Foundation Symposium:
The Rewards and Pitfalls of Collaboration
Fear Peer-to-Peer? The Debate over Grokster
Making FOIA Work
Elizabeth Janeway Remembered
LETTERS TO THE EDITOR

In your Winter '05 issue, under the heading OUCH, you reprint various comments, some erroneous, some just unenlightened, concerning the 2004 National Book Award for fiction. I think your readers are entitled to know the following:

It isn't true that four of the finalists (i.e. all except Kate Walbert) had sold under 900 copies before the announcement of the finalists was made. Lily Tuck's *The News from Paraguay*, which eventually won the award, had reached new sales (i.e. sales after returns) of 3,800 before the list of finalists was reported. That is not a very high sale, but it is over 400 percent more than what The New York Times reported (and which then got parroted elsewhere).

It isn't true that only books by mainstream authors (whatever that means—was Faulkner really a mainstream author?) sell when singled out for an NBA. When *The News from Paraguay* won the award, its publisher, HarperCollins, reported 14,000 additional hardcover sales. The book has since appeared as a trade paperback, and has reached 87,500 copies after four printings (of 15,000; 65,000; 5,000; and 2,500). The paperback edition is, as of this writing, #8 on the Boston Globe bestseller list. The NBA has added more than 100,000 sales to the pre-announcement figure, a very healthy figure, which surely is helping the book business. In addition, as a result of the award, a good number of foreign editions are now under contract.

—Georges Borchardt
New York, NY

Georges Borchardt is Lily Tuck's literary agent.

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ALONG PUBLISHERS ROW

BY CAMPBELL GEESLIN

The endless extension of a book contract is disappearing. According to Jonathan Mahler in The New York Times Book Review, "Literary agents tend to blame the bottom line-obsessed conglomerates that have been gobbling up once empathetic independent publishing houses. But while it may be endangered, the albatross book is by no means extinct."

Mahler names Fran Lebowitz as "America's mostlegendarily blocked writer." Her last work (except for a children's book) was published in 1981. Then a book by Lebowitz entitled *Progress* was listed in Knopf's fall 2003 catalog, but it failed to appear. Last October's issue of Vanity Fair featured an excerpt which suggests that a book may be on the way.

In the early 1980s Victor Navasky began a short book on the role of opinion journals. He was editor of The Nation, and he expected he'd need only a year for his "meditation." Finally, last fall, Navasky delivered a 550-page manuscript, *A Matter of Opinion*, which is a memoir of his career in the world of opinion journalism. It will be published this spring. The book followed its acquiring editor, Elisabeth Sifton, from Viking to Knopf to Farrar, Straus & Giroux.

ADVICE: Vladimir Nabokov told his students: "You have to saturate yourself with English poetry in order to compose English prose . . . . You must study the poets."

HERO: Kate Atkinson's new novel is *Case Histories*. Her first novel, *Behind the Scenes at the Museum*, won the Whitbread Award.

Atkinson told Publishers Weekly, "I thought it was time to try to write a man who wasn't a wimp or dead. I wanted to write a good man but with a darkness at his core, a world-weary kind of hero. I think it's difficult for writers to get into the psyche of the opposite gender."

This new hero is named Jackson Brodie, and Atkinson was asked if there will be more of him in future books. She said, "I'm just finishing a book called *Good Luck*. After that there's a novel called *17 Billion Monkeys*, and after that *Jackson in Paris*, which I think is a fairly self-explanatory title. Even after that I have a lot more plans for Jackson. A good man is hard to find."

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

Overheard

“We must find ways in which to
remind ourselves, to remind our
young people and to remind the
rest of the world that this diversi-
ty of ours, this pluralistic soci-
ety of ours, this free society of
ours has produced marvelous
writers and thinkers.”

—U.S. Supreme Court Justice
Anthony M. Kennedy, at a
symposium on integrity,
honor and ethical leadership
at St. Christopher’s School
in Richmond, Va.,
February 26, 2005
From the President

BY NICK TAYLOR

Grokster, the peer-to-peer Internet file-sharing software provider, is the latest challenge to conventional thinking about copyright. As a case involving Grokster was making its way to the U.S. Supreme Court earlier this year, it was the subject of strong debate in the Authors Guild Council, and by sharing some of the details I hope to give you an idea of how the council functions.

The question was whether the Guild should join in a brief arguing that Grokster should be held liable as a contributor to copyright infringement. Grokster creates a decentralized network of individual computers that allows one individual to anonymously find and obtain files—usually copyright-protected songs—from another. A federal circuit appeals court, relying on an old case involving Sony’s Betamax video recorder, held that Grokster was not liable because some people used the system for legal purposes. Grokster’s salvation, said the circuit court, lay in the 10 percent of its usage that is legitimate. In legal terms, that is “significant non-infringing uses.” The other 90 percent is illegal copyright infringement, and the company’s business plan—income derived from ad sales—clearly is predicated on the traffic generated by that 90 percent.

The debate within the council actually began last December, when the Guild was asked to join the plaintiffs who were asking the Supreme Court to hear the case. Some of us, and the Guild staff, thought the choice was obvious. Whatever else we do, we defend copyright. Others argued that joining the plaintiffs was tantamount to supporting the music and Hollywood giants for whom copyright is more a commodity than an individual right. We defend copyright, but it’s in our nature as writers to side with the little guy. Besides, in the view of some, the legitimate uses of peer-to-peer file sharing outweighed the infringement.

We decided to join those asking for a Supreme Court hearing, on the grounds that in an increasingly digital world, copyright law must continue to evolve, and part of that evolution requires the guidance of the nation’s highest court.

Once the court decided to accept the case, we had to make a new decision: Did we want to join the case, and if so, on which side? To seek clarity, we asked Allan Adler of the Association of American Publishers, and Walter McDonough, one of the founders of the Future of Music Coalition, to join a special meeting of the council to give us their perspective. McDonough recommended coexistence with infringing file sharers; he is on the front lines of where music is going, with bands using the Internet for self-promotion and exposure, but it has to be said that it’s being driven there by the massive theft made possible by digital files.

We defend copyright, but it’s in our nature as writers to side with the little guy.

Adler argued that the overwhelming use of Grokster for infringement was unacceptable, and that we should stand on the side of the plaintiffs because we should be a part of the debate as it goes forward. And we could do this in a brief that stressed our view of copyright as an individual protection, not a barrier to fair use thrown up by huge corporations.

Our own debate began at the meeting and continued by e-mail. A vocal and articulate minority favored joining the case on the side of Grokster, saying that we should not stand in the way of technological advances that promote the free flow of information. The majority, including me, favored joining publishers and other freelance groups on the side of the plaintiffs. The consensus was that a company ought not to be able to create a business that depends for its success on copyright infringement and not be held accountable for the infringement it helps make possible. But we also wanted to make it clear that we’re not opposed to peer-to-peer file sharing, only against a business based upon its illegal uses.

Because of that strongly held concern, the brief we joined as friends of the court included the statement, “Amici do not believe the courts should discourage technological innovations that provide legitimate public benefits, including innovations that facilitate the lawful sharing of information over the Internet.” It went on to argue that as an enterprise knowingly designed to be used principally to facilitate infringement, Continued on page 42
How to Get What You Want from FOIA

BY MICHAEL RAVNITZKY

Contrary to popular belief, the Freedom of Information Act (FOIA), a federal law that requires U.S. government agencies to release their records, is neither difficult nor expensive to use. You don’t need a special “form letter,” nor in most cases do you need a lawyer. What you do need is persistence, and more often than not, patience. Despite the requirement that FOIA requests be responded to within 20 business days, many agencies take much longer. It’s important that you file your requests as early as possible, and follow up.

Who uses FOIA?

Any person or organization can file an FOIA request. Among writers, typical uses would include:

A historian wanting to review internal agency records in order to document a topic or a series of events.

A biographer seeking to review her subject’s FBI investigative records, military service record, Bureau of Prison records, or Social Security records. You can get the FBI files associated with any deceased person (a biographical entry or obituary will serve as proof of death), or for a living person if you have their signed, notarized permission.

A nonfiction writer needing internal source documents or government technical data. Agencies like the Defense Technical Information Center (DTIC) have millions of nonpublic reports on all sorts of subjects.

A novelist looking for background data to lend color to a manuscript.

FOIA applies to the hundreds of federal executive branch agencies, boards and commissions (including the military). FOIA does not apply to Congress or its component agencies, federal or state courts, or other state records. There are also certain federal offices (such as parts of the White House and the Smithsonian Institution) that claim to be exempt from FOIA. Many congressionally chartered agencies, such as the Government Accountability Office (GAO) and the Library of Congress are not subject to FOIA but will nevertheless supply records under their own records policies.

Federal and state courts are governed by their own rules: while courthouse records are usually accessible unless they are sealed, winning access to a court’s administrative (operational) records are more difficult because the courts are not obliged to cooperate.

Though state-level records are not governed by FOIA, a writer can invoke a state public records policy to request state records. Some states have more liberal release procedures than others; a few states mirror the federal FOIA law. A good guide to the state access laws was produced by the Reporters Committee for Freedom of the Press and is posted online at: www.rcfp.org/cgi-local/tapping/index.cgi


Not just paper documents

While the federal agencies have mountains of paper, they are increasingly keeping records you may want in computer databases, computerized indexes, and even in individual employee computers. FOIA applies to such diverse records as databases and other computer records and e-mail (but not personal e-mail unrelated to government business), photographs, videotapes and films, maps, audiotapes, internal “intranet” web pages—you name it. Under the law, you can specify you’d prefer electronic records provided in electronic format, such as on a disk or by e-mail. Agencies sometimes attempt to print out large databases in paper form to rack up large duplication fees, when they could simply supply an electronic copy at low cost.

Asking for records

Frequently the most difficult part of a FOIA request is determining the best office(s) to ask for records. Among the ways of determining which office(s) to contact is to review a list of FOIA contacts or a list of agencies in a government organizational chart.

The Department of Justice has posted a web page listing FOIA Office contacts for many (but not all) agencies: www.usdoj.gov/04foia/index.html. A separate page identifies Department of Justice FOIA contacts: www.usdoj.gov/04foia/04_4.html. Nevertheless, the best single guide to federal agencies is the Federal Yel-
The fee category is critical because it determines the extent to which the agency can charge the requester fees. Fee categorization is a prime area for agency mischief: Agencies often provide excessive fee estimates (based on erroneous fee categories) to deter requesters from pursuing their requests.

Because an agency that can charge virtually unlimited search or review fees can create an untenable price tag for the requested records, Congress specified that noncommercial requesters were not to be charged review fees, and also, in some cases, search fees. Reporters, editors, and public interest groups which publish their work are harassed by agencies that refuse to categorize them as news media representatives. Private individuals are placed into the commercial fee category, despite clear evidence of noncommercial intent. Intransigent agencies have recognized that hostile fee categorization and fee waiver are the two easiest ways to bar the doors to release of information.

Beware: Agencies that receive mostly "commercial" requests routinely charge "review" fees to non-commercial requesters in error, or mistakenly charge search fees for what is really review time; they will usually correct mistakes if you raise the matter with them. The Justice Department discusses fees at length at www.usdoj.gov/oip/fees.htm

Letters should be concise. Don't explain why you want the material, only what you want. One page usually suffices. Don't be overly specific; agencies are known to use over-technical interpretations of the wording of the request letter to deny access.

Under FOIA, a requester is not obliged to explain either in writing or verbally why they want the records. Agencies frequently ask the reason for the request either because staff is curious or because they want to help narrow or clarify the request, but there is no obligation to explain the reason for the request. One exception is when the request is made in order for the agency to decide the proper fee category or justify a fee waiver.

It's always useful to call the agency after sending a request in order to confirm receipt of the request, obtain the agency's assigned case-tracking number, and get an estimate of the response time. Sometimes you can even get a reality check on the costs, or schedule for your request from a helpful staff person.

Getting a fee waiver

In addition to seeking a favorable fee category, requesters can also ask for a fee waiver. Agencies use six criteria to determine whether or not to grant a fee waiver.
FOIA’s New Limits Since 9/11

By Kay Murray

The Freedom of Information Act (FOIA) was passed by Congress in 1966 to guarantee Americans broad access to information about how their government operates.

FOIA says that any member of the public who requests and “reasonably describes” records in the possession of the federal government has the right to get them promptly.

Nine categories of documents are exempt from FOIA. Among them are classified material, records related solely to the agency’s internal personnel rules and practices, information compiled for law enforcement purposes, private entities’ trade secrets, personnel and medical files, information that would be privileged in a lawsuit, such as attorney-client communications, and records relating to supervision of financial institutions. If information does not fall into one of the exempted categories, the law requires disclosure.

But since September 2001, the Bush administration has acted aggressively to reduce compliance with FOIA. It has expanded the authority of agencies to deem documents “sensitive but unclassified” for national security reasons, and encouraged agency heads to come up with “creative” ways to classify a document. By some accounts, the number of documents deemed “sensitive” or classified—and thus not producible—has increased twofold as a result.

On October 12, 2001, the administration reversed a 1993 directive of then-Attorney General Janet Reno that agencies should presume information requested should be disclosed unless an agency could foresee specific harm to the interest protected by an exemption. Then-Attorney General John Ashcroft wrote to all government agencies that the Justice Department would defend their exemption claims unless “they lack a sound legal basis.” He also encouraged agencies to consider “other interests” before deciding whether to disclose information under FOIA.

As the Department of Homeland Security was being set up in 2002, the administration prevailed on Congress to pass two new, broad exempt categories. One covers information voluntarily provided to the federal government by a private party that relates to the security of “vital infrastructure,” without specifying what constitutes a vulnerability to infrastructure. In the words of a Heritage Foundation commentator, the loophole thus created can be manipulated by both government and private parties to shield “endless varieties of potentially embarrassing [and/or] criminal information from public view.”

As well, the administration encouraged agencies to slow down the disclosure process by repeatedly denying fee waiver requests by established journalists and research groups.

In a March 2002 memo, the White House instructed agencies to withhold from FOIA disclosure any records about “weapons of mass destruction,” “other information that could be misused to harm the security of our Nation and the safety of our people,” and “sensitive but unclassified information . . . related to America’s homeland security.” The memo did not define these terms. FOIA has no such exemptions, so the White House memo encouraged the agencies to claim that such records fall under the exemption for the internal personnel rules and practices of an agency.

In 2003, the administration created a new FOIA exemption to cover all National Security Agency “operational files.” The rationale for this exemption was not

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Libel Continues to Go Global

Publishing in the U.S. might lead to liability in foreign lands with far less favorable free speech protections if the publisher has a website. An Ontario court has ruled, in Bangoura v. Washington Post, that a Canadian citizen can maintain a libel suit in Toronto against the Washington Post based on the online accessibility of the newspaper to Ontario residents. The plaintiff, a former United Nations employee, had sued over two articles alleging various improprieties while he was an officer of the U.N.’s drug control program in West Africa. The parties to the suit argued the case before an appellate court in early March. A consortium of U.S. and Canadian publishers is opposing the lower court’s ruling.

In 2002, Australia’s High Court ruled that a mining magnate could bring a suit against Dow Jones & Co. for an article appearing in the online edition of Barron’s. Dow Jones settled that suit last fall for more than $400,000. Canadian and Australian libel laws are much more favorable to plaintiffs than U.S. law.

Kay Murray is the assistant director and general counsel of the Authors Guild. A version of this article originally appeared in Poets & Writers Magazine.
CENSORSHIP WATCH

Colorado School Superintendent Bans Classic Anaya Novel. Norwood, Colorado School Superintendent Bob Conder has banned Guild member Rudolfo Anaya’s award-winning 1972 work Bless Me, Ultima, from Norwood High School, though he admitted he didn’t read the entire book. In response to a complaint from one parent, Conder, who has not banned any other work in his six-year tenure, gave more than two dozen copies of the novel to the parent to destroy. Conder’s reasoning: “It’s less a matter of censorship than a matter of sponsorship. That’s not the kind of garbage I want to sponsor at this high school.” Anaya’s coming-of-age novel includes profanity and features a character that uses herbs and magic to heal. Conder said some parents were offended by its “obscene language and paganism.” The teacher who ordered the book wrote a letter apologizing to parents. Anaya, who has been called the father of Chicano literature and is an emeritus English professor at the University of New Mexico, suggests that people read the book before condemning it. As of this writing, the book ranked 1,109 at Barnesandnoble.com.

Bad Buster. In January, new Education Secretary Margaret Spellings reprimanded the Public Broadcasting System over the content of an episode of Postcards from Buster, a children’s travel show partly funded by the federal government through a Department of Education grant. Each episode features Buster, an animated rabbit, visiting real life communities around the world to learn about diverse cultures and people. The episode that offended Secretary Spellings and others featured a visit to Vermont to learn about maple sugar farming, where Buster meets two families headed by same-sex couples (who are never identified as such), among others. Spellings complained that the federal government did not intend its support of Buster to be used “to introduce this kind of subject matter to children” and asked that PBS either pull the show or remove the Department of Education logo and refund the grant money spent to produce the episode. PBS decided not to distribute the episode to its 349 stations, though it claimed the secretary’s objections were not a factor in its decision. Pat Mitchell, head of PBS, ordered an internal review of the events leading to the controversy. WGBH of Boston, which produces the show, said it will run the episode and many other local PBS stations also intend to broadcast it. The DOE’s grant to PBS expires in August.

Journalists in Peril. 2004 was the deadlest year for journalists in a decade. At least 56 journalists and 17 media employees were killed doing their jobs last year. The International Federation of Journalists puts the figure at 120. At least 26 of the deaths occurred in Iraq, and 11 in the Philippines. The majority of victims were not killed in war zones but appear to have been murdered by the targets of their investigative reporting, according to the Committee to Protect Journalists.

Journalism in Peril. According to a survey by the University of Connecticut, more than one in three high school students in the U.S. believe newspapers should get government approval before publishing stories. Fifty-one percent believe the press should be allowed to publish freely. Thirteen percent registered “no opinion.” The Supreme Court considers government pre-approval of news stories an unconstitutional prior restraint on free speech. The same survey reports that 32 percent of students think the press has too much freedom, 37 percent say the press has the right amount and 10 percent say it has too little.

Indecency Will Cost More. In February, the House of Representatives voted 389–98 to increase by more than tenfold the fines the FCC can levy on TV and radio stations that broadcast “indecent” material between 6 a.m. and 10 p.m. The current maximum fine of $325,000 per indecent incident would rise to $500,000 under the House bill. A Senate version would raise the maximum penalty to $325,000 per incident. Network affiliates would be spared if they were unaware that indecent programming would be broadcast; network broadcasters can get a separate fine for each station it owns. The Associated Press reports that outgoing FCC chairman Michael Powell and his four fellow commissioners—two Republicans and two Democrats—strongly support the harsher penalties. “Indecency” is defined by statute as including references to sexual and excretory functions, but not all such references are indecent. The FCC considers the context and decides whether a reference is indecent. It does not make pre-broadcast determinations, so networks must decide for themselves whether to air questionable material.

Fear of Fines. Last fall, citing their anxiety over FCC fines, 66 out of 291 ABC affiliates chose not to air Saving Private Ryan on Veterans Day. Following the infamous Janet Jackson incident in 2004, the NFL hired Sir Paul McCartney to star in its 2005 Super Bowl halftime show and required him to submit his proposed playlist, including “every single word” of the lyrics, for pre-approval. A league spokesperson pointed out that it did approve the former Beatle’s songs and that
“[n]ot a single word was changed.” In February, PBS decided to alter its procedure for distributing to its affiliates an episode of Frontline called “A Company of Soldiers,” which documents the experiences of U.S. soldiers currently serving in Iraq. Against the protests of the show’s producers, PBS cited FCC indecency rules and deleted the soldiers’ expletives in the version it fed to most affiliates. It also advised those affiliates that chose to run the uncensored version that it could not defend them against FCC-imposed penalties.

**Political Correctness circa 2005.** The South Bend, Indiana, Tribune reports that the Republican National Committee’s deputy general counsel wrote to local television stations demanding that they not air a TV ad sponsored by Moveon.org because of a statement it makes about President Bush’s Social Security plan. Calling the spot a “false advertisement” and pointing out that the stations are “FCC licensee[s],” the RNC lawyer’s letter goes on to “place [the stations] on notice that the information” in the Moveon.org ad “is false and misleading.” A year ago, the RNC wrote to 250 local station managers also reminding them of their FCC licenses and again putting them “on notice,” this time claiming that a different ad buy by Moveon.org was “illegally financed,” and once again demanding they not run it. A local station manager interviewed by the South Bend Tribune acknowledged the “threatening” tone of the recent letter, but others claimed to be unafraid to air the spot—if their investigations show that the challenged statement is “accurate.”

**Troubling Trend?** In November, Maryland Governor Robert L. Ehrlich, Jr., ordered all state employees “in the Executive Department or Agencies” not to speak to two reporters for the Baltimore Sun, saying that the Sun’s State House bureau chief David Nitkin and columnist Michael Olesker had “fail[ed] to objectively report” on his administration. The Sun’s subsequent lawsuit against the governor to gain access to state employees was thrown out of court in February by Judge William Quarles, who wrote that the press was seeking “a privileged status beyond the right of a public citizen,” which the Supreme Court hasn’t recognized. In an editorial, the Sun vowed to continue covering state government aggressively and to appeal the ruling, arguing that this is a “clear case of a government official retaliating against people based on what they write and say,” and that it is only seeking the same access to state officials that any ordinary citizen would have. In February, Mayor George M. McKelvey of Youngstown, Ohio banned city employees from speaking to the reporters of the Business Journal, a twice-monthly local newspaper, implying that the paper was “untrustworthy.”

**Update on the “Trading with the Enemy” lawsuit.** In the Winter Bulletin, we reported on the lawsuit brought by several publishers and Iranian Nobel Peace Prize Laureate Shirin Ebadi against the U.S. Treasury Department’s Office of Foreign Assets Control over its restrictions on editing and publishing works by authors from sanctioned nations such as Cuba, Iran and Sudan. Not only did the regulations violate the First Amendment and the Trading with the Enemy Act itself, according to the suit; they were also counterproductive because they prevented even the works of dissidents in the sanctioned nations from being published here. In December, in response to the lawsuit, OFAC announced it had rewritten its regulations to explicitly permit Americans to engage in “all the transactions necessary and ordinarily incident to the publishing and marketing of manuscripts, books, journals, and newspapers in paper or electronic format.” According to the publishers’ lawyers, American publishers and authors may now substantively edit and market written works, collaborate with authors from sanctioned nations, and pay advances and royalties to them.

—Kay Murray

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**Preliminary Approval for $18 Million Freelance Settlement**

At long last, the many parties to the class action suit brought in 2000 by freelance writers and by the Guild, the ASJA and the NWU have reached a settlement. As we go to press, the settlement, which is worth up to $18 million, has received preliminary approval from Judge George M. Daniels of the Southern District of New York. We believe the settlement is the largest ever on behalf of freelance writers. The suit was brought against the major online news databases for unauthorized digital use of freelance articles.

Our special thanks to the Guild members who have been acting as class representatives in this case: Derrick Bell, Lynn Brenner, E.L. Doctorow, James Gleick, Ronald Hayman, Robert Lacey, Letty Cottin Pogrebin, Donald Spoto, Robley Wilson and Marie Winn.

We’ve created a website, www.freelancerights.com, to keep writers up to date on the settlement. We encourage members to sign up for the free newsletter at that site for news on when (assuming the settlement receives final approval) writers can file claims.

We’ll be writing more about the suit and the settlement in our summer issue.
Remembering Elizabeth Janeway

By Nellie Bridge

Elizabeth Janeway, respected author, critic and feminist, died January 15 at the age of 91. Janeway was the author of three novels, *The Walsh Girls*, *Daisy Kenyon* and *The Question of Gregory*, and of the influential *Man’s World—Woman’s Place*, which appeared in 1971, as the women’s movement was gathering strength. She served as president of the Authors Guild from 1965–1969, and was dedicated to preserving the rights and independence of authors.

Janeway understood well the role of an advocacy organization in preserving writers’ rights. “Writers are loners,” she wrote in her first Bulletin address as president. “Even those who work in collaboration think separately. And God bless the work. But once the work is done, writers lose nothing of their independence if they band together to establish standards, and to protect their rights, in our enormous and complicated society. In fact, it is the only way that they can protect that independence.”

She worked tirelessly as Guild president. Herbert Mitgang, who served as vice president during Janeway’s presidency, said that he “had very little to do, because she was so hard-working. She showed up at the office almost every day to write letters to... members and to remind them of the work that we did.”

She reached out to groups that she saw as “natural allies” and spoke frankly on contentious issues of copyright and the then still-developing problem of photocopying. Speaking at a conference of college librarians in 1966, Janeway explained why many authors preferred a life-plus-50 copyright term to the single fixed term of copyright that many librarians then favored. She looked ahead to “the library of the future,” which, she said, “seems to be *predicated* on the idea of publishing or copying what a reader wants of a work and selling it to him.” If users of literary works “are willing to pay for photocopying the words they want, they ought to be willing to pay a royalty for the words too. You know about throwing the baby out with the bathwater. This is like paying for the bath, and the water in it, but demanding the baby free of charge. If our work is important enough to be used, it’s important enough to be paid for.”

Janeway was also devoted to the growth of the Guild, and established a “Committee on the 1980s.” “A half-dozen of us would meet to talk about the future of the Authors Guild,” recalled Mitgang. “It was largely Elizabeth who expanded the role of the Guild to include members all over the country. She was a wonderful person to work with and totally dedicated to the Guild. Those of us who worked with her, including me, will always remember her dedication.”

In addition to her work with the Guild, Janeway served the writing community as a member of the executive board of PEN, as a judge of both the National Book Awards and the Pulitzer Prizes, and as a longtime member of the board of directors at the MacDowell Colony.

Janeway was also a founding member of the Authors Guild Foundation. Sidney Offit, current Authors Guild Foundation president, remembers her as “one of the people who welcomed me so graciously when I first became a member of the Guild, and later, of the Guild council, introducing me to John Hersey, John Gunther and Jean Stafford. She made me feel as though I was entering a family.”

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Registry Seeks Authors Due $100,000

The Authors Registry, the not-for-profit clearinghouse that has paid out more than $3.5 million in photocopying and electronic rights permission fees to writers, announced on March 8th that it is seeking help in locating about 300 writers owed more than $100,000 in royalties. The Registry has been unable to locate some of these authors; others have failed to respond to mailings concerning these payments. The list of writers is available at www.authorsregistry.org.

The Authors Registry is supported by the Authors Guild and was founded by the Guild, the American Society of Journalists and Authors and the Association of Authors’ Representatives. Authors Guild members are automatically listed in the Registry’s database, which does not make contact information public without permission.

Nellie Bridge is an Authors Guild staff member.
A Whitewashed Earthsea

How the Sci Fi Channel Wrecked My Books

By Ursula K. Le Guin

This piece originally appeared on Slate on December 16, 2004 and is reprinted with permission of the author and of Slate.

On December 14 the Sci Fi Channel aired its final installment of Legend of Earthsea, the miniseries based—loosely, as it turns out—on my Earthsea books. The books, A Wizard of Earthsea and The Tombs of Atuan, which were published more than 30 years ago, are about two young people finding out what their power, their freedom, and their responsibilities are. I don’t know what the film is about. It’s full of scenes from the story, arranged differently, in an entirely different plot, so that they make no sense. My protagonist is Ged, a boy with red-brown skin. In the film, he’s a petulant white kid. Readers who’ve been wondering why I “let them change the story” may find some answers here.

When I sold the rights to Earthsea a few years ago, my contract gave me the standard status of “consultant”—which means whatever the producers want it to mean, almost always little or nothing. My agency could not improve this clause. But the purchasers talked as though they genuinely meant to respect the books and to ask for my input when planning the film. They said they had already secured Philippa Boyens (who co-wrote the scripts for The Lord of the Rings) as principal scriptwriter. The script was, to me, all-important, so Boyens’s presence was the key factor in my decision to sell this group the option to the film rights.

Months went by. By the time the producers got backing from the Sci Fi Channel for a miniseries—and another producer, Robert Halmi, Sr., had come aboard—they had lost Boyens. That was a blow. But I had just seen Halmi’s miniseries DreamKeeper, which had a stunning Native American cast, and I hoped that Halmi might include some of those great actors in Earthsea.

At this point, things began to move very fast. Early on, the filmmakers contacted me in a friendly fashion, and I responded in kind; I asked if they’d like to have a list of name pronunciations; and I said that although I knew that a film must differ greatly from a book, I hoped they were making no unnecessary changes in the plot or to the characters—a dangerous thing to do, since the books have been known to millions of people for decades. They replied that the TV audience is much larger, and entirely different, and would be unlikely to care about changes to the books’ story and characters.

They then sent me several versions of the script—and told me that shooting had already begun. I had been cut out of the process. And just as quickly, race, which had been a crucial element, had been cut out of my stories. In the miniseries, Danny Glover is the only

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Keeping Faith with Steinbeck

The Campaign to Keep Salinas's Libraries Open

BY PETER HANNAFORD

The National Steinbeck Center straddles one end of Main Street in Salinas, California. All steel and glass, it is the biggest thing in sight, looking out over several blocks of neatly restored late 19th and early 20th century buildings housing restaurants, stores and businesses. The center celebrates the life and times of the biggest man in Salinas's history, John Steinbeck, author of The Grapes of Wrath, Of Mice and Men and Cannery Row, and the 1962 Nobel Laureate in Literature.

A few blocks away is the Steinbeck Library, one of three public libraries in this agricultural community of 150,000. Another is named for Cesar Chavez, the founder of the United Farm Workers. In December, facing an $8 million budget shortfall caused in part by the California state government's habit of dipping into county and city funds to pay its own bills (a state ballot issue passed last November will halt this practice, but its effects won't be seen until the beginning of Fiscal Year 2008), the Salinas City Council voted to close the city's libraries.

"The Council faced a very painful set of decisions," said Salinas Mayor Anna Caballero, who presided over the City Council vote to close the libraries last December. "But it came down to a choice between making these cuts or allowing the city to go bankrupt."

The libraries' annual budget of $3.2 million made it the largest of several programs the council was forced to cut in order to balance its budget for the fiscal year that begins July 1. Other cuts included closing recreation centers, eliminating several senior police positions and reducing street and tree maintenance.

Such draconian remedies are becoming increasingly common around the country. The New York Times reported recently that, "According to an April study by the American Library Association, libraries in 41 states absorbed more than $50 million in financing cuts in the last year, and more than 1,100 libraries have reduced operating hours or trimmed their staffs."

Even as library use soars—the ALA says national circulation now exceeds a billion items a year—libraries often find themselves forced to choose between investing in and maintaining the new technology demanded by library users, and buying books. It's a no-win situation for communities; it's also very bad news for writers, for many of whom library sales are a major source of income.

"Libraries are reducing their hours, cutting staff or closing their doors," says the ALA, "drastic measures that were not taken even during the Great Depression." Two years ago, the ALA launched a national campaign to help local communities raise money to offset library cuts.

On February 3, two months after the vote on the budget, Mayor Caballero held a news conference at the Steinbeck Center to announce the city's own home-

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Reporters Miller and Cooper Remain in Contempt for Refusing to Name Sources

In re: Grand Jury Subpoena, Judith Miller
U.S. Court of Appeals, District of Columbia Circuit

In a strongly-worded opinion, the appellate court overseeing the government’s investigation of the Valerie Plame leak ruled unanimously in February that New York Times reporter Judith Miller and Time Magazine reporter Matthew Cooper have no right or privilege to withhold the identity of their confidential sources from a grand jury. Unless the decision is reversed by the entire panel of judges of the D.C. Circuit or by the U.S. Supreme Court, the two must tell the grand jury who gave them information on the understanding their identity would be protected. If they do not disclose their sources, as both have indicated they will not do, Miller and Cooper face up to 18 months in federal prison for contempt of court.

The case arose after President Bush’s 2003 State of the Union address, in which he said: “The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.” Questions about the accuracy of that statement led to the publication of a New York Times editorial by Joseph Wilson in July 2003, in which the author claimed he had been sent by the CIA to Africa to investigate whether Iraq had tried to purchase uranium from Niger, and reported back that the allegation had no credible support. Eight days later, syndicated columnist Robert Novak wrote in the Chicago Sun-Times that “two senior administration officials” told him the selection of Wilson to send to Africa had been made at the suggestion of Valerie Plame, Wilson’s wife, whom Novak called a CIA operative “on weapons of mass destruction.” Later media accounts said “two top White House officials” had told several other reporters the same thing about Plame.

Wilson publicly accused the White House officials involved of trying to punish him by publicizing his wife’s secret occupation, and questions arose as to whether those officials had broken the law by disclosing the identity of a covert agent. The Justice Department began an investigation into the leak and appointed Patrick Fitzgerald, the U.S. Attorney for the Northern District of Illinois, to investigate and prosecute, if necessary. A grand jury was convened in January 2004. It issued several subpoenas to Miller, Cooper and Time Magazine that requested both documents (such as notes, emails, and recordings) and testimony that would have identified their confidential sources. The two reporters and the magazine moved to quash the subpoenas.

Cooper and Time lost their motions to quash, refused to comply, and were held in contempt of court. Before their appeals could be heard, one of Cooper’s sources agreed to allow him and Time to comply. Only then did he testify and provide documents, which led to those appeals being dropped. Thereafter, new subpoenas, broader in scope than the first, were issued to

If the reporters do not disclose their sources, as they have said they will not do, they face up to 18 months in prison.

Cooper and Time. Similar subpoenas were issued to Miller, who has never written about the relevant events but who had apparently talked with confidential sources about it. Both reporters and Time moved to quash these subpoenas, lost their motions, and were held in contempt for refusing to comply.

In their appeals to the D.C. Circuit, the reporters argued that the First Amendment guarantee of freedom of the press and federal common law protect their confidential sources from disclosure. The appellate court disagreed. The court wrote that the Supreme Court ruled in similar circumstances in 1972 that neither the Constitution nor common law allows a reporter to withhold a source’s identity in a grand jury investigation. Because all courts must defer to the Supreme Court, the D.C. Circuit concluded that its hands are tied; it could not rule otherwise.

The 1972 Supreme Court decision, Branzburg v. Hayes, involved reporters who had investigated and reported on possible criminal activity and who were later subpoenaed to disclose the identity of their sources to grand juries. By a 5 to 4 majority, the Supreme Court rejected the reporters’ claims of privilege. Although it recognized certain privileges of confidentiality, such as for communications between lawyer and client, doctor and patient, and spouses, the Court expressly refused to create a new privilege for reporters. In doing so, it made a policy decision that “the
public interest in possible future news about crime from undisclosed ... sources.... [does not ] take precedence over the public interest in pursuing ... those crimes reported to the press by informants ... thus deterring the commission of such crimes in the future.” It recognized no distinction between news reporters and ordinary citizens when it comes to giving evidence to grand juries.

The D.C. Circuit court concluded “there is no material factual distinction” between that 33 year-old case and this one. The fact that since Branzburg was decided, the Watergate, Lewinsky and Abu Ghrab scandals have been brought to light by confidential informants, and the fact that more than 30 states have since passed laws that allow reporters to withhold the identities and information of confidential sources, did not signify to this court. There is as yet no federal law protecting reporters’ confidences, although such a bill has been introduced in Congress because of this case.

So for now, Matthew Cooper and Judith Miller are the only people facing jail time because of the outing of Valerie Plame.

— Kay Murray

California Supreme Court Hands the Press a “Truth Shield” Against Privacy Suits

Steve Gates v. Discovery Communications, Inc.
Supreme Court of California

Many writers operate under the assumption that truthful reporting automatically shields them from lawsuits by the subjects of their stories, and this is generally true with regard to defamation claims. When it comes to invasion of privacy complaints, however, the law is murkier.

The California Supreme Court recently cleared up much of the confusion in its state when it dismissed an invasion of privacy suit brought against Discovery Communications, Inc. by an ex-convict, basing its decision on a U.S. Supreme Court ruling that allows publication—in most cases—of any information available in the public record.

In 2001, Discovery Communications aired an account of a 1988 murder-for-hire scheme in which the plaintiff, Steven Gates, was involved. Gates served a three-year prison term after pleading guilty to being an accessory after the fact.

Gates sued Discovery, alleging that he had led an obscure, productive and law-abiding life since his release from prison, and that Discovery’s program had defamed him by falsely depicting him as participating in a telephone wiretap to develop evidence, as well as falsely suggesting that he was a self-confessed murderer. He also asserted an invasion of privacy claim, saying he was damaged by Discovery’s broadcast of his photograph and its on-air revelation that he had pleaded guilty.

Discovery moved to dismiss both causes of action, and filed an anti-SLAPP (Strategic Lawsuit Against Public Participation) motion to quickly dispose of the suit. (California is one of 23 states that have anti-SLAPP statutes to deter lawsuits brought primarily to chill the valid exercise of free speech. These laws enable a defendant to have such lawsuits quickly dismissed.)

Although the trial court dismissed Gates’ defamation claim, it sustained the invasion of privacy action, stating that in California, there is “no authority which precludes civil liability for the truthful publication of private facts, regardless of whether the information published is actually deemed newsworthy.” In fact, a 1972 California Supreme Court decision held a publisher liable for invasion of privacy for what it called the “reckless, offensive, injurious publication of true, but not newsworthy, information concerning the criminal past of a rehabilitated convict.” The court also de-

Legal Services Scorecard

From November 10 through February 20, 2004, the Authors Guild Legal Service Department handled 262 legal inquiries. Included were:

- 32 book contract reviews
- 8 agency contract reviews
- 15 payment problems
- 17 reversion of rights inquiries
- 27 copyright inquiries, including infringement, registration, duration and fair use
- 14 inquiries regarding securing permissions and privacy releases
- 7 First Amendment inquiries
- 142 other inquiries (for example, estates, contract disputes, periodical and multimedia contracts, movie and television options, Internet piracy, liability insurance, finding an agent, and attorney referrals)

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Strange Bedfellows: The Rewards and Pitfalls of Collaboration

How collaborative projects are born, thrive, and sometimes unravel, was the subject of an Authors Guild and Authors Guild Foundation-sponsored discussion at Scandinavia House in New York November 11, 2004. The panelists were Lawrence Malkin, a former foreign correspondent who has collaborated on books with Paul Volcker, former chairman of the Federal Reserve, Anatoly Dobrynin, former Soviet ambassador to Washington, Markus Wolf, former East German spymaster, and Stuart Eizenstat, U.S. Undersecretary of State in the Clinton Administration; Laura Morton, who has written 18 books with celebrities, including Joan Lunden, Diahann Carroll, Melissa Etheridge, Jerry Springer and most recently, with Ed and Lois Smart, the parents of Elizabeth Smart, Bringing Elizabeth Home. Peter Petre, a senior editor at large at Fortune, who was co-author with former IBM chairman Thomas J. Watson of Father Son and Company: My Life at IBM and Beyond, and with General H. Norman Schwarzkopf of It Doesn’t Take a Hero, and Sarah Wernick, who specializes in medical collaborations, and has had three bestsellers: Strong Women Stay Young, Strong Women Say Slim, and Strong Women, Strong Bones. The evening was moderated by Guild President Nick Taylor, co-author with John Glenn of John Glenn: A Memoir.

NICK TAYLOR: I want to start by asking each panel member how they became involved with collaboration as opposed to writing solo. Larry?

LAWRENCE MALKIN: My first collaboration was with Paul Volcker on his memoir of the postwar international monetary system, which doesn’t sound like a bestseller, but it did sell about 25,000 copies. I knew him from the Nixon administration, when he was the point man for devaluing the dollar and I was the national economics correspondent for Time magazine in Washington. Later I also knew him as chairman of the Federal Reserve. He was giving a rather rambling seminar at the Woodrow Wilson School in Princeton, his alma mater, and he called me up and said he needed help to turn it into a book because he was not good at editing his own copy—which turned out to be excessive modesty, because he’s very good at it. But his self-awareness was both admirable and rare for such people. I attended the seminars and I made sure that everything was taped, typed and transcribed onto a computer disk, which is very important for productivity. You couldn’t do this kind of collaboration quite as easily if you had to do it all by hand. The economics might make it prohibitive.

Earlier, we were all talking about how to persuade people to say things they don’t want to, especially public men. I noticed that when I’d ask Paul to include this or that subject, he would often wave me away. But he would answer any question posed by a student, no matter how irrelevant, with great clarity and grace. It was just his nature. So I planted my questions with the students.

My job was to organize all this into coherent chapters and—this is harder than it sounds—put it into straightforward language. I think it takes some of the techniques of poetry to catch sentence rhythms, because we don’t really speak prose, we speak dialogue. Paul took what I drafted, then redid it, with great skill. It was as if I had constructed a fine wooden chest and then watched a master craftsman carve the design on the face of it. When those people at the Fed doubletalk Congress—or talk what they call “Fedspeak”—it’s on purpose, believe me.

TAYLOR: Laura, how about you? You’ve had an ex-
tremely active career and gone from one celebrity to
the next. I think a lot of writers would envy you for
that . . . or maybe not.

LAURA MORTON: It all depends on your perspec-
tive. I’ve always worked with celebrities. I’m the
girl that brought you Richard Simmons. I pioneered
the celebrity exercise video market. So I’ve always worked
in the entertainment business around celebrities, cre-
ating niche product for the marketplace. That’s how I
met Joan Lunden. I had produced her exercise video,
called “Work Out America,” and we became friends.
Like any project, when you work with someone, you
forge very interesting relationships. Post-production,
Joan and I had dinner one night. She had just gone
through her divorce, she had just lost 50 pounds, she
looked amazing. She was starting to date again, and I
thought that she spoke to a very large percentage of
the population. And she had 20 million viewers a
week. I thought it would be a great idea to write a
book. I came up with the idea of writing a cookbook
because it complemented the exercise video. My mind
works very much from a marketing standpoint. And
when we told her lawyer that Joan wanted to write a
cookbook, he started laughing because Joan doesn’t
cook. But I convinced him that America believed she
cooked because every morning she was with Wolf-
gang Puck in the kitchen of Good Morning America.
Whether Joan cooks at home or not didn’t really mat-
ter. I felt that there was a market for it.

It was a tough sell to the lawyer. It was an even
tougher sell to her agent at William Morris. I ended up
shopping the book proposal myself, without representa-
tion. When I ended up getting a $350,000 offer from
one of the publishing houses, that’s when everyone
started taking it seriously. At that point, her lawyer
stepped up and said, You know, I’ve got an agent. He
just sold Diana Ross’s book. I think maybe we should
talk to this agent. We ended up selling that first book
for about $750,000. Having never written a book be-
fore, it was a quick learning experience. And Joan
taught me one thing: You always say yes and figure
out how to do it later. That book was on The New York
Times Best Sellers list for, I think, 11 or 12 weeks.

TAYLOR: Had you done any writing in your televi-
sion production career before you started?

MORTON: I was a frustrated producer who would
pay writers for scripts and end up reworking them.
They were never exactly what I wanted. At the
eleventh hour, I was reworking everything. People ask
me all the time if I’ve always had an interest in writ-
ing. I guess I did have some interest in it but I always

Panelists Peter Petre, Lawrence Malkin, Sarah Wernick, moderator and
Authors Guild president Nick Taylor, and panelist Laura Morton
say to my clients, I’m an OK writer, but what I do better than most is capture the voice of the person I’m working with. As Lawrence said, we write in dialogue, we don’t write in prose. I think capturing the voice is the essence of a true collaboration.

TAYLOR: Peter, what about you? Of course, you’ll want to tell us at some point how you went from Tom Watson and the miracle of IBM to General Schwarzkopf and the Gulf War.

PETER PETRE: It seemed like the thing to do at the time. The obvious point about collaboration is that it’s very different from what most writers do, and it takes a certain kind of writer to do it and a certain kind of writer to love it. The way collaboration came into my life was over a plate of sushi. I was eating lunch with the then executive editor of Fortune and I was the person on the computer beat. He mentioned in passing that Tom Watson, Jr. had been by a year before to see the managing editor of the magazine. And I said, Oh, what’s he want? He said, Well, he wanted to work on a book. And I said, Oh.

Tom Watson was the man who took IBM, which was a punch card company, and put it into the computer business. If you remember when computers took over the national imagination, in the ‘60s and ‘70s, that was Tom Watson’s work. So I said, Gee, what did you say to him? He said, I think the editor told him that we were in the magazine business and not in the book business and to come back when he was finished with this book. And I said, If he ever does come back could you please let me know. Sure enough, about a month later he did come back. He had been terribly crushed the first time around, but we had changed managing editors since then. And the new managing editor, Marshall Loeb, had a real sense of marketing. So I found myself in a room with Marshall and Tom Watson. I had a terrible case of the flu, and I kept my distance. So Marshall said, Well, we’re in the magazine business and not in the book business, but if you would agree to write a magazine article for us, I will give you a writer to work with. And there I was. So that was how I made my connection with Tom. And he and I clicked. We did an article together which was a cover story in the magazine. There was never any question that there would be a book there.

TAYLOR: So serendipity had a lot to do with it.

PETRE: A lot.

MORTON: How did you snag Schwarzkopf?

PETRE: The same publisher bought Schwarzkopf’s book as had published Watson’s. So I was one of a number of writers who auditioned with the general for that job. Auditioning meant flying on very, very short notice from a dude ranch in Montana, where my wife Ann was assigned to do a travel story. I was along as a dutiful spouse. I had to fly from Boise, Montana to Tampa, Florida, which was the headquarters of Central Command. The general was in his winding down phase just before retirement. This was right after the Gulf War, so they were in a very high state of mobilization. One of the general’s aides met me at the airport wearing desert fatigues. I was wearing the only clothes I had with me in Montana, which were blue jeans and cowboy boots that I had bought just for that trip. As I got off the plane, this guy took one look at me and burst out laughing. He said, Did you see City Slickers? So that was how I met the general. The reason that book came together was that he did not want a military writer. He said, Look, I know the military, you know how to write, so let’s divvy up the labor that way. That was fine with me. We never touched on the fact that I’m of the Vietnam generation. What I was doing during those years never came up.

TAYLOR: Sarah, you seem to specialize more than the other panelists. I wonder how you carved out this area, and how you decided to seek out the people you collaborated with in the beginning.

SARAH WERNICK: I’ll be blunt: I do it for the money. You mentioned that there weren’t quotes about collaboration but my favorite, from George S. Kaufman, is that collaboration is “gelt by association.”

—Sarah Wernick

"I'll be blunt: I do it for the money. You mentioned that there weren't quotes about collaboration but my favorite, from George S. Kaufman, is that collaboration is 'gelt by association.'"
more money than I was making. There was a certain itch of dissatisfaction. So I started propositioning experts I was interviewing for articles. I propositioned two academics, for example, who had written on decision-making, because I had interviewed them for a Parents magazine article on the subject, and we almost came together on a collaboration. Then I propositioned a prominent pediatrician. The major award in adolescent medicine had just been named for her. We tried to do an article together and had trouble finding a market for it. The third person I propositioned seriously was Stanley Turecki, who was a child psychiatrist. He had written a book called The Difficult Child, and was interested in writing another one. We wound up writing The Emotional Problems of Normal Children together. After we finished I vowed I would never collaborate again.

Then, several years later, I read an absolutely fascinating article in the Journal of the American Medical Association by Miriam Nelson, who had found that a very simple strength-training program, which took only 20 minutes twice a week, had remarkable health benefits. My first thought was, Well, I could do that program. Then I thought, If I could do it anyone would do it. So I wrote to her and she was interested in writing a book. Basically, that’s how I found most of my collaborations—by finding experts and propositioning them. It’s kind of like dating in junior high, where the person you want doesn’t necessarily want you. And meanwhile, you’re getting offers from other people who don’t interest you.

TAYLOR: Before we start talking about some of the difficulties in dealing with celebrities who are used to being catered to, and politicians, and generals who are used to having their orders followed, I want to ask for some anecdotes. What are some of the brightest and most surprising moments you’ve had with the people you have collaborated with? When perhaps something was revealed that you didn’t expect, that you recognized as a jewel that was going to make the book different and better.

MALKIN: I have a really good story about that, and it still gives me great pleasure. The memoirs of public men usually are based on written records. Anatoly Dobrynin, the Soviet Ambassador to Washington for 25 years and a delightful man, was allowed by his foreign ministry to look through the files of his own dispatches. They were always very frank because that was the way Gromyko [the Soviet Foreign Minister] wanted them. I got from him about a thousand pages translated into rough English, on a disk. I rewrote, cut, organized, inserted background. When I do that, my technique is to put my insertions into square brackets, and the author can accept them, reject them, or rewrite them. Usually they accept or rewrite. One day we were talking and he said, “So, when I went to the Politburo . . .” Really? “All the time—whenever I was in Moscow and my subject would come up”—and since his subject was America it would always come up.

He reacted to my question as if it were the most ordinary thing in the world to attend the Politburo and tell people about it. I don’t think I had ever seen any description of the Politburo from the inside. . . . He told me everything—about what kind of herring they ate for lunch, the relationships among various ministers. . . .”

—Lawrence Malkin

TAYLOR: Before we start talking about some of the difficulties in dealing with celebrities who are used to being catered to, and politicians, and generals who are used to having their orders followed, I want to ask for some anecdotes. What are some of the brightest and most surprising moments you’ve had with the people you have collaborated with? When perhaps something was revealed that you didn’t expect, that you recognized as a jewel that was going to make the book different and better.

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He reacted to my question as if it were the most ordinary thing in the world to attend the Politburo and tell people about it. Wait a minute. I don’t think I had ever seen any description of the Politburo from the inside—how they reacted to each other as politicians and as individuals. And he said, “Oh, I’ll tell you.” And he told me everything—about what kind of herring they ate for lunch, the relationships among various ministers, and especially how each would almost always accept the other’s proposals because, in exchange, they did not want any of the others on their own turf. I got four or five fascinating pages about how the Politburo worked, at least during the time of Brezhnev. To my knowledge, there’s never been a clear and objective account in print anywhere in the West, of how these people actually sat down and met in the Kremlin and worked out policy. It was very satisfying to do, like a good piece of reporting. The book eventually was chosen one of the 10 best of the year on The New York Times list.

TAYLOR: Laura, what about your better surprises?

MORTON: I had a book last year that was one of the 10 worst books of the year. Does that count?

TAYLOR: Which one was that?
that was supposed to be about her music ended up being about her life. Of course if you’re familiar with her music at all, it is her life. This was, I think, at our second meeting, and she knew I would do the right thing with it. She handed me her diaries from when she was 15 years old, and said, I never want to talk about it, just do the right thing. Those to me are golden moments.

Also Jerry Springer, who was the biggest surprise of anybody I’ve worked with—a very likable man. It was like hanging around with my favorite uncle. He has never spoken publicly about his private life, about his family, and his wife and his daughter. He was about to do his first love scene for his movie Jerry Springer, the Movie, and he called me up five minutes before he was going out onto the set and he said, “Get your tape recorder because I want to talk about my family.” I thought the timing of him wanting to do that was incredible. I opted not to send that tape to the transcriber.

There were many moments working with the Smarts, but I think it was a moment that had nothing to do with writing. It was meeting Lois Smart, Elizabeth’s mother, who wanted nothing to do with me, who wanted nothing to do with writing a book, but knew that they were faced with having to write a book because somebody else was about to. It was preemptive on her part: to protect their daughter and to protect the integrity of the story and what happened to her. But I made the fatal error of insulting Lois the first time I met her. It was very unintentional. Ed, the husband, is very emotional and cries very easily, and everything was still very, very raw when I met them.

He was weeping at the dinner table. I just looked at him and said, This must have been so hard for you. And Lois slammed her hands on the table and said, Hard for him? What about me? I’m the mother. I just wanted to sink under the table. I think my greatest accomplishment in that was turning this woman around and having her trust me with words and with a story that was so hard for her to tell. That experience was life-changing.

TAYLOR: Peter?

PETRE: Collaborating with someone was kind of unknown territory for me when I started working with Tom Watson. There were two great moments that involved our spouses, which taught me a lot about the process of collaboration and the relationship with a collaborator. The first was very, very early on. Watson had a place up in Maine where he liked to go in the summertime. We’d gotten a little way into the book project and he asked me on rather short notice to come up to Maine to meet with his wife. I later learned that Mrs. Watson had gotten a little concerned about how intimate the details were that he was starting to go into

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“Jerry Springer . . . was the biggest surprise of anybody I’ve worked with—a very likable man.

It was like hanging around with my favorite uncle.”

—Laura Morton

MORTON: That was the Elizabeth Smart book. But we were in good company. Hillary’s book was on the list, Mitch Albom’s book was on the list. It was USA Today, so I didn’t put a lot of credit in it.

Every book I’ve written has had a moment that I can look back on and know it changed the project. I know it changed the focus of the book.

I’ll give you four very quick examples. With the Joan Lunden book, I was sitting in the back of a car with her driving to her home in Connecticut. I took out a piece of paper. We were trying to document her weight gain and weight loss. When she had babies and was trying to lose the weight but was now 20 pounds heavier, then the second child, and then the third child. It was interesting to see that timeline because I knew that the reader would identify. I knew the reader could make that timeline for her own life. That timeline ultimately ended up getting us a little extra money for the book, which was great. It was very open. It was a very honest and open moment and I knew that it changed the approach to the book.

When Melissa Etheridge had the courage to tell me that she had been sexually abused by her sister, a book
about their life together, their family, his relationship with his parents, etc. I don’t know what the conversations were, but Tom decided I had to go up there and meet with Olive. I didn’t know any of this going up there. I learned after he picked me up from a small airport in New England in his airplane. He flew me up to his place in Maine and then disappeared. I had to find my way with Olive Watson, who is a dear woman, but I had to pass muster. He was so nervous about it that he couldn’t stand the idea of being around when we met.

The second spousal experience also took place in Maine and Ann [my wife] remembers this very vividly. Tom invited Ann and our daughter Kate to come up because we were basically handcuffed to each other. As you know, when you’re collaborating, you spend an awful lot of time together and your spouse wonders what the hell is going on. Tom was a very gracious guy, and he said, You know, your wife and daughter must be curious about me and about what we’re doing, so why don’t you have them come up and spend a couple days? It was beautiful summer-time. We went up and the first morning we were there, we all got up for breakfast and Tom said, Why don’t you come outside and sit by the pool? So Ann and I went out by the pool, and Tom disappeared. About 15 minutes later this little stunt biplane comes zooming over the pool and starts doing these amazing loops and barrel rolls and that was Tom. He was up in his stunt plane. And he put on an amazing display of aerial acrobatics. About 45 minutes later he came back to the house. When he came back he said to Ann—he was a guy of about 75 years old at this point—I just wanted you to know that I can go the distance.

There was a second lesson in that story. I don’t think Ann or I understood how central aviation was to Tom’s life and his identity, although there were airplanes all over the place. But that turned out to be one of the central narrative strands in the book, that this is a story of a person who is not only a business giant but also someone who had loved aviation from the time he was a little kid and learned to fly in college and flew during World War II. You could just see that he was giving us something very, very personal about himself. He was enacting it rather than saying it, but it really helped structure the book.

TAYLOR: All this is really, really interesting. Sarah, what about you? Do you have any stories?

WERNICK: I’m in a panic at the idea of this elderly guy in a plane doing acrobatics when you know that your book contract depends on his being alive.

PETRE: It did. Absolutely. I begged him to take me up there with him. But he never would do it, which really made me nervous.

MORTON: With your tape recorder?

PETRE: Yes—with or without liability insurance. If he had said yes, I don’t know what I would have done.

WERNICK: For my lung cancer book I had some interesting conversations with Claudia Henschke about her family. She was the doctor whose research on using CT scans to find early lung cancer was front page news in the New York Times. It turned out that her father was a pioneer in researching lung cancer as well. She described how as a child she would earn money from her father by reading radiation badges. She also described how he invented a technique of embedding radioactive pellets in plastic rods, which were used in treatment. In order to develop the rods, he would boil them up with pellets that weren’t radioactive, like

“About 15 minutes later this little stunt biplane comes zooming over the pool and starts doing these amazing loops and barrel rolls and that was Tom [Watson].”

—Peter Petre
spaghetti in a big pot. Her childhood memories were so interesting that I decided to include a biographical box with some of these anecdotes in the lung cancer book. I did a biographical box for the other coauthor as well, in which she described being in a sorority and being pressured to smoke and how her children made her give up smoking by flushing all her cigarettes down the toilet. I think that it added something to this prescriptive medical book to have such personal statements from both of the expert authors.

TAYLOR: Let’s talk about butting heads a little bit. When I was working with John Glenn I was trying to get him to say something that he didn’t want to say. Finally, in frustration I went arrggghhh. He said, “Don’t ball your fist up at me! I’ll ball my fist up at you!” That was not a typical response of his, but it did show where he had drawn the line. Has anyone on the panel experienced that kind of frustration, when you’ve tried to lead the person to say something that you know would make the book better that they absolutely refused to say?

WERNICK: I have a different kind of example, again, because of the kind of books that I do. My most recent book is called Quick Fit. It’s about a 15-minute exercise program that was developed by Rick Bradley, who ran the fitness center at the U.S. Department of Transportation. The program he used at his fitness center started with 10 minutes of walking on a treadmill. When we were writing the chapter with exercise instructions, I said, “Not everybody has a treadmill.” Rick said, “Well, they can go find a treadmill.” I said, “Not everyone has access to a treadmill. We need an alternative.” He said, “They can go out and take a walk.” I said, “That’s going to be a deal breaker on a rainy day. They need something that they can do standing in their living room in front of the television.” I just pestered and pestered and finally he agreed that we would have something like that.

TAYLOR: What was it?

WERNICK: Just a simple step-kick routine that gets your heart rate up. It doesn’t require equipment and you can do it if it’s raining outside. Our target audience was people who don’t exercise, so the book needed something of this nature.

MALKIN: I use a technique that works most of the time if you’re working on a typed draft. When I send it back to the author, I put my questions in capital letters: But what did you tell Kissinger then? Or, didn’t you think he was lying? What did you think the President really meant at that point? More often than not, you will receive an illuminating reply.

There’s a quote from George Orwell that all of us should remember. When he reviewed the autobiography of Salvador Dali, a great self-promoter, he panned it so thoroughly that the review was suppressed at first. Orwell wrote: “A man who gives a good account of himself is probably lying, because all life when viewed from the inside is simply a series of defeats.” There’s a certain truth to that. I usually follow up by asking: Do you want people to read this as a serious story of your life or do you want them just to throw it out?

MORTON: I have many good examples—many of which I can’t share. One that stands out is the client who spoke about herself in the third person for six months. How does one speak of oneself when one is speaking of oneself? I said one starts by calling oneself me or I. Most of the people I work with are so guarded—they are used to speaking to the media, to the press. They are used to giving snippets, sound bites. I try to get them to understand that I’m not a journalist, I’m not out to write an article about them, they have editorial control. Once they get past that, it works. And if that doesn’t work I break out tequila.

TAYLOR: That’s the best suggestion I’ve heard yet. Peter?

PETRE: What I’ve found helpful is to have a simple rule that there’s no law that says that someone has to tell everything in a book. What is important is that a reader who’s going to plunk down $27 for a book feel that for the two or three or four hours they’re going to be reading this book, they are actually going to hear something authentic from the person. So the rule I try to get people to follow is, It’s okay not to talk about
things, but it's usually a strength to tell people what you are going to talk about and not talk about. Just lay it out honestly.

**MORTON:** I disagree somewhat. I essentially tell my clients that if they feel comfortable enough—and ultimately they do, surprisingly quickly—they can tell me everything. I don't have to put everything in the book. But it gives me the full story and I can figure out how to share that story without sharing all the intimate details.

I set ground rules when I work with someone. I tell them that if I think they're lying that I'm going to tell them. I have called numerous people out on it, because I think a lot of times when a celebrity decides to write a book it's usually a spin piece or they need the money. Sometimes their publicist has more to say about them than they do, or the reality of what they seem to be saying just isn't there. I think the public is very smart, and I think they understand when they're being lied to. I don't want to put my name on a book that gets panned because it's not rooted in reality. A lot of these people don't live rooted in reality.

**TAYLOR:** Along those same lines, I'm wondering if any of you have had trouble convincing people that when they embark upon a book, their obligation is to the reader. And that obligation has to do with telling the truth. I collaborated with a helicopter pilot who told me, Well, I'm a military guy and you're a writer. And I said, You're a writer too. You signed a contract that says you are going to write this book under your name. And your obligation now is to tell readers the truth. How difficult have any of you found it to get a coauthor to recognize that new role—that they're not just the politician they were, or the general, or the corporate head, but author?

**MALKIN:** I have found that the grander the person—Dobrynin and Volcker for example—the easier it is. Because they get the point very quickly that if they're going to write a book with their name on it, it has to have human texture and a sense of things as they really saw them. I had a slightly different experience with somebody I won't name, another financial whiz in Washington whose manuscript I was asked to do a lot of work on. I started putting in various things I knew to be true and asked him, "Is that all right?" Finally, he said, "No, I've got to stay in good with my friends." [He meant his Republican friends.] "I can't have this left-wing propaganda." So I left the project and was paid off in full. I got my revenge when the book came out and vanished without a trace—but I had written a chapter based on things he had said with considerable pride about organizing economic policy in the White House, even bringing in Democrats to speak. It was quite a good chapter. I was still working as a correspondent, and I happened to attend a talk by Robert Rubin [then chairman of President Clinton's National Economic Council]. I identified myself and my connection with this particular book because Rubin had mentioned it. He said, "I probably broke all the copyright laws because I xeroxed that chapter and passed it out to my staff as an example of how to run an economic council in the White House."

**TAYLOR:** I'm wondering how you anticipate some of the difficulties of working with named authors. How do you head off potential problems? What do you do contractually to make sure that you end up out of court?

**WERNICK:** Handshakes are very nice, but a handshake is really not an adequate basis for a collaboration—unless you're collaborating with a spouse, perhaps, where there's another whole contract in place. The people I know who've had the most hideous collaboration experiences are the ones who have not had collaboration agreements. You have to realize that usually you're collaborating with this other person because you bring very different skills and experience to the table. And because of these differences, you are likely to make different assumptions. You need to come to agreement on some of the basics at the outset. It's extremely important to have a written agreement. But having said that, I also must add that no written agreement can ever cover every single kind of possibility, just as it can't in a marriage. But the collaboration agreement is the best protection you can have.

**MALKIN:** Sometimes, as with Stu Eizenstat, a very honorable man and a lawyer, an exchange of letters is fine. But probably the worst experience I've ever had involved an extremely complex collaboration agreement, which I made the great error of not showing to my own lawyer. It was negotiated through an agency known for handling people in the entertainment world. Stay away from all such people, because all they care about is production values; it's not about facts or even trying to tell the truth. The handcuffs on that agreement caused me more trouble than any other arrangement I've ever had.

**PETRE:** What sort of handcuffs?

**MALKIN:** Cross-ownership of the material; no copyright in my name; the possibility that I might be responsible for returning even the coauthor's share of the advance if the project didn't work out—which it didn't. I could go on. It turned out that the coauthor
was—I hesitate to use this word except that other people have used it—really a pathological liar. He was so entertaining and credible at first that it took me a while to realize that. I think it even took the agent a while to realize that he was being taken for a ride. This was something I never dreamed would happen. It’s been the one really unpleasant experience I’ve ever had—and it was all covered by contract! The rule on this is really that your reputation is the most valuable thing you’ve got. And even if you’ve got to walk out, return the advance and drop a few thousand in lawyers’ fees, it’s worth it.

MORTON: I think the best advice I can give when it comes to collaboration agreements, particularly if there is an agent involved or an agency that’s representing both parties, is to remember that there is no possibility that they can play Solomon. They will always, always cater to the celebrity, to the “author,” not to the collaborator.

MALKIN: Amen.

MORTON: It is essential to have outside counsel, somebody who is there to represent your interests in this deal, because your agent is not going to do it. It is of the utmost importance that you learn from every experience as well. I now have my own boilerplate contract that really just doesn’t get moved around that much anymore, because I can command that. No contract can cover every weird thing, but mine comes darn close. Every time you go through a collaboration you will learn good things, you will learn things you never want to do again, you will make mistakes that you won’t repeat. I think anybody here who has representation will agree: You must control the agent, your interest, your reputation. Every contract I have now gives me an out. When I first started I had no out, I was stuck. That is a terrible place to be, particularly if you’re working with someone who’s not being truthful, or with someone who is just not going to put a product out that you want your name on. I have pulled my name off numerous books. That for a while was my out, because I had done the work and I wanted to get paid, but I didn’t need my name on it. I don’t care if my royalty checks come, if the book sells. I just didn’t want my name on the cover of that book. I cannot stress to you enough the importance of having your own outside counsel when it comes to contract negotiations.

MALKIN: Let me second that by saying we’re actually both talking about the same agent, who said to me, “I can represent you.” In fact, it ended up in a huge conflict of interest. As you said, it’s not you he’s going to favor, it’s the big name.

“Probably the worst experience I’ve ever had involved an extremely complex collaboration agreement, which I made the great error of not showing to my own lawyer. It turned out that the co-author was—I hesitate to use this word except that other people have used it—really a pathological liar.

—Lawrence Malkin

MORTON: At the end of the day if you’re with a large agency, and particularly one that deals in entertainment, they’re about annuity income, and about getting a three-picture deal for this person, a two-book deal, a reality show, a this, a that. It’s all about packaging. And they are not going to throw up that relationship that means millions of dollars to the agency for the 10 or 15 or 20 percent that you’re paying them on your collaboration fee.

MALKIN: As far as they’re concerned, you and I are dispensable.

MORTON: From that point of view, yes. But at the end of the day, these people are not authors. They are actors and actresses or politicians or pilots, or business geniuses, whatever, health experts, and they need you. If you don’t make your deal, somebody else will make
a crappy deal and learn from it. One hopes we’re all a little bit ahead of that curve. We are replaceable to some degree, but also to some degree each of us here is an expert in our own fields, which is the reason that we can get the fees that we get, the splits that we can get, and that we can negotiate the contracts we negotiate now. I know that when my clients, particularly bigger name clients, want to write a book, it’s like going in and cutting an album, they want to work with whoever the hot music producer is right now. If they’re doing a film, they want Steven Spielberg. And if they’re writing a book, I’d like them to call me. So there’s a lot to be said about carrying yourself that way too. Audition meetings are a huge part of the collaborative process, because you’re both sizing each other up.

I’ve always likened the collaborative process to dating. I’ve likened it to going to summer camp. These people are your best friends for eight weeks and at the end of eight weeks you go home. They say, Well, I’ll write you. And then you don’t hear from them until next summer. You really have to have thick skin to be a collaborator. You know the work that you put into it, you know the time that you put into it, you’re proud of these projects. To some degree it’s thankless, and to some degree there’s nothing better—to me, anyway—than going on Amazon and reading those reviews that people write, to know that something I wrote changed their life. To me there’s no greater reward than that.

TAYLOR: And knowing what a good writer you made Melissa Etheridge.

MORTON: She’s a beautiful writer. I mean she really is. Most of my clients, interestingly, do take an interest in their book. I’ve never had a client not read their manuscript. I’ve had a client read parts of their manuscript. They’re all laughing because you know what I’m talking about.

PETRE: When they claim they were misquoted in the end.

MALKIN: And then there was the baseball player who was asked about his own autobiography—ghosted—and said something like: “I don’t know. I didn’t read that part.”

MORTON: Most of my clients, if they’ve made the commitment, they’re in it. It’s hard to see your words on the page. It is hard to see your raw emotions on the page. I often find that I make connections in their life that they’ve never made. I tell everyone I’m the cheapest therapist they’ve ever had. As difficult as it is for them to go through it and relive all of these memories, it’s really cathartic for them and they come out on the other side in a place they never expected.

MALKIN: I think you’re dealing with different kinds of people than Peter and I.

TAYLOR: I’ll tell a story here. I collaborated with a doctor who was the chief of gastroenterology at Sloan Kettering, and his wife was diagnosed with stomach cancer, the very kind of cancer that he treated. Being unable to treat her because of the ethical problems of that kind of relationship, he became her helpmate. She led him into complementary or alternative therapies and it expanded his medical horizons. But when we first began to meet and I was interviewing him, he asked me, “Have you been in therapy?” And I said, “No, I haven’t.” And he said, “You sound like you’ve been in therapy.” Because of the questions I was asking to get his story. And in a sense it was a therapy ses-

“I’ve always likened the collaborative process to dating. I’ve likened it to going to summer camp. These people are your best friends for eight weeks and at the end of eight weeks you go home. They say, well, I’ll write you. And then you don’t hear from them until next summer.”

—Laura Morton

PETRE: We’re back to the book, as they say, and the time that I spent doing therapy with Larry and Laura, and the time that Steve and Laura and I spent doing therapy with each other. And Larry and I can be very dramatic in our stories, but what he was doing was placing himself at the center of stories that you could read in
any newspaper. What do you do when the person you’re working with tells a story that you know is not true yet he insists on wanting to use it?

MORTON: I weigh several different factors. First of all, who gets hurt by using this story? If it’s a story I think their children won’t want to read when they’re old enough to read the book, I approach it from that point of view. I always look for tabloid headlines. So if it’s a story that is front-page fodder for the tabloids, I bring that up and ask, Can you live through the storm? Because they will find out everything you are not telling me. Or they will find out that everything you’re telling me is not true. I’ve used that device to get them to either back down or fill in the blanks. As much of a problem as telling a story that isn’t true is not being given all the details, which also puts a spin on the story. It’s a judgment call. I think you have to weigh who gets hurt by it, what the fallout is.

TAYLOR: Sarah, you mentioned the importance of having an indemnification agreement earlier when we were in the green room. Can you go into that further?

WERNICK: I work with experts, and our books reflect their expertise. But I don’t want to be responsible for their errors. So part of my collaboration agreement is that they have the final say on content and they indemnify me against their mistakes. I think this provision is very important in the kind of collaborations that I do, which involve fitness and health.

MORTON: I think the collaborative process is a process that’s based on trust. There is a great deal of trust that’s established very early on—especially for the kind of books that I do—when someone chooses to open up their life. I go into these people’s homes. I see their dirty laundry, literally and figuratively. There’s a great deal of trust based on either track record or the rapport that we’ve established. The quick establishment of that rapport is what I need—to know that they’re giving me what I need and to have them know that I will do the right thing with it.

I often find that things change over the course of the project. The book that you end up writing is not necessarily the book that you planned on writing. Sometimes it’s a much better book and sometimes it’s a pulled-back version of the book. That’s when you really have to deal with the publisher because what you sold is not what you deliver. I have a knack for finding celebrities who go through breakdowns in the middle of working things out. Every process is different.

MALKIN: Do you usually put together your own project, rather than a publisher coming to you?

MORTON: It works both ways. Doubleday came to me with the Smarts’ book. An agent who did not represent me came to me with the Melissa Etheridge book, Mort Janklow. Sometimes there is a need to have the right writer involved—knowing that the subject matter is going to be sensitive, or that there’s a particular kind of personality to work with this person. They say, Well if I do this, I need to know that I can work with this person. You spend a lot of time with these people. They’re intimate relationships, any way you look at it. I tell people that I get to live a lot of life experiences without actually having to go through them.

Questions were invited from the audience.

Q: How much do you fact check what you’re told?

PETRE: It’s one of those ground rules questions. I try to get agreement on what the standard is going to be right at the beginning of a project. It’s one thing to represent something as a memoir, where the rules are somewhat looser, than to say this is going to be a full-blown autobiography that will stand as an historical document and therefore has to meet the rules of history. I’ve found that as long you’re clear about that going in, then you can estimate what kind of research has
to be done. One of the two books I’ve worked on took two-and-a-half years; one took eight months. Obviously there was a lot more leeway for research in the longer project. But in both cases, we did try to document everything.

MALKIN: It depends on who you’re dealing with. I was brought in, I later discovered, as the third writer on the memoirs of Markus Wolf, the retired chief of foreign intelligence for the Stasi [the secret police] in East Germany. He was called “The Man Without a

“...thing to represent something as a memoir, where the rules are somewhat looser, than to say this is going to be a full-blown autobiography that will stand as an historical document and therefore has to meet the rules of history.”

—Peter Petre

Face”—I made that the title of the book—because for many years not a single person in Western intelligence knew what he looked like. Anyway, it’s no surprise and no disgrace to anyone that he wore out the first two collaborators. Peter Osnos, the publisher, who is a master at managing these things, and Geoff Shandler, who is now the editor-in-chief of Little Brown, and I took a plane to Berlin, because the CIA wouldn’t let Wolf into this country. I think they still won’t. We spent four or five fascinating days with this elegant snake in his riverside apartment overlooking the Spree trying to find out whether he was lying to us. The most difficult part had to do with the Stasi’s relationship with Middle East terrorists, Carlos the Jackal, and others. I put everything together and by pure coincidence, when I returned to New York, a man I knew of was visiting town; he was the former head of operations for the Mossad. I asked him to look at the chapter. A few days later he came back to me and said: “Everything he [Wolf] tells you is coherent and correct, but he is not telling you the full story. “Surprise. That’s as far as we could get. You just have to live with that.

Q: Why do you use the word client for the person you’re collaborating with? How do you develop a relationship of trust?

MORTON: I view anybody I work with as a business partner, but my contract usually tells me that they’re not. You’d think they’d love that, right. Calling them clients is a habit that I developed working as a producer in Hollywood. I view my coauthors as clients. And I cater to them as if they are clients. I take their phone calls at four in the morning as I would a client’s. You try to set boundaries, but when somebody is ready to talk you want to be ready. The second half of your question is developing trust. I think all relationships need trust, whether they’re clients, business partners, coauthors, collaborators, whatever it is. But I think relationships in which you’re divulging intimate details of your life, particularly for public figures, requires a great deal of trust. In any client situation, I’d still want trust from the person selling me that product. I am to some degree selling. I’m selling the person I’m working with, and I’m taking their material and selling the reader on the idea that what we’re writing is worth reading.

PETRE: There is no good word for the person you’re working with, and in a way it gets back to the fact that we’re talking about a relatively new kind of literary work. If you look at the process we all go through, it’s an outgrowth of two things: the tape recorder and the word processor, which make it physically possible to capture somebody’s voice with the kind of fidelity that we try to evoke in these books. It’s sort of like “name that puppy,” right? What’s a good name for it? There’s no good name for a half-marathon. There’s a 10K race and a marathon, but a half-marathon is kind of in between. In a way, we’re all sort of pioneering a kind of literary expression that’s still taking shape.

MORTON: I think “client” also connotes a business relationship. Because of the intimacy there’s a lot of confusion. And there really is a lot of confusion in these relationships. For me, it’s a safe way for the relationship to have a definition. I can’t speak for anyone else, but for me, because these people are not my friends, I’m not their friend. I am there to work with them on this project. It’s just business, it’s just a job. Everything that I do is no different than the guy who brings my groceries every day. That’s his job. It is very, very easy to be tempted to blur that line, because it is very sexy to be working with some of these people, but if you blur that line, you make a colossal mistake. I am as good as the last book I’ve written.

MALKIN: I’d like to say I think Peter was absolutely correct that we can do these books now because of
technical capabilities, but also, more and more publishers want known brand names to sell books. Rather than a biography, they would rather have that person write under his or her own name.

MORTON: Absolutely.

MALKIN: That's all part of the game. Where I part company with you, is that I would say that not only do I regard Paul Volcker as a friend, but he actually said so in the book's acknowledgment: that he had known me as a good journalist and now regarded me as a friend. I was very pleased and quite proud of that. I see him from time to time and have asked him to help me, and I'm very grateful. I think it's a different world that you live in and work in, which is not to denigrate it, but it just is.

MORTON: Yes. These are people that are used to being on a movie set, and they go onto their next project. That's really where it's at.

Q: What kind of understanding do collaborators need to have about a book's content before they begin?

PETRE: You get at a really important point, which is if you don't agree at the beginning, it's very, very unlikely this project is going to work. Laura made an equally important point that you may not end up with the book that you thought you were going to be writing, but it's important to have a clear understanding of what you're trying to accomplish from the beginning. You talk about kissing a lot of frogs. We all look at a lot of projects, and one of the key things that I've always listened for in that first meeting is whether this person has something they want to tell. It can have something or nothing to do with the book they think they want to write, but you have to feel that they have something in them that they want to express, and it's not just a matter of their friends getting together and saying, You know, you've had a really interesting life and you should write a book, you could do a book. They have a slightly stricken deer-in-the-headlights look if that's why they're there in that meeting.

WERNICK: I'm less interested in the question of, "Does he have a book that he wants to write?" and more in "Is this a book that will sell and make money for us?" I had a call from a prominent cardiologist in Boston a couple of years ago. She wanted to write a book in which she was going to make the startling point that people need to eat right and exercise. She seemed to feel that this hadn't been done before. So I asked her what was new and different about the book. She was annoyed that I was asking such a presumptuous question. I said, "Well, you're not going to be able to sell the book unless it offers something new and different." And then she went off on some incomprehensible speech about enzymes. I told her I didn't think I was the right writer for this project. That was the end of that.

I think that it's important, as Peter said, to be very selective. I don't expect that every blind date is going to produce the match of my dreams. In fact, I kind of expect the opposite. I go in looking to see if this is a person who has an idea that will appeal to a sufficiently large book-buying public to get us a big advance. If not, I'm not the right writer for the book. I'm interested in authors who are going to promote a book, because that's part of what goes into determining whether or not the advance is going to be big. I'm looking at it in a cold-blooded way. I'm auditioning that person just as they're auditioning me.

MALKIN: There's a whole subset of books for which John Skow coined a special name years ago in Time.

“I had a call from a prominent cardiologist in Boston a couple of years ago. She wanted to write a book in which she was going to make the startling point that people need to eat right and exercise. She seemed to feel that this hadn't been done before.”

—Sarah Wernick
He called them “non-books.” My connection with them is there’s a woman up in Boston named Donna Carpenter, who I think is called the Queen of the Ghosts. Basically she deals with businessmen, or people like them, or consultants, who want to write a book because they will make the real money, not on the book, but on the lectures that they will get by having written a book. I prefer to stay away from that, but it is a way of making money.

Q: What’s the difference between collaboration and ghostwriting?

TAYLOR: I would describe a ghostwriting job as one that is done for a person who doesn’t really participate to a great degree in the process of writing. There are best-selling novelists about whom it is rumored that they don’t put pen to paper or fingers to keyboard at all—that the work is done by others and just marketed under a more prominent name.

Q: Are you able to get a feel for the project and the person you’ll be working with before you sign the contract?

WERNICK: I think of the proposal as an engagement period. All of the interaction that takes place between you as you work on the collaboration agreement before you begin work is data. If you see that somebody doesn’t have time, that’s information. Last year I met briefly with a doctor and he told me he was very eager to work with me; I was eager to work with him. Then I wasn’t hearing from him, and the agent who had brought us together said, “I’m going to call him and really pester him.” I said, “Don’t do that. This is information that I need. If this guy can’t get back to me now, he’s not going to be good to work with.” I think you need to pay attention to the signals that you’re getting, and to have an exit strategy built into your collaboration agreement, so that if you feel that the proposal process has been intolerable you can get out of it and be paid appropriately for what you’ve done.

TAYLOR: If you’ve been approached by an agent who has an arrangement with a publisher, as I was in the case of John Glenn, sometimes you have to work it out as you go along. Glenn went back into space in 1998. The book needed to come out before the following Christmas to take advantage of the Christmas sales, and that’s one of the things, obviously, that publishers are interested in doing. But after the space shuttle completed its mission, because there were members of the crew from Japan and Spain, the crew embarked on a worldwide tour. At the same time Glenn was winding up his Senate career and trying to organize a lifetime of mementos and it was deep into the spring of 1999 before he was prepared to sit down and work. Finally I had to go to Bethesda, Maryland, where he lives, and say, I’m not going away until we make a substantial inroad on this book. Of course, there were a lot of 12-hour days before we finally finished in August, and the book came out in November. You don’t want to have to do it, but you want to make your publisher happy too, and you do want those Christmas sales.

MALKIN: Sometimes you can’t control it.

Q: What’s the typical percentage split in a collaboration?

WERNICK: The American Society of Journalists and Authors tallies paycheck reports from its members. The single most common split is fifty-fifty. However, the arrangements range from the writer getting practically the whole advance or even the entire advance and more from the expert, to the writer getting a very small percentage. It’s all up for negotiation. It depends very much on the project. Let’s say it’s some obscure disease and you’re working with a doctor who’s eager to do a book for professional reasons, but it’s not going to be a big advance book, the writer might get just about all of it. If it’s a celebrity who has their choice of many different writers, then the collaboration split may be less favorable to the writer because of that.

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—Sarah Wernick

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MALKIN: It also depends on whether it's a book in which the "author" just babbles into a microphone or a book in which you get some shaped or half-shaped material and your job is to edit it into good, publishable shape. It also depends partly on the size of the advance.

I actually start negotiating from this point: I say that if I were doing this sort of work for the Times, the Washington Post or whatever, I would probably be making about $100,000 a year. So that means, let's start from $2,000 a week. Now actually I reached an agreement with an author that earned me $25,000 for what was essentially 12 weeks' work. It was spread out over a period of time and I felt myself quite well compensated. It was more or less what he was prepared to pay, which was slightly more than a third of his advance. But he had already done a great deal of the work himself. I'm also willing to put in one week's work for no money at all, to help prepare the proposal, because it's part of the game.

WERNICK: Most of the time people are paid for writing the proposal. When I'm dealing with an expert I'm eager to work with who may not have a lot of money, but I'm absolutely positive that the book is going to sell, I may have an exit fee rather than an entrance fee. In other words, they don't have to pay me up front, but if the collaboration dissolves or the book doesn't sell, I will be compensated. The lowest fee I've heard of for writing a proposal is $3,000, but experienced writers with a track record can charge 10 times that.

MORTON: In the celebrity market, if you are doing a collaboration as opposed to being a ghostwriter where there is a fee, you're working on the sale of the book. So there is no money paid unless that book sells. One thing that I've done to protect myself is set a minimum. In order for me to continue beyond the proposal phase, the minimum has to be met. Which means that if the book sells for half of what my minimum is, they have the option of making up the deficit, or I have the option of bowing out, or I have the option of doing it for half the money, which is rare.

MALKIN: I think that'll tell you that there can be any number of business arrangements. I've just learned of some that I haven't heard before.

PETRE: May I jump in here with a message from the Authors Guild? The Guild has very sophisticated legal resources and can often give you advice and also point you in the right direction if you need more sustained help from lawyers.

MALKIN: I would like to say that I did not know that until after I got myself into, and out of, a mess, and I wish I had known. I think anybody who does this work can't do better than starting at the Authors Guild.

TAYLOR: Thank you and good night.
Along Publishers Row
Continued from page 2

BIG GAP: Marianne Robinson’s novel, Good Housekeeping, appeared in 1981. Her new novel, Gilead, was published in the fall, 23 years later.

Asked about this time lag by an interviewer for The Boston Globe, Robinson said, “The book world seems to be a little indignant with me for having spent my life as I have. I toyed with fiction during that time. Nothing took hold of me. . . .

There are people who think of me as a nonfiction writer and are amazed I’d written fiction. I think of my writing not as a career but the expression of my thinking and my trying to learn things and understand things.”

COPING: In The New Yorker, novelist and playwright Michael Frayn was quoted talking about his characters: “You have to come to some arrangement with them, as it were. You have to persuade them to commit the murder or whatever you want them to do, and in return you have to concede that they will get something they want. Writing fiction is like industrial management. You’ve got this plan for work you want done, and you’ve got a workforce that just wants to get through the job and go home and get on with their lives. Somehow you’ve got to persuade them, cajole them, bully them, bribe them, or sometimes to do at least part of what you want.”

DOG MAN: Jon Katz “is one of a crowded kennel of dog authors,” according to The New York Times. There are now more than 4,500 books on dogs in print. Katz is the author of A Dog Year (2002), The New Work of Dogs (2003) and The Dogs of Bedlam Farm, published last October. He is under contract for two more, and A Dog Year has been optioned for an HBO movie.

Katz has two border collies, Orson and Rose, and a Labrador puppy, Clementine. They look after the animals on his Salem, N.Y., farm and provide material for Katz’s books. Katz said he bought the farm as a second home and a place to write. His wife is associate professor at the Columbia School of Journalism and their daughter is a screenwriter. Katz said, “Up here I’m just the dog man. I love being the dog man.”

PREQUEL: Edward Wyatt led off a New York Times article with this advice: “In the age of Harry Potter, building a new children’s book franchise requires following a few simple rules: Stick with a popular genre like fantasy, right now the hottest thing going. Start with a familiar story. Rely on a proven cast of characters.”

The article was an interview with Dave Barry and Ridley Pearson, who wrote Peter and the Starcatchers, the first of a three-part prequel to J. M. Barrie’s Peter Pan. It made the Times’ best-seller list for children’s chapter books last fall with more than a half-million copies in print. Barry and Pearson wore pirates’ eye patches to pose for the photographer.

The authors said their job was made easier because so many elements were already in place. Barry said, “I’ve never had a book that was easier to explain to people. . . . This is a myth that everybody knows. It’s built into everybody’s circuits.”

MOVIE TO BOOK: Novelist Isabel Allende was invited to write a novel about Zorro—the mythical Mexican hero played in films by Tyrone Power and Antonio Banderas. She agreed to do it, and Publishers Weekly said that she has invented a childhood and background for the character. The book is due out in May. Another Zorro movie—not based on Allende’s story—is due in the fall.

WRITERS’ LIVES: Novelist Stacey D’Erasmo, author of A Seashore Year, wrote in The New York Times Book Review, “In the lives of writers who flame out early, Sylvia Plath and her kind, we may think we see a lesson about the impossibility of this double state: the fundamental savagery of art, the way it consumes its mortal vessels, the way oppression constructs lethal conditions for certain artists and so on. But in the lives of writers who last, we are presented with a more complex mystery. What makes a survivor?”

STARTING POINT: San Francisco Chronicle book columnist Heidi Benson interviewed Sam Tanenhaus, editor of The New York Times Book Review. He told her, “I have a feeling that some of the new fiction, some of the new voices, are being heard most clearly in San Francisco first—books that do well out there, then start to make their way into the marketplace and the world of readers.

“It’s not shocking—New York is kind of an old town. The tastes can be rigid and preformulated.”

Michael Pietsch, senior vice president and publisher of Little Brown, told Benson: “When we have a writer we think is a real talent, we always make a point of sending them to San Francisco, where readers are open to new work. It’s something I’ve seen confirmed again and again. Look at Anne Lamott—she was on the local [bestseller] list, then went on to conquer the world.”

REWRITE MAN: In a note written for a revised edition of the 1936 classic Bread and Wine, author Ignazio Silone wrote, “If it were for me alone to decide, I would willingly pass my life writing and rewriting the same book—that one book that
every writer carries within him, the image of his own soul and of which his published works are only more or less approximate fragments.”

LUCKY: Even before the writing was finished, Stephen King and Stewart O’Nan had a bestseller entitled Faithful: Two Die-Hard Boston Red Sox Fans Chronicle the 2004 Season. During the October playoffs with the Yankees, the book jumped into the top 50 on Barnes & Noble’s online bookstore.

The two writers started the book when spring camp opened last February, conducting a running e-mail dialogue about their favorite team. The Red Sox won the World Series for the first time in 83 years. Books arrived in the stores on December 2 in a blast of publicity on the Today TV show, TV news shows and newspapers.

Janet Maslin, in The New York Times, noted that “Mr. King’s much vaunted retirement appears to be over. Beyond this book and the two best sellers that conclude his ‘Dark Tower’ series, he now writes (in Entertainment Weekly) the savviest pop-cultural criticism this side of William Goldman’s. He also refers here to a novel in progress and tosses off viable material at the slightest provocation. While watching the Red Sox on television one day, for instance, he comes up with a not-half-bad plot about a man who glimpses dead friends and relatives sitting in the stands at a ballgame.”

INSPIRATION: Graham Greene said of Leon Edel’s editions of Henry James’s letters: “They move me to write.”

A SHAMEFUL THING: Daphne Merkin wrote a profile of Alice Munro for The New York Times Magazine. When Merkin told Munro that her much praised modesty struck Merkin “as a canny form of protective coloration to keep other people’s envy at bay,” Munro nodded her head in agreement.

Munro said, “I’m frightened of being overvalued. Someone will shoot you down. Being a writer is a shameful thing. It’s always pushing out your version. I try to correct for this.”

ADMIRE: Louis Auchincloss’s new novel is East Side Story. The author practiced law until he was 75, and for the last 15 years, he has concentrated on writing.

Publishers Weekly asked him to name writers who had influenced him, and he said, “It’s very hard to know what that means. Henry James is perhaps the novelist I get most pleasure out of, and yet I wouldn’t for a minute say he’s influenced me. I could never try to write in the lacquered style that he so beautifully commands, and that nobody’s ever been able to imitate.”

UNBANNED: Comic Jon Stewart’s America (The Book), a No. 1 bestseller, was banned by Walmart and eight libraries in Jackson and George Counties near Mississippi’s Gulf Coast. Robert Willits, director of the library system, told the Associated Press, “I’ve been a librarian for 40 years, and this is the only book I’ve objected to so strongly that I wouldn’t allow it to circulate. We’re not an adult bookstore.” Willits was offended by a photograph that shows faces of the nine Supreme Court justices superimposed atop naked bodies.

A couple of days later, The New York Times reported that there had been so much pressure on the library that America (The Book) had been returned to the shelves.

QUOTE: Michael Dirda in The Washington Post quoted from Edmund White’s collection, Arts and Letters: “It is Nabokov’s genius (as one might speak of the genius of a place or of a language) to have kept alive almost single-handedly in our century a tradition of tender sensuality. In most contemporary fiction tenderness is a sexless family feeling and sensuality either violent or impersonal or both. By contrast, Nabokov is a Fascist of Romantic carnality. He writes in Spring in Fialta: ‘Occasionally in the middle of a conversation her name would be mentioned, and she would run down the steps of a chance sentence, without turning her head.’ Only a man who loved women as much as he desired them could write such a passage.”

TWO FOR ONE: When Bill Clinton’s memoir, My Life, comes out in paperback this summer, the 957-page book will be split into two volumes at $7.99 each. The intention, The New York Times reported, “was to make it more portable and more attractive to different retail outlets. The small paperbacks sell better in nontraditional book settings like grocery stores and newsstands.” There will also be a trade paperback in a single volume for $17.95.

Sales of the best-selling hardback have earned back the record $10 million advance that Clinton received.

Its Spanish translation, Mi Vida, is 150 pages longer than the English version.

BIG BUCKS: The Dylan Thomas Prize of $180,000 will be given every two years to a published writer in English under the age of 30. The first award will be presented in Swansea, Wales, on Thomas’s birthday, in 2006. Novels, short stories, poetry, prose and drama will be eligible.

PRICE HIKE: Oscar Wilde’s 150th birthday was marked last fall by an auction at Sotheby’s London. A 19-page manuscript copy of a chapter from Wilde’s The Picture of Dorian Gray, with the author’s 1890 revisions in longhand, sold for $132,300. In 1907, Sotheby’s sold the same copy for 26 pounds. The 100 arti-
funds auctioned in 2004 brought in a total of nearly $1.6 million.

MYSTERY: On January 18, Edgar Allan Poe's birthday was remembered once again when an unknown man in a black coat left three red roses and a half bottle of cognac on Poe's Baltimore grave. The tradition began in 1949, the Associated Press reported.

STILL GOING: Muriel Spark is the author of 23 novels. The most recent is The Finishing School. She's at work on her 24th, which "is going very well indeed." Spark is 86 years old and lives in Tuscany.

Spark told The New York Times that she doesn't start a novel until she has a title. "It arrives as if by messenger," she said. She explained her process (a pen on paper) with "while I write, I invent, the ideas almost flowing through my fingers."

The Finishing School is about a creative-writing teacher who is consumed by jealousy of her star pupil. But now Spark says that there are enough novels about writing a novel. "It's too easy when you're not very mobile to think only of your writing, that this is the pivot of all action—and it isn't, of course. There's a danger of too much writing about writing about writing. I don't want to do that anymore."

BEHAVIOR: Lynne Truss had a best-seller with Eats, Shoots and Leaves, a book about punctuation. Her next will be about the importance of good manners, due out in the fall.

OBSERVATION: Leonard Riggio is chairman of Barnes & Noble, the book-selling chain. In a New York Times op-ed page essay, Riggio wrote that in book publishing "the humor category is dominated by liberals and left-leaning authors. In fact, 95 percent of the sales in the political humor section come from the left. Whether this means that conservative writers have no sense of humor, or that publishing houses fail to recognize it, is worthy of study—or even loud protest from the right."

After mulling this over, Riggio concluded: "Liberal books sell at lower price points, and especially in paperback, while conservative books sell mostly in hardcover. Whether this suggests impending class warfare is not yet clear."

FESTIVAL FUN: The Texas Book Festival, initiated eight years ago by Laura Bush, was held last November, the weekend before the presidential election. An article in the Austin American-Statesman said that "behind the scenes, the festival looks very different [this year]. In response to a recent financial decline, the festival has created its first board of directors."

In a profile of the First Lady in the November issue of Texas Monthly, Mimi Swartz wrote: "Occasionally [Laura Bush]’s loyalists can go too far in their self-imposed protectiveness, as when a group of Laura’s friends took over the Texas Book Festival ... and tried to institute a plan to ban political books." They failed.

ALL ABOUT SEX: Novelist Graham Greene is the subject of a three-volume, 2,251-page biography by Norman Sherry, a literature professor in San Antonio. The third volume, published last fall, annoyed Greene’s son, Francis Greene, 67, who told The New York Times, "This book is not about Graham Greene, but about Sherry. His obsession with brothels far surpasses that of his supposed subject."

Sherry said, "You can’t allow the family to dictate to you what you write. If you are going to write about a man who is highly sexed, you can’t change that." Besides, Sherry added, "you can’t help but admire him for having sex with everything in sight."

REWRTIE: The Texas Board of Education protested the wording in health textbooks for the state’s high schools and middle schools, and two publishers rewrote the offending passages. The decision could affect hundreds of thousands of books in Texas alone.

Offending passages used terms like "married partners" instead of "husband and wife." Marriage will now be defined in the books as a "lifelong union between a husband and a wife." Phrases like "when two people marry" and "partners" will be changed to "when a man and a woman marry" and "husbands and wives."

Randall Ellis, executive director of the Lesbian/Gay Rights Lobby of Texas, said the board had overstepped its bounds. "Their job is to review for factual information," Ellis told the Associated Press, "and instead what we see is the insertion of someone’s ideology and agenda into the textbook."

SPY TALES: Stella Rimington is the author of a new spy thriller, At Risk, which followed her autobiography, Open Secret, about her career with the British M15.

She told Publishers Weekly: "When I started the novel, I realized it was a separate skill I hadn’t immediately got at my fingertips. It was easy to conrave the characters and work out what I wanted to have happen; the difficulty lay in keeping the threads together. . . ."

"I’m a chronic reader of thrillers. When I was in India in the ’60s, I read Kipling’s Kim, about the Great Game of espionage, and that got me started. John Buchan created brilliant chases; someone’s being pursued, something has to be prevented from happening; who’s going to get there first? Then Dorothy Sayers,
Margery Allingham, and, of course, John LeCarre, who I think is absolutely brilliant.”

HOT: Chipp Kidd, associate art director at Knopf/Pantheon, was asked by Publishers Weekly what’s hot in book jacket design. Kidd said, “Ugly is back with a vengeance. Ugly is working really well. The Da Vinci Code is proof positive that jackets don’t sell books. It’s the ugliest goddamn thing you’ve ever seen, and no one cares.”

DISPUTE: In Atlanta, the American Civil Liberties Union filed suit against the Cobb County School District board for allowing stickers in biology textbooks saying that evolution was “a theory, not a fact.” E. Linwood Gunn, a lawyer for the board, told The New York Times that, because the books gave a thorough treatment of evolution, the stickers were intended only to “acknowledge that it may hurt some people’s feelings.”

Marjorie Rogers, a parent and self-described “six-day literal creationist” led the drive that prompted the stickers in 2002. She said she was not advocating the teaching of religion, but more theories besides evolution. “I just want an even footing, if there’s any kind of science to support it,” she testified.

A judge ruled in January that the stickers must be removed because they supported religion.

AFRAID: The Nobel Laureate in Literature for 2004, Elfriede Jelinek of Austria, did not go to Stockholm to receive her prize, but Swedish television recorded her speech in Vienna, and the tape was shown at the ceremony. Before the awards were handed out, Jelinek explained to The New York Times: “I did this because I cannot go to Sweden because of my ‘social phobia.’ I cannot stand crowds. I hope this will end someday, and I can have my life back.”

VIVA THE SPLIT: The political divide in this country provided a bounty for publishers. Jack Romano, chief executive of Simon & Schuster, told The New York Times, “Good or bad, the split in America right now creates a publishing opportunity on both sides of the fence. To publish for the middle of the road right now would be suicide.” Marji Ross, president and publisher of the conservative Regnery, said, “Any book needs to have a sense of vitality and energy. We don’t want to be publishing boring policy books. We want people to feel their blood pressure rise when they read our books.”

BEST FRIENDS: Larry McMurtry has written 28 novels and won a Pulitzer Prize. His latest book is Loop Group. An interviewer for Publishers Weekly commented that he had often been praised for writing well about women, and he replied, “I like to write about women. My friends are all women, my life has been lived among women. If you are going to find anything out about emotion and how it functions in human life, you’re going to have to find out from women. You won’t find out from men.”

THE BIG ONE: Last November, 365 authors from 30 countries took part in the eight-day Miami Book Fair International. There were readings in five languages: English, Spanish, Portuguese, Creole and French.

Novelist Russell Banks, who was there to promote his novel The Darling, told The New York Times that Miami’s Fair is “the best one in the country. It doesn’t feel regional, or even nationalistic. You get the sense of being in a more international setting.”

At past fairs, the late poet Octavio Paz, trailed by mariachis, sang rancheras. Judy Collins, there to talk about her book, sang “Amazing Grace,” and when the late author Hunter S. Thompson announced that he needed a drink, someone in the audience went out for a gallon of Wild Turkey, “from which the author swigged during his talk.”

FEUD: Charles McGrath, former editor of the Book Review and now a writer-at-large for The New York Times, gave Tom Wolfe the full profile treatment on the occasion of I Am Charlotte Simmons, Old White Suit’s latest novel.

McGrath took the opportunity to retell how Wolfe once took on John Updike, Norman Mailer and John Irving by writing that “they’ve wasted their careers by not engaging the life around them. . . . The American novel is dying, not of obsolescence, but of anorexia. It needs . . . food . . . Food! Food! Feed me! is the cry of the 21st century in literature and all the so-called serious arts in America.”

The trio struck back. In a New Yorker review, Updike dismissed Wolfe’s A Man in Full as “entertainment.” Mailer said that Wolfe was not a novelist but a “journalist.” And Irving declared on TV: “Wolfe’s problem is he can’t . . . write. He’s not a writer!”

Recently Wolfe was quoted: “If Mailer attacks you, that must be because you’re good. When he approves of you—that’s when you should start to worry.”

QUARTET: Best-selling novelist Gail Godwin has signed with Ballantine for four new books. The first, a novel entitled Queen of the Underground, will be out in January 2006.

At the same time, according to Publishers Weekly, she will publish the first half of a memoir, The Making of a Writer. Then a second novel, The Red Nun, will be published alongside the second half of her memoir.

WORDMAN: David Shulman hunted down the first use of thou-
sands of words for the Oxford English Dictionary. Some of his treasures include: The Great White Way, Big Apple, doozy, and hoochie-coochie. He found that “hot dog” was college slang before it was applied to a sausage.

Shulman died in Brooklyn, his home, last fall at the age of 91. In his obituary, The New York Times said he “considered the New York Public Library on Fifth Avenue his real home. He commuted by subway to its rare books room, to which he donated valuable volumes.”

Paul LeClerc, president of the library said, “I never knew anyone who thrilled to bookish discoveries as he did.”

When asked in a 1989 interview what difference persnickety pickiness makes, Shulman said, “Why, the same difference as being literate or illiterate, accurate or inaccurate, telling the truth or spreading yarns.”

EXPERIMENTER: Douglas Coupland’s new novel is Eleanor Rigby. He told Publishers Weekly, “I come from the art school tradition, where experimentation is the norm and the last thing you want is to get into a sort of rut. And I think, much to the annoyance of my publisher, every book I do is completely different in texture and content. And that just sort of reflects my attitude, which is fairly experimental. I really am very lucky. I get to experiment for a living.”

ABOUT WAR: Andrew Carroll, editor of the best-selling War Letters: Extraordinary Correspondence from American Wares, will edit the National Endowment for the Arts anthology of wartime stories and reflections. The title will be Operation Homecoming: Writing the Wartime Experience. The anthology is intended to preserve firsthand battleground experiences in Afghanistan and Iraq.

Workshops by writers such as Jeff Shaara, Tobias Wolff and Richard Bausch are being conducted at about 20 military bases, and the book is scheduled for spring of 2006. Carroll told The New York Times that the troops’ perspective “on war, combat, and life in the military represents the most authentic and insightful voices we have on these subjects.”

OUT OF PAIN: When Brent Runyon was 14 years old, he doused himself with gasoline and set himself on fire. Thirteen years later, he wrote about the experience in a book, The Burn Journals.

He told Publishers Weekly that writing the book “was absolutely awful. It was all I could do to write 500 words, then I would be emotionally ruined for the rest of the day.

“What I truly wish could happen would be that this book could somehow travel back in time and land in the hands of me when I was thirteen years old. Then I would read the book and not set myself on fire.”

ACHE: William Trevor once told an interviewer for Women’s Wear Daily, “I think of myself as a short story writer who also writes novels. A short story is manageable and easy to carry around, while a novel is this great project that never seems to have an end. The short story is like a sharp pain in the mind, while the novel is a long ache. But both are surprisingly pleasurable.”

BAD TASTE: According to Publishers Weekly, comic George Carlin’s latest title, When Will Jesus Bring the Pork Chops, was intended “to piss off everyone (he figures the title would offend Christian, Jews and Muslims).” But the book became a bestseller before Thanksgiving with 375,000 copies in print.

Carlin promoted When Will Jesus Bring the Pork Chops in 18 cities where big crowds attended his signings. Seven hundred fans turned up at the Barnes & Noble in Manhattan’s Union Square and 500 bought copies.

REACTION: Augusten Burroughs is the author of Running With Scissors, Dry and a new book of essays, Magical Thinking.

He told Publishers Weekly that working as an advertising executive prepared him for critics. He said, “Advertising ideas that you work really hard on are immediately shot down, and then you have five minutes to come up with something new. Similarly there are going to be people who really love every word I write and those who think I’m the biggest hack who ever lived, but my self-esteem doesn’t come from my writing. It’s not my life.”

BRUTAL PAST: J T LeRoy, 24, was the subject of a major article in The New York Times Sunday Style section. His initials have no periods after them. J is for Jeremiah, his given name, and T is for Terminator, a nickname he had on the street.

LeRoy is the author of Sarah and The Heart Is Deceitful Above All Things. His books have been translated into 20 languages, and a novella, Harold’s End, was published in November. The Times said his books are autobiographical, and “his mother was a drug addict and prostitute and . . . he spent his youth as a cross-dressing hooker, turning tricks in truck stop parking lots.”

LeRoy was rescued from the streets of San Francisco by outreach worker Emily Frasier who, with her husband, served as surrogate parents. LeRoy saw Dr. Terrence Owens, a child psychologist, and was in therapy for three years. LeRoy began writing down his thoughts, a process that he credits with helping him wean himself from heroin. “I couldn’t write when I was high,” he said.

TITLES: Christopher Moore has a

FREE: One of the fall’s bestsellers was the 567-page official report of the September 11 Commission. It has sold more than a million copies, “reads like a thriller” according to The New York Times, and Ron Howard and Brian Grazer plan to turn it into a television miniseries. The government document is in the public domain so the producers can use the material without paying for it.

The 9/11 Commission Report was considered a favorite when it was nominated for the National Book Award for nonfiction, but it failed to win. The Times said that “some criticized its nomination because it was written by a committee with no identifiable author.”

WEIGHT GAIN: TV salesperson for Pier 1, Kirstie Alley, has written a book entitled How to Lose Your Ass and Gain Your Life. Publishers Weekly says it should hit the bookstores this spring, at the same time her new TV series, Fat Actress goes on the air.

PROMOTER: Joe Meno’s third book is Hairstyles of the Damned, a paperback original. Publishers Weekly described the novel as an “autobiographical tale of a neurotic teen trying to figure out how to deal with girls.” The author says “it’s about how punk music changes this particular character’s life.”

Meno has promoted the book in 30 cities, in bars as well as bookstores. The marketing tactic was described as “guerilla,” and his publisher’s spokesman says, “Joe isn’t afraid to get in his car and drive wherever [we want] him to go.”

SUIT: Glynn Wilson, an Alabama freelance writer, contended that Kitty Kelley plagiarized material from one of his articles in her best-selling The Family: The Real Story of the Bush Dynasty. According to The New York Times, “Seven paragraphs of material in the book, totaling about 400 words, repeat verbatim or closely track sections of Mr. Wilson’s article, titled ‘George W. Bush’s Lost Year in 1972 Alabama.’”

Peter Charles Hoffer, a professor at the University of Georgia who has written about plagiarism, told the Times that Kelley’s use appeared troublesome. Hoffer said it constituted plagiarism if an author repeated quoted material from a secondary source without citing that source, thereby making it appear as if the author interviewed the person herself.

Hoffer said that in addition, borrowing text from a source without putting the material in quotation marks and without a nearby citation also constituted plagiarism. He added that including a source as one of the many in a list at the end of the book is generally considered inadequate documentation. Hoffer is the author of Past Imperfect: Facts, Fictions, Fraud.

PRIZE: The National Book Award ceremony was shown on C-SPAN TV, and Garrison Keillor was the master of ceremonies.

What the winners were given looked like a bud vase, shiny brown, with a flared top. Keillor picked up one of them and said it was as heavy as a bowling ball. “If you hit someone with this they will stay down for a long while,” he promised.

MACHINED: Daniel Akst is author of two novels, Webster Chronicle and St. Burt’s Obituary. He wrote an essay for The New York Times entitled “Computers as Authors? Literary Luddites Unite!”

In it, Akst claimed that computers “are perfectly capable of nonfiction prose, and while the reputation of Henry James is not yet threatened, computers can even generate outbursts of fiction that are probably superior to what many humans could turn out—even those not in master of fine arts programs.”

Akst quotes from a story written by Brutus1, a computer programmed by Selmer Bringsjord of Rensselaer Polytechnic Institute and David A. Ferrucci, an I.B.M. researcher. The story begins:

“Dave Striver loved the university—its ivy-covered clock towers, its ancient and sturdy brick, and its sun-splashed verdant greens and eager youth. The university, contrary to popular opinion, is far from free of the stark unforgiving trials of the business world; academia has its own tests, and some are as merciless as any in the marketplace. A prime example is the dissertation defense to earn the Ph.D. to become a doctor, one must pass an oral examination on one’s dissertation. This was a test Professor Edward Hart enjoyed giving.”

Steven Pinker, the Harvard psychologist, told Akst that while it is conceivable that computers will eventually write novels, “I doubt they’d be very good novels by human standards.” He pointed out that the human brain has 100 trillion synapses that are subjected to a lifetime of real life experience.

ABOUT BLURBS: Amy Einhorn, executive editor of Warner Trade Paperbacks, told Publishers Weekly that she had not expected “established, respected authors such as Frank McCourt or Anne Rivers Siddons [to] be incredibly generous with blurbs, while much less successful authors say they don’t give quotes, even though their own books are covered with blurbs.”
WITNESS: Terry Iacuzzo is a psychic. Publishers Weekly interviewed her in her sixth-floor tenement apartment in Manhattan’s Little Italy. Her book is Small mediums at Large: The True Tale of a Family of Psychics.

Iacuzzo said, "Writing was natural. I would always tell stories in my tarot readings, so I can pull a story together. But I didn't just remember these stories from my life. I'm able to call up things, to go back and be in that room. I did that for my clients. I would remember other rooms, a moment in their life, and they would say, 'You know about that?' When I was writing I could go back in time and see everything and feel it through my body. I have no fear. That's the key to everything."

PW asked if she could see what was going to happen with her book, and Iacuzzo said, "Of course I can see it—I'm a psychic. It's going to be big."

PLENTIFUL: In a roundup of 15 new self-help books, New York Times reviewer Janet Maslin declared that “we are so inundated by guides and rules and manuals that we grow ever more difficult to shock. Sure, there are authors willing to tell you how to date, break up, eat, diet, get rich and keep the wolf from the door. But how many of them have anything genuinely helpful to say?"

"As a general rule in the world of advice-giving, plain old celebrities can't match people who became famous because they give advice..."

THE WINNER: "As grateful as I am for the award," novelist Lily Tuck told The New York Times, "I have to admit it's been slightly destabilizing." She was talking about the National Book Award for fiction, a controversial selection because Tuck was one of five New York women whose books were nominated.

Tuck, a grandmother, tried to write her first novel at age 10. The main character was a horse. Her novel Siam, or the Woman Who Shot a Man won a PEN/Faulkner nomination in 1991, and she published two other novels before The News from Paraguay won the National Book Award. Tuck, who was born in Paris and lived in Peru, attended Radcliffe and moved to Thailand with her first husband. They divorced and she moved to New York City in 1977.

In 1989, she studied writing with Gordon Lish. She said, "He not only taught me how to write, but he taught me to take myself seriously as a writer. Until then, when people asked me what I did, I'd tell them I typed."

INK DROP: Lord Byron wrote: "Words are things, and a small drop of ink falling like dew upon a thought produces that which makes thousands, perhaps millions, think."

NEW SHOP: Sarah McNally, whose family owns four bookstores in Canada, has opened an independent bookstore between Greenwich Village and Wall Street in Manhattan.

Since Barnes & Noble and Borders invaded the city, independents have been dying off, and The New York Times asked Bob Constant, co-owner of St. Mark’s Bookshop, an independent in the East Village, how McNally could succeed. He said the chain stores "are the equivalent of a big supermarket or network television. We’re a cable station or a gourmet store in comparison."

McNally agreed, but said her store, like the big chains, would have a café, reduced prices on best-selling hardcovers and a membership program offering further discounts. She admitted that when she told people she was opening a bookstore, "they respond as if I’m doing the most insane thing in the world. Even my accountant tried to talk me out of it."

THE END: There is a big hole on television at eight p.m. on Sunday evenings. After 15 years, Brian Lamb, interviewer for C-SPAN’s Booknotes, ended the program. "It was time," he told The New York Times. "Now I won’t have to read a book a week just for the show."

Booknotes was devoted mostly to history, politics and public policy. C-SPAN 2 continues to devote Saturdays and Sundays to nonfiction books.

BIRTHDAY FETES: Throughout 2005, the Spanish region of Castilla-La Mancha will celebrate the 400th anniversary of Cervantes’s Don Quixote. Activities will relate to the legendary knight’s travels with Sancho Panza. Concerts will be held in town.
squares and 30 Quixote-themed plays will be performed in open-air theaters.

NEXT: Ian McEwan’s new novel, Saturday, is to be published in March. He is the author of Atonement and other dark novels. McEwan told The New York Times, “The novel is a very personal form. Perhaps I am full of fears. As a child I was a compulsive daydreamer. I spent a lot of time thinking about the worst outcomes.”

Saturday takes place on a single day in February 2003 when more than a million people took to the streets in London to protest the war in Iraq.

TOUGH JOB: When an interviewer for The Paris Review asked novelist Robert Stone if writing was easy for him, Stone replied, “It’s goddamn hard. Nobody really cares whether you do it or not. You have to make yourself do it. I’m very lazy and I suffer as a result. Of course, when it’s going well there’s nothing in the world like it. But it’s also very lonely. If you do something you’re really pleased with, you’re in the crazy position of being exhilarated all by yourself.”


“Not a writer but a book. And that was from fear.

“Because it was slowly dawning on those whose families had not arrived in Israel that the Germans had killed them all. . . . if I grew up to be a book, there was a good chance that at least one copy might manage to survive, if not here then in some other country, in some city, in some remote library, in a corner of some godforsaken bookcase. After all, I had seen with my own eyes how books manage to hide in the dusty darkness between the crowded rows, underneath heaps of offprints and journals, or find a hiding place behind other books.”

PIGEONHOLES: In his Boston Globe column, “The Reading Life,” James Sallis observed: “Quite aside from blind chance and catastrophic climate change such as wiped out dinosaurs, there are many reasons a writer fails to receive the recognition he or she warrants. He may . . . [like] Calder Willingham, be too much of a particular time, sporter of spats and ascot in a running-shoe, T-shirt society. He may, like Theodore Sturgeon, work in a genre that marginalizes him a priori. His very prolificacy may have exhausted readers, as I suspect was the case for some years with Anthony Burgess and now may be with John Updike. His work like that of Joseph McElroy, may prove too unconventional and challenging, or like that of Percival Everett, too wildly unpredictable for mass consumption.

“He may, with an odd mixture of fortune, become so well known for an early work, so intimately identified with same, that later work never quite gains its footholds.” Christopher Isherwood, with The Berlin Stories, was placed in that category.

AFFAIR: The aborted nomination of New York’s former police commissioner Bernard B. Kerik to head Homeland Security unleashed a flood of stories about Kerik’s past. One was about an apartment in Battery Park.

According to The New York Times, “During his use of the apartment, Mr. Kerik and Judith Regan engaged in an extramarital affair there. . . . Ms. Regan published his best-selling autobiography in 2001.” At the time, Kerik was married with two children and lived in the Bronx.

Regan has her own imprint at HarperCollins. Her books often focus on celebrities and scandals.

SERIAL: Brad Meltzer, a thriller novelist, is author of Identity Crisis, a seven-part comic-book series about superheroes and a murder. The first installment was released in June 2003 and the last came out in December, when the murderer was revealed.

Meltzer told The New York Times, “I can’t tell you what it’s like to keep a secret going for this long. When I write one of my novels, the book comes out all at once, and people can react to it all at once. It was like releasing the work and waiting seven months for people to give you a full review.”

POLITICS: From Judy Alter’s column in The Dallas Morning News: Lou Dubose, coauthor of Shrub (about President George W. Bush), and Jan Reid, author of The Improbable Rise of Redneck Rock, will cowrite The Hammer, Tom DeLay: God, Money, and the United States Congress. “It goes without saying,” Alter commented, “that this new book by the two is not a defense of Mr. DeLay.”

VIA BLOGS: Marrit Ingman, a Texas journalist, used her blog’s readers to convince a publisher that a memoir of postpartum depression would sell. Ingman said she asked her readers “to comment on whether a book like mine would be relevant to them. Readers wrote back expressing why they wanted to read about the experience of maternal anger. I stuck their comments into my proposal as pulled quotes.”

Ingman and her agent, Jim Hornfischer, sold her book, Inconsolable, to Seal Press last August.

Last June, a former Senate aide, Jessica Cutler, sold a Washington-focused novel to Hyperion for a six-figure advance. She had been writing a blog about her sexual exploits with politicos.

A British call girl who calls herself Belle de Jour created a sensation with a blog about her experiences,
and Warner Books will publish her memoir, Amy Einhorn, executive editor at Warner Books said, “I downloaded the whole site, read it that night and then bought the book.”

In October, Ana Marie Cox, editor of a racy Washington-based blog, sold her first novel, Dog Days, to Riverhead for a $275,000 advance.

Kate Lee, an assistant at ICM agency, surfs the web for the best writers online and then suggests that they work with her to develop and sell a book. Lee represents Elizabeth Spiers, a blogger who is now writing a satirical novel about Wall Street, and Glenn Reynolds, a University of Tennessee law professor and political blogger. Lee said, “Word-of-mouth buzz is much more valuable than paid advertising. I think if there’s a reason people come to your site, there’s a built-in audience.”

HOT COPY: A set of 144 page proofs of Nathaniel Hawthorne’s The Scarlet Letter was sold for $545,100 at a Christie’s auction in New York. The pages are heavily marked with additions and corrections by the author and proofreaders.

The buyer was a Baltimore book dealer, The New York Times reported.

THE IRON IS HOT: The new senator from Illinois, Barak Obama, made a $1.9 million deal with Random House for three books. The Associate Press reported that he will get $850,000 for each of the adult books and $200,000 for a child’s book to be written with his wife and children. It will be based on his experiences as the “skinny young kid with big ears and the funny name” who grew up to be a senator.

Obama’s first book, Dreams From My Father, was a bestseller.

NEW SELLER: Peter W. Olson, chief executive of Random House, disclosed plans to sell books directly to consumers through its own website. The New York Times reported that “the book business is suffering through a second consecutive year of almost-flat sales. The average age of book consumers continues to climb, and except for children’s and religious books, few areas of the business seem to be picking up new readers.”

Steven Riggio, head of Barnes & Noble Inc., said he was “deeply concerned” by Random House’s plans to enter his business. Barnes & Noble, meanwhile, has increased the number of books it publishes and promotes them heavily.

TOUCHY: Holly McGhee, an agent, told Publishers Weekly: “There are less publishing houses, but more high-profile editors under fewer roofs. It’s particularly challenging to submit to the appropriate editor without stepping on any toes.”


George Gibson, publisher at Walker, said, “We didn’t have the means to publish [books] the way we wanted.” Now, Walker books will be distributed by St. Martin’s Press. Gibson said, “They have an extraordinary sales network. St. Martin’s reaches every known part of the book world.”

SHIFT: Richard North Patterson is moving from Random House to Henry Holt with Trial, a novel that will feature a trial that could have an impact on international relations. It will be published in February 2007.

A second book, with the tentative title A Certain God, will be about a candidate for president who risks all by confronting the Christian right. It’s due out in 2008, just in time for the next campaign.

NUMBER 6: Harry Potter and the Half-Blood Prince, the sixth in the series, will hit bookstore at 12:01 a.m. on July 16. The Times reported that author J. K. Rowling “delivered the manuscript before the birth of her third child,” in January 2005.

The secretive Rowling gave one hint: The prince of the title is neither Harry Potter nor the villain, Voldemort.

MOTIVE: Curtis Sittenfeld, author of a novel, Prep, kicked off an essay in The New York Times Book Review with: “During my first year at the Iowa Writers’ Workshop, a few of us were sitting around one afternoon when several of my male classmates announced—with far less irony than you’d imagine—that they had become writers in order to attract women. I believe the word they used was ‘babes,’ as in, ‘I’m in it for the babes.’”

Sittenfeld complains that women suffer from “groupie inequity.” She quotes Jim Behrle, who works at BookCourt In Brooklyn: “There’s something charming and forgivable about the slacker rock star literary guy who shows up in his AC/DC shirt and hasn’t washed in a couple of days. But I don’t think women can pull that off as easily.”

MESSAGE: Francine Prose, author of Blue Angel, has published a new novel entitled A Changed Man.

She told Publishers Weekly, “I never think of myself as having a moral. But certainly what seems so important to me now is what it seems we’re losing in our culture: the very basic ability to empathize, to feel that others are human beings just as we are, though they may look different and have a different set of...
beliefs. Everything, to me, comes from that: civility, democracy, civic responsibility and peace.”

KAFFKA SINGS? Zadie Smith, author of the novels White Teeth and The Autograph Man, is writing a musical about Franz Kafka. She was quoted in The New York Times: “It’s not exactly fair. . . . God knows who wants to watch a musical about Kafka. We’ll have to wait and see, I guess.”

Smith, whose new novel, On Beauty, will be published in 2005, is a Radcliffe fellow at Harvard.

SEQUEL: Kaye Gibbons, author of seven bestsellers, has written a sequel to her first and most popular novel, Ellen Foster. It will be published in the fall.

PROLIFIC PRES: The New York Times Book Review’s “Inside the List” column noted that former President Jimmy Carter “has become the Joyce Carol Oates of American ex-presidents. He has published no fewer than 19 books, 17 of them since he left office, and more than half have made the Times [bestseller] list.”

TEAMWORK: Caroline Todd and her son Charles Todd wrote A Cold Treachery, a mystery that says on the cover it’s by Charles Todd.

A reporter at Publishers Weekly asked them how they divided the writing, and Caroline Todd said: “We don’t actually divide it. If we can get the first page down, the rest of the story falls into line, the first page sets the tone, and we start thinking what would come out of the situation or conversation. We’ll write something and discuss something and see if it sounds the way it would happen in real life. Whoever comes up with the best solution, that goes into the manuscript.”

Charles Todd added, “One of the greatest compliments we get is when people tell us they can’t tell where Charles stops and Caroline begins.”

OY VEY: Number 23 on the extended bestseller list during the holidays was Yiddish With Dick and Jane, by Ellis Weiner and Barbara Davelman. The book is a parody of the old children’s books intended to teach reading.

A sample from the Yiddish version: “See Jane schlep. / Schlep, Jane. Schlep. / Schlep, schlep, schlep.” The publisher of the original Dick and Jane books is suing.

POLITICAL NOVEL: California Senator Barbara Boxer has written a novel (with help from Mary-Rose Hayes) about a woman who steps into her dead husband’s political shoes and has to fight for her own political life. The book is due out in the fall.

TRIBUTE: The Bosnian city of Sarajevo has named a street for American author Susan Sontag, who died in December (see Deaths below). During the war in Bosnia from 1992 to 1995, Sontag visited the city many times and helped stage a production of Waiting for Godot there in 1993.

The New York Times quoted a statement from the mayor’s office: “The city of Sarajevo and its citizens express their sincere thanks to an author and a humanist who actively participated in the creation of the history of Sarajevo and Bosnia.”

Sontag once wrote: “My idea of a writer: someone interested in ‘everything.’ I had always had interests of many kinds, so it was natural for me to conceive of the vocation of a writer in this way. And reasonable to suppose that such fervency would find more scope in a great metropolis than in any variant of provincial life, including the excellent universities I had attended. The only surprise was that there weren’t more people like me.”

NEW WORK: Jose Saramago, winner of the 1998 Nobel in literature, is author of The Intermittencies of Death, a new novel to be published in October. Saramago’s books have been published in more than 30 languages and sold 3.5 million copies.

Speaking in Rome, before a performance of a musical based on a children’s story he wrote 30 years ago, Saramago, 81, said of children’s tales: “They are moral fables that teach values which we consider indispensable, like solidarity, respect for others and goodness. But after, we as adults forget these lessons in real life.”

TRANSPLANTED: Chicago writer Alex Kotlowitz is the author of Never a City So Real: A Walk in Chicago. Although he was born in New York City, Kotlowitz told The New York Times: “I love the messy vitality of [Chicago], the energy of this city. You do feel the fissures here. All the contradictions in this country, all the paradoxes, are within the boundaries of this city.”

A WORD: In One Writer’s Beginnings, Eudora Welty recalls becoming aware of the word “moon” when she was six years old: “There comes the moment, and I saw it then, when the moon goes from flat to round. For the first time it met my eyes as a globe. The word ‘moon’ came into my mouth as though fed to me out of a silver spoon. Held in my mouth the moon became a word. It had the roundness of a Concord grape Grandpa took off his vine and gave me to suck out of its skin whole, in Ohio.”

NEW EDITOR: Publishers Weekly’s circulation of 25,000 has lost about 3,000 subscribers, and so what has Reed Elsevier, the owner, done? Hired a new editor—Sara Nelson, former books editor of The New York Post, who moved to PW in January.
The New York Times reported that the circulation decline was caused by competition from Internet sites, e-mail newsletters and daily newspapers. “The consolidation of the publishing business and the demise of many independent booksellers has eaten into the magazine’s pool of potential subscribers,” the Times said.

William McGorry, PW’s publisher, told the Times: “We want to give a perspective on the industry that is different from the traditional trade press. Sara, first and foremost, loves books, and clearly that will come across.”

**JOB CHANGES, NEW TITLES**

Children’s book agent Paul Rodeen has opened an office for Sterling Lord Literistic in Chicago.

Beth Sutinis, senior editor at DK, has been promoted to publishing director.

Kathryn Belden, former senior editor at Four Walls, Eight Windows, is executive editor at Bloomsbury, acquiring both fiction and nonfiction.

Michael Fisher has been named editor-in-chief at Harvard University Press.

Tracy Behar, editorial director of Atria and Washington Square Press, has moved to Little Brown as executive editor. She plans to create and shape a list of books on parenting, spirituality and science.

*Compiled from Publishers Weekly*

**DEATHS**

**Pierre Berton**, 84, died November 30 in Toronto. The historian was author of more than 50 books, including *The National Dream* (1974) and *Klondike: The Life and Death of the Last Great Gold Rush* (1958).

**Neil A. Campbell**, 58, died October 21 in Redlands, Calif. His textbook, *Biology*, was published in 1987, and he also wrote *Essential Biology and Biology: Concepts and Connections*. Total sales reached five million copies.


**Iris Chang**, 36, died November 9 in Los Gatos, Calif. She was the author of *Thread of the Silkworm* (1995) and the best-selling *The Rape of Nanking: The Forgotten Holocaust of World War II* (1997).


**Frederica de Laguna**, 98, died October 6 in Haverford, Pa. The professor at Bryn Mawr College was author of *Voyage to Greenland* (1977), *The Archaeology of Cook Inlet* (1934), *The Prehistory of Northern North America as Seen from the Yukon* (1947) and the three-volume *Under Mount Saint Elias: The History and Culture of the Yukatat Tlingit* (1972). She also wrote two mystery novels: *The Arrow Points to Murder* (1937) and *Fog on the Mountain* (1938).

**Otis Dudley Duncan**, 82, died November 16 in Santa Barbara, Calif. The social scientist was coauthor of *The American Occupational Structure* (1967).

**Paul Edwards**, 81, died December 9 in Manhattan. A professor at the New School and Brooklyn College, he was also the author of *Reincarnation: A Critical Examination* (1996). Heidegger’s Confusions, a collection of his articles, was published last November.


**Harry Fleischman**, 90, died November 1 in Manhattan. He was the author of *Norman Thomas: A Biography* (1954) and *Let’s Be Human* (1960), a collection of his syndicated columns.

**Lucy Freeman**, 88, died December 1 in the Bronx. She was the author of *Fight Against Fears* (1951) and 77 other books, including a memoir (1989), and mystery novels.

**Joseph Hansen**, 81, died November 24 in Laguna Beach, Calif. He was the author of 40 books, including 12 Brandstetter mysteries about a gay detective. The first was *Fadeout* (1970) and the last was *A Country of Old Men* (1991).

**Frank Harary**, 83, died January 4 in Las Cruces, N.M. The math scholar was the author of *Graph Theory* (1969).


**Anthony Hecht**, 81, died October 20 in Washington. The poet was
author of *A Summoning of Stones* (1954) and a half-dozen more books of poetry. He also wrote two books of critical essays and a study of W. H. Auden’s poetry, *The Hidden Law* (1983). He was awarded the Bollingen Prize and the $100,000 Tanning Prize for lifetime achievement.


**John Hess**, 87, died January 21 in Manhattan. The former food critic for *The New York Times* was coauthor, with his wife, of *The Taste of America* (1977).

**Tracy Hogg**, 44, died November 25 in northern England. She was a nanny for several Hollywood celebrities and coauthor of the bestselling *Secrets of the Baby Whisperer: How to Calm, Connect and Communicate with Your Baby* (2001). *The Baby Whisperer Solves All Your Problems* was published in January.

**Reed Irvine**, 82, died November 16 in Rockville, Md. Founder of a group that criticized the media, Irwin was author or co-author of several books, including *Media Mischiefs and Misdeeds* (1984).


**Charlotte MacLeod**, 82, died January 14 in Lewiston, Maine. She was author of more than 30 mystery novels, which sold more than a million copies in the U.S. She also wrote under the name of Alisa Craig. Her obituary by the Associated Press listed no titles.

**Jackson MacLow**, 82, died December 8 in Manhattan. The poet and composer was author of more than two dozen books of poetry, including *Pieces of Six: Thirty-Three Poems in Prose* (1992).


**Mona Van Duyn**, 83, died December 2 in St. Louis. She was the author of eight books of poetry, many of them collected in *Selected Poems* (2002). She was named U.S. poet laureate in 1992, the first woman to be chosen. *Near Changes* won the Pulitzer in 1990. Her obit in *The New York Times* quoted two lines from one of her poems: “The world is perverse,/ but it could be worse.”

**Arthur C. Walworth**, 101, died January 10 in Needham, Mass. He was awarded the Pulitzer Prize for his two-part biography of Woodrow Wilson, and later wrote *Wilson and His Peacemakers: American Diplomacy at the Paris Peace Conference, 1919 (1986).*
From the President

Continued from page 4

Grokster should be held liable as a secondary copyright infringer.

In spite of the fact that we weren’t unanimous (the vote was 16 to 3), I believe the Grokster debate was an example of an organization functioning at its best. Good minds were working to defend writers and decode important issues that affect writers’ livelihoods. Council members devoted much time and attention to an important decision, and it’s a function of their dedication to the Guild and its mission that they were fully engaged.

It’s certainly not the last question we’ll face involving copyright and the dilemmas created by our increasingly digital world as we continue to assess the opportunities and liabilities created for authors by the Internet. We may even have to learn to live with Grokster, depending on how the Supreme Court rules; the justices hear arguments on March 31 and a ruling is expected thereafter. No matter how that case turns out, I’m grateful that we have so many capable people thinking about these matters on behalf of writers.

* * *

In January, the Guild and the Association of Authors’ Representatives sponsored a panel on authors and book publicity. Its title was “Standing Above the Crowd: Platforms and Publicity in a Crowded Marketplace.” Put another way, it was about brand-building—how authors increasingly have to work to become brand names if they want to be successful.

The panelists were all terrific. Beth Dickey, the director of publicity for Hyperion, related some stark truths: She reminded the audience that in-house publicists have a dozen or more books to promote at a time, that you’re going to get a limited amount of attention, and that the more you nag for more, the less you’re likely to get. Novelist and African-American social and music historian Nelson George provided concrete examples of what it means to build a brand in the process of your writing. He talked about specializing, so that you get calls from the media when your area of expertise is in the news. But it was E. Jean Carroll, Elle magazine advice columnist, biographer of Hunter S. Thompson, and website entrepreneur, who really shook the audience. This woman, replete with leather jacket, snakeskin boots, chunky glasses, and a collection of exclamations and exasperated sighs that exploded out of her like bombshells, was a force of nature. She was utterly convincing when she talked about the constant demands of self-promotion, and when she related how hard it was to keep up all the balls she was juggling—the appearances on Oprah, the websites that attract millions of hits, the cheeky advice column—you glimpsed a reality that authors shy from at their peril.

The next day, we received an e-mail from someone who had been disturbed by Carroll’s presentation. She objected to Carroll’s view that authoring a book is often only a part of a person’s “brand” development, but primarily her reaction was to a question from the audience. The young, attractive questioner wanted to know if she could be part of the campaign for a book she had ghost-written. “You should be because you are great-looking. And I swear to God, that’s 94 percent of it right there,” Carroll said. “You should be on TV just for the way you look.” It was the bald emphasis on superficiality that I think most upset our e-mail correspondent, the idea that appearance rules. We labor over our words, and believe they should count for at least as much as a sexy look and a flawless smile. She also resisted Carroll’s notion that authors have to spend as much time or more on promotion as they do on writing. “The majority of writers don’t do this. They can’t,” she wrote. “They try to find enough time to WRITE the books and then do a little pr.”

Too true. And it’s also a fact, among many of the authors I know, at any rate, that they don’t really relish the demands of publicity. We all want to be read, to be literary stars, to discuss our work and share our views of it. But we don’t all have the taste or the time for beating our own drums. And part of that is the fear of the trap of superficiality.

But Carroll was simply revealing one example of what writers have always had to do to catch the public eye. Charles Dickens and Mark Twain were especially good at it, lecturing and giving readings on extended tours. E. B. White once wrote, “No one should come to New York to live unless he is willing to be lucky.” The same can be said of writing. We want our words to speak for themselves, but the reticence of a J. D. Salinger is not allowed these days. No one should spend the time to write a book unless he or she is willing to be successful, and that means pouring our time and hearts and souls into the things that bring attention—not to us, but to the work we do, so that in spite of all the odds, we, too, might get lucky. ♠
A Whitewashed Earthsea

Continued from page 11

man of color among the main characters (although there are a few others among the spear-carriers). A far cry from the Earthsea I envisioned. When I looked over the script, I realized the producers had no understanding of what the books are about and no interest in finding out. All they intended was to use the name Earthsea, and some of the scenes from the books, in a generic McMagic movie with a meaningless plot based on sex and violence.

Most of the characters in my fantasy and far-future science fiction books are not white. They’re mixed; they’re rainbow. In my first big science fiction novel, The Left Hand of Darkness, the only person from Earth is a black man, and everybody else in the book is Inuit (or Tibetan) brown. In the two fantasy novels the miniseries is “based on,” everybody is brown or copper-red or black, except the Kargish people in the East and their descendants in the Archipelago, who are white, with fair or dark hair. The central character Tenar, a Karg, is a white brunette. Ged, an Archipelagian, is red-brown. His friend, Vetch, is black. In the miniseries, Tenar is played by Smallville’s Kristin Kreuk, the only person in the miniseries who looks at all Asian. Ged and Vetch are white.

My color scheme was conscious and deliberate from the start. I didn’t see why everybody in science fiction had to be a honky named Bob or Joe or Bill. I didn’t see why everybody in heroic fantasy had to be white (and why all the leading women had “violet eyes”). It didn’t even make sense. Whites are a minority on Earth now—why wouldn’t they still be either a minority, or just swallowed up in the larger colored gene pool, in the future?

The fantasy tradition I was writing in came from Northern Europe, which is why it was about white people. I’m white, but not European. My people could be any color I liked, and I like red and brown and black. I was a little wily about my color scheme. I figured some white kids (the books were published for “young adults”) might not identify straight off with a brown kid, so I kind of eased the information about skin color in by degrees—hoping that the reader would get “into Ged’s skin” and only then discover it wasn’t a white one.

I was never questioned about this by any editor. No objection was ever raised. I think this is greatly to the credit of my first editors at Parnassus and Atheneum, who bought the books before they had a reputation to carry them.

But I had endless trouble with cover art. Not on the great cover of the first edition—a strong, red-brown profile of Ged—or with Margaret Chodos Irvine’s four fine paintings on the Atheneum hardcover set, but all too often. The first British Wizard was this pallid, droopy, lily-like guy—I screamed at the sight of him.

Gradually I got a little more clout, a little more say-so about covers. And very, very, very gradually pub-

“'The fantasy tradition I was writing in came from Northern Europe, which is why it was about white people. I’m white, but not European. My people could be any color I liked, and I like red and brown and black.’

lishers may be beginning to lose their blind fear of putting a nonwhite face on the cover of a book. "Hurts sales, hurts sales" is the mantra. Yeah, so? On my books, Ged with a white face is a lie, a betrayal—a betrayal of the book, and of the potential reader.

I think it is possible that some readers never even notice what color the people in the story are. Don’t notice, don’t care. Whites of course have the privilege of not caring, of being “colorblind.” Nobody else does.

I have heard, not often, but very memorably, from readers of color who told me that the Earthsea books were the only books in the genre that they felt included in—and how much this meant to them, particularly as adolescents, when they’d found nothing to read in fantasy and science fiction except the adventures of white people in white worlds. Those letters have been a tremendous reward and true joy to me.

So far no reader of color has told me I ought to butt out, or that I got the ethnicity wrong. When they do, I’ll listen. As an anthropologist’s daughter, I am intensely conscious of the risk of cultural or ethnic imperialism—a white writer speaking for nonwhite people, co-opting their voice, is an act of extreme arrogance. In a totally invented fantasy world, or in a far-future science fiction setting, in the rainbow world we can imagine, this risk is mitigated. That’s the beauty of science fiction and fantasy—freedom of invention.

But with all freedom comes responsibility. Which is something these filmmakers seem not to under-

stand. ✦
A good editor once taught me that the most effective essays or opinion pieces always contain true facts or anecdotes, not just generic personal opinion. President Nick Taylor’s message (Winter 2005) is short on facts and anecdotes but plumped full of thinly veiled prejudice against political conservatives—ironic in a message devoted to the lack of tolerance in our political discourse.

Mr. Taylor writes, “…tolerance is not ascendant in our national life today. It’s intolerance that sells, drawing listeners to talk radio and viewers to cable news networks.” “Talk radio” and “cable news networks” are obviously code for “conservative.” But I wonder how often Mr. Taylor listens to talk radio, whose most popular hosts, such as Michael Medved and Hugh Hewitt, regularly encourage opposing points of view from callers and guests. Has it occurred to Mr. Taylor that in the arena of talk radio and cable news, it may simply be that the conservatives are winning the battle of ideas and audiences? I agree with Mr. Taylor that writers are often rebels who must be prepared to resist intolerance. As a politically conservative writer, though, I find the preponderance of intolerance coming from the left, not the right, and in the community of writers, it has become as tiresome as it is reflexive. If Mr. Taylor really values tolerance, I suggest he listen to or read some of the intellectually honest and refreshing ideas coming from the right. If he can manage to do so, he may be less inclined to malign conservatives so regularly in the pages of the Authors Guild Bulletin.

—Judy Gruen
Los Angeles


Every professional group filled with talented; charismatic; intriguing; exciting; forceful; varied people have occasional flare-ups. The last thing this stunning group of distinguished women need is an apologists to speak for them. The NLAPW will weather their current legal troubles and all of us who are proud to be members will be writing, painting, designing, creating on all levels and enriching our communities and ourselves.

—Mary L. Margrave-Johnson
Past President,
Sacramento California Branch, NLAPW

Legal Watch

Continued from page 14

nied Discovery’s anti-SLAPP motion, because Gates showed he might prevail on his invasion of privacy claim.

The Court of Appeals, relying on a 1975 U.S. Supreme Court decision, Cox Broadcasting Corporation v. Cohn, dismissed the invasion of privacy claim. Cox held that “the states may not impose sanctions [including tort liability] on the publication of truthful information contained in official court records open to public inspection.” As a matter of law, therefore, Gates could not prevail on the invasion of privacy claim because Discovery had broadcast truthful information contained in official public records.

The California Supreme Court affirmed the dismissal of Gates’s claim, concurring with the appeals court that the holding in Cox was dispositive. It further explained that in the aftermath of Cox, the U.S. Supreme Court has held that if the media “lawfully obtains truthful information about a matter of public significance then state officials may not constitutionally punish publication of the information, absent a need to further a state interest of the highest order.”

In this case, the court concluded that the state’s interest in protecting the long-term anonymity of a rehabilitated former convict falls short of this standard. Indeed, the fact that the state itself had made the information publicly available weighed against a finding that concealing it was of the highest importance to the state. To rule otherwise would lead to a classic chilling effect on reporting matters that the state deemed important enough to make publicly available.

The decision gives California-based reporters more leeway to report the news, regardless of when the relevant incidents occurred, without subjecting themselves to lawsuits.

—Michael Gross
BOOKS BY MEMBERS

Opal Palmer Adisa: Caribbean Passion; Mike Albo (with Virginia Heffernan): The Underminer: The Best Friend Who Casually Destroys Your Life; Thomas B. Allen: The Bonus Army: An American Epic; The Deep Dark: Disaster and Redemption in America's Richest Silver Mine; Rudolfo Anaya: Jemez Spring; The Santero's Miracle; Sergio's Stories; Tortuga; Laurie Halse Anderson: Prom; Jerry Apps: Ringlingville USA: The Stupendous Story of Seven Siblings and Their Stunning Circus Success; Jennifer Armstrong: Photo by Brady: A Picture of the Civil War; Nick Arvin: Articles of War; Sandy Asher: Too Many Frogs; James Atlas: My Life in the Middle Ages;

Anjali Banerjee: Maya Running; Marc Ian Barasch: Field Notes on the Compassionate Life; Martha Beck: Leaving the Saints: How I Lost the Mormons and Found My Faith; Elizabeth Benedict: The Practice of Deceit, A Novel; William Bernhardt: Dark Eye; Miranda Beverly-Whittmore: The Effects of Light; Raymond Bial: Where Washington Walked; Betty G. Birney: Friendship According to Humphrey; Holley Bishop: Robbing the Bees; Tom Bissell: God Lives in St. Petersburg; Lawrence Block: All the Flowers are Dying; Tom Bodett: Norman Tuttle on the Last Frontier; Robert Bonazzi (ed.): Black Like Me; Scattered Shadows: A Memoir of Blindness and Vision; Fergus M. Bordewich: Bound for Canaan; William Boyd: Fascination; Barbara Taylor Bradford: Unexpected Blessings; Kimberly Brubaker Bradley: The President's Daughter; Joan Brady: Bleedout; Kelly Braffet: Josie and Jack; Walt Brash: The Joy of Sex: America During the Bill Clinton Era; Poppy Z. Brite: Prime; Judy Budnitz: Nice Big American Baby: Stories; Jan Burke: Bloodlines; Anne Bustard: Buddy: The Story of Buddy Holly;

Joanne Cantor: Teddy's TV Troubles; Paula J. Caplan (and Lisa Cosgrove): Bias in Psychiatric Diagnosis; Richard Adams Carey: The Philosopher Fish: Sturgeon, Caviar and the Geography of Desire; Eric Carle: 10 Little Rubber Ducks; Mary Ann Caws: Surrealism; Arthur C. Clarke: Sunstorm: Book Two of A Time Odyssey; Andrew Clements: The Last Holiday Concert; Esther Cohen: Book Doctor; Bob Colacello: Ronnie and Nancy: Their Path to the White House; Sally Cook: Good Night Pillow Fight; John K. Cooley: An Alliance Against Babylon, the US and Iraq; Susan Cooper: The Magician's Boy; Peter Craig: Blood Father; Phyllis Curtot: The Love Spell; Linda Curtis: Integral Ballet;


cie Walsh): The Killing Club; Henning Mankell: Before the Frost; Megan Marshall: The Peabody Sisters; Three Women Who Ignited American Romanticism; Elsa Marston: Figs and Fate: Stories About Growing Up in the Arab World Today; David Martin: We've All Got Bellybuttons; Susan McCarthy: Becoming a Tiger: How Baby Animals Learn to Live in the Wild; Lorene McClintock: Love and Forgiveness: A New Way to Live; Janet McDonald: Brother Hood; Yona Zeldis McDonough: In Dahlia's Wake; Kevin McIlvoy: The Complete History of New Mexico; Michael McLaughlin: Guerrilla Marketing for Consultants: Breakthrough Tactics for Winning Profitable Clients; Christopher Merrill: Things of the Hidden God: Journey to the Holy Mountain; David Milgrim: See Santa Nay; Herbert Mitchell: Newsmen in Khaki; Mark Monmonier: Rhumb Lines and Map Wars; Sy Montgomery: Search for the Golden Moon Bear; Alvin Moscow: Collision Course: The Andrea Doria and the Stockholm; Sean Murphy: The Time of New Weather; Shirley Rousseau Murphy: Cat Cross Their Graves; Walter Dean Myers: Antarctica: Journeys to the South Pole; Here in Harlem: Poems in Many Voices;


Theodore Taylor: Ice Drift; Making Love to Typewriters; Sherill Tippins: February House; Stephanie S. Tolan: Bartholomew's Blessing; Charlene Touchet: It Stops with Me; Glannette Tilley Turner: Running for Our Lives;


Jane Ellen Yolen: The Perfect Wizard: Hans Christian Andersen; Rebecca York: Crimson Moon; Spellbound;

Koren Zailckas: Smashed: Story of a Drunkened Childhood; Harriet Ziefert: One Smart Skunk; This Is Thanksgiving; Harriet Ziefert (and Fred Ehrlich, M.D.): You Can't Take Your Body to a Repair Shop; Thomas Zigal: The White League; Connie Zweig, Ph.D.: The Moth to the Flame
MEMBERS MAKE NEWS

Delphinium Books has hired one of its authors, **Barbara Lazeer Ascher** as editorial director. The publishing company wanted someone whose literary sensibilities matched its own and whose long career as a writer provided contacts with emerging talent.

**Marlin Bree** has won Boating Writer International’s top award, The West Marine Writer Award, for his article “A Solo Sailor Meets His Storm of the Century.” The award and a $5,000 check were presented at the Ft. Lauderdale International Boat Show in October 2004.

**Valerie Atkinson Brown** was awarded a fellowship by the American Council on Germany to study workplace abuse and harassment in Germany. A report of her findings will be released in 2005. Brown will also be included in *Who’s Who in America*.

**Alzina Stone Dale** spoke at the Oak Park, Ill. 19th Century Club on “Mysteries in Chicago Old and New” in March. The talk was a preview of her Loop Mystery Walk to be given in connection with Bouchercon (36) at Chicago Labor Day Weekend 2005.

In October 2004, the Texas Book Festival gave **Larry L. King** the Bookend Award for Lifetime Achievement in Literature. It was noted during the ceremony that King is the only writer to have been nominated for a National Book Award, a Broadway “Tony” and a television “Emmy.”

President Bush presented **Madeleine L’Engle** with the National Humanities Medal. The ceremony took place in the Oval Office of the White House in November 2004.

**Howard C. Massey** has been included in the 2005 *Who’s Who in America*.

**J. Madeline Nash** has won the 2004 American Institute of Physics Science Writing Award to a Journalist for *El Niño: Unlocking the Secrets of the Master Weather-Maker.* Nash received a prize of $3,000.

The British Crime Writers’ Association awarded its prestigious Golden Dagger Award for 2004 to **Sara Paretsky** for her novel *Blacklist*.

The National Parenting Publications Children’s Resources presented a 2004 Gold Award to **Sherry Shahan** for *Spicy Hot Colors/ Colores Picantes*.

**Lily Tuck** won the 2004 National Book Award for Fiction for *The News from Paraguay*, presented at the award ceremonies in New York in November 2004. ♦

Keeping Faith with Steinbeck

*Continued from page 12*

grown campaign, “Rally Salinas!” “to save our city, to save our libraries and to save our pride.”

Volunteers are signing up to conduct a citywide telethon in March and a citywide fund-raising mailing. Local radio stations have offered to air public service announcements. The campaign’s immediate goal is to raise $500,000 to keep the city’s libraries open part-time.

The longer-term solution may involve a new tax, subject to approval by the voters. Meanwhile, Rally Salinas! had reached nearly 20 percent of its goal by the end of February. One local rancher, who donated $25,000 outright, pledged another $75,000 as soon as general donations reached that level.

The city is also hoping for a wider response to its appeal. “John Steinbeck is a giant in American literature,” says Mayor Caballero. “He also loved the land and people of the Salinas Valley, and that is reflected in his writings. A wonderful way for authors to honor his memory and the importance of literature in our lives would be to help keep John Steinbeck’s libraries open.” ♦

The Community Foundation of Monterey County has established a Rally Salinas! account to receive donations, which are tax deductible. Contributions may be sent to: Rally Salinas!, P.O. Box 269, Salinas, California 93902.
The Text and Academic Authors Association is seeking a new part-time executive director to lead the association as it embarks upon a national growth initiative with the goal of becoming a major institutional force in the world of text and academic authoring. The new director will be encouraged to explore and bring forth new proposals to help position the organization for growth and fiscal health. Remuneration is $30,000 per year, but significant incentives are negotiable for meeting performance and goal objectives. While the offices are currently in St. Petersburg, Florida, the organization is open to relocation to any college community in the United States. **Application deadline is April 20, 2005.** Website: www.taaonline.net

The Small Press Center of New York City is sponsoring the First Annual New York Round Table Writers’ Conference April 28–30. The Small Press Center is located at 20 West 44th St. between 5th and 6th Avenues. Call 212-764-7021 or visit www.smallpress.org for more information.

The Willard R. Espy Literary Foundation is accepting submissions for its annual Willard R. Espy Award, for a memoir or collection of personal essays in progress. Submissions must be previously unpublished and in English. The prize is $1,000 and there is no application fee. **Deadline: May 15, 2005.** Contact: Willard R. Espy Award, Ms. Polly Friedlander, President, P.O. Box 614, Oysterville, WA 98641, (360) 665-5220. Website: www.espyfoundation.org. E-mail: wrlef@willapabay.org.

Writer’s Digest’s annual writing competition awards cash prizes ranging from $25 to $1,500 in 10 categories. Work can be submitted by e-mail (competitions@fw-pubs.com) or regular mail; all paper submissions must include an entry form and a SASE. For updated guidelines and entry forms, visit www.writersdigest.com. **Deadline: May 16, 2005.** Contact: Writing Competition, Ms. Maria Altevers, Executive Editor, 4700 East Galbraith Road, Cincinnati, OH 45236.

The Bechtel Prize for Educating the Imagination is given for an exemplary article (or essay) on creative writing, education, literary studies, and/or the profession of writing. The award is given by the Teachers & Writers Collaborative, and includes a cash prize of $3,500 and publication in a special issue of Teachers and Writers Magazine. Prospective applicants are encouraged to read Teacher & Writers to familiarize themselves with its non-academic style. E-mail submissions are not accepted. There is no application fee. **Deadline: May 31, 2005.** Contact: Bechtel Prize for Educating the Imagination, Ms. Christina Davis, Publications Editor, 5 Union Square West, New York, NY 10003, (212) 691-6590 x 20. Website: www.twc.org. E-mail: editors@twc.org.

The SouthWest Writers Contest honors excellence in writing. Editors and literary agents critique the top three entries in each category. There is a first prize of $150 and first-place winners also compete for the $1,000 Storyteller Award. Authors must submit two copies of an original and unpublished work in manuscript format. Visit the website for guidelines and the application form, mail a SASE or phone, fax or e-mail. **Deadline: June 1, 2005.** Contact: SouthWest Writers Contest, 3721 Morris NE, Albuquerque, NM 87111, (505) 265-9485, fax (505) 265-9483. Website: www.southwestwriters.com. E-mail: Swriters@aol.com.

The Helen Keller Foundation invites submissions in poetry and prose that describe how you or someone close to you overcame a physical, mental or emotional impairment or other adversity. Entries should not exceed 3,000 words, and winners’ work will be published in a 2005 anthology. First, second and third place winners will receive awards of $2,000, $1000 and $500. Send original manuscript with three photocopies to The Helen Keller Foundation, c/o Diane Scharper, English Department, Towson University, Towson, MD, 21252. **Deadline: June 1, 2005.** Include the title of the memoir, your name, address, telephone number, and e-mail address on a cover sheet. Title only should appear on each page of manuscript. Manuscripts will not be returned unless accompanied by a SASE. Anyone related to the Helen Keller Foundation or its staff is ineligible. For more information, call 410-704-2868 or e-mail dscharpe@towson.edu.

The Write Place is awarding the SASE/Jerome program award to several emerging and mid-career writers. It is a grant award for $1,500 to $5,000. Writers can apply on their own behalf or be nominated. Each category has its own submission guidelines. **Deadline: June 14, 2005.** Submit one application only. For submission guidelines, contact: SASE/Jerome Awards, Ms. Carolyn Holbrook, Artistic & Executive Director, 711 W. Lake St., Suite 211, Minneapolis, MN 55408. Website: www.saseonline.org. E-mail: Carolyn@saseonline.org.

The BULLETIN BOARD
How to Get What You Want from FOIA
Continued from page 6

waiver. Your detailed answers to these questions will determine whether or not a waiver is granted.

1. Does the subject matter of the request concern the operations or activities of government?
2. Is the disclosure likely to contribute to an understanding of government operations or activities? Is the information already in the public domain?
3. Does disclosure of the requested information contribute to public understanding of the operations or activities of government? And does the requester have the expertise in the subject matter and the ability and intention to disseminate the information to the general public?
4. Is the contribution to public understanding of government operations or activities significant? Will the public’s understanding of the subject be enhanced by the release?
5. Does the requester have a commercial interest in the disclosure? (A writer’s research interest in the material is not usually considered “commercial” in this sense.)
6. Does the commercial interest by the requester, if any, outweigh the public interest in disclosure?

The responses to the first four questions should be yes; answer no to the last two questions.

For a detailed discussion of the fee waiver factors and how they are applied, check here: www.usdoj.gov/oip/foia_updates/Vol_VIII_1/viii1page2.htm

What to do if you are denied access

You may be denied access in several ways. The first is an adverse or hostile fee determination as described earlier. The second way is if the agency simply fails to respond, or says that your request is in their administrative backlog. (I have had dozens of requests kept pending at various agencies for more than five years.)

The third way is if an agency removes (or “redacts”) large portions from the released records, sometimes to the point of absurdity. While redactions are quite common, and an administratively correct way to remove exempt information while releasing the remaining portions, agencies sometimes apply a heavy hand with their black Magic Markers.

Some agencies, such as the CIA, routinely play games with requesters, simply refusing to process most requests. Other agencies (such as the National Security Agency or the Treasury Department’s Office of Foreign Assets Control) have deliberately understaffed their FOIA offices and take so many years to respond that they might as well deny access outright.

Agencies frequently deny access to records for inscrutable or cursory reasons, necessitating another letter from the requester (an “administrative appeal”). Don’t be intimidated by the initial response; sending back an appeal letter within the stated time limit is often successful. Agencies count on getting away with bad release decisions because very few requesters bother to send in an appeal. An administrative appeal need be nothing more than a letter asking the agency to reconsider its decision and explaining why the initial decision was incorrect.

The most common appeal is to point out that the agency is legally obliged to separate releasable parts of a document from unreleasable parts, even down to the word or sentence level, rather than simply denying access to the entire record. This is referred to as releasing “segregable releasable portions.”

Redactions are often unjustified, petty, frivolous or are simply being used to protect the agency from embarrassment. How do we know? Sometimes the parts the agency redacts become public in other ways, making it clear that the redactions were inappropriate and made for the wrong reasons.

The exemptions most often cited improperly by agency staff to deny records are as follows:

B(1) says the material was withheld on the grounds of national security. You can question whether the material is currently and properly classified, and even ask for a declassification review.

B(2) says the material consists of internal administrative materials. Often such determinations are legally improper unless the records would circumvent some regulation or law. Agencies sometimes cite B(2) when they want to remove large portions of a document, or when they don’t know what other reason to give. You can question whether the use of B(2) was proper.

B(5) says that the agency wants to protect the withheld material under a legal privilege such as “deliberative process.” The deliberative process privilege is grossly overused and even abused in most agencies. The deleted information must meet several requirements: it must be deliberative and pre-decisional and an opinion (not factual). Any part of a document that isn’t one of those (such as factual parts) must be released.
Dealing with delays

Each agency responds to FOIA requests differently. Some agencies take as much as several years to respond; others may respond within several weeks or in rare instances within days. If you telephone the agency, most will apprise you of their backlog. Most agencies (including the FBI) provide a response within three to six months.

If you run into a delay, call or write to the agency and ask them about the holdup. Sometimes it is helpful to file a broader request initially and narrow it upon speaking with agency staff.

Can your senator or congressperson assist if an agency won’t respond to a request? Typically not: The legislator sends a letter to the agency and the agency typically replies with a form letter that says “we are doing everything we can.” It doesn’t help.

There are often ways around agency obstructions, and some may be learned by trial and error. But even a newcomer can succeed with a deliberate, highly organized approach, always responding promptly to agency correspondence, and remaining skeptical of agency claims throughout the process.

FOIA’s New Limits

Continued from page 7

that disclosure to citizens could directly harm national security, which is already covered by the wide discretion to withhold “classified” documents. Instead, it argued that having to comply with FOIA requests would divert the NSA’s attention from its mission.

FOIA compliance has also been limited in subtler ways, according to a report on government secrecy commissioned by Representative Henry A. Waxman, ranking minority member of the House Committee on Governmental Oversight. Some agencies have aggressively challenged and denied fee-waiver requests by scholars and journalists. In one case, the Department of Energy took the position that a professional freelance writer and scientist “does not publish or broadcast news to the public itself,” so was not a “representative of the news media.” In another, the Department of Defense denied a fee-waiver request by the Electronic Privacy Information Center, a nonprofit that publishes newsletters, reports, and books on civil liberties, on the hyper-technical grounds that the center is not “organized and operated” to disseminate information. A federal court ultimately threw out the agency’s argument.

The Waxman study also cites the Bureau of Alcohol, Tobacco and Firearms, the Bureau of Land Management, the Department of the Interior and the National Institute of Environmental Health Sciences for using frivolous exemptions, fee-waiver denials, and foot-dragging to avoid compliance with FOIA. Other agencies have clamped down on their employees’ contact with the news media. The Reporters Committee for Freedom of the Press reported that in September, the Midwest regional office of the Environ-
mental Protection Agency told its employees not to talk to reporters, to “prevent EPA management from being surprised by news coverage.” In August, the EPA branch covering the mountain and plains states instructed its employees that: “Since it is two months before election day . . . here is how to handle inquiries for information that seem partisan: The response is ‘no comment.’” The EPA said this policy was made to comply with the Hatch Act, which prohibits government employees from acting overtly to alter the outcome of an election.

Other disclosure laws have met with similar treatment by the administration, notably the Presidential Records Act. The law gives the archivist of the United States custody of the records of former U.S. presidents that relate to official duties. The archivist must make them available to the public as rapidly and completely as possible. Twelve years after a president leaves office, the FOIA is supposed to govern all his presidential records except those relative few that continue to be covered by executive privilege, if invoked by the former president. On November 1, 2001, President Bush signed an executive order that essentially prevents the release of presidential and vice presidential records unless the current president deems it appropriate. This prevented the timely release of the presidential papers of Ronald Reagan and those of his vice president, George Herbert Walker Bush.
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Writers may qualify on the basis of being book authors or freelance journalists. Book authors must have been published by an established American publisher. A writer who has a contract with an established publisher for a work not yet published may join as an associate member. A contract with a vanity press does not qualify a writer for membership in the Guild. Freelance journalists must have published three works, fiction or nonfiction, in a periodical of general circulation within the last eighteen months.

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