BOOK PUBLICITY
Home Made & High Tech: Doing It Yourself Online
Roy Blount on Tie-Ins and Krispy Kremes
Quality Time at Princeton with Robert Stone
LETTERS TO THE EDITOR

In the Overheard section of the Guild’s Winter 2007 Bulletin, Junot Diaz comments that reading Moby Dick is “like a pro football player being like, ‘Lemme tackle you.’”

I would like to add to that opinion. Even though I’m not Catholic, I decided to participate in Lent this year when a pro-Lent friend informed me that one can take on burdens for Lent as well as renounce the usual coffee or booze (which felt like unnecessary torture to a coffee shop-addicted writer who often reads novels at the end of bars). In the spirit of burdens, I chose to take on all 600+ pages of Moby Dick and finish it by the end of Lent. Admittedly, reading Moby Dick as a burden was to invite a Cleveland Brown to tackle me black and blue. However, it was also an extremely enjoyable burden, both luxurious and deranged. I often sensed the beautiful, bizarre poetry in lines such as “Let us squeeze ourselves universally into the very milk and sperm of kindness . . . . In thoughts of blue visions of night, I saw long rows of angels in paradise, each with his hands in a jar of spermaceti.” But I also decided Melville was more than a bit crazy to have one entire chapter devoted to “Of the Monstrous Pictures of Whales” but then still another chapter entitled “Of the Less Erroneous Pictures of Whales.” Perhaps it was these latter exhaustive details that inspired Mr. Diaz’s comments, and I must admit I agreed somewhat with his sentiment—one more sperm whale anatomy lesson or another bloody scene in the blubber room and I might have given myself a self-inflicted concussion with the blunt end of a harpoon. But yet there was something archetypically and mythically satisfying to allow one’s self to be run over by a blanched, multi-ton linebacker named Moby Dick.

Jefferson Navicky
Portland, ME

Continued on page 41

ALONG PUBLISHERS ROW

BY CAMPBELL GEESSLIN

Imagine my pleasure when four copies of my most recent picture book for children turned up on my doorstep: one each in French, Spanish, Danish and Swedish. A version in Japanese had arrived weeks ago, but neither publisher nor agent had told me that the rights had been sold in four more countries.

My French is a poor memory from college days, but Francoise Rose’s translation struck me as liltting, nicer than the English. The Danish and Swedish will remain mysteries. It was the Spanish version that caused shooting pains. The book’s title was changed from Elena’s Serenade to Elena la. Why?

The original opening page has 19 words: “In Mexico the sun is called el sol, and the moon is called la luna. I am called Elena.”

The original page has 49 words. My wife knows Spanish. She also knows gnashing teeth when she hears mine. She translated the opening passage into English:

“The little girl’s name is Elena. She likes to blow glass. The Mexican sun is the color of molten glass, and the moon, when it rises, looks like cold glass. She looks like both of them. The three are good friends. This is the story of Elena. Listen carefully to what she did.”

Why was the first-person narration changed to third person? Why was a military march changed to rock music? Why was my magical ending changed into moralizing clichés?

I am jealous of Ana Juan, the book’s illustrator. Nobody added beards to the characters in her wonderful pictures.

TOUGH BUSINESS: While Ralph Waldo Emerson was working on his first book, Nature, he wrote to a friend: “To write a very little takes a great deal of time. So shall a man weary himself . . . in vain attempts to carve Apollos which all turn out to be scarecrows.” The quote is from Emerson Among the Eccentrics: A Group Portrait, by Carlos Baker.

HELPERS: The American Heritage Dictionary has a panel of 200 writers, artists and thinkers who define
THE AUTHORS GUILD BULLETIN

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Roy Blount Jr.

Editor
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Back of the Book
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About the Cover
Elwood H. Smith is an award-winning illustrator whose work has appeared on the covers of Newsweek, Forbes and U.S. News & World Report and in the New York Times, Washington Post, Wall Street Journal and Time. He has also illustrated many children’s books and spends all his spare time creating animation projects.

Overheard

“I guess the media world has changed in such a way that a book is just a pretext for television appearances and blogging and writing for the New Republic.”

From the President

BY ROY BLOUNT JR.

Along about the time you read this, if you do, I will be out trying to induce people to read, or anyway to buy (put it this way: to buy, perchance to read) my 20th book. I will not exploit this office by telling you the title of that book. I wouldn’t want you to feel obliged to buy the damned thing, because then I would have to buy yours, which would boil down to each of us shelling out $24.95 and possibly receiving, eventually, something in the neighborhood of three dollars. Let’s say you, who are in fact reading this, number 1,000 authors. So far I’m down, conservatively, $22,000.

What you are thinking now, I suppose, is that my publisher should enter into a tie-in with somebody. That is what Harlequin, the leading publisher of romance novels, has done: with Nascar. Those two powerhouse organizations, according to The New York Times, will be combining to produce and promote a 16-book series of jumpsuit-rippers in which impressionable women are swept off their feet by passing stock cars.

The “mousy-seeming” heroine of the first of these books is Kendall Clarke. “Clad only in panties and a slip,” according to the Times (remember when nobody would be caught dead dressed like that in the Times?), “she finds herself sitting in a sports car next to the fictional Nascar driver Dylan Hargreave on the night when she is supposed to receive the Sharpened Pencil Award given to Actuary of the Year. ‘She’d never done anything this wild in her life,’ she thinks [in the third person, evidently]. ‘Oh, it felt good.’”

Unfortunately, this book of mine that is coming out includes a passage to the effect that I am not a stereotypical Southerner because I have no more interest in stock-car racing than I do in hockey—in fact the only way you could get me to watch a car race would be if they ran over a hockey player every few laps.

So forget about Nascar, and the National Hockey League too. In point of fact, someone with Krispy Kreme donuts inquired recently whether I would be interested in being considered as “a permanent voice” of Krispy Kreme. I suppose that would sell a few books in amongst the pastry, and in fact I started thinking . . .

“What’s the sweetest part of a Krispy Kreme?” author Samuel L. Hawthorne, who had ridden this campaign of his own devising into bestsellerdom and incidentally a new solvency for that hard-pressed donut concern, heard himself saying to millions upon millions of people in their homes (some of them, no doubt, dressed in nothing but demi-bras and things like that), “The part closest to the bone.” Oh, it felt . . .

No, that’s not going to work for me either, because, for one thing, I grew up believing, however quaintly, that writers should not shill shamelessly for anything but their books. Another thing is that, yes, this book I have coming out does include a heartfelt tribute to hot Krispy Kremes, but it also tells how disillusioned I was when I walked into one of that delectable product’s Manhattan outlets and found that although the “Hot Donuts Now” was lit, the donuts available were . . . cold.

So I’ll just have to hope that this book of mine gets hot on its own. Against all odds. If my promotional tour goes the way most of them have, I will set out on the strength of a vague, snippy, what-the-hell-is-this sort of review, which always puts wind in one’s sails. Then I will get a gratifying, nicely placed review anywhere from two weeks to 33 years after I stagger home.

And along the way I will get food poisoning from the chicken salad in a radio-station sandwich machine. Or while waiting, dubiously, to be interviewed at a religious station I will hear the show’s host saying, “But what I’m most vitally interested in is the whole question of just who is the anti-Christ. Our next guest . . .”

Continued on page 6
Prime Stone

By Robert Masello

In combing over Robert Stone’s recently published memoir of the ’60s, Prime Green, I am saddened, but not surprised, to discover that I am nowhere mentioned.

True, I didn’t meet him until 1971, and I was one of probably a dozen writing students he taught at Princeton University that year, but still . . . you like to think you made an impression.

Even if, as in my case, it was a lousy one.

Robert Stone was a visiting professor, or whatever they called them back then, in the much vaunted writing program at Princeton; that program was the main reason I’d chosen to go there. In high school I’d fallen under the spell of F. Scott Fitzgerald; I’d inhaled his account of Princeton in This Side of Paradise (a book, in retrospect, best read when 16), and in my senior year English class we pored over The Great Gatsby. I set out for college knowing only one thing—I was going to be a famous writer (and a girl named Susan, for the rest of her heartbreakingly blonde and beautiful life, was going to rue the day she dumped me).

Everything initially went according to plan—the campus was as bucolic and serene as Fitzgerald had described it, my room was at the top of a Gothic tower, with a cavernous fireplace in one corner and casement windows overlooking the ramparts of Blair Arch and Alexander Hall. The walkways were leafy, the commons where we ate was suitably baronial; even the infirmary—where all freshmen spent a few nights after contracting the obligatory mononucleosis—had the air of a sanatorium in Gstaad, with the patients swanning around in terrycloth robes, eating tapioca and slogging through Proust in the sunroom.

You can imagine how well Robert Stone—stand-bearer of the counterculture, ex-seaman, bosom buddy of Ken Kesey—fit into this idyllic picture.

To be honest, I can’t say I even knew who he was when I signed up for creative writing. Our classes were small; I don’t ever remember more than maybe eight or nine students in the room at one time, gathered in a semicircle of plastic chairs around Stone. He wasn’t standoffish, exactly, but I don’t recall him being especially approachable or chummy, either. (I do some teaching myself these days, and routinely make the mistake of trying to make myself popular.) Stone had a shorter and redder beard in those days than you see on him now, and his ears kind of stuck out from under lank and uncut hair. He spoke in low tones, sparingly, and most of our time was spent reading over and critiquing the other students’ latest work.

This, I came to feel, was an agony for the poor man. It reminded me of watching that sad thwarted polar bear who used to endlessly pace his cage in the Central Park Zoo.

Have you ever taken a college creative writing class? Well, if you’ve been spared, let me just suggest that you think back to what occupied your mind when you were 18 or 19—and then imagine all that frustrated lust and inchoate longing, all those deep-seated fears (am I as special as I think?) and dreams (could it be that I’m even more special than I think?) fumblingly committed to paper. I also remember a lot of stories about first love and the loss of innocence (i.e., virginity). In one such tale, the phrase “dueling tongues” appeared, and to this day I recall the lost look on Stone’s face as he attempted to find a way to seriously, yet benignly, respond to the rest of the similarly-styled narrative.

But I was beyond such juvenilia myself; I fancied myself a real writer, having sold a couple of things, most notably a story to Seventeen magazine. I was eager to let Stone in on this, so that he’d realize he had a peer in the classroom and not just some kid, and at our first private conference I contrived to mention it somewhere in the first five or 10 seconds. Stone was very gracious, leaned forward in his squeaky wooden desk chair, and said, “Well, you’re a professional then,” or

Robert Masello is the Visiting Lecturer in Literature at Claremont McKenna College, and the author, most recently, of the novel Bestiary, published by Berkley Books.
words to that effect. I don’t really remember the exact wording because I was so fixated on Stone himself—his eyes glittered with some sort of extraterrestrial intelligence, and his pale forehead looked to me as if it were almost translucent. Was this, I thought (almost swooning) an effect of the notorious L. . . S. . . D.? By then, I guess I’d also heard about his literary prizes and Guggenheim Fellowship, and maybe that, too, was part of the reason I felt, for the first time in my life, that I was in the presence of what they called “genius.”

A quantum leap forward from all the brilliant professors I’d already encountered (one of whom was an editor of the Norton Anthology! Could you go any higher?).

It was probably then that I gave Stone a copy of the published magazine story, which I just so happened to have with me. Called “Placebo,” it was the tale of a suburban high school student drawn to experiment with drugs, but who soon learns that they aren’t the answer and mends his ways.

Now I can’t say that Stone ever actually read the thing, but as miscalculations go, giving an antidrug story to one of the Merry Pranksters was like offering Nixon a joint. I had written the story with a keen eye on the marketplace; drugs would make it seem hip and controversial, but the message would make it ultimately acceptable, even desirable, to mainstream editors. I hadn’t been wrong. And later that week, in my first original composition for the class, I submitted another of my slick, neatly buttoned-up narratives, with what I hoped would become my trademark O’Henry-style trick ending. (“Placebo” had had one too.)

Although my classmates seemed favorably disposed, Stone, I could tell, was not. In fact, I had the distinct impression that he had sized me up as a budding hack (not, given my later career, such a wild surmise). While the other students were trying, however feebly, to create art, I was already trying to figure out how to get my byline in lights. I wanted nothing more than to sell out to the same audience that Stone wanted to annihilate. You could say that our goals were at odds.

It was also interesting to see the other students in the class quickly change course and blow with what they thought were the prevailing winds; after we’d all had time to figure out who Stone was, and read A Hall of Mirrors, his dark, gritty novel set in New Orleans, and heard him read in the auditorium from the manuscript of his work-in-progress, Dog Soldiers, the tenor of the class submissions did an abrupt about-face. All those tales of young lust swiftly gave way to seamy narratives about corrupt narcotics, burnt-out Vietnam vets, and brawls in waterfront bars—subjects with which the typical Princeton undergraduate was, of course, intimately familiar. One week after Stone casually mentioned the work of Louis-Ferdinand Celine in class, every story came back drenched with expletives and ellipses.

But in spite of his dismissal, I never bore the man a grudge; if anything, his petty disdain for my patently craven submissions only made me respect him more—especially as, by then, I had segued into my Alain Robbe-Grillet phase. I was churning out stories with no people in them (characters were so old-hat), or told from the point of view of a ceiling fan. He never really told me what he thought of these groundbreaking works—he wouldn’t have been so merciless—but I could guess. And I guess you could say his silence made me do what any good teacher does; it made me aim a bit higher, think a bit longer, and work a bit harder. To this day, I’d have to admit, I’m still feeling the Stone effect. I’m still trying to redeem myself by writing something worthy of the master—and master I do believe he is—still trying, however late in the day, to get that damn A. *

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**From the President**

*Continued from page 4*

green room in the company of four highly excited women and a dubious-looking young man, and one of the women will be unable to resist whispering to me that the young man is about to be surprised, on camera, by meeting the father he has never known, which will cause me to think, “It’s not . . . It can’t be . . . ?”

Oh well, when those things happened on previous book tours, I spent just one night throwing up uncontrollably in a room where I couldn’t find the light switch, and my driver got me to the airport before breathing her last, and I turned out to be neither Satan nor the young man’s dad.

And who knows, maybe I’ll have a marketing experience that will enable me at last to top what the late Art Buchwald told me once: “The worst green room I was in, there was a chimpanzee. And somebody was changing its diaper.”

By the way, just as a point of information, what is a demi-bra? One cup? *
Annual Meeting

BY STEARNS BROADHEAD

The Authors Guild held its Annual Meeting on February 28 at The Library of the General Society of Mechanics and Tradesmen in New York City. Guild President Roy Blount Jr. called the meeting to order and asked for and received the approval of the minutes of the 2006 Annual Meeting.

The first order of business was to discuss the proposed amendments to the Authors Guild Constitution. Mr. Blount asked Paul Aiken, Guild Executive Director, to describe the amendments and the reasoning behind them. Neither the Authors Guild nor the Authors League of America’s constitutions had come under review since 1964. After analyzing the Authors Guild Constitution, attorneys specializing in nonprofit law suggested that certain changes be proposed. [See p. 8 for an article on the changes.] The procedure in place for voting by proxies needed updating because of requirements mandated by New York State law. In addition, the Guild’s committee structure did not comply with current non profit law.

Mr. Aiken took questions from the floor regarding the proposed amendments and nominations. One member asked how the nomination process could be restructured to draw from a larger pool of member-candidates for the Board elections. Mr. Aiken replied that one idea was to post a notice in the Summer Bulletin calling for nominations to the Board. Another member asked how someone could publicize his or her candidacy to the membership. President Blount suggested that the Bulletin could potentially provide a forum for this, but that the matter would have to be considered by the Board at the next Council meeting.

Mr. Blount then asked all members in attendance who had not yet voted by mail to do so. The tellers and inspectors, Anita Fore and Michael Gross, then collected the remaining ballots.

Mr. Aiken delivered the Executive Director’s report, which detailed recent Guild developments and activities:

- The Guild gained 912 new members, up slightly from the previous year, when membership increased by 895 members.
- In August, after eight months in temporary offices on 23rd Street, the Authors Guild settled into 31 East 32nd Street. The new space has about 5,000 square feet. The cost of renovating the new space was about $500,000, 70 percent of which was paid for by the Authors Guild, with the remaining 30 percent paid for by the Authors Guild Foundation. The new rent is $22.50 per square foot, a good deal for Manhattan commercial real estate, and 20 percent less than the cost of the Guild’s previous long-term space cost, a savings tied to our 10-year lease.
- Among the programs hosted by the Authors Guild last year was a panel discussion on British libel law, “Rules Britannia,” hosted by Council member Victor Navasky, and a standing room only Children’s Book Group panel hosted by Rachel Vail. The Children’s Book Group’s wine and cheese party, held in the calm following the holiday season, was also well attended. The Guild, represented by Paul Aiken, participated in an event hosted by the Section 108 Study Group in Chicago. That group is examining whether Section 108 of the Copyright Act, which governs the making of free copies of books and journals by libraries for purposes such as preservation and interlibrary loan, should be modified to accommodate digital copying and distribution.
- Our web services department has focused much of its energy this year on the introduction of our new website building software Sitebuilder 2. This new proprietary system was launched in April.
- Recently, Cigna dramatically increased the premiums on health insurance programs it offers through the Guild’s broker, TEIGIT. Those increases hit substantial numbers of Guild members in New Jersey and California, with increases were as high as 200%. The Guild is actively looking for alternatives.

Jan F. Constantine, the Guild’s general counsel, gave her report on the legal developments of the past year. The Electronic Database Class Action Lawsuit, brought by the Authors Guild against nine leading database providers in 2005, ended with a settlement worth as much as $18 million but remains in limbo because of a challenge by a single attorney-objector. A hearing on the appeal was heard on March 7, 2007, but no decision has been handed down.

Ms. Constantine then discussed the status of the Authors Guild’s class action against Google. The case is currently in discovery mode, and scheduled to go to trial in the fall of 2008.

The Guild’s work to restore language to the Trademark Dilution Revision Act paid off: The final bill that
was signed into law in October 2006 included the defense of non commercial use for defendants to use when sued for infringement under the act.

The Guild is also involved in several amicus efforts on behalf of authors.

Anita Fore, Director of Legal Services, briefly reviewed the department’s activities for the year, reporting that she and Staff Attorney Michael Gross handled or supervised the handling of 958 individual matters for Guild members, up from last year’s 923.

On behalf of Peter Petre, Mr. Aiken presented the Treasurer’s Report. The Guild is doing fine financially. General expenses were up $80,000 from last year, but all extraordinary expenses were related to the two relocations of the Guild’s office. These included the actual cost of moving twice, high rent for the temporary offices, fees for storing files and office equipment while the new space was being readied, and a $110,000 write-off on leasehold improvements on the previous long-term space. The Guild’s assets rose from $186,000 last year to $511,000 this year, however. The latest asset figure includes the leasehold improvements for the new office space, as well as the Site Builder 2 proprietary software. Save for the extraordinary expenses, 2006 expenses were in line with 2005; there was a 5 percent increase in overall expenses. Revenues rose by 2–3 percent above last year.

Mr. Aiken reported on the “orphan works” bill introduced to Congress last year. Orphan works are copyrighted works for which someone cannot find the rights holder. The proposed legislation stated that if someone wanting to use a work made a diligent but unsuccessful effort to locate the rights holder, the work could be used with minimal risk to the party who used the copyrighted material. The vaguely defined notion of “diligent effort” raised concerns that, were the bill

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### Constitutional Update

At Authors Guild and Authors League annual meetings on February 28, 2007, members approved changes that will modernize the structure of both organizations and change the relationship between Guild members and the League.

Prior to the changes, individual members of the Authors Guild and the Dramatists Guild were automatically members of the Authors League. Over time, and as the three organizations evolved, the League had ceased to have much of an operational function. At the same time, the requirements of its constitution meant that it had to be managed in specific ways at a considerable expense of time and money. Both the Authors League’s and the Authors Guild’s constitutions were also out of date regarding certain requirements imposed by the New York Not-for-Profit Corporation Law (NPCL).

The main change to the League Constitution is that individual members of the Authors Guild are no longer automatically members of the League. The League will now have just two members, the Authors Guild and the Dramatists Guild. The Board of the League will now consist of three representatives from each of the two member organizations. Further changes to the League’s meeting schedule, elections, dues requirements, and provisions for amending the League’s Constitution were also put in place at the same time.

As for the Authors Guild Constitution, the most significant changes are two amendments that bring it into compliance with the NPCL. First, a section was added regarding the designation of committees, their composition, and their meetings. This was necessitated by a NPCL requirement that a corporation may not have committees unless they are provided for in its by-laws. Second, membership meeting procedures were altered. References to mail ballots were removed because the NPCL does not allow them; voting by proxy is still allowed. In addition, a financial report consistent with the requirements of the NPCL is now required during meetings.

Other smaller changes made to the Guild’s Constitution affected the following:

The process for nominating members to the Council was changed to clarify that the nominating committee is to come from among the Council membership. The time frame for nominations was also altered.

The timing of distribution of ballots prior to a meeting was changed from a fixed date to a date no more than 30 days prior to an annual meeting.

A complex disciplinary process for removal of members was replaced with an eligibility model, in which members are considered to be in good standing if they pay dues and meet certain criteria.

A new indemnification clause authorizes the Guild to indemnify Council members and officers against actions arising out of their status as such.

—David Curle
Ulysses Without Guilt

By Stacy Schiff

There are two ways to approach our cultural crossroads. You can either wring your hands and lament—as an eloquent school librarian did recently in The Washington Post—that literacy today has less to do with Wordsworth or Faulkner and more to do with “how we find our way through the digital forest of information overload.” Or you can be a sport about it, slip your earbuds back in and pick up a copy of Pierre Bayard’s best-selling How to Talk About Books You Haven’t Read.

There is one catch: Professor Bayard writes in French. Of course, that hardly matters as, by definition, you’re not going to crack the spine.

To summarize: Don’t be put off by your ignorance. Let your subconscious do the talking. Remember that text matters less than context. A 52-year-old professor of literature and a psychoanalyst, Mr. Bayard has got this far without ever having picked up Oliver Twist or finished Ulysses. He remains guilt-free on both counts. In his view, to engage with one book is to forgo the acquaintance of many others. Reword that slightly, and you have the battle cry of half the men I dated.

You could argue that the French have something of a tradition of talking through their hats. And certainly Professor Bayard’s feel-good book counts as recompense. After having been bludgeoned by the unbearable lightness of French women, it’s high time we were consoled by the exemplary liteness of French men. All the same, the technique is familiar. It’s one some of us mastered as undergraduates.

Should Professor Bayard’s measures seem radical, you can meet him halfway: treat yourself to a copy of P. J. O’Rourke’s On The Wealth of Nations’, among the first in a series on the great books, or, as Mr. O’Rourke terms them, “Works Which Let’s Admit You’ll Never Read the Whole Of.” You can tackle 900 pages of Smith, or you can be tickled by 240 pages of O’Rourke. I agree; it’s no contest. Especially since no one has read Smith in his entirety since 1776, when there was nothing going on anyway.

Also this spring Weidenfeld & Nicolson, the British publisher, will issue “compact” versions of the classics. (Starved though we are for a thin Thackeray in 30 days, we remain fussy about language. “Abridged” is for children. “Compact” is for adults.) Have you not noticed there is too much rambling in Anna Karenina and Mill on the Floss? And to think I worried about the Monarch Notes people when Wikipedia came along.

Say what you will about Professor Bayard, he forces us to confront a paradox of our age. By one estimate, 27 novels are published every day in America. A new blog is created every second. We would appear to be in the midst of a full-blown epidemic of graphomania. Surely we have never read, or written, so many words a day. Yet increasingly we deal in atomized bits of information, the hors d’oeuvres of education. We read not in continuous narratives but by linkage, the movable type of the 21st century. Our appetites are gargantuan, our attention spans anorectic. Small wonder trivia is enjoying a renaissance. We are very good on questions like why men fall asleep after sex and why penguins’ feet don’t freeze.

Recently Cathleen Black, president of Hearst Magazines, urged a group of publishing executives to think of their audience as consumers rather than readers. She’s onto something: arguably the very definition of reading has changed. So Google asserts in defending its right to scan copyrighted materials. The process of digitizing books transforms them, the company contends, into something else; our engagement with a text is different when we call it up online. We are no longer reading. We’re searching—a function that conveniently did not exist when the concept of copyright was established.

All of which sent me back to the king of content-free reading, the Ur-blogger. There was to be no tough sledging for this consumer, who never bit his nails over Aristotle. Among distracted readers he has no equal; as disjointed, derivative writers go, he is a man for our times. Five centuries ago he pioneered Mr. Bayard’s review technique: Leave the book under discussion unopened before you. Then write about yourself.

At the outset he warned his reader not to waste his time with the scribblings to follow. Who knows where we go from here. We may well produce another Montaigne.

The Wizard Behind the Curtain

BY CYNTHIA CROSSEN

like so many people who love to read fiction, I have written a novel. It will never be published, because it isn’t any good.

But after reading A. Scott Berg’s 1978 biography, Max Perkins: Editor of Genius, I began to wonder if a skillful, experienced and patient editor like Mr. Perkins couldn’t turn my sow’s ear into a silk purse, or at least a purse. Mr. Perkins, who worked for the New York publishing company of Charles Scribner’s Sons for 36 years, virtually memorized his authors’ manuscripts, then suggested thousands of changes from the loftiest abstractions to the tiniest details. If his authors became discouraged, he gave them pep talks and fixed their problems, often lending them money from his own pocket.

Today, when people read the works of Ernest Hemingway, F. Scott Fitzgerald and Thomas Wolfe, they probably don’t realize that Maxwell Perkins’s hand was on almost every word. Perhaps more important, it was on many words that didn’t appear in the published books. Mr. Perkins always urged concision, and Mr. Wolfe’s original manuscript of Look Homeward, Angel was more than a million words long. As Mr. Perkins often said, “It is better to give a little less than the reader wants, than more.”

It’s a tough job to make a man who sits at a desk all day reading and rearranging words into a heroic figure. But Mr. Berg, who won a National Book Award for Max Perkins, does it with just the right amount of reverence. Mr. Perkins had his faults—his attitudes toward women were antediluvian, he believed in phrenology (the study of character as revealed by protuberances of the skull)—and he was a poor speller. The first editions of F. Scott Fitzgerald’s This Side of Paradise had more than 100 typographical errors. But Mr. Perkins worshipped great literature—he reread War and Peace dozens of times—and he doted on his authors like sons and daughters. “There could be nothing so important as a book can be,” he once wrote to Mr. Wolfe.

The best authors make writing seem effortless, but even naturally gifted ones like Messrs. Hemingway, Fitzgerald and Wolfe wrote four, five, even a dozen drafts before they, and Mr. Perkins, were satisfied. Characters and scenes were added and subtracted. The beginning became the middle, the middle was the new beginning. And because successful writers often turn into big babies, Mr. Perkins had to put up with frequent tantrums, hysterics and jealous rages.

Then, when the book was finally printed, the critics were waiting with glistening knives. Several critics savaged The Great Gatsby in print, taking Mr. Perkins to task for having published such a trivial mystery novel. One critic told him personally, “That new book by your enfant terrible is really terrible.” About Thomas Wolfe’s Look Homeward, Angel, a critic wrote, “I can see no reason why anybody should abstain from writing like that if he wants to write like that; I can see no reason why anybody should read the result.”

Yet the years of Mr. Perkins’s editorial hegemony—the 1920s and ’30s—were a thrilling period in American literature, with stuffy and archaic conventions giving way to modern voices and themes. “The

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Publicity:

The Personal Touch

BY ISABEL HOWE

O

nce upon a time, a cigarette
holder and a tweed jacket
were about the only props an
author needed to undertake a public-
ity tour. Even a few years ago, market-
ing a new book was pretty much the
publisher's job, and it followed a
pretty straightforward formula: re-
view copies mailed out like wedding
invitations, a book tour if the budget
permitted, radio and TV slots, if they
could be had, stacking a reading with
friends, family and just-hired assis-
tants. It's a model that's been dying a
slow death for a decade, but in many
authors' imaginations, it remains the
gold standard.

Think again. In the past few years,
a new breed of self-promoting authors
has emerged, rewriting the rules
of book publicity with personal blogs,
podcasts, e-mail newsletters, and
MySpace profiles. In combination with
tie-ins to Nascar and Sirius Satellite
Radio, and the parallel universes of
Jane Austen, and urban fiction, the
resulting synergistic oooh is pretty
certain to exceed the powers of the
typical publisher's overworked staff.

Consider Scott Sigler, 37, a highly
inventive science-fiction writer whose
website lists his e-mail address, his
Skype, Yahoo and AIM user names, and links to his
MySpace and FaceBook profiles—oh, and his XBox
Live user name, in case readers aren't able to reach
him otherwise. For Sigler, who chats with over 50
people a day via Instant Messenger, "blogging and Instant
Message are two things that really let you interact with
your audience" to create an "ongoing dialogue" about
the work. Those ongoing online chats with readers
even resulted in the creation of a new website run by
two of his fans—a programmer and a graphic designer
who initially contacted Sigler with the hope of becom-
ing involved with his work.

Sigler has capitalized on the tendency of sci-fi read-
ers to be technology geeks, but he adds an old-fash-
ioned twist. His novel, EarthCore, is billed as "the
world's first 'podcast-only' novel," and, much like
early sci-fi radio broadcasts, it was originally released
in 20 serialized episodes. By combi-
ing a tried-and-true format from an
earlier medium with the Internet's vi-
rnal nature, Sigler was able to quickly
pull in 10,000 subscribers. For his sec-
ond podcast novel, Ancestor, the num-
ber of subscribers jumped to 30,000,
with 700,000 episodes downloaded by
readers (or listeners). Ancestor was the
first podcast novel to be picked up by
Sirius Satellite Radio, and episodes from Sigler's recent books have been
downloaded as many as three million
times.

Eric Jerome Dickey, 45, author of
several best-selling chick-lit novels
and a onetime stand-up comedian, is
an author who combines a similarly
accessible web presence with real-life
promotional appearances. Like Sigler,
Dickey has a MySpace profile in addi-
tion to his more conventional website
(Sigler currently has 6,750 MySpace
friends; Dickey has 5,963—and yes,
everyone is counting). Dickey popu-
lates both his sites with extensive
photo albums of him posing with
readers during book tours, with
friends, and even on vacation in
Europe. The photos underscore two
important components of Dickey's
popularity: his accessibility and his
authenticity. By capturing the mo-
moment begun during a book tour and
preserving it online, Dickey continues
to connect with readers even when
he's not making appearances.

Dickey and Sigler are among the growing number of authors who have created an online world that
readers can visit for updates and a glimpse into the
working life of a writer they admire. Others, like
Pamela Aidan and James Bernard Frost, have taken
more unexpected paths toward promoting their books.
The 53-year-old Aidan, a librarian for over 30 years,
runs Wytherngate Press and has published a series of
novels featuring Fitzwilliam Darcy—Mr. Darcy of Jane
Austen's Pride and Prejudice—with a major publishing
house. She began her career by writing in her spare
time, posting "fan fiction" stories to a Jane Austen
website. She eventually compiled these stories into
a book and published it through a print-on-demand
company. After selling 40,000 copies of the title, she attracted the attention of Touchstone Fireside, a division of Simon & Schuster, which offered her a six-figure advance and has since issued her trilogy in both traditional print format and as e-books.

Aidan is a rare example of an author who took the print-on-demand route and ended up a success in traditional publishing. Much of the credit for this achievement goes to her loyal fan base, and to the genre in which she writes. To most outside its ranks, fan fiction is a curious form of insider writing cum homage—stories written by readers, for other readers, about characters from a mutually beloved book that are meant to continue or develop the original story. Fan fiction based on Jane Austen books has been around since the 1920s, but with the advent of the online forum it has recently become a paying genre as well.

Aidan is the queen of the Austen niche, a major force within the larger field of fan fiction. On book tours, she often shares the stage with local chapters of Jane Austen organizations, and she is indisputably the reigning author

Authors on MySpace

Traditional author websites grant readers a tantalizing peek into their favorite writers’ lives—“She has a Doberman! What do you think that means?”, “Damn. He’s wearing the same jacket I threw out last year!”—but it’s definitely a one-way street, requiring no more from the author than he or she is willing to give, and considerably less than an aggressive interview would demand.

MySpace ups the ante. Through its network of “friends,” MySpace forges a multitude of reciprocal connections between “profiles” linking friends and loved ones, and celebrities and normal folks. (It’s no secret that Platinum rapper Cam’ron and my older sister are friends through the site.) Authors who list themselves on MySpace and take the time to browse their reader-friends’ profiles—web pages filled with extensive and revealing personal minutiae like the user’s name, age, location, photographs, blog entries, lists of likes and dislikes, and comments from friends—get to know their fans in a way that a mid-20th century author would have found unimaginable.

“It’s more intimate,” says Koren Zailckas, author of Smashed: Story of a Drunken Girlhood, in an August 2006 Mediabistro.com article, “How Many Friends Does Your Book Have?” Zailckas sees her MySpace friends as “honest-to-god human beings with faces.” But MySpace is a place for exhibitionism, and people with profiles are, literally, more than just faces. Which raises a question: Are readers encountered through MySpace more corporeal than the usual host of hopeful fans clutching well-worn copies of the author’s book at readings?

In addition to bringing them closer to fans, and other writers, MySpace may also help authors boost sales. Guild member George Ellis, author of The Cubs Fan’s Guide to Happiness, has over 4,000 MySpace friends, many of whom he acquired with Friend Adder software. Most MySpace users invite people to become friends one at a time with a simple message that can be accepted, ignored or deleted, but Ellis was able to search profiles based on specific keywords—“baseball,” say, or “Cubs”—and send out hundreds of invitations to become his friend simultaneously. He regularly sends “Bulletins” to his 4,000 friends and claims that after each “blast,” he notices a “mini bump” in his ranking on Amazon.com. Other authors have observed the same correlation, including best-selling horror author Michael Laimo, who landed his first movie deal through MySpace.

Rachel Kramer Bussel, author of the Mediabistro.com article and herself a MySpace user with a page devoted to her book, Naughty Spanking Stories from A to Z, notes that “while they can’t quantify whether MySpace has had a direct impact on sales, many authors say it’s definitely helped them boost event turnout.” And authors en masse now have a home of their own on MySpace, the “Authors of MySpace” profile created by fantasy writer R. M. Hamilton to promote newly released books and advertise author appearances. For now, it is largely sci-fi, fantasy and horror-centric. But there’s no reason to think it won’t expand, given the seemingly unlimited potential of MySpace—one of the most frequently visited websites in the U.S.—to make friends of nearly everyone on the planet.

—Isabel Howe
in The Crown Hill Writers Guild, a group of “ardent admirers and like-minded women” who write “stories reflecting the world of Jane Austen.” (Here she is referred to as “Her Grace, Lady Pamela.”) Her greatest appeal, though, is not that she is set apart from her fans, but that she used to be one of them—suggesting that perhaps one of her fans might one day become as successful as she has.

A fit of pique familiar to any author inspired James Bernard Frost’s distinctive publicity tool. Last summer, the former WIRED writer published a novel, World Leader Pretend, with St. Martin’s Press. When the book was in its final stages, Frost was presented with a cover that he thought was thematically wrong and unattractive. After several rounds of redesign ended in a cover Frost still didn’t like, he contacted a San Francisco-based sticker artist and together they quickly designed a sticker that could be placed over the cover, thus creating a new cover—and a unique way to promote the book.

Now Frost distributes the stickers for free at readings, and sends them out with novels purchased through his website—an insider bonus irresistible to his fans. Also available on his website is a self-published book entitled World Leader Pretend: The Addendum, which includes material edited out of the original novel. The addendum, like the sticker, is about more than publicity; as Frost explained to a Portland, Ore. newspaper, “The book is about how the Internet has simultaneously connected us with more people, and

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**Cyberscapes**

*Skype* is one of many online telephone networks, in which individuals speak to each other using an Internet connection and special software, rather than a telephone. Calls through Skype are far cheaper than traditional long-distance phone calls.

*AIM*, or AOL Instant Messenger, is one of the largest online chat networks. Users carry out typed conversations in real time, enabling faster communication than possible with e-mailing. AOL has trademarked the name “Instant Messenger,” although the nickname “IMing” has come to refer to all instant message systems, including *Yahoo! Messenger*.

*MySpace* and *Facebook* are two of the largest social networking websites, on which individuals, bands, and sometimes companies set up single pages devoted to themselves, including photographs, personal information, blogs, videos and digital music files. People may link to other pages, creating “friends,” so that ultimately everyone using the site is connected. Social networking websites are used for personal and professional purposes, as well as a (temporary) cure for boredom.

*XBox Live*, operated by Microsoft, is an online gaming system that allows players to compete against anyone else logged into the system. Players can chat with each other; Sigler, by posting his XBox “gamer tag,” or user name, on his website, is inviting players to seek him out, either to chat or play a game.

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After his publisher finalized a cover James Bernard Frost didn’t like, he and sticker artist Dave Warnke came up with a sticker that readers could use to create a new cover, which turned out to be a brilliant promotional tool. The sticker is included with books ordered through his website, along with a note suggesting that readers “color the sticker with Sharpies if you wish, or leave it as is. It looks best centered on the cover. This is your book—the choice is yours.”
How It’s Done

Remember all those empty seats the last time you showed up in Omaha to push your book? Late blooming but bestselling author Debbie Macomber of Port Orchard, Washington—bestselling as in 70 million copies in print—never wants for company on the road. “I have a mailing list of 75,000 readers,” Macomber told The Seattle Post Intelligencer, “and these are not lists I have bought; every one of those readers has been in touch with me personally. Every city I am going to, I send out postcards to everyone on my list in that city and neighboring ZIP codes. . . . So I’m bringing a lot of people into the bookstores.”

That’s no idle boast. Macomber’s 20th novel, Back on Blossom Street, debuted in the No. 8 slot on The New York Times Bestseller List last month. Her Susannah’s Garden was No. 2 on the Times’s paperback list.

made us more disconnected with people.” One of the problems with the cover art selection process, he pointed out, was that it was done entirely by e-mail.

Frost raises an important question that should resonate with all authors: How does a writer use the Internet to attract attention, when so many others online are competing for the same thing? For it is still attention—buzz, publicity, or whatever its present incarnation—that is the most valuable resource for an author struggling to make a living from his or her work. Creating a website simply isn’t enough anymore. “Anyone who sells a book today,” says bestselling author Brad Meltzer, “—anyone—has to be a self-promoter, a Barnum.” And who would know better than a guy who advertised his latest novel, The Book of Fate, on the hood of a race car at a Nascar event? [See Roy Blount’s column, p. 4, for more Nascar news.]

Thirty-seven-year-old Meltzer, who was cocreator of the TV series Jack & Bobby, also runs an exception-ally expansive website, which he started 10 years ago and thinks of as “another novel.” He composes all the text for the site, which features information and news about him, his books and comic books (he also writes for DC Comics), along with a blog, a message board and a page for fans to vote on where Meltzer should make his next author appearance.

And if you’re not quite ready for rock star-style-authordom? What can authors who prefer to hide behind their books—or their writing desks—learn from this new world? For one thing, it isn’t necessary to spend your nights chatting readers up online to sell books. A little can go a long way, as a growing number of authors who’ve taken the plunge have discovered. With more and more readers using the web to search for additional books by a favorite author, or to look up book tour dates, even the most modest website turns out to be a useful resource. It’s also a great way to put out accurate information, to post reviews you wish had had wider circulation, and to exert some control over how you are presented on the web. As Scott Sigler puts it, “You don’t become that famous writer dude who’s just a name on the cover of a book; you become a person.” And once you discover that adding fresh material every month or starting a weekly newsletter translates directly into increased sales on Amazon.com, having 1,000 online friends no longer sounds like such a crazy idea. +

But wait, there’s more . . .

Internet book marketing schemes abound. We found one, proauthors.com, which promises to make any author into a successful, branded “Authorpreneur” simply by using its software, which includes a “Keyword Tumbler,” a “Spinning Popup Generator” and “Building a Blog Empire for Profit.” The total value of this software? $1,513.59. The lucky writers who found this site, however, could purchase the whole package for just $147.

The deal gets even better. If you submit a testimo-nial, proauthors.com promises to rebate $50 from your purchase price.
CONTRACTS Q&A

BY MARK L. LEVINE

Q: My publisher told me that I won’t be getting royalties for copies of my book that it sold lately because all its bookstore sales were made through its distributor and the distributor recently filed for bankruptcy. Is there language I can put in my next contract to make sure this won’t happen to me again?

A. Bad debt and credit problems are traditional business operating risks that publishers should properly assume; they are not an author’s responsibility.

To prevent a publisher claiming that it has the right not to pay royalties because it was not paid for books it sold, add, “There shall be no reduction in royalties or ‘amount received’ because of nonpayment by customers” or similar language to your next contract. (The reference to “amount received” can be deleted if your royalties are based on the book’s suggested retail price rather than on the publisher’s net receipts.) It makes no practical difference where this language is added, although the logical place would be in the section about royalty statements or the one listing royalty rates.

If your royalties will be based on the “amount received” by the publisher from sales of your book (or if the contract says that your royalties are based on the publisher’s “net receipts” and that term is defined as “amount received”), you can also ask that “amount received” be replaced by “amount payable” or that net be defined as follows:

As used in this Agreement, “net receipts” means all monies payable to the Publisher from the sale or licensing of the Work pursuant to this Agreement. In determining “net receipts” for purposes of the royalty and licensing percentage sections of this Agreement, shipping, handling and insurance charges, and sales and similar taxes shall be excluded.

Not all publishers using “amount received,” directly or indirectly, intend that it be construed as excluding bad debt. Those using it innocently will be glad to clarify the issue. For those who understand and mean what they are saying, the clarification is even more important.

Mark L. Levine is a 1969 graduate of New York University School of Law, where he was a member of the Law Review. He has been drafting and negotiating contracts for virtually his entire legal career.

Note: Rather than readily accepting a publisher’s statement that it is not required to pay royalties on books sold by it because its distributor has filed for bankruptcy and didn’t pay the publisher, authors should contact the Authors Guild or consult a lawyer to see if your publisher is correct. Even if your contract does not have any of the language recommended here and says that your royalties are based on “amounts received,” you may still be able to argue successfully that from a legal viewpoint the distributor was acting on the publisher’s behalf in collecting the money—in legal terms, as “agent” for the publisher—and that for purposes of your contract, the distributor’s receipt from the bookseller of payment for your books was the same as if the publisher itself received that money.

Q. What does “coupled with an interest” mean? The phrase is used in the agency section of my contract.

A. This phrase is a confusing one, and I’m willing to wager that most agents who have it in their agency clause understand neither its meaning nor its purpose and included it only because someone suggested that they “should” have it.

The typical purpose of the phrase is to assure that the agent’s appointment will be irrevocable. Under the law governing relationships between agents and the people appointing them, an agent’s appointment will be irrevocable—and continue after the death or insanity of the person who appointed the agent—only when the agent has a legal interest (as part-owner, for example) in the “subject matter” for which the agent was appointed. Saying in a contract that the agent’s appointment is “coupled with an interest” is intended to be an acknowledgment by both parties to the contract that the agent has that requisite legal interest.

Unfortunately, the phrase’s use in publishing contracts is not only confusing but also generally ineffective in accomplishing the intended purpose. There are two reasons for this.

One, the concept that an agent’s appointment can never be revoked is contrary to a basic provision of the law of agency. Second, the interest that the agent must possess in the “subject matter”—which, in a publishing contract, is the manuscript—has to be something other than the right to receive part of the proceeds derived from exercising its authority as the agent (i.e., something other than its commission). Thus the phrase cannot be validly used in the typical author-agent relationship since, absent special circumstances (e.g., if the author and agent were coauthors), the agent lacks the requisite legal interest in the author’s manuscript.

The effect intended by use of the phrase can be better
Qualified Immunity

Michael Zieper, Mark Wieger, BECanation
v. Joseph Metzinger, Lisa Korologos
U.S. Court of Appeals for the Second Circuit

Courts have long ruled that the First Amendment is violated by the "chilling effect" of government actions that fall short of actually prohibiting speech. In this case, an appeals court ruled that, while a jury might reasonably find that a person's rights had been violated by the actions of public officials, there are also circumstances in which those same officials are protected from First Amendment claims by a doctrine of "qualified immunity."

In October 1999, filmmaker Michael Zieper created a short fictitious film called Military Takeover of New York City, and posted it on the Internet. The film contained shots of Times Square, and depicted an unseen military officer informing other military personnel about plans for a takeover of Times Square that was to occur on New Year's Eve 1999. Zieper posted and publicized the film without informing either the host website or potential viewers that the film was fictional.

The film came to the attention of an FBI joint terrorism task force. Officials from the U.S. Attorney's Office and the FBI watched Zieper's film. After concluding that the work was fictional, they acknowledged that the free speech provision of the First Amendment of the U.S. Constitution prohibited them from compelling Zieper to remove the video from the Internet or otherwise taking legal action against him. Nonetheless, FBI Agent Joseph Metzinger was ordered to try to convince Zieper to voluntarily take down the video. A number of contacts with Zieper subsequently took place.

Agent Metzinger and three police officers traveled to Zieper's home while Zieper was not there. One of the officers contacted Zieper by phone to tell him that he was outside the home with FBI agents who wanted to speak with him, but without revealing the reason why. In a later call, Metzinger told Zieper he was trying to find out about the film, since it might upset people coming to New York for New Year's Eve and negatively affect local holiday business.

After the original visit, Zieper's attorney later called Metzinger and informed him that since the film was fictional, Zieper's First Amendment rights were violated by the FBI's pursuit of him. Metzinger made it clear to the attorney that the situation was not resolved and told him that FBI agents were currently en route to Zieper's home. Despite the fact that Metzinger told the attorney he could not stop the agents from proceeding to Zieper's house, Metzinger did end up stopping them.

Metzinger and Lisa Korologos, the Assistant U.S. Attorney assigned to the case, contacted the owner of the website that hosted the film and urged him to take it down. Eventually the site owner removed all of Zieper's files from the site. Later, the site owner reposted the movie files and made the video accessible again. There was no further interference by law enforcement.

Zieper and the site owner brought suit in U.S. District Court for the District of New Jersey against Metzinger, Korologos, Attorney General Janet Reno, U.S. Attorney for the Southern District Mary Jo White, and FBI Director Louis Freeh. Zieper also sued Metzinger and Korologos in their individual capacities, seeking unspecified damages. Eventually the claims against all but Metzinger and Korologos were dismissed. The individual claims against Metzinger and Korologos were then dismissed on the grounds of qualified immunity by the district court. Zieper and Wieger appealed.

On appeal, the U.S. Court of Appeals for the Second Circuit first determined whether Metzinger and Korologos were entitled to summary judgment on the underlying issue of whether their actions violated the First Amendment rights of Zieper and Wieger. If the court found summary judgment was not appropriate, it then had to consider whether the plaintiffs' claims were barred by the doctrine of qualified immunity.

From the outset, the court of appeals noted that the First Amendment prohibits government officials from encouraging the suppression of speech in a manner that could be reasonably interpreted as suggesting that some form of legal ramifications would follow the failure to accede to a government official's request. The test is whether a jury could reasonably find Metzinger's and Korologos's attempts to convince Wieger and Zieper to remove the fictitious film acts of coercion as opposed to mere suggestions. The court considered the entirety of Metzinger's and Korologos's actions before they could discern whether they constituted an implied threat.

The court held that a rational juror could have concluded that Metzinger's and Korologos's actions and comments constituted an attempt to coerce Zieper into removing his film from the Internet. In support of this conclusion, the court pointed to the fact that the FBI, along with NYPD and local police officers, paid an unannounced visit to Zieper's home and that Met-
zinger was less than forthwarming about the government’s intentions when he informed Zieper’s lawyers that more FBI agents were on their way. Even if Zieper or his attorneys were not told that he faced legal sanctions for his actions, there was more than enough evidence that could lead a rational juror to conclude that the government intended to coerce Zieper into removing the film from the Internet, which would be in violation of the First Amendment.

Nonetheless, the court found that the doctrine of qualified immunity protected Metzinger and Koro-logos from lawsuits and damages in their respective individual capacities. At the time of the defendants’ actions, they understood that they would be free and clear of any First Amendment violation if they were able to convince Zieper to voluntarily remove the video from the Internet without resorting to threats or intimidation. While some of their actions were questionable, taken in the totality of the circumstances, they were not so egregious that a reasonable officer would have known they were in violation of the First Amendment. Moreover, the court noted that pre-existing case law would not have made it any clearer to the officers that their behavior was in violation of the First Amendment. The court stated that this conclusion supports the doctrine’s broad public policy of protecting officials from First Amendment claims resulting from reasonable error.

Having concluded that Metzinger and Koro-logos were protected by qualified immunity, the court of appeals affirmed the district court’s dismissal of the case.

—Michael Gross
Staff Attorney

Deflated

Philip Busch v. Viacom International Inc.,
MTV Networks and Jon Stewart
U.S. District Court Northern District
of Texas, Dallas Division

Phillip Busch is a bodybuilder from Addison, Dallas County, Texas. He wasn’t always in such great shape, however, as suggested by his July 13, 2005 appearance on The 700 Club, a television show hosted by televangelist Pat Robertson. Busch’s appearance was sparked by the 200 pounds he lost over a 15-month period while on “Pat’s Great Tasting Diet Shake,” which was based on a recipe developed by Robertson and heavily promoted on the show.

On October 15, 2005, The Daily Show with Jon Stewart aired a fake endorsement featuring Pat’s Diet Shake. The clip was taken from the July 13 700 Club show, and depicted Robertson shaking hands with Busch while exclaiming, “Thanks for using our shake!”

On February 16, 2006, Busch sued Viacom International Inc., the parent of Comedy Central (on which The Daily Show airs) as well as Jon Stewart, the anchor of the show. He claimed that the use of his image from his 700 Club appearance was a false endorsement of Robertson’s shake and constituted misappropriation of his likeness as well as defamation. The case was eventually heard in the U.S. District Court Northern District of Texas, Dallas Division. Stewart and Viacom subsequently filed motions to dismiss.

Co-Sponsors Needed for Literary Papers Bill

For seven years, the Authors Guild has supported proposed changes to the federal tax code that would allow authors and artists to deduct for tax purposes the appraised market value of their own work (such as manuscripts, first editions, or research notes) that they donate to museums, universities, and libraries. Current tax laws permit creators of original work to deduct only the value of the materials used in creating the work, such as the expense of the paper and ink in the case of an original manuscript, the canvas and paints used in creating a piece of visual art. Collectors and others, however, are permitted to deduct the fair market value of manuscripts and art works. The discrepancy is considerable, and immensely inequitable to authors who choose to donate their papers for scholarly research.

To correct this inequity, the “Artist-Museum Partnership Act” was recently reintroduced in the House and Senate. In the Senate, the bill was introduced as S. 548; in the House, H.R. 1524. The legislation has solid bipartisan support, but we need many more co-sponsors. The Guild asks that you contact your senators and representatives and urge them to sponsor the bill. Call the Capitol Switchboard at (202) 224-3121 to find your legislators’ fax numbers; to find your legislators’ e-mail information, go to www.house.gov and www.senate.gov.

Do we have your current e-mail address? This alert first went to members by e-mail on May 3, 2007. Please e-mail staff@authorsguild.org with any changes to your e-mail or other contact information.

Continued on page 37
REALLY SCARY BODY PARTS. *The Higher Power of Lucky* by Susan Patron has won the 2007 Newbery Medal and more than a few enemies in the book-banning wars. The children’s book features illustrations by Matt Phelan. But it also features the word “scrotum” on the first page. And this has many adults, including librarians from coast to coast, outraged. The book, whose target audience is middle-grade readers ages 9–12, has been banned from libraries in a handful of schools.

As first reported in Publishers Weekly, some librarians have vowed not to recommend or purchase *The Higher Power of Lucky* for their elementary school collections. Author Patron, senior librarian and children’s collection development manager for the Los Angeles Public Library, responded that parents, not school librarians, should be able to control what their children are allowed to read without interference from censors. In a response piece published in the February 15 edition of Publishers Weekly, Patron went on to say that if she were a 10-year-old, “and learned that adults were worried that the current Newbery book was not appropriate for me, I’d figure out a way to get my mitts on it anyway, its allure intensified by the exciting forbidden-ness—by the unexpressed but obvious fear on the part of these adults.”

The book features spunky 10-year old Lucky Trimble, who Patron says shares her childhood habit of eavesdropping on adult conversations. Readers are introduced to Lucky shortly before she overhears another character saying that a snake bit his dog’s scrotum. Many librarians and teachers have expressed support for the book in the course of both Internet and off-line conversations—discussions that have monopolized conversation among library professionals since the book was shipped in early February. Although some have speculated upon whether the word was included for shock value, Patron says its usefulness comes from the fact that Lucky is preparing to transition from childhood to an adult world, and that learning the language of that world, the language of body parts, is a necessary part of that process.

QUIET IN THE HOUSE. On March 20, by a vote of 132–29, the Georgia House of Representatives passed a measure to ban reporters from the chamber floor while lawmakers are in session. The new rule will force reporters to submit requests for interviews with Georgia state representatives through student pages while the House is in session. Previously, journalists could walk the floor freely to ask for interviews with politicians outside of chambers. Now, the press will be restricted to a box at the rear of chambers. Sessions will be observed through windows and heard through speakers. Apparently, the introduction of the bill may have surprised not just reporters, but some legislators too. The measure was introduced only hours before a final vote, to the public dismay of Georgia’s House Minority Leader, DuBose Porter, who expressed concerns about a trend toward diminished access and account-ability. Republican Larry O’Neal, the subject of a media scandal over tax fraud allegations, one of the bill’s more eager proponents, reportedly pushed hard for a quorum at the March 20 session, but he clearly had plenty of support from his colleagues. In passing the new legislation, Georgia joins lawmakers in 38 states who have restricted press access in at least one chamber of government while legislators are in session.

SUPREME COURT WILL REVIEW CHILD PORNOPHGRAPHY CASE. *U.S. v. Williams* involves the interpretation of the PROTECT (Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today) Act of 2003, a statute that criminalizes the promotion of child pornography by appealing or pandering to prurient interests. The “pandering” provision of the act makes it illegal to promote, distribute or solicit material in a manner that causes someone to believe the material contains “an obscene visual depiction of a minor engaged in sexually explicit conduct.” The government argues that, as the law is written, anyone who asks for or offers what purports to be child pornography should be open to prosecution and a minimum imprisonment of five years, regardless of whether the image is computer-generated or nonexistent.

The Supreme Court will reconsider the Atlanta-based 11th Circuit Court of Appeals’ decision to overturn the “pandering” provision of the PROTECT Act on the grounds of overbreadth and ambiguity. The appeals court stated that “non-commercial, non-inciteful promotion of illegal child pornography, even if repugnant, is protected speech under the First Amendment.” The ruling held that the language of the statute is overbroad, impermissibly vague and runs the risk of punishing innocuous speech such as “good pics of kids in bed” attached as a subject header to an e-mail sent by grandparents sharing pictures of their grandchildren in pajamas. The government urged the Supreme Court to reconsider that decision and argued for an interpretation of the act that would outlaw behavior such as peddling faked Photoshop-type pictures or other computer-generated images that essentially feed the market for child porn.

The underlying case involves Michael Williams, convicted in Florida as a result of an Internet sting op-
eration. During an online chat in an Internet chat room, Williams described himself to a Secret Service agent as a “Dad of toddler [who] has ‘good’ pics of her an me for swap of your toddler pics, or live cam.” Williams first exchanged non-pornographic pictures with the agent. He then allegedly posted pictures of minors engaged in sexual conduct. A search warrant revealed pornographic images of children saved to Williams’s home computer. His conviction on possession of child pornography and five-year prison sentence has not been challenged.

**Banned in Wilton, Landed in New York.** Ira Levin, author of *The Stepford Wives*, claims that Wilton, Connecticut was the real-life inspiration for the fictional town of Stepford popularized in the book and movie. In his opinion, it seemed par for the course to hear that Wilton High School principal Timothy Canty had scrapped his students’ plans to stage an original play about the Iraq war. In a March 24 letter to The New York Times, Levin wrote, “I’m not surprised [to learn that Wilton High School has a Stepford principal, one who would keep his halls and classrooms squeaky-clean of any ‘inflammatory’ material” that might cause social discomfort.

Only weeks before the April premiere of a production mounted by Wilton students as part of an advanced theater class, Principal Canty pulled the rug out from under the kids, claiming concern for the feelings of Wilton’s military families. The principal also complained about a possible lack of “legitimate instructional experience for our students.” Among the school’s uncontested theatrical efforts is a production of *West Side Story*. The school’s drama teacher of 13 years, Bonnie Dickinson, mused, “If I had just done *Grease*, this would not be happening.”

Dickinson, who directed a production of *The Crucible* last fall, charged her students with the task of creating an original play about the Iraq war after receiving initial approval from Canty. Their effort, *Voices in Conflict*, features the firsthand accounts of soldiers and others caught up in the war. Original source material included the letter of a 2005 Wilton High graduate killed in Iraq last year. Canty claims his cancellation has nothing to do with censorship or academic freedom, but students counterclaim that the cancellation occurred after one student, the sister of an active duty soldier, complained. Members of the cast say the student asked to join the cast and shortly thereafter circulated copies of the script to parents and other town residents. The young thespians also say that after complaints were made they altered the script to address concerns about “balance” and the anti war slant of the work, but the principal deemed the show too inflammatory and stuck to his decision. Dickinson said she was ordered not to allow the students to perform the play outside of the “four walls of the classroom,” although the Wilton board of education recently announced that it would not object to an off-campus production of *Voices in Conflict* at a local theater.

Wilton High School’s loss has turned out to be New York theater’s gain. The venerable Public Theater has announced plans to have the students perform the play on June 15.

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**Sitebuilder2 to Debut Soon**

For the past year, we’ve been working from the ground up on a new version of our software, Sitebuilder2. That work is nearing completion, and Sitebuilder2 has now been deployed for testing on our speedy new server.

We think members will like it. Sitebuilder2 will allow users to build and edit websites more easily than ever. Users will be able to move images and blocks of text around with a “drag and drop” function that’s as straightforward as moving windows around on a computer screen. There are a number of new features, such as a fully integrated blog, and improved ones, such as delivery of newsletters in html as well as text format. There will also be new design templates available to members.

Many of the things that members like about Sitebuilder (such as the price) will be retained, but the overall design is simpler and the system is more rugged than our current software. The new system is built on a widely used, very stable open source package (called Drupal) that allows us to be far more responsive to requests for new features, and to easily incorporate the new functions being developed daily around the world.

We’ve recently completed the first round of user testing of Sitebuilder2, and we will work diligently to begin the migration of sites as soon as possible. We expect the pace of the migration to start slowly but pick up speed as we move along.

For more information, contact us at: webservices@authorsguild.org

— Authors Guild Web Services Staff
Along Publishers Row

Continued from page 2

usage. These include Joan Didion, Henry Louis Gates Jr., Roy Blount Jr., David Foster Wallace, Jonathan Franzen and Justice Antonin Scalia.

Each year, panelists complete a questionnaire. Example: Asked if "domestic partners" is an acceptable term for same sex-couples, 75 percent approved. Only 43 percent approved the use of "factoid," as in "each issue of the magazine begins with a list of factoids."

Acceptance sometimes comes with time. The New York Times said that "prioritize" was nixed by 97 percent of the panel in 1976 but approved by 53 percent in 1997.

The dictionary also adds new words each year. Most recent are "blogosphere," "blue state" and "red state," "instant messaging," "mojito" and "shout-out."

NEW IMPRINT: Rodale will come out with a new imprint in the fall. Leigh Haber will be editorial director, and PW reported that the focus will be on narrative nonfiction, current events and politics.

HOW SHE DID IT: Farnoosh Moshiri is the author of At the Wall of the Almighty and The Bathhouse. She was born in Iran and has degrees from the College of Dramatic Arts in Tehran, the University of Iowa and the University of Houston. Her new novel is Against Gravity.

There is an interview at the end of Against Gravity in which Moshiri was asked where and how her ideas come to her. She said, "I'm usually haunted by characters and they take me through the plot. But I never begin writing before I have a clear image of the whole universe of the novel. I must know the main map, the major incidents, and even the ending (although it may change later) to be able to begin. If I begin prematurely, the project might fail."

Asked why she used three narrators to tell the story in Against Gravity, Moshiri explained, "Because their voices invaded me. I developed each character clearly in my mind and each had a distinct voice. They'd speak their words in my head as I drove to work. I'd write what they said on pieces of paper or record it while driving. This novel didn't want to be written in third-person narrative. It wouldn't work that way."

MORE THAN FACTS: James Wood, the critic, wrote in a review of Norman Rush's Mortals: "For once, knowledge in an American novel has not come free and flameless from Google but has come out of a writer's own burning; for once, knowledge is not simply exotic and informational, but something amassed as life is amassed, as a pile of experiences rather than a wad of facts."

NAILED: In her review of Margot Asquith's The Autobiography of Margot Asquith, the late, great wit Dorothy Parker wrote that "the affair between Margot Asquith and Margot Asquith will live as one of the prettiest love stories in all history."

ON STAGE: Norman Mailer, 84, appeared on C-Span's BookTV to promote his 36th book, The Castle in the Forest, a novel about Hitler's childhood. Mailer wore a fire-truck red shirt and a zipped-up vest as he sat on a stage in Los Angeles across from David Ulin, book editor of The Los Angeles Times. The following are a few random quotes from Mailer's comments.

Mailer said that after the success of his first novel, The Naked and the Dead, "I felt as if I had been shot out of a cannon. I didn't know whether I was a fraud or not. But I was lucky. I didn't have to work for a living. I could spend my life thinking. . . ."

"In my early days, we young intellectuals were influenced by the French. We're writers, we thought, we can change the way the world works. I could influence history. Back then writers were more important than movie stars. . . . Today, TV has gutted the insides of culture."

Mailer said he believed that "it's all fiction. There is no such thing as nonfiction. Facts are false representations of reality. Fiction offers a closer approach to understanding than nonfiction. In nonfiction you know what the ending will be. In fiction, you can make mistakes."

Mailer claimed that it took him 20 years to learn to write. "I moved from being an amateur to being a professional. A professional can do a decent day's work even on a bad day. You have to work. It's as hard to write as it is to learn to play the piano well."

FAME: According to Wikipedia, Norman Mailer has been mentioned in the lyrics of songs by John Lennon, Simon and Garfunkel, Lloyd Cole, Savage Garden, Talib Kweli, the Red Hot Chili Peppers, the TISM, Warren Zevon, GWAR, the Manic Street Preachers and 10cc.

TV CLOUT: You want to sell copies of your book? Get on Oprah's show. Next best is Jon Stewart's The Daily Show or The Colbert Report. The New York Times reported that "television programs that devote significant attention to serious authors have practically gone the way of the illuminated manuscript . . . Brian Lamb's long-running Booknotes program on C-Span was permanently shuttered in 2004. The Charlie Rose Show doesn't generate as much buzz as it used to or translate into higher sales after an author appearance . . . And the morning shows seem to prefer a bad Britney to a good book."
After an appearance with Jon Stewart, "the author’s Amazon ranking rises and the daily sales figures ‘pop’ in industry parlance. It is not at all unusual, one book publicist said, for a title to go from a 300,000 rank to a spot in the top 300.”

Martha K. Levin, Free Press publisher, explained, “It’s the television equivalent of NPR. You have a very savvy, interested audience who are book buyers, people who do go into bookstores, people who are actually interested in books.”

DEFIED: Florence Noiville, a French journalist, is the author of Isaac B. Singer: A Life. She began her preface with the following: “Isaac Bashevis Singer hated biographies. He said, ‘When you are really hungry, you don’t look for the biography of the baker.’ He was probably sincere when he added that even if Tolstoy, whom he greatly admired, had lived across the street, he wouldn’t have tried to meet him. ‘The work is what counts, not the man.’”

NOT ME: The late William Maxwell (The Folded Leaf, Time Will Darken It) was asked about the autobiographical element in fiction.

He said, “I don’t feel that my stories, though they may appear to be autobiographical, represent an intention to hand over the whole of my life. They are fragments in which I am a character along with the others. They’re written from a considerable distance. I never feel exposed by them in any way.”

AVAILABLE: Hans Wilhelm of Weston, Conn., is author and illustrator of Tyrone the Horrible, I’ll Always Love You and 200 more books for children and adults. He wrote to say that he is putting “nearly 100 of my foreign books and out-of-print books on a new website: www.ChildrensBooksForever.com where they can be read and enjoyed” free. He said that there are no advertise-

ments and the books can be downloaded and printed out.

He added, “Not a week goes by when I don’t receive e-mails asking for copies of [out-of-print] books. Now everybody can enjoy them plus all the books that have been published only in Europe and Asia.”

A PRINCE? Heart-Shaped Box by Joe Hill is a fiction bestseller. The author is the 34-year-old son of novelist Stephen King.

Hill told USA Today that he had dropped the King because he didn’t want to be introduced to readers as “the son of Stephen King.” But it was hard for his father to “keep his mouth shut. My dad likes to boast on his kids, and isn’t used to keeping quiet—about anything. . . . Secrecy is not his strong suit.”

COMPETITION: The crowded field of presidential candidates has, according to The New York Times, "created a traffic jam of titles, from the rags-to-riches memoir to the earnest political manifesto." In March at least seven Democrats and seven Republicans had books out there—some as many as four titles—with more coming.

David Rosenthal, Simon & Schuster publisher, said, “What you have, essentially, is a celebrity with built-in press coverage.” Not all these books are big successes. Barack Obama’s The Audacity of Hope has sold more than a million copies, but New Mexico Governor Bill Richardson’s Between Worlds was a dud. Hillary Clinton’s It Takes a Village was reissued and sold only 6,000 copies.

Steve Ross, publisher at Crown, told the Times that he was plagued by book proposals that are overly packaged or generic. “The typical pack of candidate books are group-thought positions papers. Ghost-written, shallow, totally controlled messages. Most of these books are going to be wastes of trees.”

LIFE AND WRITING: Orhan Pamuk of Istanbul won the 2006 Nobel Prize for Literature because he is a writer “who in the quest for the melancholic soul of his native city has discovered new symbols for the clash and interlacing of culture.”

When Pamuk was charged by his government with the crime of “insulting Turkishness,” there was an international outcry. The Columbia University magazine said that Pamuk wants to be known as a writer. “He’s not a political creature.”

Pamuk said, “A solitary place helps because it prepares you for alternative worlds—radically different worlds. A room that you lock yourself in is a place where you can at least peacefully daydream alternatives.”

In his novel The Black Book, Pamuk wrote, “After all, nothing can be as astounding as life. Except for writing. Yes, of course, except for writing, the sole consolation.”

Pamuk cancelled a trip to Germany, and Agence France-Press reported that a newspaper, Kolner Stadt-Anzeiger, said that he believed he might be assassinated. Pamuk’s German publisher gave no reason for the cancellation of his visit. The author was to receive an honorary doctorate from the Free University in Berlin.

CAT PEOPLE: Lilian Jackson Braun is the author of The Cat Who Had 60 Whiskers, the 29th volume in her cat mysteries. The book is a PW bestseller.

On her website, Braun wrote: “Not all mystery fans may like cats but all cat fanciers seem to like mysteries. That makes for a large audience, since 26 percent of all American households own 53.9 million cats between them.”

REVIEW: Twenty-five years ago Jim Harrison (his new novel is Returning to Earth) reviewed a first novel, Geronimo Rex, by Barry Han-
nah in The New York Times Book Review. The Times thought the first paragraph of that review was worth reprinting:

“You might look at the world of the first novel as a gunny-sack race in the gathering twilight at a county fair, a festival that is on the verge of obsolescence anyhow. It is very hot and dusty even in the lengthening shadows of the grandstand (capacity 300). One can smell the lime in the toilets underneath and hear the bawling of the cattle in the stock barns. A mixed group of 50 have entered the race this year. The prize is a warm watermelon that someone has deftly entered with a razor blade and filled with a coral snake wrapped around an eyeball and a tumor. This is all plainly not as healthy as summer camp or the 4-H.”

BIOGRAPHING: David Nasaw is a history professor at the City University of New York and author of the best-selling The Chief: The Life of William Randolph Hearst. His new book is Andrew Carnegie.

In his introduction, Nasaw writes: “The biographer is often asked at the conclusion of his project whether he has grown to like or dislike his subject. The answer of course is both. But the question is misplaced. This biographer’s greatest fear was not that he might come to admire or disapprove of his subject, but that he might end up energized by years of research into another man’s life and times. That was, fortunately, never the case. The highest praise I can offer Andrew Carnegie is to profess that, after these many years of research and writing, I find him one of the most fascinating men I have encountered, a man who was many things in his long life, but never boring.”

INSIGHT: New York Times op-ed columnist Nicholas D. Kristof invited readers to come up with literary or historical parallels to the Bush administration and Iraq.

One reader said that she explained Iraq policy to her eight-year-old son in terms of Harry Potter characters: “Dick Cheney is Lord Voldemort. George W. Bush is Peter Pettigrew.” Donald Rumsfeld is Lucius Malfoy, while Cornelius Fudge represents administration supporters who deny that anything is wrong. And, she concluded, “Daily Prophet reporter Rita Skeeter is Fox News.”

MOVIN’ ON: Ann Brashares, author of the Sisterhood of the Traveling Pants Y-A stories, has completed her first novel for adults. June is the publication date for The Last Summer (of You & Me).

The “Traveling Pants” books have sold seven million copies in North America alone. The New York Times said, “Although she could easily have extended the series, and the considerable income it generated, Ms. Brashares said that she was ‘ready to move on.’”

HOT PAPERBACKS: Jayne Ann Krentz’s White Lies made the hardback fiction bestseller list. The New York Times described the book as a “paranormal romance.” The Times reported that some of the author’s early paperback romances are selling on abe.com for as much as $319.

MEMORY: The poet May Sarton saw Virginia Woolf arrive at a party in London and described that moment in The Paris Review: “She came into the room like a dazzled deer and walked right across—this was a beautiful house in Regent’s Park—to the long windows and stood there looking out. My memory is that she was not even introduced at that point, that she just walked across, very shyly, and stood there looking absolutely beautiful.”

HIS INTENT: Joseph Conrad commented on his story Heart of Darkness, which he described as an experience, “but it is experience pushed a little (and only very little)
beyond the actual facts of the case for the perfectly legitimate, I believe, purpose of bringing it home to the minds and bosoms of the readers. There it was no longer a matter of sincere coloring. It was like another art altogether. That somber theme had to be given a sinister resonance, a tonality of its own, a continued vibration that, I hoped, would hang in the air and dwell on the ear after the last note had been struck."

And it does, as it has for more than a century.

WHEW! John Creasey, an English author who died in 1973, received 743 rejection slips before a publisher accepted one of his mystery novels. He went on to publish 564 books under 13 pen names.

DANGEROUS JOB: Novelist Elif Shafak cut short her U.S. tour promoting The Bastard of Istanbul after the murder of a prominent Turkish newspaper editor, a close friend. She travels with a bodyguard and has been placed under official police protection when she’s in Turkey.

Shafak told The New York Times, “A writer is always more than a writer in Turkey, much more so than in America. We don’t discuss the writing, but we discuss the writer herself. Eventually, every writer has to face the question—are you ready to be a public intellectual?”

Shafak teaches at the University of Arizona but is on leave since her first child was born last fall. She said, “After giving birth, I couldn’t write for a while. The novel is such a selfish genre, and novelists are self-centered people. You live with those characters you create. When you are raising a kid, you can’t be selfish anymore.”

NEXT: Khaled Hosseini’s The Kite Runner was a No. 1 bestseller for 48 weeks. More than four million copies are in print, and the book was a bestseller in 34 countries. The movie version is due out this summer.

Hosseini’s second novel, A Thousand Splendid Sons, is scheduled for May. The movie rights have already been bought for “high six figures,” PW reported.

INTERVIEWS: Richard Eder reviewed The Paris Review Interviews, I for The New York Times and singled out the conversations with Robert Gottlieb, “the editor of a whole galaxy of writers.” Eder commented: “The result is a wittily perceptive account of inciting, encouraging and sometimes curbing a menagerie of sensitivities, doubts and arrogances, to wring from them the best writing they could do. He virtually became the manuscript . . . .”

Gottlieb was quoted: “You have to surrender to a book. If you do, when something in it seems to be going awry, you are wounded.” And Eder added, “The editor is the canary in the mine, whose job is to expire when the air goes bad.”

SATISFACTION: Malcolm Cowley, critic and prolific witness to literary America, once commented, “Writing becomes its own reward. What do you need from others—except a little money—if you have satisfied the stern critic in yourself?”

INSPIRATION: Library Lion is a children’s picture book with, PW says, “library” written all over it. The author is Michelle Knudsen, who was a librarian at Cornell University when she wrote it. She worked the late shift, and one night, after getting done, the idea for the book struck. She wrote the story on envelopes and scraps of paper between 2 and 3 a.m.

Kevin Hawks did the pictures, and both author and illustrator dedicated the book to librarians who have been important to them. Not only are libraries buying the book, but it’s a bestseller in bookshops too.

ATHLETES TOO: Hollywood celebrities are packing the shelves of bookshops with picture books for small children, and sports stars have joined in. The Dallas Cowboys’ Terrell Owens published Little T Learns to Share, about a boy who doesn’t want to share his football and almost loses his friends.

Alex Rodriguez of the Yankees has written Out of the Ballpark. In it a boy named Alex “knows what it’s like to swing at a wild pitch or have a ball bounce right between his legs.” Rodriguez did not have a great season last year and was often booed by fans. His first book, Hit a Grand Slam, was published in 1998.

DUEL: Tom Vail assembled a book entitled Grand Canyon: A Different View, which is sold at the Grand Canyon National Park Service bookstores. Vail operates Canyon Ministries, which offers tours with a creationist angle.

The book has aroused protests because it says that heaven and earth were created in six days about 6,000 years ago and that the canyon was formed in a divine flood sent to wipe out “the wickedness of man.”

According to The New York Times, “Scientists say that earth is billions of years old and that the canyon has been carved over millions of years by the action of the Colorado River.” Park rangers tell visitors that “the Colorado River basin has developed in the past 40 million years.”

Jeff Ruch, executive director of Public Employees for Environmental Responsibility (PEER) said that by selling the book, the Park Service was promoting a particular religious view. “This is government establishment of religion in a fairly fundamental way, if you pardon the pun,” Ruch said.

GAMBLERS READ TOO: Barbara Taylor Bradford’s new bestseller is
The Ravenscar Dynasty, the first of a trilogy about a London family.

Bradford’s U.S. book tour made stops at more than 25 bookstores and libraries, plus a few Harrad’s Casinos. At a Harrad’s event in Joliet, she signed more than 400 books.

Bambi’s Impact: Felix Salten’s Bambi was translated from the German and published in English in 1929.

Novelist John Galsworthy wrote a foreword that begins, “Bambi is a delicious book . . .” He concluded with, “I read it in galley proof on the way from Paris to Calais, before a channel crossing. As I finished each sheet I handed it to my wife, who read, and handed it to my nephew’s wife, who read, and handed it to my nephew. For three hours the four of us read thus in silent absorption. Those who know what it is to read books in galley proof, and have experienced channel crossings, will realize that few books will stand such a test. Bambi is one of them. I particularly recommend it to sportsmen.”

An older brother gave me a copy of Bambi as a birthday present when I was 11. I grew up in a family of hunters, but after reading Bambi, I never shot an animal. I never saw the Disney movie version either. My copy of the book has perfect illustrations in sepia ink by Kurt Weise. There are no cute fawns, rabbits or birds.

About Bellow: From an essay on novelist Saul Bellow by British writer V. S. Pritchett:

“The secret of Mr. Bellow’s success is that he talks people into life and never stops pouring them in and out of his scenes. . . . [His] women are real, even likeable. Why? I think because in some clever way Mr. Bellow shows them moving through their own peculiar American day . . . . One might press the point further and say that Bellow’s characters are real to us because they are physical objects—things. What other tenderness can a materialist society contain?”

Why she writes: Isabel Allende’s latest novel is Inez of My Soul. Allende describes her own early life as “a foreigner traveling with my stepfather, a diplomat. I became a political refugee, and now I’m an immigrant in the United States.”

She told the AARP Magazine, “I write to overcome sadness, confusion, fear. We have so little control over our circumstances. But by the act of writing, we create a reality that is in a way manageable.”

Less is more? Dwight Garner, columnist for The New York Times Book Review, wrote that “critic John Sutherland has estimated that 10,000 novels are published each year—roughly 27 per day.”

Garner’s point was that we don’t need more writers. We need more close readers. Garner quotes from an editorial in Poetry magazine. It was entitled “In Praise of Rareness.”

Poetry editor Christian Wiman wrote, “The more respect you have for poetry, the less of it you will find adequate to your taste and needs. With all the clamor in this country about the audience for poetry . . . we shouldn’t lose sight of one of poetry’s chief strengths: how little of it there is.”

Love and Death: Welsh poet Dylan Thomas visited the U.S. to give readings in 1950, 1952 and 1953. He died at the age of 39 during his last visit after a night of too much drink in a Third Avenue bar.

He once said, “I don’t believe in New York, but I love Third Avenue.”

On Borrowing: Plagiarism has been much in the news, and there are three books out on the subject: The Little Book of Plagiarism by Richard A. Posner, Historians in Trouble by John Wiener, and Plagiarism and Literary Property in the Romantic Period by Tilar J. Mazzeo.

Charles McGrath reviewed the trio of books for The New York Times and noted that novelist Ian McEwan was accused of borrowing from another writer’s memoir for his novel Atonement. Australian novelist Thomas Keneally defended McEwan: “Fiction depends on a certain value added quality created on top of the raw material, and that McEwan has added value beyond the original will, I believe, be richly demonstrated.”

Echo No: Gertrude Stein got a rejection slip from editor A. J. Fifield that said:

“I am only one, only one, only. Only one being, one at the same time. Not two, not three, only one. Only one life to live, only sixty minutes in one hour. Only one pair of eyes. Only one brain. . . . I cannot read your MS three or four times. Not even one time. Only one look, only one look is enough. Hardly one copy would sell here. Hardly one. Hardly.”

The New York Problem: Kiran Desai’s The Inheritance of Loss won last year’s Man Booker Prize and is a best-selling paperback. Desai lives in Brooklyn about half the year and attended Columbia. She told the Columbia University alumni magazine:

“It’s a huge strain to study in New York. On the other hand, it’s extremely good to study in New York for the same reasons—because you do see what the whole publishing world is about, with access to agents and magazines, and you get to understand the fashion of the publishing world. In another way, it’s hard to write once you know what it’s about. Publishers are very conscious—‘Oh, memoirs are being bought now.’ But writing doesn’t
come from that at all. . . I really vanished so drastically because you need to push yourself to lose that self-consciousness.

In another interview, Desai told PW, “I really like working in the kitchen. . . . I find it’s a perfect balance in that I can write a bit, eat a cookie, eat some ice cream. Reward myself. It’s constant rewards. And I work best in the morning, as soon as I get out of bed I start writing, and late at night. I have a dead spot in the afternoon. . . . my brain just shuts off from about two to five.”

THE END: ReganBooks was closed on March 1. The announcement came about a month after Judith Regan was dismissed by HarperCollins after a public outcry over a book and television deal with O. J. Simpson. Regan books published through August will carry an interim logo, HC. Beginning in September, other HarperCollins imprints will publish books that were signed by Regan. About 100 titles will be affected.

The New York Times reported, “The day after Ms. Regan was fired, ReganBooks’ editors immediately tried to soothe its soon-to-be-published authors, assuring them projects would continue as planned.”

One title, 7: The Mickey Mantle Novel (a fictional account of the baseball star’s sex life) by Peter Golenbock, was canceled.

The book, however, did not die, and in April 250,000 copies were printed by Lyons Press. Lou Brissie, associate publisher, said, “Making the decision to publish it and let readers make up their own minds was easy. I think all the negative publicity came from people who haven’t read it.”

WISH LIST: Sara Nelson writes a column, Foreword, in the front of PW. Among her wishes for the New Year were the following: "No more publishing scandals. No more 'fake' memoirs, no more plagiarism, no more attempts to publish non books by non-writer criminals just out for many bucks."

POSSESSOR: Novelist Philip Roth (Everyman) told The Paris Review: "What I want is to possess my readers while they are reading my book —if I can, to possess them in ways that other writers don't. Then let them return, just as they are, to a world where everybody else is working to change, persuade, tempt, and control them. The best readers come to fiction to be free of all that noise, to have set loose in them the consciousness that’s otherwise conditioned and hemmed in by all that isn't fiction."

THE BIG BOYS: Last year was a good one for novelist James Patterson. Four of his bestsellers were among the 10 best-selling hardcovers. Beach Road was #2; The Fifth Horseman, #4; Cross, #6 and Judge & Jury, #9. PW said that Patterson was the only author with multiple appearances on the year-end list.

Patterson has more than 150 million books in print. He earned $28 million in 2006, according to Forbes, and has grossed more than $1 billion in sales on all titles.

Mitch Albom’s For One More Day was the #1 seller in 2006, with sales double Patterson’s Beach Road. Albom’s publisher said there are four million copies of Day in print.

A TOAST: As usual, Edgar Allan Poe’s birthday on January 19 was celebrated in a Baltimore cemetery when an anonymous visitor, referred to by the Associated Press as “The Toaster,” arrived with three red roses and a half-empty bottle of cognac. There were about 55 people on hand to watch the annual event.

ALL PLAY: Iris Johansen’s On the Run made the mass-market bestselling paperback list in PW.

In an interview on Bookreporter.com, Johansen said that writing the book “was great fun. It was entirely new characters and I really liked them. This was one of those stories that almost wrote itself. I was surprised when I realized I was almost finished with it.”

Johansen’s new hardcover, Stalemate, was the 20th best-selling fiction at Amazon.com a day after publication on December 27.

IN AND OUT: Raymond Carver wrote 20 or 30 drafts of each story. He told The Paris Review: “It’s something I love to do, putting words in and taking words out.”

FOOD AND FICTION: Jim Harrison’s latest book, his 28th, is Returning to Earth. He and his wife spend winter in an adobe house in Patagonia, Ariz. He is 69 years old, with decades of lavish food and drink behind him. There was a time when he was Hollywood’s favorite author.

Harrison told The New York Times, “Writers go out to Hollywood for the same reason stockbrokers go into business, and that’s greed. Even when they’re cheating you, they’re cheating you at a level that’s unheard of in academe, say. But I finally quit because I didn’t want to die in that suckhole.”

Wild birds and game still play an important role in his life as a hunter-writer. He said, “Food is a great literary theme. Food in eternity, food and sex, food and lust. Food is a part of the whole of life. Food is not separate.”

Harrison said that he was turning out books these days faster than his publisher could deal with them. “My mind can’t stop running fictively. But that’s O.K. Maybe I’ll just write some novels and leave them to my daughters.”

GOING STRONG: Robert Loomis, an 80-year-old editor, was celebrated on his 50th year at Random
A black-tie dinner was held at the New York Public Library and reported on by The New York Times. Loomis’s authors have included William Styron, Calvin Trillin, Edmund Morris, Shelby Foote, Pete Dexter and Maya Angelou.

Angelou told how Loomis tricked her into writing her first book. It was 1968 and she was depressed over the murder of Martin Luther King, Jr. Her friend James Baldwin took her to a dinner party where the guests told stories about their childhoods. The next day, the hostess called Loomis and told him he should get this woman to write a book. He tried, but Angelou said she told him “Absolutely not.”

Loomis didn’t give up. He phoned Angelou and said, “It’s just as well, because to write an autobiography as literature is just about impossible.”

Angelou said, “I will try.” The result was I Know Why the Caged Bird Sings.

ENCORE: Robert Loomis was in the news again when he spoke at the memorial service for author William Styron at St. Bartholomew’s Church in New York. Loomis, Styron’s classmate at Duke and his editor, said that Styron wanted to read out loud what he had written. “So with great joy, I listened.”

Loomis added that Styron created characters that were “unique creations destined to live as long as books are available. . . . It’s an accomplishment that happens all too rarely in this world.”

NO LAUREATE: In an interview for The New York Times Magazine, Pulitzer Prize-winning poet John Ashbery was asked if he felt that he was being snubbed because he had never been asked to serve as poet laureate.

He said, “I really don’t think I’m poet laureate material. . . . To be poet laureate you have to have a program for spreading the word of poetry. I’m just willing to let it spread by itself.”

FAN CLUB: How many authors of children’s book have fans who meet once a month to discuss their work? The New York C. S. Lewis Society meets on the second Friday of every month at a church in Greenwich Village. The first meeting was held in 1969. A twice-monthly bulletin is published by the society for 500 subscribers in the U.S., Japan, Germany, Russia and England.

A recent speaker was Dr. Woodruff Tait of Huntington University in Indiana. He talked about Prince Caspian, one of the seven books in the Narnia series. The New York Times reported that Tait said, “The children are always having tea and biscuits,” and after his talk, the group had tea and cake.

BIG STORY: The Sunday travel section of The New York Times devoted three pages (with photos in color) to an article about Andalusia, the farm in rural Georgia where Flannery O’Connor wrote the gothic moral tales that made her famous. O’Connor died in 1964, following a long crippling illness, at age 39.

The reporter, Lawrence Downes, wrote, “There are few opportunities for so intimate and unguarded a glimpse into the private life of a great American writer. [The caretaker of the farmhouse] told me that visitors sometimes went on the bedroom threshold.”

According to Downes, “The Flannery O’Connor-Andalusia Foundation wants to restore the house and outbuildings to postcard-perfection, to insure its survival. Last year the Georgia Trust for Historic Preservation placed Andalusia on its list of most endangered places in the state.”

THEY ALL LAUGHED: Martha Grimes’s new mystery is Dust. On her promotion tour for the book, she did a stand-up comedy routine about the life of a mystery author. PW commented: “Word is, it’s not glamorous.”

TRAVELING MAN: Ryszard Kapuscinski, who died last January, was a Polish journalist who wrote books with titles like Imperium, The Soccer War and The Emperor.

In a New York Times editorial page “Appreciation,” Verlyn Klinkenborg wrote that Kapuscinski “lived in a kind of journalistic exile, always traveling, always moving on to the next big story, in Africa, Latin America and the former Soviet Union. Nothing feeds the art of noticing like a sense of dislocation. . . .” Kapuscinski was an admirer of Truman Capote, Norman Mailer and Gabriel Garcia Marquez.

Klinkenborg wrote, “In his work, he reminds us again and again how profound our senses are—what a foundation they are for everything we call intellect—and how little we remember to use them.”

HOME WORK: John Lescroart’s new bestseller is The Suspect. He wrote his first novel while in college at Cal Berkeley and a second one in 1970, a year after he graduated. He didn’t try to get either book published until 14 years later when his wife urged him to submit Son of Holmes to New York publishers. In six weeks, he got two offers, one in hardcover. Since then, PW says his books have been published in more than 75 countries in 16 languages.

VICTORIAN HITS: Manhattan’s Morgan Library & Museum staged an exhibit entitled “Victorian Bestsellers.” It pointed out that “the literary formulas and publishing strategies perfected in this period still play a role in the business of bestsellers.”

Authors represented included Alfred Tennyson (Enoch Arden), George du Maurier (Trilby), Charles
Dickens, Walter Scott, Anna Sewell (Black Beauty), Harriet Beecher Stowe (Uncle Tom’s Cabin) and Anthony Trollope.

Edward Rothstein of The New York Times observed: “The Victorian reader was picking up these books not as a congregant or as a student, but as a participant, finding echoes of personal experience and seeking new forms of guidance. Today the world still overwhelms; the only difference is that now books are not the only medium promising redemption.”

LIKE FATHER: Sue Grafton continues to work her way through the alphabet with her latest, S Is for Silence. Gumshoereview.com asked her why she wrote mysteries.

Grafton said, “My father, C. W. Grafton, was a municipal bond attorney in Louisville, Kentucky, where I was born and raised. He was also a writer and published three mysteries . . . His first mystery [The Rat Began to Gnaw the Rope] won the 1943 Mary Roberts Rinehart Award. He was probably the greatest influence in my decision to write mystery novels because he was always so passionate about the genre himself.”

LATE START: Harry Bernstein, 90, has just had his first book, a memoir titled The Invisible Walls, published. He started writing at age 11 as editor of a one-page publication, Gossip. Since then he’s written for many major magazines. He immigrated to the U.S. from England when he was a young man.

He told PW, “I turned to writing this book after my wife died, about four years ago. As you get older, you have less of a present and no future, because there isn’t one—and you start to live more and more in your past. That’s all you really have. I had always been trying to write a long-form book—a novel or piece of nonfiction—and you could call me late-bloomer, but when I started thinking about my childhood, I discovered that all the memories were there, and I just started writing . . .

“I’m almost half done with another book that begins when my family arrived in America and feel if I lived 10 more years, I would write a whole lot more of these. Not that I imagine I will—but I feel capable of it.”

FAST: E. Howard Hunt was made famous by the role he played in the decline and fall of Richard Nixon. Hunt died at 88 in January (see Deaths). The CIA agent was the author of more than 70 novels, some written under pseudonyms: John Baxter, Robert Dietrich and David St. John.

Hunt began his writing career by publishing short stories in The New Yorker alongside Cheever and Nabokov. His first novel, Departure, was published by Knopf. A novel titled Bimini Run (1949) sold 150,000 copies, and a movie company paid him $35,000 for the film rights.

William F. Buckley, Jr. worked at the CIA for Hunt and knew him well. Buckley was quoted in The New York Times: “He did have a reputation for simply holing up on a Wednesday morning and then finishing the book by the weekend.”

Hunt’s memoir, American Spy, was due out in March.

NEW TARGET: Robert Parker has written more than 50 books, mostly mysteries. His first YA novel, The Eventsville Owls, was published in April.

SWITCH: PW said that Victoria Alexander switched to fiction from writing television news “when she realized that making up stories was more fun than reporting them. She credits news for helping develop her research skills, although she notes that delving into history is much trickier than current events. For one thing, Alexander says, the primary sources are usually, well, dead.”

Her paperback bestseller is A Little Bit Wicked.

PLOTTING: Lisa Gardner’s new novel, Hide, made the bestseller lists. She said her tales are propelled by two questions: “What bad thing is going to happen next, and when are these two gonna get it on?”

In an essay, “Secrets of Romantic Suspense,” on her website, Gardner wrote that her characters get together in “the classic ‘grateful to be alive’ sex that follows a life-threatening situation.”

The New York Times asked, “What if the characters aren’t quite ready to express their feelings in words?”

Gardner said, “They’ll have to have lots of sex instead. The reader understands.”

PROMOTER: Lori Foster turns out six to 10 books a year with various publishers. The first printing of Causing Havoc, a paperback bestseller, had a 300,000 first printing.

Foster’s annual Reader/Author Get Together, where fans meet their favorite romance writers, was scheduled for June 1 in Cincinnati. Last year’s event had more than 40 authors on hand, PW said.

ROUGH START: Mary Oliver, the 71-year-old poet, has won a Pulitzer (1984) and a National Book Award (1992). She is the best-selling poet in the U.S., with five volumes among the top 15 best-selling poetry books in America.

This is in spite of a James Dickey review of her first book of poems, No Voyage (1965), which appeared in The New York Times Book Review with this sour note: “She is good, but predictably good; one could have foretold her from reading anthologies and the poetry magazines of the day. She never seems quite to be in her poems, as adroit as some of
them are, but is always outside them, putting them together from the available literary elements."

CLONES: Janet Maslin of The New York Times listed 11 new novels that owe their contents to something she called "the much-borrowed [Dan] Brown formula." The title of Brown's next book, following The Da Vinci Code, may be titled The Solomon Key.

The formula goes like this: "Take a sacred treasure. Add a secret conspiracy. Attach a name well known to scholars—Dante, Poe, Wordsworth, Archimedes, Machiavelli, Shakespeare, the Romanovs, Vlad the Impaler, 'Hypnerotomachia Poliphili,' whatever—and work it into a story that can accommodate both the Glock and the Holy Grail. If there's any room left for the Knights Templar or DNA samples from Biblical figures, by all means plug them in."


WHAT SHE LIKES: Fern Michaels's best-selling paperback is Lethal Justice. Her new book is entitled Free Fall, and it's the final book in a series called "The Revenge of the Sisterhood."

Michael's wrote on her website: "Most writers love what they do, and I'm no exception. I love it when I get the germ of an idea and get it down on paper. I love breathing life into my characters. I love writing about women who persevere and prevail because that's what I had to do to get to this point in time."

HISTORY INCLUDED: PW asked Mark Slouka why he used a real event, the murder of a Nazi commandant, in his novel The Visible World."

Slouka said, "I'm fascinated by the ways that history and story play against each other. I was a child of refugees . . . The story of Reinhard Heydrick's assassination is inherently dramatic . . . and it was done by some boys. To me it's a story of naked heroism, and I was drawn to it. And so what I've done, I think, through fiction, is try to complete the gaps in my personal history with capital H. History."

TRACK BURNERS: According to The New York Times, "Last year, with NASCAR's approval, Harlequin published three NASCAR-themed books. The company is now embarking on a 16-book paperback series, all of which will have NASCAR settings..."

The report continues, "The first and last will feature cameo appearances by Carl Edwards, a real-life NASCAR driver who has consulted with the author, Nancy Warren, to help create a suitable fictional representation of himself."

AND THE WINNERS ARE: Retail booksellers picked their favorite children's books of 2006 and PW reported the results.

The top picture book was David Wiesner's Flotsam.

Favorite novel was The Book Thief by Markus Zusak.

The best title was M. T. Anderson's The Astonishing Life of Octavian Nothing, Traitor to the Nation, Vol. 1: The Pox Party. And the runner-up was I'm Dirty by Kate and Jim McMullan.

The oddest requests by book customers included: "Someone asked for Goodnight Gorilla in audio —it's a wordless book." And "I'd like a classic book to read aloud to my dog."

AFTER HOBBITS: Christopher Tolkien, son of J.R.R. Tolkien, edited drafts of a story left by his late father and produced The Children of Hurin. The book was published in April.

DUAL ROLE: Prolific Nora Roberts has cameo moments on the screen in all four of the television dramas that have been adapted from her novels.

GOING ALONE: Lincoln Child has written 11 novels with a coauthor, Douglas Preston.

Now Child has written a bestseller, Deep Storm, by himself. He told PW: "Writing a novel with somebody else allows you to bounce ideas off another person you respect, and thus adds an additional layer of security. On the other hand, a solo novel is something one can be uniquely, hugely proud of, because there's no question of who conceived and wrote it. It's your baby, and nobody else's."

THE QUESTION: Arthur Phillips's new novel is Angelica. PW said the story was set in Victorian London and dealt with the supernatural. The author is 37 years old and lives in Brooklyn with his wife and two sons.

Phillips said, "I don't come to literature with a philosophical question I need to untangle. The main question that comes up over and over when you sit down to write a book is: who is this person, and why are they doing that?"

"I start to write a story, and I realize, well, that's not the way the person across the room would have seen it. Once you start picking that apart for fictional purposes, then everything starts to unravel!... If you move into questions of what we do and do not know about the world, I think that's probably okay."
Phillips also said, “Anytime I was tempted to write autobiography or biography, I went ahead and had a cold shower and a lie-down.”

HOW TO: Advice given by a friend to George Orwell: “Writing is bosh. There is only one way to make money at writing, and that is to marry a publisher’s daughter.”

THREE AT ONCE: Patrick Rothfuss’s first novel is *The Name of the Wind*. It’s the first of a fantasy trilogy. The second and third volumes are already written but will be published a year apart.

The author explained how it all happened to PW: “I actually started the book back when I was a student. I made time to write by being a bad student. It took me nine years to finally get my degree. Most of that time I was dirt poor, working three jobs and writing my trilogy…

“I had an awful time getting an agent. Apparently, I can write a half-million word fantasy epic, but a decent one-page query letter is beyond me. Eventually I won the Writers of the Future contest and met Kevin Anderson at its workshop. He introduced me to my current agent, Matt Bialer. I couldn’t be happier with him.”

YOUNG POET: LuAnne Rice’s new hardcover is *The Edge of Winter*. Her *Angels All Over Town* was a paperback bestseller.

According to PW, Rice got an early start as a writer. “I’d always written poems from the time I was young,” she said. “My first publication, when I was eleven, was in ‘This Singing World,’ the poetry column at The Hartford Courant. My first short story was published in American Girl magazine when I was 15.”

ON THE NET: Random House is offering as much as 10 percent of the content from 5,000 of its new and backlist titles on its website: randdomhouse.com. More titles are being added.

HarperCollins also has a browsing tool on its website: harpercollins.com.

NEW IMPRINT: Bellevue Literary Press, which publishes the Bellevue Literary Review, released its first book in April. Offices are located on the sixth floor of the New York hospital, and Erika Goldman is the editorial director. She selects, edits and supervises the publication of books that include both nonfiction and fiction that is medical or scientific in nature, but written for a general audience.

The first title is *Galileo’s Gout* by Dr. Gerald Weissmann, a research professor at NYU. The second is *The Cure*, a novel about a family whose child has polio.

Goldman told The New York Times, “The types of books we’re publishing are books that we’re proud of, but they’re not commercially oriented books. We don’t have any illusions about making a fortune. We’re in it for love and art.” Advances usually are less than $5,000.

**JOB CHANGES, NEW TITLES**

Maris Kreizman is an associate editor at Perseus’s Basic Books. She will acquire titles for Basic, Counterpoint and Basic Civitas with a focus on literary fiction, music, pop culture, narrative nonfiction and memoirs.

Andrea Schulz is editor-in-chief at Harcourt.


Cherise Davis is editor-in-chief of Penguin’s Plume Books imprint. She was a senior editor at Touchstone/Fireside.

Mirch Hoffman left Dutton to become executive editor at Warner Books.

Jennifer Barth is executive editor of HarperCollins’s flagship imprint.

Alisha Niehaus is editing at Dial Books for Young Readers. She is an author, former bookseller and literary scout and has worked on both picture books and novels.

Trish Boczowski is editorial director at Simon Spotlight Entertainment.

Ben Sevier, formerly at Touchstone/Fireside, is a senior editor at Dutton.

Jennifer Arena has been named executive editor at Random House Children’s Books, and Diane Landolf has been promoted to editor.

Henry L. Carrigan is senior editor at Northwestern University Press. His focus is on acquiring books in philosophy, literary criticism and fiction.

Luisa Weiss is senior editor at Stewart, Tabori & Chang. She is acquiring cookbooks and “food narratives.”

*Compiled from Publishers Weekly*

**DEATHS**

Whitney Balliett, 80, died February 2 in Manhattan. Jazz critic at The New Yorker for 40 years, Balliett published 17 collections of essays. His first book was *The Sound of Surprise* (1959).

A. I. Bezzerides, 98, died January 1 in Woodland Hills, Calif. He was the author of screenplays and several novels, including *Long Haul* (1939), *Thieves’ Market* (1949) and *There Is a Happy Land* (1942).

Lothar-Gunther Buchheim, 89, died February 24 in Berlin. He was best known for an autobiographical novel, *Das Boot* (1973).

Wilma Dykeman, 86, died December 22 in Asheville, N.C. She was the author of nearly two dozen books, including The French Broad (1955), The Tall Woman (1962) and Neither Black Nor White (1957).

Jurg Federspiel, 75, died in mid-January near his hometown, Basel, Switzerland. He was a journalist, film critic, essayist and fiction writer, and the author of more than 20 novels and collections of stories. His best-known book in English is The Ballad of Typhoid Mary.


David Halberstam, 73, died April 23 in Menlo Park, Calif. The Pulitzer Prize-winning journalist was the indefatigable author of 20 books, including The Best and The Brightest (1972), The Powers That Be (1979), The Breaks of the Game (1981), The Fifties (1993) and Firehouse (2002). He was on his way to an interview for his next book when the car in which he was riding was hit broadside.

E. Howard Hunt, 88, died January 22 in Miami. Former CIA agent and key figure in the Nixon scandal, Hunt wrote more than 80 spy novels. His last book, American Spy: My Secret History in the CIA, Watergate and Beyond, was published in March. (See page 27.)

Ryszard Kapuscinski, 74, died January 24 in Warsaw. His books included The Emperor (1983), The Soccer War, Another Day of Life, Shah of Shahs and Imperium—all about international news events.

Seymour Martin Lipset, 84, died December 31 in Arlington, Va. He was a sociologist, political scientist and theorist on American uniqueness and the author of dozens of books, including Political Man: The Social Bases of Politics (1960).

Joseph Low, 97, died February 12 in Edgartown, Mass. The illustrator and typeface expert was the author of Mice Twice, a Caldecott honor book in 1981, and many other books for children.


Arthur M. Schlesinger, Jr., 89, died March 10 in Manhattan. Winner of two Pulitzer Prizes and the National Book Award, he was the author of A Thousand Days: John F. Kennedy in the White House (1966), Robert Kennedy and His Times (1978) and more than 18 other books.

Sidney Sheldon, 89, died January 30 in Rancho Mirage, Calif. His novels include The Other Side of Midnight (1974), A Stranger in the Mirror (1976), Master of the Game (1982), If Tomorrow Comes (1985) and Are You Afraid of the Dark? (2004). His books sold more than 300 million copies and have been published in 51 languages.


Kurt Vonnegut, 84, died April 11 in New York City. Vonnegut was the author of Player Piano (1952), Cat’s Cradle (1963), God Bless You, Mr. Rosewater (1965) Breakfast of Champions (1973), and Slaughterhouse-Five (1969), as well as many other works. Slaughterhouse, his seventh novel, made its appearance in the midst of a generational revolution for which his dark vision, and the novel’s refrain, “So it goes,” became existential reference points.

Robert Wohlstetter, 94, died January 6 in Manhattan. She was the author of Pearl Harbor Warning and Decision (1948).
publisher or an individual not affiliated with the publisher, but not by the author. To nominate a book, submit a short statement describing why the book is being nominated by October 31, 2007. One fiction author and one nonfiction author will receive $1,000 each. Send nominations by e-mail or mail to Robin Imhof, Reference Librarian/Assistant Professor, University of the Pacific Library, 3601 Pacific Ave, CA 95211. rimhof@pacificu.edu; www.al.org/ala/glbtrt/stonewallbook.htm

Reed Magazine, a journal of poetry and prose, will begin accepting submissions for its annual John Steinbeck Award for the Short Story, cosponsored with the Center for Steinbeck Studies at San Jose State University and the National Steinbeck Center, on August 1. To enter, submit an unpublished story of up to 6,000 words, with a cover letter listing the author’s name, story title, and contact information, and a reading fee of $15. Multiple submissions must include additional reading fees and be submitted separately. First prize receives $1,000 and publication in the 2008 issue of Reed, and an excerpt may be published in The Californian, a Salinas, CA, newspaper. Deadline: November 1, 2007. John Steinbeck Short Story Award, Reed Magazine, SJSU English Department, One Washington Square, San Jose, CA 95192. reed@email.sjsu.edu; www.sjsu.edu/reed/steinbeck.htm

The American Library Association will present its W. Y. Boyd Literary Novel Award to the best work of fiction set in a period when the United States was at war, along with a $5,000 cash prize. Publishers or authors interested in nominating a book should submit seven copies of the work and an application form by December 1, 2007. To download an application, and for full submission guidelines, visit the "Awards & Scholarships" page of the ALA website, www.ala.org or contact Keith Michael Fiels, 50 East Huron Street, Chicago, IL 60611. (800) 545-2433. feedback@ala.org

Poetry Contests

Contests with Entry Deadlines on or before June 30, 2007:

WinningWriters.com, an online resource for poets and writers, is accepting entries for its fourth annual Margaret Reid Poetry Contest for Traditional Verse. First prize is $1,000, second prize is $400, and third prize is $200. In addition, seven entrants will receive High Distinction Awards of $100 each, 10 will receive Highly Commended Awards of $70 each, and 30 will receive Commended Awards of $50 each. The top 10 entries will be published on WinningWriters.com. For guidelines and to enter online, visit www.winningwriters.com/contests/margaret/ma_guidelines.php.

Entry fee varies based on length of submission. Deadline: June 30, 2007. www.winningwriters.com, john.reid@mail.qango.com

In The Antigonish Review’s 7th annual Great Blue Heron Poetry Contest, three winners will receive publication by the Review and cash prizes of $600, $400 and $200. Send up to four pages of previously unpublished, typed poetry (up to 150 lines). An entry may be one long poem or several short ones. Include a separate cover sheet with the entrant’s contact information and the titles of all entries, along with a $25 fee (includes a one-year subscription to The Antigonish Review, the quarterly literary journal of St. Francis Xavier University in Canada). Deadline: June 30, 2007. The Antigonish Review Contest, Box 5000, St. Francis Xavier University, Antigonish, Nova Scotia, Canada, B2G 2W5. www.antigonishreview.com/contest.html, tar@stfx.ca

Contests with Entry Deadlines after July 1, 2007:

Logan House Press is accepting submissions for its third annual Holland Prize, which will award $500 and publication to the winning manuscript. Send an unpublished manuscript of 48–80 pages with a $25 reading fee and a SASE by August 1, 2007. Entrainnts will receive a copy of Disciples of an Uncertain Season by Larry Holland, as well as the winning, published manuscript. Logan House, Rte. 1, Box 154, Winside, NE 68790. www.loganhousepress.com, info@loganhousepress.com

Each year the American Literary Review holds poetry, short fiction, and creative nonfiction contests. The winner in each category will receive $1,000 and publication in the Fall 2008 issue of the Review, which is published by the Creative Writing Program of the Department of English at the University of North Texas. Send up to three poems with a cover page including the author’s name, title(s), address and phone number. The work must not have any identifying information on it. Enclose a $15 reading fee per entry and a SASE for notification of the finalists. Submissions are accepted between June 1, 2007 and September 1, 2007. For submission guidelines for the short fiction and creative nonfiction contests, visit www.engl.unt.edu/alr/contest.htm. American Literary Review Poetry Contest, PO Box 311307, University of North Texas, Denton, TX 76203-1307

The Journal, the literary magazine of the Ohio State University Press, holds an annual poetry contest manuscripts. The winning manuscript will be published and the recipient will receive the Charles B. Wheeler prize of $5,000. To enter, send at least 48 typed pages of
original poetry with a $25 fee, and a SASE (to be notified of the results) by September 30, 2007. Manuscripts must be unpublished; indicate individual poems that have been published. Poetry Editor, The Ohio State University Press, 180 Pressey Hall, 1070 Carmack Road, Columbus, OH 43210. www.ohiostatepress.org

Utah State University Press will present the winner of its annual May Swenson Poetry Award, for a collection of original poetry, with $1,000 and publication including royalties. Send one copy of a poetry manuscript of 50–100 pages, a cover sheet with the author’s name and address, a $25 reading fee (includes a copy of the winning book), and a SASE for notification. Deadline: September 30, 2007. May Swenson Poetry Award, Utah State University Press, 7800 Old Main Hill, Logan, UT 84322. www.usu.edu/usupress/poetryaward

Alice James Books, a cooperative poetry press, awards two poets living in New England, New York or New Jersey its annual Kinereh Gensler Award. Winners receive $1,000 and book publication, and serve a three-year term on the Alice James Books Editorial Board. Manuscripts must be typed, paginated, and 50–70 pages (single or double-spaced). Include a table of contents, a list of acknowledgments for previously published poems, and an application fee of $25. Submissions should include two copies of the manuscript, including applicant’s name, address and phone number on the title page of each copy. Do not use staples, folders or bound copies; binder clips are acceptable. Deadline: October 1, 2007. Alice James Books, 238 Main Street, Farmington, ME 04938. (207) 778-7071. www.alicejamesbooks.org, AJB@umf.maine.edu

Mid-American Review, a literary journal published by the Department of English and the College of Arts & Sciences at Bowling Green State University, is accepting submissions for its annual James Wright Poetry Award. First place is $1,000 and publication, and four finalists will receive a notation in the magazine and be considered for publication. Send sets of three poems, previously unpublished, with a $10 entry fee and a SASE to learn about the results early. All entrants will receive the issue of the journal in which the winner is published. Deadline: October 1, 2007. Mid-American Review is also offering its Sherwood Anderson Fiction Award and a Creative Nonfiction Award; visit its website for submission guidelines. Mid-American Review, Department of English, Bowling Green State University, Bowling Green, OH 43403. www.bgsu.edu/midamericanreview

Alligator Juniper, a publication of Prescott College (AZ), offers an annual writing contest. First place winners receive a $500 cash prize and publication in the journal; non-winners may be selected for publication and will receive four copies of the journal. To submit poetry, include a brief cover letter (including the statement “I have read and understand the guidelines for Alligator Juniper’s national writing contest.”), a typed, numbered manuscript, a $10 entry fee (additional entries require additional fees), and a SASE if you want the manuscript returned. The contest is also open to fiction and creative nonfiction; see website for details. If submitting poetry, indicate this with a large P on the cover letter and mailing envelope. Deadline: October 1, 2007. Mail submissions to Alligator Juniper, Prescott College, 220 Grove Avenue, Prescott, AZ 86301. www.prescott.edu/highlights/alligator_juniper; aj@prescott.edu

Dogwood, a journal of poetry and prose published by Fairfield University, holds an annual poetry contest. First place carries a cash prize of $1,000 and publication in the Spring 2008 issue. Submit up to three poems (no more than 10 pages total) without the author’s name anywhere on the manuscript, a $10 reading fee per group of poems, a SASE for notification of the winner, and a brief biography of the author by October 15, 2007. Dogwood also holds a fiction contest: www.faculty.fairfield.edu/dogwood for guidelines. Kim Bridgford, Editor, Dogwood, English Department, Fairfield University, North Benson Road, Fairfield, CT 06824. kbridgford@mail.fairfield.edu

The Briar Cliff Review, a literary and cultural journal published by Briar Cliff University (IA), is accepting submissions for its Twelfth Annual Fiction, Poetry, and

Dental and Vision Coverage

The Authors Guild offers members dental plans from Cigna and Guardian. Our Cigna HMO plan is available in most states, with annual rates beginning at $379.88 for a single member. Enrollment is open to members each year on April 1 and October 1. To enroll, call our representative for this plan, Teigit, at (800) 886-7504, or visit them online at www.teigit.com. Members nationwide may enroll in our Guardian PPO, a dental and vision plan. (Guardian also makes an HMO-like plan, Managed Dental Guard, available to members in the New York City metropolitan area.) These plans are handled by CSS, Inc., who may be reached by phone at (888) 499-4669, or online at www.CSSAdmin.com.
Creative Nonfiction Contest. First place winners in each category will receive $1,000 and publication in the Spring 2008 issue. Poetry entries should be single-spaced with no more than one poem per page. Include a cover page with the title(s), author’s name, address, telephone number and e-mail address (only the title should appear on the manuscript). Submissions must include a $15 entry fee per three poems. For fiction and nonfiction submission guidelines, visit www.briarcliff.edu/bcreview. Deadline: November 1, 2007. Tricia Curran-Sheehan, Editor, The Briar Cliff Review, Fiction, Poetry, and Creative Nonfiction Contest, 3303 Rebecca Street, Sioux City, IA 51104-2100

The American Academy of Arts and Letters presented its 2007 awards in literature at a ceremony in New York City in May. Charles Baxter received the Award of Merit for the Short Story, along with $10,000 and a medal. Tony D’Souza received the Sue Kaufman Prize for First Fiction and $5,000 for his book Whitebread. Joan Silber received one of eight Academy Awards in Literature, which includes a $7,500 cash prize. The Academy also inducted nine new members, to fill vacancies in its membership of 250 American artists, architects, writers and composers. New members include Deborah Eisenberg and Mary Gordon.

In February, the American Association for the Advancement of Science (AAAS), publishers of the journal Science Books & Film Online (SB&F), announced the winners of their 2007 AAAS/Subaru SB&F prizes. The four winning books included Thomas Edison for Kids by Laurie Carlson, Hands-On Science/Activity Book, and An Egg Is Quiet, illustrated by Sylvia Long, Children’s Science Picture Book. The winners received a cash prize of $1,500 and a plaque.

The American Library Association (ALA) announced the winners of their annual awards at their midwinter meeting in Seattle on January 22. Susan Patron, author of The Higher Power of Lucky, received the John Newbery award from the Association for Library Service to Children, a division of the ALA. The award, for the year’s most outstanding contribution to children’s literature, is considered the highest honor in the genre. Lois Lowry received the Margaret A. Edwards Award in honor of her lifelong contribution to writing for teens. She was specifically recognized for The Giver, first published 20 years ago and still in print. Traci L. Jones was presented with the Coretta Scott King/John Steptoe New Talent Author Award for Standing Against the Wind. The Schneider Family Book Award, for books that focus on the disability experience for child and adolescent audiences, was presented to three books, including The Deaf Musicians by Paul DuBois Jacobs (and Pete Seeger), and Small Steps by Louis Sachar.

The first Cybils, presented by the Children’s and Young Adult Bloggers’ Literary Awards Committee, were announced on February 15. Winners included Rachel Cohn (and David Levithan), Nick and Norah’s Infinite Playlist, Young Adult Fiction; Russell Freedman, Freedom Walkers: The Story of the Montgomery Bus Boycott, Nonfiction, Middle Grade and Young Adult; and Sylvia Long, illustrator, An Egg Is Quiet, Nonfiction Picture Books.

The John Simon Guggenheim Memorial Foundation announced its 2007 United States and Canadian Fellows on April 5. Those chosen included Maria Flook, Naeem Mur, and Sabina Murray for Creative Arts/Fiction, and Cynthia Carr, W. Ralph Eubanks, Leila Stott Philip and Michele Wucker in General Nonfiction. In the Social Sciences, fellows include Anne Whiston Spirn, Planning, and Richard Conniff and Dava Sobel, Science Writing. Fellows are appointed based on unusually impressive achievement in the past and exceptional promise for future accomplishment.

The Eric Hoffer Awards for independent books (previously the Writers Notes Book Awards) were presented to books published in 2006 by small, micro and academic presses, and to books that were self-published. Among the authors honored with Notable mentions were Jared Brown, Alan J. Pakula: His Films and His Life, Reference; Robert L. Giron, Poetic Voices Without Borders, Art; Mary A. Shafer, Devastation on the Delaware: Stories and Images of the Deadly Flood of 1955,
Reference; and Heather Sharpeiddin, Blackbelly, General Fiction.

On October 15, the Massachusetts Center for the Book presented its 2006 Massachusetts Book Awards, for books published in 2005. The winners included The Season of Open Water, Dawn Clifton Tripp, Fiction; The Peabody Sisters: Three Women Who Ignited American Romanticism, Megan Marshall, Nonfiction; and Where the Great Hawk Flies, Liza Ketchum, Children’s/Young Adult Literature. Lester Young received a Children’s/Young Adult Honor for The Old African. The latter three also received recognition from the Boston Authors Club, which presented its Julia Ward Howe Book Awards on May 10 at the Boston Public Library. The Young Readers Award will be presented to Liza Ketchum for Where the Great Hawk Flies. Lester Young was a finalist for the same award, for Day of Tears. The Peabody Sisters, by Megan Marshall, is a recommended book, Young Readers.

The Mystery Writers of America presented the Edgar Allan Poe Awards ("Edgars") at their 61st annual banquet on April 26 in New York City. Nominees included Andrew Clements, Room One: A Mystery or Two, Best Juvenile; Sebastian Junger, A Death in Belmont, Best Fact Crime; and E. J. Wagner, The Science of Sherlock Holmes: From Baskerville Hall to the Valley of Fear, Best Critical/Biographical. The nominees for Best Short Story included Thomas H. Cook’s "Rain," from Manhattan Noir, Bill Crider’s "Cranked," from Damn Near Dead, and S. J. Rozan’s "Building," from Manhattan Noir. Stephen King received the Grand Master Award, "the pinnacle of achievement in the mystery field," in recognition of his distinguished, long-term contributions to the mystery genre.

The National Book Critics Circle Awards were announced at a ceremony in New York City on March 8. Among the winners was Lawrence Weschler, Criticism, for his book Everything That Rises: A Book of Convergences. Finalists included Donald Antrim, The Afterlife, Memoir/Autobiography, and Jason Roberts, A Sense of the World: How a Blind Man Became History’s Greatest Traveler, Biography.

Philip Roth was presented the inaugural PEN/Saul Bellow Award for Achievement in American Fiction at the 2007 PEN Literary Awards ceremony on May 21 in New York. Established by the PEN American Center in memory of author Saul Bellow and presented biennially, the $40,000 award is given to an American fiction writer whose body of work places him or her in the highest rank of American literature. A.J. Gurney was honored with the PEN/Laura Pels Foundation Award, given to a master American dramatist, at the same event. On April 30, at the 2007 PEN Literary Gala, Gore Vidal was awarded the inaugural PEN/Borders Literary Service Award. The award, presented by George Jones, CEO and President of Borders Group, honors a distinguished American writer whose work helps us to understand the human condition in original and powerful ways.

Poetry Flash, a nonprofit literary arts organization that publishes a bimonthly review, announced the nominees for their 26th annual Northern California Book Awards, for books published in 2006 by Northern California writers. Nominees in Fiction include Miss Kansas City, Joan Frank, and The Beheading Game, by Brenda Webster, who also received a nomination in the Translation category for her translation of Edith Bruck’s Letters to My Mother. The Great Earthquake and Firestorms of 1906: How San Francisco Nearly Destroyed Itself, Philip L. Fradkin, is nominated for the Nonfiction award. Veterans of War, Veterans of Peace, edited by Maxine Hong Kingston, will receive the Special Award in Publishing. The winners were announced at a ceremony in San Francisco on April 15.

Among the finalists for the 2007 Pulitzer Prizes were Alice McDermott, After This, in Fiction, and Nathaniel Philbrick, Mayflower: A Story of Courage, Community, and War, in History.

Sneed B. Collard III was given the 2006 Washington Post/Children’s Book Guild Nonfiction Award for his body of work. He is a prior recipient of the Green Earth Book Award for young adult environmental literature for his novel, Flash Point, and his book Shep: Our Most Loyal Dog was a finalist for a Western Writers of America’s 2007 Western Spur Award in the Storyteller category. Other recipients included Ivan Doig, The Whistling Season, finalist in the Best Western Long Novel category; Hampton Sides, Blood and Thunder: An Epic of the American West, winner in the Best Western Nonfiction—Historical category; and Stan Lynde, Summer Snow, finalist in the Audiobook category.

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**Writers at Work**

Member Tom Miller of Tucson, AZ, recently pointed out to us that typing "currently at work on a novel" into Google’s search box yields 11,600 web pages. We did our own unscientific test and found that a slight variation on the phrase, "currently working on a novel," turns up more than 40,000 pages of results, while "currently completing a novel" yields a smaller list of just over 4,000 websites. We were amused, if somewhat dismayed, to find that the phrase "recently completed a novel" produced a meager 730 results.
Loreen Arbus received an honorary doctorate of humanities from the Philippine Women’s University for her work as a proponent of individual rights for women, minorities, and people with disabilities.


Mary Gordon was awarded The Story Prize for 2006 for her book of short stories, The Stories of Mary Gordon. She received $20,000 and an engraved silver bowl, and gave a reading with the award’s finalists at a ceremony in New York City on February 28. The annual prize honors the author of an outstanding collection of short fiction.

Sara Gruen, author of Water for Elephants, was a finalist in the fiction category of the 10th Annual Borders Original Voices Awards, which honors emerging writers and musicians. Borders’ monthly Original Voices list for March 2007 included Tom Bissell, The Father of All Things; Nora Gallagher, Changing Light; and Cynthia Leitich Smith, Tantalize.

Children’s book author Mary Ann Hoberman was one of five alumnae honored with medals by Smith College at a ceremony February 21. Every year since 1962, the college has honored five women who have “risen to the top of their fields while contributing their talent and expertise to the improvement of others’ lives.”

The Oregon-based organization Literary Arts honored Ursula K. Le Guin with the Charles Erskine Scott Wood Distinguished Writer Award, presented yearly to an Oregon author in recognition of a distinguished career in letters.

E. James Lieberman received a 2006 Reviewer of the Year award from Library Journal. He also was named to the editorial board of the online book review of the American Psychological Association, PsycCRITIQUES: Contemporary Psychology.

Eugene L. Meyer was awarded the Washington Independent Writers’ 2006 highest prize for reported non-fiction. For the first time, the judges gave a dual award for two articles by the same author: “Down by the Waterfront,” in the June 2005 Washingtonian and “Easy Come, Easy Go,” in the April 2005 Chesapeake Bay Magazine.

J. Patrice McSherry’s book, Predatory States: Operation Condor and Covert War in Latin America, was selected as a Choice Outstanding Academic Title for 2006 by Choice: Current Reviews for Academic Libraries. The award honors excellence in scholarship and presentation, significance of the contribution to the field, and the work’s value as an important, or first, treatment of a subject.

Michael W. Sherer’s novel Death Is No Bargain placed third in the Mystery/Thriller/Suspense category of the 2006 Literary Awards, presented by Reader Views, a book review service that provides publicity and editing services to authors. The awards honor books that were self-published or published by a small press, university press, or independent book publisher.

Legal Watch

Continued from page 17

The claims against Stewart were dismissed on jurisdictional grounds. The court found Stewart’s broadcast had no specific link with Texas that would subject him to “specific” jurisdiction there. The Daily Show was not particularly targeted to a Texas audience, and the underlying video from the 700 Club show was shot in Virginia. Stewart himself had been in Texas only twice, for reasons unrelated to the clip. The court also said the Texas court lacked “general” jurisdiction because Stewart had no continuous, systematic and substantial contact with Texas.

The court next evaluated Viacom’s motion to dismiss for failure to state a claim. On the first claim, defamation, the court found Busch would need to prove that the challenged broadcast contained assertions of fact about the plaintiff that are defamatory and false. However, Busch’s complaint never alleged that Viacom’s statements about him were false. In fact, Busch was never mentioned in The Daily Show segment, nor did the segment identify him in the short clip that aired. Ultimately, because Busch’s image appeared as a fake endorsement for Robertson’s diet shake on The Daily Show, a well-known satiric program, the court held that no reasonable viewer could believe that the clip containing Busch constituted defamatory assertions of fact about him. On those grounds, the court dismissed Busch’s defamation claim.

Likewise, the court dismissed Busch’s misappropriation of likeness claim, after finding that liability for such cannot arise when the information at issue is already in the public domain. In this case, since Busch’s appearance on The 700 Club was voluntary, the image of Busch on the show was in the public domain. As an aside, the court noted that the First Amendment
would have likely protected Viacom from both defamation and misappropriation claims because the clip was clearly a parody.

Busch also sued Robertson and his Virginia-based Christian Broadcasting Network. That suit alleged that Robertson had appropriated Busch’s image in order to promote the commercial version of the shake without Busch’s permission. On April 6, 2007, a federal district court in Virginia dismissed that claim.

—Michael Gross

Federal Court Pulls Plug on Cable Network Recording

Twentieth Century Fox v. Cablevision;
The Cartoon Network v. CSC Holdings
U.S. District Court, Southern District of New York

A federal court recently ordered Cablevision, the nation’s fifth largest cable provider, to stop thinking outside the box. The set-top digital video recording box, that is. Cablevision has come out on the losing end of a battle with film and television studios over a plan to allow subscribers to record television programs on central servers housed at Cablevision headquarters. Cablevision hoped to launch the new service without obtaining prior permission from the studios that own the copyrights in the programs available for recording. On March 22, 2007, the U.S. District Court of the Southern District of New York sided with network giants such as NBC, CBS, CNN, TBS and TNT and studios such as Twentieth Century Fox, Universal, Paramount and Disney, pulling the plug on Cablevision’s argument that it is unnecessary to obtain prior permission from or enter into licensing agreements with the copyright owners.

Under Cablevision’s new subscriber package, enrolled customers would have been able to forego use of the digital video recorders (DVRs) that are currently the standard device in the industry. As any TV junkie knows, DVRs are box-like devices similar in appearance to DVD players and the largely “retro” VCRs that are used to record programs for in-home playback. (Think TiVo, one of the best-known DVR and subscription services.) But cable subscribers may also obtain DVRs directly from their digital cable provider. Providing the necessary equipment—traditional cable boxes, remote controls and DVRs—involves costs that the cable company would prefer to shift over to the consumer, however, and addresses the consumer expectation that obsolete devices may regularly be exchanged for up-to-the-minute ones.

Legal Services Scorecard

From January 25, 2006 through April 20, 2007, the Authors Guild Legal Service Department handled 239 legal inquiries. Included were:

- 47 book contract reviews
- 8 agency contract reviews
- 17 reversion of rights inquiries
- 28 inquiries on copyright law, including infringement, registration, duration and fair use
- 10 inquiries regarding securing permissions and privacy releases
- 3 electronic rights inquiries
- 4 First Amendment inquiries
- 122 other inquiries (including literary estates, contract disputes, periodical and multimedia contracts, movie and television options, Internet piracy, liability insurance, finding an agent, and attorney referrals)

In March 2006, Cablevision—a company with approximately 3.1 million subscribers, mostly in New York, New Jersey and Connecticut—announced plans to implement a new subscriber service that would sidestep the need to provide actual DVR boxes to customers. The new offering, Remote-Storage DVR System (RS-DVR), would allow subscribers to access programs they had chosen to record from equipment kept at Cablevision facilities. Cablevision planned to usurp the DVR device’s function by storing programs selected by individual subscribers and serving them up for viewing upon the subscriber’s remote control demand.

Although film and television studios own the copyrights in the shows aired by Cablevision and other cable providers, and RS-DVR involves the copying and display of these programs, Cablevision maintained that it was not required to obtain licenses from the studios. Cablevision vainly attempted to argue that RS-DVR would not constitute an infringement of the studios’ copyrights because Cablevision’s actions in offering RS-DVR were analogous to the actions of a company that manufactures and sells VCRs. In 1984, the landmark Sony Corp. v. Universal City Studios cleared the way for VCR manufacturers to continue selling VCRs without liability for copyright infringement; Cable-
vision pinned its hopes on convincing Judge Denny Chin of the Southern District of New York that RS-DVR is no different from a VCR, but failed.

The court issued a declaratory judgment in favor of the studios, finding that RS-DVR would infringe on their copyrights, and enjoining Cablevision and its parent company, CSC Holdings, from offering RS-DVR to subscribers without first obtaining licenses from the studios. Offering RS-DVR without first obtaining permission from the copyright owners would be an unauthorized reproduction and transmission of copyright protected work.

—Anita Fore
Director of Legal Services

Annual Meeting

Continued from page 8

to pass, it might open the floodgates to wholesale appropriation of copyrights by foreign parties claiming to have made such a diligent effort. The legislation failed in the last congressional session.

Ms. Constantine then discussed the Guild’s advocacy efforts in behalf of the restoration of the IRS’s Fair Market Value Deduction for donations of author’s manuscripts and other valuable materials to nonprofit organizations. This year’s version of the bill was introduced in the Senate in February. Although it currently has no House sponsors, the Guild’s legal team believes it is possible that with persistent support from Guild members and other artists this important piece of legislation will be enacted.

Mr. Aiken reported on a proposal that a small claims court be established to handle copyright violations, on which he was invited to testify before a subcommittee of the House Judiciary Committee. After a survey of Guild members, the majority of whom strongly endorsed the establishment of such a court, the Guild proposed that a court conducted solely by mail or phone, and run by the Copyright Office, adjudicate simple copyright cases; more complicated cases and fair use claims would be handled by a regular court. The committee showed genuine interest in the idea but it is too early to know where it will lead.

Ms. Fore gave the results of the vote for the Authors Guild Board and constitutional revisions. All Board members were reelected and the constitutional changes were accepted. The total number of members voting was 1,305.

After taking questions from the floor, President Blount adjourned the meeting.

During the Authors League Annual Meeting, Mr. Blount asked for the approval of the minutes from the Annual Meeting of 2006. He then asked Mr. Aiken to discuss the proposed amendments to the Constitution of the Authors League.

Mr. Aiken began by explaining that 1964 was the last time the constitution had been reviewed by attorneys specializing in nonprofit law. The League has become a nearly defunct organization, but because its Constitution required that it be managed in specific ways, considerable money and effort continued to be devoted to its maintenance. It is because of this burden, on the advice of outside nonprofit lawyers, that the proposed amendments were made and brought to a vote.

The Authors League is currently comprised of members of the Dramatists Guild and the Authors Guild; the new constitution will permit the respective boards of these organizations to elect board members for the Authors League. The League’s Board will now consist of six members. In addition, the Authors League will do whatever is in the joint interest of authors and dramatists.

Mr. Aiken asked if there were any questions from the floor, and a member wished to know why not simply dissolve the Authors League if it no longer performs a meaningful function. To this, Mr. Aiken responded that while such a course of action is certainly possible, there were a number of issues, such as what would be done with the League’s institutional archives, that needed to be considered first. He also pointed out that the proposed amendments would yield a more manageable entity, and that the Authors League might assume new and relevant functions as a result. He did not discount the idea that the Authors League might someday fold, but that the first step should be to assess its vitality and usefulness with a more streamlined operating procedure and Board.

Mr. Blount then called for a vote of those members who had not yet voted by proxy on the proposed constitutional amendments and the election of League Board members. The proxy votes had already been recorded by the tellers and inspectors. The total number of members voting was 1,287. The proposed revisions to the Authors League Constitution were accepted, and both Board nominees were elected.

After asking whether there was any new business to be discussed and receiving no answer in the affirmative, President Blount adjourned the meeting.
From the Archives:  
What are People Asking for in Second-hand Bookstores?

BY BEN ABRAMSON

AUTHORS LEAGUE BULLETIN
NOVEMBER 1946

In the last twenty-five years, there has been little change in the type of books asked for in second-hand bookstores. In general, the second-hand bookstore trade is pretty much what it always was. In general, the people who go to second-hand bookstores go there to save money.

In the field of fiction, second-hand best-sellers were not in demand twenty-five years ago nor are they in demand today. The very recent fiction has not had time to become second-hand; or, if it is, it is snatched up by the rental libraries. By the time used copies are available, the cheap reprint field will have taken that particular title over; or else the book will have been forgotten. The type of fiction that was sold in second-hand bookstores twenty-five years ago included the better books by the “more serious” writers: Joseph Conrad, John Galsworthy, Hugh Walpole. Are these same authors in demand today in second-hand stores? No: these authors are being read in the schoolroom and high school library. When people go to the second-hand bookstores today they want Huxley and Hemingway and Faulkner.

Reference and technical books have always been a chief article in second-hand stores. Encyclopedias, the better biographies and travel books are all popular. This situation remains the same today. The same people who used to come in and ask for Sumner’s “Folkways” come in and ask for it today. These books are often very expensive books, and the second-hand dealer can expect a demand for inexpensive used copies... Twenty-five years ago, sex books were popular in second-hand bookstores, especially with young people. Today there is little or no demand for them. Perhaps this is because of sex education in the schools.

Ben Abramson, the owner of the Argus Book Shop, had been selling new and second-hand books for 23 years, first in Chicago, then in New York, when he reported on the state of the business. The text has been minimally abridged for space.

or because “Married Love” is available in every drug-store for 25 cents.

Between 1938 and 1942 there was a great demand for war books in second-hand bookstores. This has dropped off sharply in the last two years. Times have quickened, and instead of wondering about the causes of war, people today want a Current report of events. For this they go to the new bookstore, not the second-hand store. What has taken the place of the demand for war books is the demand for inspirational and escape literature. As a matter of fact, self-help inspirational books have always been in demand in second-hand stores. But these war years have brought a noticeable increase. The level of inspiration, too, has risen somewhat in the last twenty-five years. The books on homely hints for the life beautiful are more realistic than they used to be. On the other hand, the used book trade also feels the increased interest in the occult, and in wonder-working books.

The sale of detective stories, Westerns, and love stories has never been important in the second-hand store. Perhaps this is because the cheap reprint field, even a quarter of a century ago, dealt widely in these categories. One would expect the second-hand bookstore to be greatly influenced by the extension of the cheap reprint. If people can get a tube of Ipana and Will Durant’s “Story of Philosophy” wrapped together for $1.35, why should they rummage about in an out-of-the-way second-hand shop for a used copy? Strangely enough, they do go to the second-hand shop. The expansion of the cheap reprint to carry “serious” titles is apparently a genuine expansion of reading demand, because such sales in the second-hand bookstores have not suffered. Some of the reprints put out during the war have been printed on inferior paper. For this reason, too, many people try to get used copies, on better paper, in the second-hand store.

There are more serious minded customers in the second-hand store than in the new bookstore. And
while we do not mean to draw any uncomplimentary conclusions, there are far fewer women to be found in the second-hand store than in the new bookstore.

Back again with war-born prosperity is a type of customer who always turns up in boom times. He is the person who asks for books in bulk—and with nice bindings. Along with an antique spinning wheel and phoney oil paintings, he wants ten books bound in red, or blue, or green. For a set say of Dickens, with decent bindings, he would do better to pay $40 in a second-hand store than fork out $80 for a new set. This he does.

The fact that classic titles are now on the cheap reprint list has made people suppose that the tastes of the reading public have risen. This may be true. But we must remember that the reprints of twenty-five years ago included serious titles from Burt’s Home Library, the Cornell series (issued by Rand McNally) and many others. These titles included Dickens, Thackeray, Epictetus, Schopenhauer—titles that have been deleted today in favor of Madame Bovary and Nietzsche.

By and large, however, there is no doubt, as a second-hand bookstore sees the reading public, that more serious reading is being done today than ever before, as well as more reading in general. ♦

CONTRACTS Q&A

Continued from page 15

After achieved by deleting any reference to “coupled with an interest” and using the word “irrevocable” in the right places in the agency clause. Although your agent’s right to receive its commission for monies paid under the contract is properly characterized as irrevocable, nothing else in the section should be characterized that way except for your agent’s right to receive its share of each check from the publisher, its right to receive royalty statements and the percentage designated as its commission. If “irrevocable” or “irrevocably” is used to modify any other right or grant in this section, delete the word. Among the matters that should not be irrevocable are the appointment of your agent, the agent’s right to receive a single check for the full amount and (if included in the section) the agent’s right to bind you or act on your behalf.

Keep in Mind: Don’t be afraid of silences when negotiating a contract on the phone or in person. Many authors (and other inexperienced negotiators) often assume that when the editor or other representative of the publisher doesn’t respond quickly to a request the author just made—the amount sought as an advance, for example, or a requested change in the contract—that the author has to say something to break the silence. Too often, the author does so by asking for a lower amount than originally sought or a weaker change. This is a mistake.

If you speak again instead of waiting for an answer, you will generally just show your anxiety, as well as end up negotiating against yourself. You should let the other person negotiate against you, not negotiate against yourself.

When you have made an offer, wait for the other person to respond, even if the silence becomes embarrassing. The other person is in the same position as you, and if it’s her turn to answer, wait for her to do so. For one thing, she may just be thinking about your offer and end up accepting it. For another, she may reply with a counteroffer that is higher than the revised offer you were about to make. Or she may come back with a reason for disagreeing with you that is an easy one for you to counter and put the ball back into her court. So don’t fill that silence; let the person on the other side do it.

Please send your questions to QandAcolumn@authorsguild.org.

The answers provided in this column are general in nature only and may not include exceptions to a general rule or take into account related facts that may result in a different answer. You should consult a lawyer for information about a particular situation. ♦

Letters

Continued from page 2

You’re a great organization that tells the truth about the writing business. It’s better to know the truth and move on in life with making a living in another field than to persist in the illusion that writing for any but the very few can be a paying proposition. Please don’t ever stray from this mission of telling us like it is, rather than what you believe we might like to hear! Keep on keeping on!

Neal Graham
Las Vegas, NV
The writing community and the Guild lost three prominent long-time members recently, including a former Council member and an author whose membership in the Guild spanned seven decades.

David Halberstam, who joined the Guild in 1977 and served on the Guild’s Council from 1988 to 1994, traveled to Capitol Hill to lobby on behalf of tax relief for authors as part of the Guild’s successful campaign to permit authors to deduct their writing expenses in the year incurred. Arthur Schlesinger, Jr., pictured here with fellow Guild member John Kennedy, was a Guild member since 1946 and a reliable advocate for freedom of information. Kurt Vonnegut, a strong voice for free expression, had been a Guild member since 1969.

David Halberstam, 1934–2007

Arthur M. Schlesinger, Jr.
1917–2007

Kurt Vonnegut
1922–2007
The Wizard Behind the Curtain

Continued from page 10

job of an editor in a publishing house,” another Scribner editor, John Hall Wheelock, wrote, is the “dullest, hardest, most exciting, exasperating and rewarding of perhaps any job in the world.”

Mr. Perkins, who died in 1947 at the age of 62, was a private, almost pathologically self-effacing man who tried to hide in his writers’ shadows. Early in his marriage, he told his wife that his ambition was to be “a little dwarf on the shoulder of a great general advising him what to do and what not to do, without anyone’s noticing.” Public recognition of book editors, Mr. Perkins believed, might undermine readers’ faith in writers, and writers’ confidence in themselves.

His writers, however, knew that without Mr. Perkins, they would never have become giants. Dedicating his 1935 novel Of Time and the River to Mr. Perkins, Mr. Wolfe wrote, “...to a brave and honest man, who stuck to the writer of this book through times of bitter hopelessness and doubt and would not let him give in to his own despair.”

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

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

Mr./Ms. ____________________________ Pseudonym(s) ____________________________

Address ____________________________________________________________

City ____________________________ State ______ Zip ___________

Phone ( ) _____________________ Fax ( ) _____________________ E-mail ____________________________

Agent Name __________________________________ Agency ____________________________ Agent phone ( ) _____________________

How did you become interested in joining the Guild? (check one) □ Invitation □ Writing journal □ Referred by ____________________________ □ Other ____________________________

What is your primary reason for joining? □ Support and advocacy efforts □ Legal services □ Health services □ Site-builder and other Web services □ Other ____________________________

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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Please enclose a check for your first year's dues in the amount of $90 payable to "The Authors Guild" or charge your Visa or Mastercard.

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Mail to:
The Authors Guild
31 East 32nd Street, 7th Fl.
New York, N.Y. 10016

Bulletin, Spring 2007