2008 prizes honored works of fiction published in 2005, 2006 or 2007. The History of Love, by Nicole Krauss, received the award in the Fiction category. The Understory, by Pamela Erens, was a finalist. John Moir’s Return of the Condor was a finalist in the Non-Fiction category. The awards were presented at The Saroyan Centennial celebration on September 5 at Stanford University in California.

Edwidge Danticat received the 2008 Dayton Literary Peace Prize in the nonfiction category for Brother, I’m Dying. Chris Abani, Song for Night, was a finalist for fiction. The awards recognize works that promote the cause of peace and carry a $10,000 honorarium, along with $1,000 for runners-up. The winners were honored at a gala ceremony in Dayton, Ohio, on September 28.

Peter Matthiessen received the 2008 National Book Award for Fiction for Shadow Country. Laurie Halse Anderson, Chains, and Kathi Appelt, The Underneath, were finalists for Young People’s Literature. Maxine Hong Kingston was awarded the 2008 Medal for Distinguished Contribution to American Letters, in honor of her outstanding achievements as a writer of fiction, memoir, and nonfiction. The awards, sponsored by the National Book Foundation, were presented at the 59th National Book Awards Ceremony and Dinner in New York on November 19.

The Italian edition of Helen Barolini’s novel Umbertina received the 2008 Premio Acerbi, dedicated to the literature of Italian Americans. The novel was first published in 1979 and is still in print. The award was presented in Castel Goffredo, Italy, on November 8.

Literary Arts presented the 2007 Ken Kesey Award for the Novel to Alison Clement for Twenty Questions. The award, part of the Oregon Book Awards, was presented on December 2, 2007, at the Portland Art Museum.

The International Listening Association (ILA) awarded Linda Eve Diamond with the 2008 ILA President’s Award and the 2008 ILA Listening in the Business Sector Award, in recognition of her book Rule #1: Stop Talking! A Guide to Listening, as well as her website and blog, and her contributions to the organization. The awards were presented in March at the ILA’s convention in Portland, ME.

Sea of Poppies, by Amitav Ghosh, was shortlisted for the 2008 Man Booker Prize, which honors the best novel of the year written by a citizen of Great Britain or Ireland.
Isabel Joshlin Glaser was awarded the grand prize, Best of the Fest, for her poem “Not to Forget Furry Lewis” after it received first place in the Benefactors Awards category at the Mid-South Poetry Festival on October 4, sponsored by the Poetry Society of Tennessee.

The Jane Austen Center in Bath, England, presented the Best New Regency “Know-How” Book to Patrice Hannon for 101 Things You Didn't Know About Jane Austen, as part of the annual Jane Austen Regency World awards, in recognition of individuals and works that further the understanding, appreciation and enjoyment of the work of Jane Austen.

Poetry magazine, published by The Poetry Foundation, named Mary Ann Hoberman as Children's Poet Laureate for the United States. The two-year position carries a $25,000 prize and is designed to raise awareness of poetry among children.

The Unione Fiorentina awarded Jean and Robert Hollander's translation of Dante’s Paradiso with the Gold Florin of the City of Florence. The medal, honoring the best translation of Dante into another language, was presented in April in the Palazzo Vecchio.

Rafe Martin is the 2007 recipient of the Empire State Award, presented by the Youth Services Section of the New York Library Association in honor of a body of work that represents excellence in children's or young adult literature and has made a significant contribution to literature for young people. The award was presented on November 7 at the New York State Library Conference in Saratoga Springs.

Barbara Novack’s poetry chapbook, The Game Is Grace, was a finalist in Finishing Line Press's 2008 New Women's Voices Chapbook Competition.

Slippery Men by Penelope Schwartz Robinson was chosen as the winner of the Stonecoast Book Prize, presented by New Rivers Press. She received $1,000 and publication. Kim Dana Kupperman was a finalist.

The House of Mondavi: The Rise and Fall of an American Wine Dynasty, by Julia Flynn Siler, was a finalist for the 2008 James Beard Foundation Award in the books category, as well as a finalist for a 2008 Gerald Loeb Award for distinguished business books.

Lasting Contribution: How to Think, Plan, and Act to Accomplish Meaningful Work, by Tad Waddington, received the 2008 Eric Hoffer award in the Small Press category, an International Business Award, an Independent Publisher (IPPY) Gold award, a USA News National Best Books Award, and was named an Axiom Business Book. +

Censorship Watch
Continued from page 17

ary 2007 and were due to expire on October 17, 2008. Instead of rolling back the clock on those journalistic freedoms, as many expected, the Ministry of Foreign Affairs announced that the temporary rules would be made permanent. Foreign reporters will continue to be allowed to travel throughout most of China without needing special approval. When it comes to the domestic press, however, apparently it’s still business as usual. The relaxed firewall restrictions that resulted in a slightly more porous Internet during the Beijing Olympics, when the eyes of the world were focused on the country, have reportedly been tightened again. Chinese reporters are still barred from working for the foreign media and their work is regularly censored by the Chinese government, which the Committee to Protect Journalists has declared “the world’s leading jailer of journalists since 1999.” A fool’s gold medal in censorship for China?

Not So Fast... On the Internet, the Chinese Government Will Know If You're A Dog. By mid-December 2008, all new visitors to one of Beijing’s more than 1,500 Internet cafés will be required to have their photographs taken and their identity cards scanned before being allowed to use the computers. The pictures and ID scans will be loaded into a database maintained by the Beijing Cultural Law Enforcement Agency. A reporter for the UK website the Times Online searched the Internet for commentary by Beijing citizens on the new regulation and, finding none, speculated that the response has been mostly negative. In China, a clean Internet is often a sign of a freshly scrubbed Internet. A government spokesperson suggested that the crackdown is aimed at curbing any sharing of IDs and ensuring that Internet café users are 18 and older. Supposedly the measure will make it easier to match users to their registered information. And this is precisely the problem. An opinion piece published in China Youth Daily lamented the threat to free, unrestricted speech posed by the new regulation. The columnist suspected that the real motivation behind the new law is to make it easier for the government to match the content viewed or transmitted—e-mails, websites, blog posts, instant messages, etc.—to the user’s identity: “Won’t any and all online behavior fall under the eyes of the enforcement officials? If this is the case, then all web users really are ‘entirely naked.’”

—Anita Fore
The article entitled “Watched Any Good Books Lately?” by Richard Curtis [Summer 2008] was the straw that broke. . . . I wonder if any of the people who write so surely and depressingly about e-books have ever read books on reading devices such as the Sony or the Kindle? I grow weary of hearing from relics who claim they want to smelt the pages and who dismiss e-books as some sort of irredeemable affront to reading.

The point is to encourage people to buy and read books. To read books, whether presented on paper in cloth or paper bindings, presented in a variety of electronic formats, or in audio formats. An instantly global audience as reached by e-books would, it would seem, be every writer’s dream—too good to be true and yet, that kind of publishing is here and has been for years.

As a principal in an e-book publishing business since 1994 and one who follows the technology and deals with e-books on a daily basis, I want to set the record straight, beginning with: It’s time for the Authors Guild to stop belittling e-books and trivializing itself as it does so.

I’ve tried to keep this short but to cover the bases.

Advantages for reading and editing manuscripts

- Well-designed e-book reading devices come equipped with dictionaries and the ability to make notes. The pads are touch-sensitive. The new technology of e-ink is very readable. E-book reader memory cards can hold hundreds of 500-page books—an entire personal library to entertain, to promote literacy, and to spread knowledge.
- E-books are lighter and easier to manage than either a cloth or a paperbound book.
- The technology is flexible: the reader can change the font size, make notes, and search for word patterns, character names, whatever is desired in the reading process.
- Manuscripts can be shared for editing and comment by sending them as attachments to email or transmitting them to memory sticks.

Advantages for published e-books

- Because the Internet is worldwide, e-books from any Internet distributor can be available worldwide. Some distributors allow the publisher to restrict which regions are available for distribution.
- Downloads are available 24/7.
- Advertising is best done on websites.
- Publishing can be profitable without huge budgets. Genre publishers, for example, can afford to enter the business.
- Books can be any length. The price of a book is not dependent on the print cost, the distribution location, or the price of a gallon of gas.
- The technology is green: no paper, no shipping, and no storage requirements.
- Libraries worldwide are embracing e-book formats and related concepts.
- E-books don’t go out of print or become otherwise unavailable.

Some problems remain—some of the newer reading devices based on e-ink are not backlit, some are not yet in full color, and the initial cost of reading devices is still high.

But the point is to get people to buy and read books and to create the ability to spread literacy and knowledge, and e-books do that.

—David McAllister, Ph.D.
VP Operations
Boson Books
An imprint of C&M Online Media, Inc.
Raleigh, NC
The Authors Guild, Inc.

Officers
President: Roy Blount Jr.
Vice President: Judy Blume
Treasurer: Peter Petre Secretary: Pat Cummings

Council
Barbara Taylor Bradford
Susan Cheever
Susan Choi
Mary Higgins Clark
Michael Crichton
James Duffy
Jennifer Egan
Clarissa Pinkola Estés
Peter Gethers
James Gleick
Oscar Hijuelos
Daniel Hoffman
Nicholas Lemann
David Levering Lewis
John R. MacArthur
Stephen Manes
Michele Mitchell
Victor S. Navasky
Douglas Preston
Roxana Robinson
James Shapiro
Jean Strouse
Peg Tyre
Rachel Vail
Sarah Vowell
Nicholas Weinstock
Shay Youngblood

Ex Officio Members of the Council
Roger Angell • Robert A. Caro • Anne Edwards • Erica Jong
Robert K. Massie • Herbert Mitgang • Sidney Offit • Mary Pope Osborne
Letty Cottin Pogrebin • Nick Taylor • Scott Turow

Advisers to the Council
Shirley Ann Grau: South
Frederic Martini: West • Frederik Pohl: Midwest

Paul Aiken, Executive Director
Jan Constantine, Assistant Director and General Counsel
Martha Fay, Bulletin Editor

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

The Authors Guild • 31 East 32nd Street, 7th Floor, New York, NY 10016
(212) 563-5904 • fax: (212) 564-5363 • e-mail: staff@authorsguild.org • www.authorsguild.org

A Bugle Call to a Young Writer, 1961
Continued from page 12

and I opted for the insider’s tips, among them Roy Tucker extending a tar-taped ball from a rope anchored to the roof of the barn so he could practice hitting in winter.

The best we Bawlamer [Baltimore] boys could do was a tennis ball extended from a wire wrapped around the base of a ceiling chandelier. For a bat we substituted a broom handle.

... Rex Stout announced summarily, “Meeting adjourned.” I moved against the outgoing tide to speak to the man who turned out to be John R. Tunis in the front of the room.

“No, it isn’t absolutely necessary to swat at a ball with a bat,” he reassured me. “A broom handle may be lighter, but the narrow extension could possibly sharpen hand-eye coordination.” He smiled when I asked why Roy Tucker suffered so much. “It’s been quite a while—” The Kid was among Tunis’s early books. He’d followed with a volley of bestsellers—Iron Duke, Keystone Kids, Rookie of the Year. “I suppose he did suffer, but then again, nobody ever said a professional athlete’s life is easy. It’s a rare bird who plays the game day in, day out without injury.”

Several years later, when I was writing a series of sports books published by St. Martin’s Press, the Tunis model inspired the not always happy endings for The Boy Who Won the World Series, Soupbone and Cadet Attack, all now out of print, unlike the John R. Tunis classics. ♦
Dear constituent,

As you know, a couple weeks ago we announced the settlement of Authors Guild v. Google for $125 million. That’s a lot of money, and it gets spread around. There’s money for authors, of course, and money for publishers. There’s money for the new Book Rights Registry and money for the claims administrator. There’s money for the publishers’ outside lawyers and money for our outside lawyers. There’s money for the people whose job it is to tell the world about the settlement and money for the computer security experts who negotiated the deal’s security protocols.

There’s money everywhere, but I’ll tell you who doesn’t get a dime: your guild.

We’re not complaining, really. We knew the deal going in. But this sort of thing is a substantial investment of our resources—three of our staff attorneys and other personnel put thousands upon thousands of hours into this lawsuit and settlement. It’s the sort of thing we can only do with a solid and growing base of members.

So, here’s where you come in. Please take a moment to think of an author friend or two who isn’t yet a member of the Authors Guild. Send them a quick e-mail suggesting that they join up. Send a link to our website—www.authorsguild.org—and say it’s time they got on board. Tell them we’ll review their book contracts, no charge, build a website for them, gratis (well, there’s a modest hosting fee), and send them a fine quarterly bulletin including a thought-provoking essay by me.

But mostly tell them we’re all in this together and that the Authors Guild really does look out for them. And tell them it’s only $90 to join, same as it was when the first President Bush was in office.

Many thanks.

Roy Blount
President