

AUTHORS GUILD

Fall 2012/Winter 2013 **BULLETIN**



The Authors Guild (née Authors' League) Turns 100

1913: Winston Churchill, Theodore Roosevelt Take Office

The British Serial Rights Battle that Got Things Rolling

Franklin P. Adams to Gulielma Zollinger: The Initial Member Roster

Booktalk Nation Goes Live

Twinkie Offense? One Author's Inadvertent Brush with Fame

LETTERS TO THE EDITOR

In the "Contracts Q&A" section of the Summer 2012 *Authors Guild Bulletin*, Mark Levine advised asking publishers to split checks so that authors receive their 85 percent directly and agents their 15 percent directly. There are certainly advantages to this arrangement, but I think it's important to let authors know about a serious disadvantage that arises from making this change. For bookkeeping reasons, when I moved agencies, I arranged for my backlist books to be split in the manner you suggest: My clients would receive their payments directly and publishers would send my commission to me directly. This seemingly simple system actually resulted in a minor disaster. Here's the problem that I did not foresee: When publishers send two different checks, they also send two different royalty statements. The statements my clients received reflected 85

The Guild's Model Contract on Split Payments

For the Guild's view, from its *Model Trade Book Contract and Guide*, on whether publishers should be required to send separate checks to authors and agents, see box on page 49.

percent of sales, returns, etc., while mine reflected 15 percent.

Royalty statements are confusing to begin with, and this change only made them more opaque. My clients and I needed to see both statements to get the real numbers, so each royalty period involved a flurry of calculations and exchanging of statements. Sure, my clients had gotten their money faster, but this advantage was cancelled out by the extra time we had to take to get everything straight. So, if an author doesn't want to further confuse the royalty process, I would recommend they not split up the payments (and don't forget statements!), unless of course both the agent and the author are total math whizzes. With my biggest clients, we ul-

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ALONG PUBLISHERS ROW

BY CAMPBELL GEESLIN

Todd Rutherford offers a service that provides glowing "reviews" of self-published books on the Web. The charge is \$99 for one review, \$499 for 20 reviews, and 50 reviews for \$999. All of them will say that your book is terrific.

Rutherford was the subject of a major article in the Sunday Business section of *The New York Times*. It said that his reviews will say your novel is "shattering." Or your book is "a classic memoir. Will change your life. Lyrical and gripping. Stunning and compelling. Or words to that effect."

Have the reviews in *Publishers Weekly* and the few newspapers and magazines that still review books become irrelevant?

The *Times* article said: "Consumer reviews are powerful because, unlike old-style advertising and marketing, they offer the illusion of truth."

Twenty percent of Amazon's top-selling e-books are self-published. "They do not get to the top without adulation, lots and lots of it."

The Federal Trade Commission has stated that all online endorsements need to make clear when there is a financial relationship, but enforcement has been minimal.

So forget about the old-fashioned, serious reviews. They are barely clinging to life. From now on, selling a

book will be just like selling perfume or breakfast cereal.

ON AUTOBIOGRAPHIES: **George Bernard Shaw** wrote, "The man who writes about himself and his own time is the only man who writes about all people and about all time."

FICTION DEFINED: "The world that fiction comes from is fragile. It melts into insignificance against the universe of what is clear and visible and known. It persists because it is based on the power of cadence and the rhythm in language and these are mysterious and hard to defeat and keep in their place. The difference between fact and fiction is like the difference between land and water."

The above is from an essay by **Colm Tóibín** in "Draft," a series on writing at nytimes.com/opinionator.

Another quote from the essay: "The story has a shape, and that comes first, and then the story and its shape need substance and nourishment from the haunting past, clear memories of incidents suddenly remembered or invented, erased or enriched. Then the

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THE AUTHORS GUILD BULLETIN

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Overheard

"No reputable publisher will have his feelings hurt by the organization, so eminently in line with the methods of the age."

—From the first issue of *The Authors' League Bulletin*,
April, 1913

FALL 2012/WINTER 2013

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About the Cover

The first Annual Dinner of the Authors' League, February 14, 1914, at the Biltmore Hotel in New York, photographer unknown. The original caption in the *Bulletin* noted that this event "was purposely made a serious sort of dinner, for the committee wished to have the League taken seriously . . . now that it is over, and we have made an impression of earnestness, it is to be hoped that the next banquet may be more lively and amusing."

SHORT TAKES

Condé Nast Rights Swipe

Condé Nast is seeking to cut itself in on its writers' potential film and television deals, breaking with long-standing industry practices. Its new boilerplate contract—introduced last year—would give the company a free, exclusive 12-month right to option dramatic and multimedia rights. Under the contract, Condé Nast could choose to extend that option by up to 24 months for a modest sum. In the process, it would cut writers' share of potential film and television income from freelance works appearing in its magazines by more than 50 percent.

Should Condé Nast exercise the option, the writer would, under boilerplate terms, be paid just 1 percent of the film or TV production budget. Typically, negotiated film and TV agreements pay the author 2.5 percent or more of the production budget. As *The New York Times* reported in January, financially successful movies such as *Argo*, *Eat Pray Love*, and *Brokeback Mountain* all grew out of articles appearing in Condé Nast publications.

Agents and writers have reportedly begun to refuse to agree to this section of the new contract. Since Condé Nast's publications include *Bon Appétit*, *GQ*, *The New Yorker*, *Self*, *Vanity Fair*, *Vogue*, and *Wired*, authors with significant negotiating clout are affected. Some of those authors have been able to substantially alter or eliminate the option terms of the new boilerplate agreement. For many writers, however, what is at stake is not limited to financial well-being: as one writer told *The New York Times*, "The people who really get the big options are not going to sign, and the people who don't get the big options are going to be railroaded. What you are really taking is people's self-respect."

Big Six Blackout on Amazon.com

On November 8, the Buy Buttons on Amazon.com for all e-books published by the Big Six publishers—Hachette, HarperCollins, Macmillan, Penguin, Random House, and Simon & Schuster—mysteriously disappeared. Instead, visitors to the site saw the message: "Pricing information not available." Amazon quickly announced that "The Kindle Store is experiencing a technical issue. We're working to correct it." Within a few hours, the buttons had been restored.

The brief incident led to much discussion on Twitter and industry blogs. Because Amazon has used the removal of "Buy Buttons" as a weapon before, most notably to express disapproval of Macmillan's adoption of the agency model in 2010, some suggested that the November 8 outage was a response to Random House and Penguin's recent merger announcement. The consensus was summed up by Husna Haq in the *Christian Science Monitor's* Chapter & Verse blog: "So was the buy button disappearance a warning to publishers linked with these recent developments in the industry or was it a bona fide technical issue? We'll probably never know, but you can bet industry observers have their hunches."

Kobo and ABA Forge E-Book Deal

The American Booksellers Association (ABA) has entered an agreement with Kobo, the e-reader manufacturer and e-book distributor, to sell digital books at brick-and-mortar bookstores. The agreement replaces the ABA's similar deal with Google, set to expire at the end of this year, and has the added benefit of allowing independent bookstores to sell e-books in their stores rather than solely through their websites. Under the new

arrangement, bookstore-members of the ABA can sell Kobo devices, apps, and e-books in their physical stores; Kobo will provide training, marketing and other assistance.

Kobo's e-bookstore has about three million books and periodicals, and the company recently released three new reading devices. The in-store kiosks will also help customers download Kobo's eReading software, enabling them to read e-books on smartphones, tablets, and laptops or PCs. The deal will apply to all ABA-member stores, about 2,000 in total; about 400 stores were expected to take part in the launch.

Publishers Raise E-Book Prices for Libraries

Hachette, HarperCollins, Penguin, and Random House are the four Big Six publishers to have participated in pilot library lending programs for e-books, facing a few bumps along the way: In March, Random House received criticism for drastically raising its prices, in some cases tripling the cost of e-books sold to libraries. At the time, the American Library Association (ALA) released a statement asking the publisher to rethink its new policy, to no effect. In September, Hachette announced that it would also raise its prices, with average increases of 104 percent and jumps of 220 percent in some cases.

While Random House has made all of its titles available to libraries as e-books, Hachette has made only its backlist available through the digital distributor OverDrive. OverDrive announced the price increase on its website, and introduced a special month-long sale to ease the change.

As for Hachette's new titles, the company is working with two companies on a pilot program, though it has not disclosed the names. Industry insiders have speculated that Hachette is working with the 3M Cloud Library and/or Baker &

Taylor's Axis360. Penguin, which ended its relationship with OverDrive in February, is working with 3M and the New York and Brooklyn public libraries on a year-long pilot program to distribute e-books and digital audiobooks to libraries. The company recently announced that it would expand the program to library systems in California and Ohio, working with Baker & Taylor, while also offering digital audiobooks to any interested library in conjunction with OneClickdigital.

HarperCollins, which works with OverDrive, has been criticized for its policy of forcing libraries to purchase a new copy of an e-book after it has been checked out 26 times. Neither of the remaining Big Six publishers, Macmillan or Simon & Schuster, is participating in any lending library programs for e-books.

Supreme Court Considers First Sale Doctrine, Foreign-Made Books

On October 29, the Supreme Court heard oral arguments in a case brought by John Wiley & Sons against Supap Kirtsaeng, a Thai student attending college in the U.S. who reportedly earned \$1.2 million from selling his classmates textbooks purchased cheaply in Asia by Kirtsaeng's family and friends and shipped to him for the purpose. Kirtsaeng claims that he was observing the First Sale doctrine of copyright law, which says that a copyright owner does not have control over how a book is used after the first sale is made.

Wiley disagrees, arguing that the First Sale doctrine does not apply to goods manufactured overseas, outside of U.S. copyright law. Publishers, Wiley argues, must be able to sell their books in diverse markets without being undermined by distributors who take advantage of cheaper prices abroad.

Kirtsaeng's lawyers point out that if the First Sale doctrine is not applied in this case, publishers will be empowered to prevent used booksellers of all types and sizes from doing business. Publishers would also be given an incentive to manufacture more books abroad in order to keep the First Sale doctrine from applying to their products, sending jobs overseas.

An appellate court in New York found for Wiley, fining Kirtsaeng \$600,000—\$75,000 for each of the eight editions that Wiley had produced exclusively for sale outside the U.S.—and a Second Circuit court upheld the decision. The Supreme Court's decision is expected by June 2013. [See the Spring 2012 *Bulletin*, for a Legal Watch on the case, p. 15.]

Europe Turns Up the Heat on Google News Links

European newspaper and magazine publishers are pushing for legislation that would force Google to pay for its practice of displaying excerpts of articles under its Google News links. As Nathalie Collin, the head of IPG, a French newspaper and magazine consortium, told *The New York Times*, "We effectively feed the search engine and the algorithm, constantly giving them fresh content . . . that you can rely on, because it's checked and it's accurate."

Google News, a subset of Google Search, links to newspaper and magazine articles by displaying a headline and a line or two of text. In theory, these snippets drive traffic to the periodicals' websites, where their full content is displayed alongside ads that generate revenue for the periodicals. European publishers have argued that a large percentage of users read the summaries on Google News but never click through to the home site; in fact, an estimated 30 to 40 percent of the traffic on French news sites is currently generated by Google links. Those are

numbers Google expects to leverage, arguing in a recent "position paper" to the French government that if it were obliged to pay for display, it would "be forced to stop indexing the French sites."

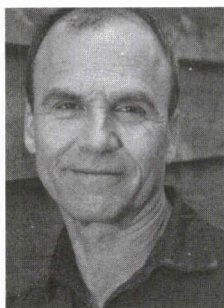
A bill that would force Google to pay fees for access to news articles is being deliberated by Germany's parliament, and France and Italy are considering similar actions. Several newspapers in Brazil—the publishers of about 90 percent of all circulated papers in that country—are currently boycotting Google by making their content unavailable to the search engine.

Amazon Publishing Acquires Dorchester, Signs E-Book Deal with Ingram

Amazon Publishing has acquired Dorchester Publishing's backlist of 1,000 titles. Dorchester shut down in February after several years of financial problems and its assets went up for auction. Amazon Publishing was the sole bidder, purchasing the backlist on August 30. Dorchester specialized in romance, mystery, thriller, sci-fi, fantasy, horror and westerns; its titles will be split among Amazon Publishing's imprints. Amazon Publishing has promised to pay back royalties owed to many Dorchester authors, and will revert the rights to any authors who choose not to work with the company.

Amazon Publishing has also entered a deal with Ingram, one of the largest book distributors. CoreSource, Ingram's digital distribution wing, will sell e-books from Amazon Publishing's New York-based imprint. This agreement will allow booksellers—and Amazon competitors such as Barnes & Noble and Apple—to sell Amazon Publishing e-books. ♦

From the President



BY SCOTT TUROW

Adapted from a speech presented at an Authors Guild centenary event held on December 11, 2012, at the Library of Congress in Washington.

I recently visited Russia, where I spoke at the American Center in Moscow. I had been expecting to see evidence of a vibrant rebirth in Russian literature following the long period of Soviet repression—the era of the *samizdat*, when novels were traded among readers in secret. Yet, in the nation of Tolstoy, Dostoyevsky, Chekhov, Turgenev, my highly literate audience could not name a contemporary Russian novelist. The writers I met in Russia were more discouraged about their positions than any I have met in the world—more so than even the Chinese, who live in a world where paper publication is a rarity and authors are compensated for the number of hits to their online books.

The reasons are clear: extraordinary concentration in the Russian publishing industry and rampant book piracy. Writers—an independent literary class, beholden to no one but readers—pose a significant threat to a government that crushes any organized opposition. As a result, there is currently one publisher in Russia; the authors I met believe it is owned by a pal of Vladimir Putin. What's more, any book or author that attracts more than minimal attention is quickly pirated. There is virtually no system to police this; publishers are toothless.

One imagines we could never face such problems in the United States, where copyright is explicitly protected by the Constitution. Article 1, Section 8 of the Constitution directs Congress to make laws "[t]o promote the progress of Science and the useful Arts by securing for limited Times to Authors and Inventors the exclusive right to their Writings and Discoveries." These words represent a policy decision whose wisdom is confirmed by looking at what is happening in a place like Russia. The premise is that a diverse literary culture, in which authors are an independent class whose autonomy can't be threatened, is good for our democracy. Dismissing authors as an interest group that is interested only in maintaining book prices—as some government officials recently did—flies in the face of a constitutional promise that authors should have exactly that right.

But authors' rights are threatened not only by those

who want to pretend that the Constitution doesn't say what it does, but from a broad and diverse array of forces, most of them arising from the growth of a digital universe that pits traditional allies against each other. We are all scrambling to find a secure position.

None of these problems are especially threatening to best-selling authors. Writers who are well known and established in the market are going to come out the strongest; some may end up in a *better* position than before. The model that some would like to see become universal—that of the author as entrepreneur, publishing without a publisher, works well for authors who can bankroll their own editing and marketing. It does not work for first time authors inexperienced in the ways of online marketing, nor for less successful

The writers I met in Russia were more discouraged about their positions than any I have met in the world. . . . The reasons are clear: extraordinary concentration in the Russian publishing industry and rampant book piracy.

writers who support themselves by writing. The Guild's concern in confronting all of these challenges is not to shore up the position of those who are already doing well, but to maintain the diverse literary culture that the Constitution envisioned, in which new voices and new ideas have a chance to emerge.

When I published my first book, *One L*, 35 years ago this year, it was in the context of a simpler world, where publishers sold hardcover and then paperback editions of works at a set price. In the years since, the publishing and bookselling ecosystems have undergone radical changes.

The rise of bookstore chains and book discounting, and of online sales of physical books, have all made the road harder for independent stores—which are, generally speaking, the proving ground where new authors have traditionally emerged and where new voices have long had the best chance of breaking through.

And of course we now have e-books, which have removed all barriers to buying books, and displaced publishers as exclusive gatekeepers for what the pub-

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Mass Book Digitization Ruling Leaves “Orphan Works” Unresolved

Adapted from an e-mail alert sent to Guild members October 12, 2012.

On October 10, U.S. District Court Judge Harold Baer ruled that the mass book digitization program conducted by five major universities in conjunction with Google is a fair use under U.S. copyright law. Under

Google Suit, Year Seven

In early October, after seven years of litigation, five major publishers dropped their lawsuit against Google over its mass-digitization of millions of copyright-protected books. The terms of the settlement are confidential and do not need court approval. The parties did lift the covers off the deal a bit, however, saying that publishers “can choose to make available or choose to remove their books and journals digitized by Google.” The statement did not say whether Google is compensating publishers for its unauthorized uses of the books, nor does it address whether Google will continue scanning books without permission. The joint press release issued by Google and the Association of American Publishers acknowledged that the settlement “does not affect Google’s current litigation with the Authors Guild or otherwise address the underlying questions in that suit.”

“The publishers’ private settlement, whatever its terms, does not resolve the authors’ copyright infringement claims against Google,” Guild executive director Paul Aiken said in a statement. “Google continues to profit from its use of millions of copyright-protected books without regard to authors’ rights, and our class-action lawsuit on behalf of U.S. authors continues.”

One key aspect of the suit, Judge Denny Chin’s certification of the class of U.S. authors, will be reviewed by the Second Circuit court in 2013. Google filed its appellate brief on this question on November 9, 2012. The Authors Guild’s response is due in February 2013.

that program, Google has converted millions of copyright-protected library books into machine-readable files, duplicating and distributing the digitized books to university libraries. The universities pooled the digitized books into an online database organized by the University of Michigan known as HathiTrust.

We disagree with nearly every aspect of the court’s ruling. We’re especially disappointed that the court refused to address the universities’ “orphan works” program, which defendants have repeatedly promised to revive. A year ago, the University of Michigan and other defendants were poised to release their first wave of copyright-protected, digitized books to hundreds of thousands of students and faculty members in several states. The universities had deemed the authors of these books to be unfindable.

Within two days of filing our lawsuit last September, Authors Guild members and staff found that the “orphans” included books that were still in print, books by living authors, books whose rights had been left to educational and charitable institutions in the U.S. and abroad, books represented by literary agents,

***The court’s decision leaves authors
around the world at risk of having
their literary works distributed without
legal authority or oversight.***

and books by recently deceased authors whose heirs were easily locatable.

“The so-called orphan works program was quickly shown to be a haphazard mess, prompting Michigan to suspend it,” said Paul Aiken, executive director of the Authors Guild. “But the temptation to find reasons to release these digitized books clearly remains strong, and the university has consistently pledged to reinstate the orphan works program. The court’s decision leaves authors around the world at risk of having their literary works distributed without legal authority or oversight.”

On October 10, defendant universities filed a brief arguing that the Authors Guild should pay their legal fees for the litigation, which they assert to be \$1.75 million, because the copyright infringement suit was “objectively unreasonable.” The Guild’s attorneys filed an opposing brief on November 19. The court is likely to rule on defendants’ fee application early next year. ♦

The Smithsonian Goes Digital

BY CYNTHIA COTTS

Visitors to Washington, D.C., have marveled at the free admission to the museums of the Smithsonian Institution since the first one opened in 1855. Less well-known is the Smithsonian Libraries' online catalog, which provides free access to a collection of about two million items. Smithsonian librarians have been digitizing rare books and scholarly articles that date back to the 15th century since 1996, and about 2 percent of the entire collection, or 32,000 items, can now be read in full text online.

"These collections belong to the American people," said Smithsonian Libraries Director Nancy E. Gwinn in a recent interview. "It's our desire to share them as much as we can."

Twenty years ago, you would have had to visit the Natural History Museum's library in D.C. to review its copy of *Ornithologie*, an 18th-century book containing hand-colored illustrations of birds. Now all it takes is a quick search on www.sil.si.edu to find the book's winsome illustration of an American eaglet.

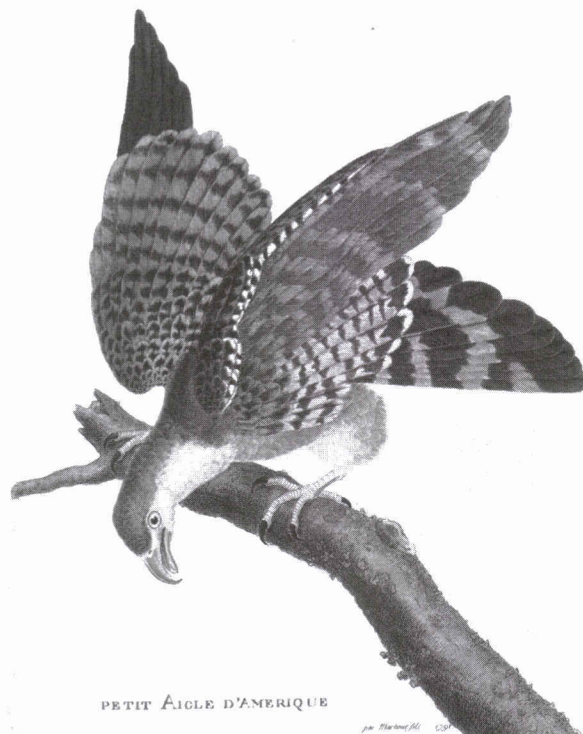
The Smithsonian Libraries, which refers to itself majestically in the singular, is made up of 20 libraries, located mostly in D.C., as well as in Maryland, New York and Panama. The physical rooms where books are stored attract about 10,000 visitors a year, a number that has remained steady even as online traffic has increased exponentially.

As is true for most institutions, the Smithsonian's Internet presence is both a public service and essential for survival. "The Internet," says Gwinn, "allows us to get the word out about the riches that we have."

The institution completed its first big digitization project in 2003, says Smithsonian Libraries Associate Director of Digital Services Martin Kalfatovic—scanning every page of a 20-volume set that documents the U.S. Exploring Expedition, a round-the-world sea voyage authorized by Congress in 1836. With a few clicks, visitors to the website from virtually any stop along the expedition route can now call up images of interest—like a drawing of 19th century peasants carrying Madeira wine in sheepskin bags on their backs.

Another major, and ongoing, project is the Biodiversity Heritage Library, a consortium of 14 natural history and botanical libraries that are working with

Cynthia Cotts is a New York-based writer and editor.



This hand-colored illustration of an American eaglet in François Nicolas Martinet's 18th-century book *Ornithologie* can be found in the Smithsonian's massive digital archive.

the Smithsonian to place the entire historical literature of taxonomy online. The project has digitized more than 107,000 volumes so far, while a related site, The Encyclopedia of Life, aims to document every name that known species have been given over the centuries. For taxonomists, the sites are a godsend.

Scholars also use the Smithsonian's online catalog to review its collection of about 200 original catalogs from World's Fairs beginning in 1851. The catalogs include minutiae on subjects such as medicine, technology, art and the fur trade, but are not yet available in full text online.

"It's a wonderful way for historians to get a sense of a point in time," Kalfatovic said.

Non-scholars also use the Smithsonian's online system to access a wide range of digitized trade literature, including some 15,000 pages on sewing machines. Someone hoping to have her grandmother's sewing machine repaired, says Kalfatovic, might search the catalog and find a manual for a 1917 Singer.

Also popular is the Smithsonian's collection pertaining to the E. F. Caldwell Lighting Company, which produced custom light fixtures at the turn of the 20th century. The collection includes company archives, account books and trade literature—13,000 drawings

and 50,000 photos. Some of it has yet to be scanned.

Two other digital collections get a lot of hits: a 10,000-page survey of pre World War I scientific instruments and an album of scientists' portraits, which attract publishers and students alike. After the Smithsonian made the portraits available on Flickr Commons, traffic to that collection increased by a factor of thirty, according to Kalfatovic.

A Peek at the Rare Book Collections

The Smithsonian Libraries includes three rare book collections: the Cullman Library of Natural History and the Dibner Library of the History of Science and Technology, and a subset of the Cooper-Hewitt National Design Museum Library, in New York.

Rare books comprise about 10 percent of the Cooper-Hewitt's 80,000-volume collection, said head librarian Stephen Van Dyk. The main collection documents how objects are designed, manufactured, marketed and used; the rare book collection provides insight into the history of illustration and the evolution of the book as a designed object. The Cooper-Hewitt's rare volumes include design encyclopedias, illustrated natural histories, travel guides and do-it-yourself guides.

During a recent visit, Van Dyk showed off books of dizzying beauty, such as a catalog of ornamental art from ancient Rome and Greece. Van Dyk's personal favorite is *Kaigara Danmen Zuan*, published in 1912 by the art dealer Yoichirō Hirase. Bound with string, the book begins with realistic hand-colored drawings of shells and follows with a series of woodcut patterns that re-imagine the shell shapes as stylized abstractions. The Hirase book is an example of the age-old practice of basing design patterns on natural objects.

The Cullman collection documents historical efforts to identify all existing species, at the same time that it offers printed evidence of the spread of ideas, said Cullman head librarian Leslie K. Overstreet. A rare book's binding can be of equal interest as its content, she explained during a recent visit. For example, German botanist Hieronymus Bock's *Kreütterbuch*, a catalog of herbs published in 1587 with hand-colored woodcuts, would be less authentic without its binding of blind-tooled pigskin over wood. Those materials indicate a purchaser or owner in Northern Europe or Germany, Overstreet said, whereas a smooth calf binding would point to an owner in England.

The purview of Cullman authors can be very deep, such as seven volumes on the birds of Asia, or very wide, such as *Dell'istoria naturale*, an encyclopedic volume published in 1599 that is one of the earliest known examples of a natural history "cabinet of cu-

riosities." (In Renaissance Europe, a cabinet of curiosities was a private museum of unusual objects.)

The author, the Italian apothecary Ferrante Imperato, called attention to his authority by including a drawing of his home collection as the frontispiece. As Overstreet opened the book to the drawing, she pointed out the preserved fishes and mammals covering every inch of the room's vaulted ceiling and the stuffed crocodile hanging directly overhead.

At the Dibner collection, one can study the evolution of scientific citation, explained head librarian Lilla Vekerdy. One of the earliest scientific encyclopedias is a 13th century illuminated manuscript by a Franciscan monk who cited no sources, but clearly drew his knowledge from ancient Greece and Rome.

In the 15th century, humanists began to publish, says Vekerdy. These scholars asserted their authority by citing details about their sources, such as the title of the work and the author's name. One such encyclopedic work, a tome published in 1493, claimed to document the history of mankind since Adam and Eve.

Hieronymus Bock's Kreütterbuch and a 16th century Italian manual of anatomy are among the 32,000 rare books available in full online.

A breakthrough in scientific scholarship occurred in 1543, when Italian professor of medicine Andreas Vesalius published his manual of anatomy. Copiously illustrated with woodblocks, it was the first anatomy book to combine observation and theory.

Vesalius persuaded the prominent Swiss publisher Johannes Oporinus, who also served as an editor, to print his work, and repaid his patronage in Renaissance tradition. Vekerdy carefully opened the book to the engraved title page, which depicts Vesalius in a teaching theater while Oporinus peers down from a balcony. The publication was funded by Holy Roman Emperor Charles V, who is profusely thanked in the introduction. Clearly, the demand for editorial acknowledgment is part of a long tradition in publishing.

Maintaining a World-Class Collection

Running a top-quality research library is expensive. In 2012, the Smithsonian Libraries had an operating budget of about \$14 million. About 34 percent is allo-

cated for research staff and scholar support, 28 percent for new acquisitions and collection access and care, 18 percent for management, 16 percent (or about \$2.3 million) for digitizing and Web services, and 2 percent each for fundraising and exhibits.

The librarians spend carefully and selectively, Gwinn said, as the cost of conserving just half of the full collection would run to the millions of dollars. They also set aside money for acquisitions; system-wide, book and journal collections continue to grow at 2.9 percent a year. "You're always filling in gaps, from the Renaissance to yesterday," said Van Dyk.

About 71 percent of the libraries' funding comes from federal sources. About one-fifth comes from other sources, including gifts and grants; 10 percent is drawn from the libraries' trust. The goal is to increase gifts and grants in hopes of offsetting the decreased purchasing power of federal funding. The Smithsonian's recently launched "Adopt-a-Book" program allows individuals to help fund future acquisitions, or help to conserve a book in the existing collection.

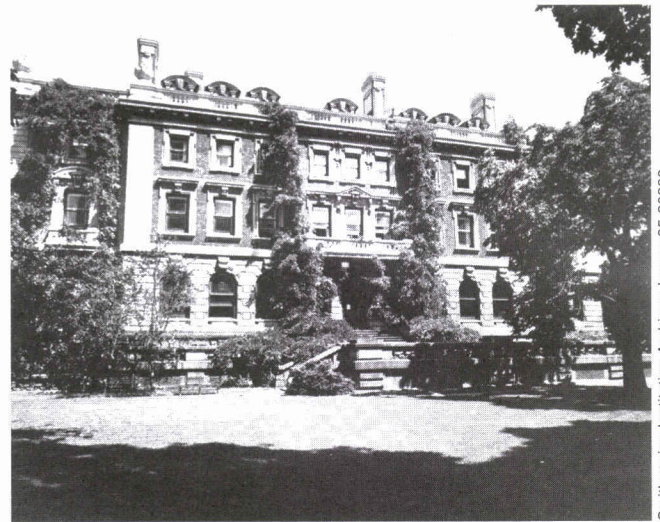
The institution seeks conservation grants from foundations, individuals and Smithsonian competitive programs. Sometimes the goal is to hire outside consultants to review an entire collection and determine appropriate preservation methods. Other times the focus is more narrow: The librarians are currently seeking a grant from the nonprofit Smithsonian Women's Committee to conserve two Cooper-Hewitt books containing lace patterns from 17th century Italy and embroidery designs from 18th century Austria and Germany.

"Researcher's Paradise"

Dr. David Leslie Jr., a wildlife ecologist who teaches at Oklahoma State University, calls the online content of the Biodiversity Heritage Library "alarmingly wonderful." Over the past six years, he has been doing research that involves tracing the history of the names of species, and the biodiversity portal is his first stop in any search. "In the old days," Leslie recalls, "someone like me would apply for a travel grant to visit the libraries of the world, or would request a rare manuscript through an inter-library loan—a process which could take months."

Now Leslie can usually find the exact page he is looking for in a matter of minutes online. In a class this past fall on Desert Grassland Wildlife Ecology, he taught students how to use the biodiversity portal. "I'm just a little zoologist," he says. "I can't imagine what the Smithsonian online resources represent for everybody else."

A great deal, far and wide, it appears. Katherine



Smithsonian Institution Archives. Image 95-20298.

New York City's Cooper-Hewitt National Design Museum is home to one of the 20 collections that make up the Smithsonian Libraries.

Manthorne, professor of art history at The City University of New York, calls the Smithsonian Libraries "a researcher's paradise."

Through the Internet, the Smithsonian's holdings now reach a wide network of scholars, writers, collectors and hobbyists. Smithsonian librarians also collaborate with universities and other museums. For example, the Cooper-Hewitt library is a prime source for a two-year master's program in the history of decorative arts and design, which the library offers in partnership with Parsons The New School for Design.

The physical libraries are open to the public on a walk-in basis, and the reference service takes questions by phone and e-mail. Visitors to the rare book collections must make an appointment and present a driver's license or passport. Books can be borrowed through a standard interlibrary loan.

Smithsonian Libraries Director Gwinn and Deputy Director Mary Augusta Thomas have been known to answer the reference phone when staying late in the D.C. office. Gwinn recalls taking a call from Marlon Brando, in the days before digitization. The actor, who maintained a residence on the South Pacific island of Tetiaroa, wanted to know the title of a study published by the Smithsonian about Tetiaroa. He had once had a copy and wanted to obtain another.

At the time Brando didn't have enough information for Gwinn to track the study down. But now, it takes only a quick search of the online catalog to locate and download a PDF version of "An Ecological Reconnaissance of Tetiaroa Atoll, Society Islands."

Now that's customer service—and you don't have to be a celebrity to get it. ♦

Booktalk Nation Goes Live

BY KAREN HOLT

Booktalk Nation launched this fall as an eclectic mix of authors including *New Yorker* humorist Ian Frazier, debut novelist David Abrams, best-selling romance writer Susan Mallery, children's writer Ann Haywood Leal and biographer D. T. Max turned out to show their appreciation for the work of independent booksellers.

"I feel very passionately about independent bookstores. I always have. It's hard to get your book out there. As an author it's so valuable to have their support," said Leal. During her Booktalk Nation event she

"To me the whole shtick—that it is a way to bring an author to an independent bookstore without them having to physically be in the store—is fabulous."

*—Annie Philbrick, President,
New England Booksellers Association*

discussed her second novel, *A Finders-Keepers Place* and the essay she contributed to *My Bookstore: Writers Celebrate Their Favorite Places to Browse, Read, and Shop*.

Booktalk Nation, an Authors Guild-sponsored program that had its test run in fall 2011, is an ongoing series of phone-in author interviews hosted by the interviewees' favorite local bookstores that readers can listen to live from anywhere in the country. Readers can ask questions and order books personally inscribed by the author. Sales made in connection with a Booktalk Nation interview are split between the host bookstore and independents around the country that cooperate by marketing the events to their customers.

January's lineup of participating authors includes Richard Russo, Lauren Groff, Emma Straub and Lois

Lowry. The program continues to sign up more authors for events this winter and into the spring.

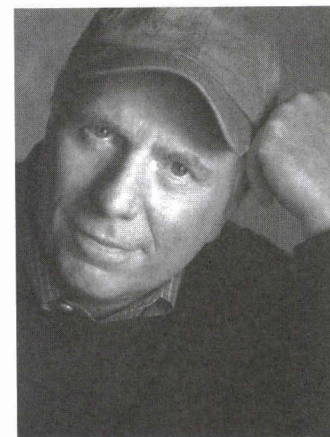
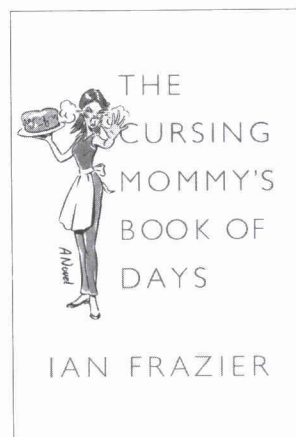
In a twist on the traditional media event, authors choose their own interviewer, most often another writer. That's led to such pairings as Frazier and Roy Blount Jr., Max and memoirist Gideon Lewis-Kraus, and Abrams and novelist Sarah Bird.

Leal chose to be interviewed by Annie Philbrick, co-owner of the store that hosted her event, Bank Square Books in Mystic, Conn.

"To me the whole shtick—that it is a way to bring an author to an independent bookstore without them having to physically be in the store—is fabulous," said Philbrick, who is also president of the New England Booksellers Association. Philbrick—speaking just weeks after Hurricane Sandy severely damaged her store and caused a lengthy closure—said she liked the fact that the phone-in events aren't vulnerable to weather and other disruptions that can derail in-person appearances.

While Booktalk Nation is intended to supplement, not replace, in-store appearances, Mallery said her fans made the most of the format during her phone-in interview discussing *A Fool's Gold Christmas*.

"They loved it! Many of those who called in are active on my Facebook page, and they had conversations going on Facebook during the phone call, zinging back and forth," she said. "I didn't see it until afterward, but it was really fun to see what parts they responded to the most. It was a wonderful way to provide a little bonus for my most loyal readers." ♦



© Sigrid Estrada

Ian Frazier, author of The Cursing Mommy's Book of Days talked a blue streak during a December 6 Booktalk Nation session with Roy Blount Jr. The nationwide phone-in event was hosted by Watchung Booksellers in Montclair, N.J.

You Mean I'm Not a Joint Author?

BY JESSICA R. FRIEDMAN

You and a friend want to co-write a book about the recent presidential election. You don't see any reason to enter into a collaboration agreement, because, as you read in the spring issue of the *Bulletin*, it may turn out be worth less than the paper it's written on. But without one, if you and your colleague end up in a dispute, no matter how much you contributed to the book, you may find that you are not an "author"—and in copyright terms, "author" means "owner"—and therefore, you have no right to control its publication or to receive royalties.

How is that possible? Because under copyright law, to be a "joint author" in the absence of an agreement, you have to satisfy three criteria: intent to merge contributions, copyrightable contribution, and intention of joint authorship.

Intent to merge contributions: Both you and your coauthor must intend that your respective contributions will be "merged into inseparable or interdependent parts of a unitary whole." This language comes from the Copyright Act.

Copyrightable contribution: Each of you must contribute "copyrightable expression." "Copyrightable" means (a) not copied from someone else, and (b) having a minimal degree of creativity, but still sufficient originality to qualify for copyright protection. This requirement was established in *Childress v. Taylor*, a case in which a court held that actress Clarice Taylor was not a joint author of a play that she had commissioned author Alice Childress to write.

Whether a particular contribution satisfies this test will depend on the facts. Entire chapters of a book that are published as written almost certainly will qualify. Facts, concepts, and short slogans will not, because they do not qualify for copyright protection in the first

place. A four-page film treatment that was used to create a 60-page screenplay was held to be a copyrightable contribution for joint authorship purposes, and one court held (at a stage of the litigation before the actual trial) that two draft chapters and the outline for a novel might qualify. But suggestions meant to ensure the historical authenticity of a literary work, "ideas, refinements, and suggestions" to a play script, and editing and format changes to the text of a training manual have all been held not to constitute copyrightable contributions.

Intention of joint authorship: Each of you, but especially the "dominant author," must intend that you both be joint authors. This requirement also comes from *Childress v. Taylor*.

What this means depends on the facts. In that case, Childress clearly was the "dominant author" of the play because she was the only one who actually wrote the script. In *Thomson v. Larson*, which concerned a claim to joint authorship of the play *Rent* by the play's dramaturg, Lynn Thomson, it was equally clear that playwright Jonathan Larson was the dominant author, since he had written over 90 percent of the script. But when the contributions are more balanced, this may be a harder determination to make.

On the question of what kind of intent is required, as the *Childress* court put it, the person claiming joint authorship does not have to show that the parties understood the precise legal consequences of the joint author relationship, e.g., that each party owns an undivided half-interest in the work. It is enough to show that they "entertain[ed] in their minds the concept of joint authorship." The most persuasive proof would be evidence that both parties were going to receive author credit—or at least, that neither one was going to be credited as the sole author—and that neither one had sole editorial control. If the parties have actually agreed to an equal or nearly equal split of the proceeds, that also may tend to persuade a court that the parties intended joint authorship, but that fact alone most likely will not be enough.

In *Childress v. Taylor*, Taylor's claim failed the credit test because there was "no evidence that Childress ever contemplated, much less would have accepted, crediting the play as 'written by Alice Childress and Clarice Taylor.'" In *Thomson v. Larson*, Thomson introduced evidence that Larson, who had died right before opening night, had felt very "warm feelings and [a] high regard" for her, which Thomson claimed indicated his intent that she be a coauthor. But because Thomson had not had any decision-making authority; because she had not sought, and did not re-



Jessica R. Friedman has practiced literary property, copyright and trademark law in New York City since 1989. She has been named as a Super Lawyer® for the New York Metro Region for the last three years. More information about her practice is available at literarypropertylaw.com. © 2012 Jessica R. Friedman

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LEGAL WATCH

A Snub Leads to a Suit

Aaron Greenspan v. Random House, Inc., et al.
U.S. District Court for the District of Massachusetts

In a case more notable for its compelling backstory than for any major development in legal doctrine, the United States District Court for the District of Massachusetts recently dismissed Aaron Greenspan's copyright infringement claims against Random House, the author Benjamin Mezrich, and Columbia Pictures. Greenspan also brought claims of unfair competition, false advertising, and defamation, each of which was dismissed in turn. Greenspan has represented himself throughout the proceedings; he recently appealed this decision to the United States Court of Appeals for the First Circuit.

The case arose from the events leading up to the founding of Facebook, and subsequent accounts of those events in print and on film. Greenspan was a Harvard student in the early 2000s when he developed an original website called houseSYSTEM, one component of which was a student forum called The Face-book. Shortly thereafter, Greenspan's acquaintance Mark Zuckerberg launched a website containing similar elements; this website eventually met with some success. Greenspan, feeling a lack of recognition for his role in the origins of Facebook, laid out his side of the story in a book called *Authoritas: One Student's Harvard Admissions and the Founding of the Facebook Era*.

Authoritas was shopped to publishers, including defendant Random House, which declined to publish the memoir. So in June 2008, Greenspan self-published *Authoritas*, having registered his copyright in the work that April. In the meantime, the author Benjamin Mezrich had begun research for a nonfiction book on the origins of Facebook. In July 2008, Mezrich contacted Greenspan, who refused to speak on the record, but referred Mezrich to the *Authoritas* website. Random House published Mezrich's book in July 2009. *The Accidental Billionaires: The Founding of Facebook: A Tale of Sex, Money, Genius, and Betrayal* listed Greenspan's *Authoritas* as a secondary source.

Columbia Pictures purchased the film rights to Mezrich's book and in October 2010 released *The Social Network*, based largely on the events portrayed by Mezrich. Among other alleged similarities, all three works in question depict meetings between Harvard students and Larry Summers, president of Harvard University at the time. In *Authoritas*, the meeting is between Summers and Greenspan, while in *The Acciden-*

tal Billionaires and *The Social Network*, the meetings are between Summers and two other students, Cameron and Tyler Winklevoss.

Copyright Infringement

Greenspan claimed that all three defendants—publisher, author, and film studio—infringed on his copyright in *Authoritas*. To survive the defendants' motions to dismiss, Greenspan would have to show that he owned a valid copyright in the work, and that the defendants copied original elements of that work. Greenspan's April 2008 registration of *Authoritas* served as evidence of a valid copyright, and the defendants did not dispute that point. So the question became whether defendants copied original elements of Greenspan's book. Courts in the First Circuit decide this question by following a two-step inquiry. First, the court must determine that copying actually occurred. If so, the court then asks whether such copying was serious enough to be actionable.

Actual Copying

A plaintiff can show actual copying through either direct or circumstantial evidence. Only rarely will a plaintiff be able to provide direct evidence of copying. More often, a plaintiff will provide circumstantial evidence showing both (1) that defendant had access to the copyrighted work and (2) that defendant's allegedly infringing work is sufficiently similar to the plaintiff's work "to give rise to an inference of actual copying." The latter element is known as "probative similarity."

Here, there was no question that defendants had access to Greenspan's work. It was available to the general public on the Internet, and moreover, Mezrich had contacted Greenspan about his involvement, and had even listed *Authoritas* as a secondary source in *The Accidental Billionaires*.

But to establish probative similarity, Greenspan would have to show the similarity between the original elements of his own work and the work of the defendants. To do so, Greenspan pointed to, among other things: the similarity between the two books' subtitles (Greenspan's "the founding of the Facebook era," and Mezrich's "the founding of Facebook"); similar quoted language in the two books' descriptions of meetings between Summers and Harvard students (Greenspan's "The President will see you in a moment," and Mezrich's "The president will see you now"); similar

descriptions of the furniture in Summers's office (Greenspan: "There was a computer . . . on a desk . . . and the dark African masks resting on the shelves," and Mezrich: "There were bookshelves . . . an Oriental carpet . . . a Dell desktop computer"); and similar descriptions of the students' responses to Summers (Greenspan: "setting my cheeks on fire," "my hatred for the system," "I was shocked," and Mezrich: "his face turning red," "he felt . . . betrayed. By this man, by the system," "Tyler stared at the man in shock.").

The court noted that not all of these examples from Greenspan's work possess the originality necessary to merit copyright protection. Phrases such as "the founding of" and "the President will see you" are ubiquitous expressions. Moreover, neither facts nor ideas enjoy copyright protection. But Greenspan's original expression of an idea *would* be protected. Accordingly, the court found that Greenspan's allegations, if taken as true, might allow a finding of probative similarity, and moved on to assess the inquiry's second step: even if a plaintiff shows actual copying, still he must show that the copying was actionable.

Actionable Copying

Copying will be considered actionable if a plaintiff provides evidence that the actual copying was "so extensive that it rendered the infringing and the copyrighted works *substantially similar*." Courts in the First Circuit assess substantial similarity by comparing the protected elements of the plaintiff's work as a whole (i.e., those elements sufficiently original to merit protection) against the defendant's work. If a court finds that an ordinary observer examining the two works would conclude that "the defendant unlawfully appropriated the plaintiff's protectable expression," substantial similarity will be found.

In assessing the substantial similarity between Greenspan's and Mezrich's descriptions of Summers's office furniture, for instance, the court found the two descriptions were not substantially similar because they fell within the doctrine of *scenes à faire*, which denies copyright protection to unoriginal elements that are indispensable to certain stock scenes. "The use of the desk, shelves and computer," the court found, "[are] inherent characteristics of an office and thus do not lead to a plausible inference of infringement." Moreover, the court reasoned, "[Mezrich's] choice additionally to include antique-looking side tables and an oriental carpet as compared to the plaintiff's expression including dark African masks undercuts any notion that the copying was so extensive that an ordinary observer could conclude that there was unlawful appropriation."

In making the substantial similarity determination,

courts also look to the *extent* of copying that took place: "[i]f the points of dissimilarity not only exceed the points of similarity, but indicate that the remaining points of similarity are, within the context of the plaintiff's work, of minimal importance, either qualitatively or quantitatively, then no infringement results." So, in comparing Greenspan's and Mezrich's descriptions of the students' responses to Summers, the court found

Greenspan: "setting my cheeks on fire"

. . . "I was shocked."

Mezrich: "his face turning red" . . .

"Tyler stared at the man in shock."

that the "sentences that convey these ideas are quantitatively and qualitatively insubstantial in the context of *Authoritas* as a whole. Any copying claimed . . . simply was not so extensive that an ordinary observer could conclude that the defendants unlawfully appropriated the plaintiff's original expression." Moreover, the court continued, whatever similarities that existed between the meeting scenes, there was no dispute that Greenspan's book and the defendants' works depicted two different meetings at two different times, with different student participants and different subject matter. With that, Greenspan's copyright infringement claims against all three defendants were dismissed.

Unfair Competition and False Advertising

Greenspan also claimed that the defendants, in violation of the Lanham Act, engaged in unfair competition and used false advertising by marketing *The Accidental Billionaires* and *The Social Network* as works of nonfiction. He contended that, because the works failed to convey Greenspan's role in the origins of Facebook, they could not be considered nonfiction, as was claimed. But the court saw things differently, explaining that "the term nonfiction only means that the literature is based on true stories of events, not that every statement is in fact demonstrably true." (As a side note, the source cited by the judge to support his understanding of the term was not a proper dictionary, but rather a website, wiki.answers.com/Q/What_does_non_fiction_mean, a fact that did not escape

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The Founding of the Authors' League of America

Before there was an Authors Guild, there was the Authors' League of America, an organization founded by and for authors of written work in the U.S. In 1921, the League created two distinct branches, the Authors Guild and the Dramatists Guild, to better serve the increasingly diverse interests of its members.

The small band of professional writers who conjured the Authors' League of America into existence over the course of a handful of meetings in the second decade of the 20th century seem to have been too busy talking their peers into joining them to keep much of a record of their early efforts. Their goals, however, were clear, their rhetoric a high-flown reflection of the progressive spirit of the day, and by December 1912, the "urgent necessity" of forming a league "for the mutual protection and information of authors in their dealings with publishers" had enough support from writers around the country to translate idea into fact. Five names were listed on the articles of incorporation: Rex Beach, Gelett Burgess, Ellis Parker Butler, Rupert Hughes and Arthur C. Train, but they were backed by dozens more, many of them equally prominent.

By the time the League held its first annual meeting, on April 8, 1913, some 350 dues-paying members had signed on and the turnout exceeded all expectations. "[M]ore than 100 professional authors who get real money for their output gathered at the Hotel Astor yesterday afternoon," *The New York Times* reported the next day, "on the occasion of the first annual meeting of the recently organized Authors' League of America . . . organized for the purpose of protecting the American author against the rapacity of some dishonest publishers.

"[The League] aims not only to protect authors



Winston Churchill, the first president of the Authors' League of America, was a two-term New Hampshire state assemblyman and author of the bestselling eight-volume historical novel *Richard Carvel*.

from dishonest publishers but to protect the honest publisher from the dishonest one, and authors from one another, and from the inevitable lawyers' fees and mounting costs that follow in the wake of a law suit."

There were delegations from Detroit, Pittsburgh, Philadelphia, Boston and Indianapolis, widespread amity, and a brief but heated exchange between two members who had considered submitting their dispute to League arbitration. (The aggrieved party announced at the meeting that she had decided to sue instead.)

The first issue of the *Bulletin* appeared soon after, containing a complete list of current members, along with their hometowns and qualifying work [see page 23]. A quarter of the founding members were women—seven years before they won the right to vote—and in the tradition of the day, a parenthetical Mrs. or Miss follows each of the 94 names.

The League's early lineup of elected officers and Council members was dazzling, beginning with its first president, the American writer Winston Churchill, whose eight-volume historical novel *Richard Carvel* sold an estimated two million copies and was adapted for the theater and, a few years later, for film. A two-term New Hampshire state assemblyman and an unsuccessful candidate for governor on the Progressive ticket, Churchill was so celebrated as an author at the turn of the century that his British namesake, younger by three years and 20 days, wrote to him volunteering

to add a middle initial to his own byline to avoid confusion—and did.

Theodore Roosevelt—yes, that Theodore Roosevelt—agreed to stand for vice-president of the League within a month or two of losing his last presidential campaign to Woodrow Wilson. While his name on the letterhead surely burnished the League's reputation, and he more than qualified as an author, his greatest value was as a champion of copyright. As president five years earlier, Roosevelt had pressed Congress to pass a reform bill written by the Copyright Office, and the result, the landmark Copyright Act of 1909, was one of a handful of bills he signed the day he left the White House, before boarding a train to New York and his next career, as editor of *The Outlook*.

Ellis Parker Butler, whose 1905 short story "Pigs Is Pigs" had made him a household name at the age of 35, served as both secretary and treasurer, and he and Arthur Train appear to have been the main engines of



Theodore Roosevelt, first vice-president of the League, signed the 1909 Copyright Act into law on his last day as U.S. President, then boarded a train to New York to begin work as editor of The Outlook.

ADMINISTRATION - 1913-1914

PRESIDENT

WINSTON CHURCHILL

VICE-PRESIDENT

THEODORE ROOSEVELT

HONORARY VICE-PRESIDENTS

MARY E. WILKINS FREEMAN
JOHN BURROUGHS

JOHN GRIER HIBBEN
WILLIAM M. SLOANE

SECRETARY AND TREASURER

ELLIS PARKER BUTLER

COUNCIL

SAMUEL HOPKINS ADAMS
GERTRUDE ATHERTON
REX BEACH
GELETT BURGESS
ELLIS PARKER BUTLER
ROBERT W. CHAMBERS
WINSTON CHURCHILL
HAMLIN GARLAND
ELLEN GLASGOW
ROBERT GRANT
ROBERT O. HAYWARD
RUPERT HUGHES
WILL IRWIN
OWEN JOHNSON

CHARLES RANN KENNEDY
JACK LONDON
GEORGE BARR MCCUTCHEON
CLEVELAND MOFFETT
MEREDITH NICHOLSON
HARVEY J. O'HIGGINS
WILLIAM M. SLOANE
IDA M. TARBELL
BOOTH TARKINGTON
ARTHUR C. TRAIN
LOUIS JOSEPH VANCE
CAROLYN WELLS
KATE DOUGLAS WIGGIN
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ARTHUR STRINGER

EXECUTIVE COMMITTEE

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GENERAL COUNSEL

ARTHUR C. TRAIN
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MANAGING SECRETARY

ROBERT OTIS HAYWARD
122 E. 17th Street, New York City

ENGLISH AGENT

CURTIS BROWN
6 Henrietta Street, Covent Garden, London

the League in its first 10 years. Though Butler's stats suggest a model of the single-minded writer—he published more than 30 books and thousands of short stories, poems and essays—like T. S. Eliot, he worked full-time as a banker. Between those two demanding careers, he seems to have found an inordinate number of hours to devote to the League, serving on the Bulletin Committee for many years—we suspect he wrote much of the copy—and in 1916–1917 becoming the driving force behind the Authors League Fund, founded to assist needy writers.

Among the more prominent members of the League's first Council were Rex Beach, Hamlin Garland, Ellen Glasgow, Jack London, Cleveland Moffett, Ida M. Tarbell, Booth Tarkington, Kate Douglas Wiggin and Jesse Lynch Williams. Tarbell, whose oil industry exposé, *The History of the Standard Oil Company*, had galvanized public opinion regarding the regulation of corporations, served on the board's seven-member executive committee tasked with directing the group's activities.

Looking Out for the Business Interests of Professional Writers

The League's goals were nothing if not ambitious: "To procure adequate copyright legislation, both international and domestic, to protect the rights of all authors, whether engaged in literary, dramatic, or musical composition, and to advise and assist all such authors voluntarily in the disposal of their productions."

It was a tall order, suited to a precarious profession: "[T]he author," the founders announced in the first issue of the *Bulletin*, "is perhaps the only seller who is forced to grant an exclusive and unlimited option on his wares to a prospective buyer." The League's founders understood that ordinary writers, even those experienced in dealing with publishers and contracts, could not be expected to know the nitty-gritty details of copyright, serial rights, foreign publications, and

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who get real money for their output
gathered at the Hotel Astor yesterday
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Authors' League of America . . . organized
for the purpose of protecting the American
author against the rapacity of some
dishonest publishers."***

other contractual terms without professional advice. It was the League's job to provide it.

Though the League took pains to emphasize that it was not "an aggressive or pugnacious association which is looking for trouble," its oft reiterated intention to protect authors from "a certain class of publishers who systematically take advantage of their ignorance" gave some writers pause. In the June 1913 issue, the *Bulletin* ran a letter from the writer Margaret Deland, who had delayed joining for several months, as she did "not want to ally myself with any organization whose existence is in any way a criticism upon publishers as a class." Assured that this was not the case, she eventually joined.

Staffed by a handful of volunteers, the infant League was precocious in its rollout of departments and bureaus meant to demonstrate its usefulness to members. Most important of these—and the heart of its mission—was the Legal Department, which helped writers secure the best possible terms in their book contracts, aided members in disputes, and distributed information about authors' legal rights. The League did not "attempt to negotiate such contracts, since these must always remain a personal matter between author and publisher," but its championing of writers' rights quickly led it into legal and contractual advocacy, and to a focus on the financial concerns of writers.

Copyright was a major and overriding concern, on which the *Bulletin* offered regular guidance, with articles on how to register a copyright, details about foreign copyright laws, and reports of copyright pirates caught and convicted.

Contracts were equally important, and the League sought to establish uniformity from the start, its ultimate goal being the industry-wide adoption of a standard contract.

In a parallel effort to bring organization to the wild west of the magazine industry, the League pursued "definite terms" for the sale of a manuscript to a periodical, announcing in the third issue of the *Bulletin* that several magazine editors had been persuaded to enter an agreement with the League, "whereby manu-



Ellis Parker Butler, founding member and first secretary-treasurer of the League, was a full-time banker who found time to publish 30 books and thousands of short stories, poems, and essays, including the popular 1905 short story, "Pigs Is Pigs."



Born in 1857, Ida M. Tarbell was the lone woman in her graduating class at Allegheny College in 1880 and a graduate of the Sorbonne. Her series on the Standard Oil Company for McClure's Magazine was a seminal event in the annals of investigative journalism.

scripts submitted by members and bearing the official seal, showing membership in The Authors' League, will be accepted and paid for on definite terms." Among the periodicals that had agreed to the League's terms were *Harper's Magazine*, *Ladies' Home Journal*, *McClure's Magazine*, *The Saturday Evening Post* and *The Blue Book*.

Eager to keep members informed and their interests protected, the League sent representatives to the conference of the American Booksellers' Association, reported on news of importance to radio play writers, issued alerts on moving-picture rights [see page 22]

Master First the Art, Then the Trade

"[The author] has, after he has mastered his art, to learn the trade of making his work remunerative. Working alone, he works, so to speak, in the dark. Only after many losses, due to his lack of experience in disposing of his wares, does financial success usually come. He is ordinarily over-eager to have his work published at any terms, and often not only gets an inadequate financial return for it, but is led into tying up the product of his future by unfair one-sided contracts."

—Authors' League Bulletin, April 1913

and reported on literary life abroad in the occasional *Bulletin* sections "London Notes" and "Paris Notes." It engaged the services of a London agent to sell British publication rights for League members at the low commission of 5 percent (British agency fees were typically 10–20 percent at the time), and supported the Publishers' Co-Operative Bureau, a group of 24 publishers who banded together "to increase the sale and reading of all books published in the United States and Canada." The League sympathized with the group's project, lamenting that "A man who will give up \$5 for two theatre tickets, or a bottle of champagne, will refuse to pay the same amount of money for books of perma-

The League's founders understood that ordinary writers . . . could not be expected to know the nitty-gritty details of copyright, serial rights, foreign publications, and other contractual terms without professional advice. It was the League's job to provide it.

nent value and unending interest. The so-called criticism of books in the newspapers has fallen far below the level of mediocrity. Book pages are shunned not only because of this, but for their dreary appearance."

The League's emphasis on practical aid for the writer led to the canny establishment of one of its most popular departments, the Reading Bureau for Manuscripts. "It has been thought . . . that this reading and criticizing bureau, endorsed by the League, carrying the guarantee of honesty and capacity, will be of great value to newcomers in the literary field, and give them encouragement as well as help." Miss Viola Roseboro—"one of the best known literary critics in America," straight from the pages of *McClure's Magazine*—would provide members with constructive criticism of their work.

Rates were \$5 for a short story of up to 7,000 words, plus 50 cents for each additional 1,000 words, and \$10 for a novel of up to 100,000 words, plus \$1 for each additional 5,000 words.

"Dear Miss Roseboro," wrote one grateful client, "Perhaps it will interest you to know that you straightened me out in that story as no one else could. It was easy, too, after you showed me how. It is sold to —."

I almost hope I will get in trouble again over a story, so that I may see you."

The animating spirit of the League, however, would hew forever practical—to help writers maintain their livelihoods, not perfect their craft. Over time the League's membership would grow more numerous and more diverse, leading to its subdivision into the Authors Guild, the Dramatists Guild, and the Writers Guild (later merged with the Screen Writers Guild, the union that represents television, film and media writ-

ers). The League would weigh in on many causes of interest to members over the years, and wage many battles in their behalf, but its opening move remains hard to top. For \$10 a year in dues, writers working across genres and forms, in cities and small towns across the United States, often in isolation from their peers, found themselves part of a fast-growing "union" of writers who spoke out about unfair contracts, copyright reform, and the peculiar needs of a peculiar class of workers. ♦

A Serious Gathering for Serious Literary Folk



The speed with which the Authors' League got off the ground was matched only by the speed with which it celebrated the fact. On February 14, 1914, just fourteen months after incorporation, the League threw itself a star-studded bash at New York's Hotel Biltmore (above) that it modestly judged to have "brought together perhaps the most distinguished body of literary personages ever assembled in America."

The guest of honor was U.S. Secretary of State William Jennings Bryan. The toastmaster was William Milligan Sloane, author of a four-volume history of Napoleon Bonaparte. The Rev. Samuel McChord Crothers from Boston "spoke with wit and point on some of the perplexities of style"; Kate Douglas (Wiggin) Riggs read a piece on "the consolations of the literary life," and the Putnam

brothers—Herbert, Librarian of Congress, and George H., of Putnam Publishing—addressed the subject of copyright, "respectively from the legislative and the business point of view."

Five days later at the Plaza Hotel, 350 seats were filled at the League's first fundraiser, a somewhat more boisterous event at which a half-dozen members gave readings, songs were sung, and a one-act play was performed. During intermission, the sponsors got down to business, auctioning off autographed books, signed letters from opera singers, and cartoons of the evening's readers by James Montgomery Flagg—the artist who would give the world the Uncle Sam "I Want You!" poster a few years later. The bidding was "spirited" and the net for the evening was "upward of \$1,100," all of it destined for League expenses.

The Short Story Dispute that Got Things Rolling

If any single event can be said to have sparked the founding of the Authors' League, it would have to be Arthur C. Train's discovery in 1911 that the British rights to a story he had written for *McClure's Magazine* that year had English rights worth \$600—roughly \$14,000 in 2012 dollars.

A graduate of Harvard and Harvard Law School (class of 1899), Train was a working lawyer, an alumnus of the New York District Attorney's office, a regular



on New York's social circuit, and a writer of legal thrillers whose ear for dialogue was matched by a sharp eye for chicanery. He picked up the phone and called his editor at *McClure's*. Indeed, the English rights had been sold, and Train said he would sue if the proceeds were not paid over to him. The threat, he later

admitted, was sheer "rot," since "the magazine owned all the rights. I think they gave in because they didn't want to hire counsel."

Stung by the experience, Train took a closer look at existing copyright protections, and found that authors were routinely giving away valuable rights that were theirs by law, while the work they did for magazines, the major source of income for many writers at the time, was completely unprotected by law. He was particularly incensed by the 1909 ruling in *Dam vs. LaShelle* that held that a magazine acquires all of the rights to an author's story—that is, the entirety of the author's copyright—unless the author and the magazine explicitly agree otherwise, something that was unusual at that time.

In December 1911, Train invited a small group of like-minded authors to a meeting where the rough outlines of the League were sketched out. The League filed for incorporation the following December and began actively recruiting members. Four months later,

on April 8, 1913, the League held its first general meeting and ran off the first issue of the *Bulletin*. The organization's address of record was Train's law office, at 30 Broad Street, across from the Stock Exchange.

Train would remain active in Guild affairs to his death in 1945, while continuing to turn out stories as if he had all the time in the world. Train had published his first story "The Maximilian Diamond" in 1904, while working for the Manhattan D.A. (the hero has a view of the recently completed "Tombs" jail on White Street); several hundred tales later, in 1919, he dreamed up his most famous and admired character, Ephraim Tutt, a "Vermont country boy who worked his way

When New York attorney Arthur C. Train learned that McClure's had sold the British rights to his short story without compensating him, he did something about it: he formed the Authors' League of America.

through Harvard College and Harvard Law School, learned law in a country town, came to New York to meet the big shots on their own ground, and eventually proved himself the biggest of them all." In 1943, Train had the old man tell his own story in *Yankee Lawyer*, a meta "autobiography" so convincing that *Who's Who* asked him to submit an entry for Tutt.

Fifteen years after the League was launched, Train wrote an account of its founding for the *Bulletin*, an excerpt of which we reprint here. The recollection was titled *Apologia Pro Officio Suo*; "Still Feisty After All These Years" might be closer to the mark.

Apologia Pro Officio Suo: An Inaugural

BY ARTHUR TRAIN

The Authors' League was organized in 1912 for the purpose of protecting the property rights of American authors and of securing for them fair terms and honest treatment from those with whom they had business dealings as such. Artists, as a rule, are poor traders, temperamentally unqualified to look out for their financial interests, and needing, like drunken men and sailors, a special Providence; and, since Providence

seemed to be giving the matter no special attention, a few of us decided to provide a substitute, especially in view of certain recent devastating decisions of the United States courts by virtue of which it appeared probable that, if we did not take proper legal steps to prevent their so doing, all our copyrights might vanish into thin air or flicker away upon the screen.

The desirability of pooling the information derived from our experiences, and the need of cooperation being obvious, the formation of some such union as the League was inevitable, for while we knew that we were being exploited, we realized that we were the victims of our own ignorance and were ourselves largely to blame. We wanted quite literally our "rights"—namely, whatever byproducts were inherent in our work after it had been sold for a specific purpose—our book, dramatic, movie, second serial and foreign rights when we sold a novel or story to a magazine for serial publication, instead of discovering to our dismay that we had unintentionally and by some mysterious theory of law vested them all in the publisher.

The primary purpose of the Authors' League was to combat the pernicious and destructive effect of *Dam vs. LaShelle*. We were not, and did not think of ourselves, as literary lights. We had not earned our spurs and had no jealousy of the veterans enjoying their well-deserved seats upon the literary Parnassus. We were merely hard-working young writers who wanted an equable share in the proceeds of our labor. Beyond asking Mr. [Theodore] Roosevelt to be our first vice-president we made no play for distinction other than as honest men. We were a business organization and pretended to be nothing else. We had no desire to capitalize the fact that we were "authors" for social purposes either at home or abroad. We invited membership—at \$5 a year, I believe it was [Ed.: it was \$10]—for the same reasons that had we been agriculturists we might have sought to enroll our fellow laborers in the Farm Bureau, or, if mountain climbers, have urged them to join Die Alpen-touristen Gesellschaft, on the simple ground that it was worth their while.

In those days we had no money in our treasury, and the League was housed in my law office where we addressed envelopes, licked stamps, sent out printed matter, advised the members as to their rights over the telephone, collected the dues and solicited subscriptions, with the anxiety of a young mother nursing an infant of legitimate birth, but of doubtful vitality. The infant prospered amazingly.

It was not unnatural that at first the better sort among those against whom we had, as it were, taken up arms, should have regarded us with suspicion as "trouble-makers" and with an aggrieved air at the implied-reflection against their caste. Presently, however,

General Purpose of the Authors' League

There is, at present, no society of authors in the United States engaged in, or contemplating, work similar to that which the League expects to do. Such associations as exist, both in New York and in other cities, are maintained mainly upon a social basis, and are inoperative or ineffective as regards the financial problems of the author.

The Authors' League has come into being as an urgent necessity, for the mutual protection and information of authors in their dealings with publishers. It is a purely business and technical organization, for the purpose of advising writers as to their legal rights and answering practical commercial questions relating to their profession.

As defined by Article III of its Constitution, the objects of the League are as follows:

Sec. 1. To procure adequate copyright legislation, both international and domestic.

Sec. 2. To protect the rights and property of all authors, whether engaged in literary, dramatic, artistic or musical composition.

Sec. 3. To advise and assist all such authors in the disposal of their productions and to obtain for them prompt remuneration therefor.

Sec. 4. To disseminate information among authors as to their legal rights and remedies.

Although the Authors League was incorporated upon lines broad enough to include artists, musicians and playwrights in its membership, the active work of the association for the present will be confined to matters relating only to strictly literary authorship. It is hoped, however, that in the future the League will have strengthened itself sufficiently to offer effective aid to members of the allied arts, and to serve as the means of close cooperation amongst them.

—Published in the first issue of the Bulletin.

discovering that our intentions were honorable, and frankly recognizing that among their own sheep there were some goats whose horns and odor added nothing to the lustre of the flock, they became converted to the belief that we might be of actual value to the trade. Now some of our most useful and enthusiastic supporters are editors or publishers. ♦

Silent Movies, Talking Authors

New technological uses were on the minds of League officials from the start. The founders provided the following advice to League members on how to best protect their rights when exploiting the possibilities offered by the infant film industry. "Moving-Picture Rights" appeared in the April 1913 issue; "Don'ts for Authors" in the June 1913 issue.

Moving-Picture Rights

Attention has recently been called to the subject of moving-picture rights, a matter of growing importance to writers, and while it is impossible to cover this in detail in the present Bulletin, it is desirable that a brief mention be made, leaving a fuller discussion for the next issue.

The Council of the Authors' League of America feels that it is important to advise its members on the latest developments in this new and comparatively untried field and thus perhaps effect a more thorough and intelligent co-operation between them and the producers. It feels that its members should be posted, not only as to the trend of events which are bound to be of financial interest to them but also as to their legal rights and limitations in the product of their work.

Developments in the moving-picture business have been so tremendous, the business has grown to such magnitude within a relatively short time that it is difficult to forecast with any degree of certainty where it will end, hence it behooves the writer to consider the moving-picture rights to his material not as insignificant, but as of real and substantial value to the producer and to himself.

Moving pictures are no longer an experiment, they are an institution; they have attained to a dignity equaling all of the drama, with the result that a demand has arisen for good material. This demand has increased steadily, as the public taste has improved under the commendable efforts of the manufacturers, and it promises to continue to increase.

Famous plays, enacted by famous artists, are being photographed, literary masterpieces of various kinds are being reproduced upon films, there is a market for good plots, and several dramatic agencies have established departments for the exclusive handling of moving-picture plays. Cash sales of the rights to books and dramas have been effected and important contracts

have been negotiated under royalty arrangements similar to those governing dramatic productions.

Naturally this has called for an interpretation of the law governing dramatic reproductions and a clearer definition of the rights involved. What are the author's rights in a novel, a short story, a play once his dramatic rights have been sold? How can he legally dispose of serial, book or dramatic rights? How broad are these definitions? Does the transfer of dramatic rights include the privilege of reproduction for moving-picture purposes? These and other questions have resulted in an investigation by the legal department of the League and the opinions, which will be contained in the next Bulletin, are of greatest importance to writers. There will also be a wider discussion of the subject in the hope that it will be of service in bringing the members into closer touch with the moving-picture industry. ♦

Don'ts for Authors

Don't give away your photo-play rights in selling a story for magazine or book publication.

Don't include them in a dramatic contract without some clause similar to that governing stock rights.

Don't sell them to the first bidder.

Don't sell them for cash if you can secure a continuing interest in the film. It may be of value ten years hence.

Don't decide that your story will not make a motion-picture. It may contain values which you do not see.

Don't decide that your story *will* make a good photo-play until you understand something about the requirements and limitations of the business. Remember every film must be passed by the National Board of Censors.

Don't forget that your story must be told in pantomime.

Don't turn your photo-play rights over to the stranger who offers to adapt and handle your stories for one-half the proceeds.

Don't forget that you probably sold "all rights" to your story when you signed that receipt.

Don't sell your producer a right which you don't own and make him buy it over again from the present owner. He won't like it.

The Initial Roster

The first issue of the Authors' League *Bulletin*, dated April 1913, was hard proof of the organization's viability, and the editors pressed the point home by publishing the names of the entire membership. We have transcribed the list from the musty original in its entirety, leaving inconsistent abbreviations and other tics intact, and taken the liberty of adding short bios of a handful of members of special interest. In a few cases, qualifying titles were lost to time or never included, and we invite readers to pursue any mysteries of interest that result.

Life Members

Blackton, J. Stuart
Brooklyn, NY

Huntington, Archer M.
New York City

Mackay, Katherine (Mrs.)
Roslyn, NY

Regular Members

Adams, Franklin P.
New York City
"Always in Good Humor"

Adams, Henry S.
Auburn, NY
"Making a Rock Garden"

Adams, Samuel H.
Auburn, NY
"The Flying Death"

Ade, George
Brook, Ind.
"Fables in Slang"

Agee, Fannie H. (Mrs.)
Honolulu, T.H.
"Quicksands"

Altsheler, Joseph A.
New York City
"In Circling Camps"

Anderson, Winslow
San Francisco, Cal.
"Mineral Springs of California"

Atherton, Gertrude (Mrs.)
New York City
"Tower of Ivory"

Avery, Elroy M.
Cleveland, O.
"History of the U.S. and Its People"

Bacon, Alexander S.
New York City
"The Woolly Horse"

Bacon, Josephine D. (Mrs.)
Briarcliff, NY
"Memoirs of a Baby"

Baker, Ray Stannard
Amherst, Mass.
"Following the Color Line"

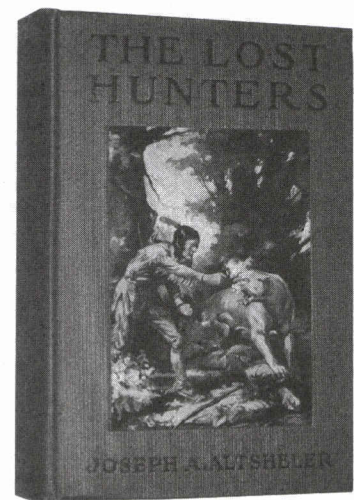
Baldwin, James
New York City
"The Sampo"

Bancroft, Jessie H. (Miss)
Brooklyn, NY
"Games for the Playground, Home,
School and Gymnasium"

Barbour, Ralph Henry
Manchester, Mass.
"The Half Back"

Joseph Altsheler (1862–1919) was a working newspaperman for 30 years, first at the *Louisville Courier-Journal* in his native Kentucky, later at *The New York World*. Enthralled by stories of the Civil War as a boy, Altsheler began his own march through American history in 1896, unleashing a flood of meticulously researched historical novels with heroic titles certain to stir young hearts—*The Forest Runners*, *The Masters of the Peaks*, *The Scouts of the Valley*, *The Free Rangers*.

In 1918, American librarians voted Altsheler the most popular author of boys' books in the U.S. In 1901, after making his opinion of the historical romance as a genre clear (a proximate "plague to the reader of fiction"), a reviewer for *The New York Times* allowed as how Altsheler's "stories are as unlike the average sensational novel of the kind as possible. . . . It is a relief, too, to have the heroine carried away by the Indians only once."



Barnes, James
New York City
"The Clutch of Circumstances"

Barnett, Evelyn S. (Mrs.)
Louisville, Ky.
"The Dragnet"

Barry, John D.
San Francisco, Cal.
"Mademoiselle Blanche"

Batcheller, Tryphosa B. (Mrs.)
Worcester, Mass.
"Glimpses of Italian Court Life"

Bates, William O.
Indianapolis, Ind.
"Jacob Leisler"

Beach, Rex
New York City
"The Barrier"

Belasco, David
New York City
"The Return of Peter Grim"

Bellinger, Martha F. (Mrs.)
New York City
"The Stolen Singer"

Blanden, Charles G.
Oak Park, Ill.
"The Upper Trail"

Boltwood, Edward
Pittsfield, Mass.
"For Honor of the Service"

Bonner, Geraldine (Miss)
New York City
"The Pioneer"

Bourke, S. Ten Eyck (Mrs.)
New York City
"Fables in Feathers"

Boyle, Virginia F. (Mrs.)
Memphis, Tenn.
"Devil Tales"

Bradford, Gamaliel, Jr.
Wellesley Hills, Mass.
"Lee, the American"

Brinckloe, William D.
Easton, MD
Contributions to Periodicals

Brown, Abbie F. (Miss)
Boston, Mass.
"The Christmas Angel"

Brown, Alice (Miss)
Boston, Mass.
"Vanishing Points"

Brown, Katharine H. (Miss)
Quincy, Ill.
"Philippa at Halcyon"

Brown, Robert Carlton
Grantwood, NJ
"Plot Your Progress Curve"

Browne, Porter E.
Norwalk, Conn.
"A Fool There Was"

Buck, Florence E. (Miss)
Birmingham, Ala.
"Pitying Heart"

Burdick, Francis M.
New York City
"The Law of Partnership"

Burgess, Gelett
New York City
"Vivette"

Burr, Anna R. (Mrs.)
Philadelphia, Pa.
"The Autobiography"

Butler, Ellis Parker
Flushing, NY
"Pigs Is Pigs"

Calhoun, Crede Haskins
Panama, Canal Zone
"Midas of Misfortune"

Call, Annie Payson (Miss)
Waltham, Mass.
"Power Through Repose"

Rex Beach (1877–1949): A Klondike gold rusher from 1900 to 1905, Beach turned the corruption he'd witnessed in Nome, Alaska, into the bestselling novel *The Spoilers* (1906), which was made into five films between 1914 and 1955. (Gary Cooper played the lead part of "Roy Glennister" in the 1930 *Spoilers*; John Wayne played the same character in 1942.) Beach wrote 18 novels in all; in addition to the five "Spoiler" films, another seven films were based on his novels.



A reporter looking back on Beach's career called him the "bass singer of conflict and money-hunger in the wilds," but Beach did pretty well for himself in the semicivilized world as well, buying up huge tracts of Florida real estate with his earnings as a writer. Early in the game, Beach had figured out the advantages of renting the film rights to his work rather than selling them outright and it paid off. "I'd rather swim or fish than write," he once said, "but writing is such a good game it's a wonder to me that the police don't get after us for taking money for it."

Camp, Walter

New Haven, Conn.
"Football"

Cannon, Senator F. J.

Denver, Col.
"Under the Prophet in Utah"

Carle, Richard

Long Branch, NJ
"The Tenderfoot"

Carson, Hampton L.

Philadelphia, PA
"History of the Supreme Court of the US"

Carter, Charles Fred

New York, NY
"When Railroads Were New"

Century, Company, The

New York City
Publishers

Chambers, Robert W.

New York City
"The Firing Line"

Chancellor, William E.

New York City
"Our Presidents and Their Office"

Chapple, Joe Mitchell

Dorchester, Mass.
"The Minor Chord"

Chatfield-Taylor, Hobart C.

Chicago, Ill.
"Molière: A Biography"

Child, Richard W.

Cohasset, Mass.
"Jim Hands"

Churchill, Winston

Windsor, VT
"Richard Carvel"

Clark, Kate Upson (Mrs.)

Brooklyn, NY
"Bringing Up Boys"

Clarkson, Clarinda H. (Mrs.)

Tarrytown, NY
"A Beautiful Life and Its Associations"

Walter Camp (1859–1925): "The Father of Football" and inventor of "the daily dozen," Camp is the only founding member of the League known to have made it into the Football Hall of Fame. When he first took the field as a Yale undergraduate in 1875, football was a scruffy, rule-less stepchild to rugby. By the time he took over the Yale team as coach in 1888—after a year in medical school and a stint at a clock company—Camp had mapped out a fair model of the game as it is played today. It was Camp who came up with original yard down rule—five yards in three downs—and Camp who suggested, after a decade's reflection, that it be modified to 10 yards in four downs. A record-breaking member of football rules committees, Camp is credited with the snap-back from center move, the safety kick and reducing the lineup from 15 to 11. So how many books did he find time to write? Thirty, more or less.

**Connolly, James B.**

Dorchester, Mass.
"The Deep Sea's Toll"

Cook, William Wallace

Marshall, Mich.
"Wilby's Dam"

Coolidge, Louis Arthur

Milton, Mass.
"An Old-Fashioned Senator"

Cornelius, Mary A. (Mrs.)

Chicago, Ill.
"Uncle Nathan's Farm"

Cosgrave, John O'Hara

New York City
Editor

Crandall, Latham A.

Minneapolis, Minn.
"A Calm View of Christian Science"

Crawford, Samuel T.

Topeka, Kan.
"Kansas in the Sixties"

Crockett, Ingram

Henderson, Ky.
"The Magic of the Woods"

Cushing, Charles P.

New York City
"The Art Problem in Outdoor Photography"

Cutting, Mary Stewart (Mrs.)

East Orange, NJ
"Little Stories of Married Life"

Daviess, Maria T. (Miss)

Nashville, Tenn.
"The Melting of Molly"

Dean, William H.

College Sta., Tex.
"The Recompense"

Deland, Ellen Douglas (Miss)

Dedham, Mass.
"Oakleigh"

Delano, Edith Barnard (Mrs.)

East Orange, NJ
"The Land of Content"

Edna Ferber (1885–1968) was a few years shy of seriously famous when she joined the League in 1913, a young writer whose third novel would appear later that year. Born in Kalamazoo, Michigan, Ferber was the daughter of a Hungarian immigrant storekeeper and his Milwaukee-born wife. Raised in a succession of small Mid-western towns, she was occasionally taunted for being Jewish, as she describes in her 1939 autobiography.



At 17, just out of high school in Appleton, Wisconsin, she got a job as a reporter for \$3 a week. Reporting and writing suited Ferber's considerable ambition until, while recovering from an illness—"without in the least meaning or planning it"—she began to write short stories. Her life as a writer took off. But the more stories she wrote, the more she felt trapped by their limits. "It was as though I was taking enough clothes to fill a trunk and stuffing them into a suitcase. There I was sitting on the suitcase trying to close it. Ends of skirts and arms of blouses wouldn't fit in so I'd take the scissors and snip them. That's what happens when you try to pack a novel into 5000 words." When *Cosmopolitan* sent her a contract for more stories about a favorite recurring character, she decided enough was enough and turned to novels. She wrote 24 in all, most with strong women characters, many with strongly developed political subthemes and powerfully evoked episodes of ethnic or racial discrimination. A regular at the Algonquin Round Table, she won the Pulitzer Prize in 1925 for *So Big*, which, like five of her other novels—and three of the plays she wrote with George S. Kaufman—was made into a movie.

Dickson, Harris

Vicksburg, Miss.
"Black Wolf's Breed"

Dixon, Thomas

New York City
"The Leopard's Spots"

Dixon, Zella Allen

Chicago, Ill.
"Concerning Book-plates"

Dodd, Lee Wilson

New York City
"Speed"

Dole, Nathan Haskell

Boston, Mass.

"Life of Count L. N. Tolstoi"

Donaldson, Alfred L.

Saranac Lake, NY
"Paddington Case"

Dopp, Katharine E.

Chicago, Ill.
"The Place of Industries in Elementary Education"

Doubleday, Russell

Glen Head, NY
"Cattle Ranch to College"

Douglas, George W.

New York City

"Hints to Sunday-school Teachers"

Downes, William Howe

Boston, Mass.
"The Life and Works of Winslow Homer"

Dromgoole, Will Allen (Miss)

Nashville, Tenn.
"The Island of Beautiful Things"

Duane, Alexander

New York City
"Student's Medical Dictionary"

Eaton, Walter Prichard

Stockbridge, Mass.
"The American Stage of To-day"

Edwards, George W.

New York City
"Thumbnail Sketches"

Ehrmann, Max

Terre Haute, Ind.
"The Wife of Marobius"

Ellis, William T.

Swarthmore, Pa.
"Holy War"

Eno, Henry Lane

New York City
"The Baglioni"

Ferber, Edna (Miss)

Chicago, Ill.
"Buttered Side Down"

Ferrero, Felice

Middletown, Conn.
"The Valley of Aosta"

Foote, Allen R.

Columbus, O.

Foster, Agnes Greene (Mrs.)

Chicago, Ill.
"By the Way"

Foster, Maximilian

New York City
"Corrie Who?"

Fox, Frances Margaret (Miss)

Detroit, Mich.
"How Christmas Came to the Mulvaney's"

Frank, Henry
New York City
"Skeleton and the Rose"

Freeman, Mary E. Wilkins (Mrs.)
Metuchen, NJ
"Pembroke"

French, George
New York City
"Art and Science of Advertising"

Frost, Blanche (Miss)
Nyack, NY
"My Real Castles in Spain"

Gaines, Charles Kelsey
Canton, NY
"Gargo: A Romance of Old Athens"

Galbraith, Anna M., M.D.
New York City
"Personal Hygiene and Physical Training for Women"

Gale, Oliver Marble
Chicago, Ill.
"A Knight in the Wilderness"

Garis, Howard R.
Newark, NJ
"Uncle Wiggily's Travels"

Garland, Hamlin
Chicago, Ill.
"The Captain of the Gray Horse Troop"

Garrett, Edmund H.
Boston, Mass.
"Puritan Coast"

Ghent, William T.
Washington, DC
"Mass and Class"

Gilder, Jeannette L. (Miss)
New York City
"The Autobiography of a Tomboy"

Gillette, William
New York City
"Secret Service"

Gillmore, Inez Haynes
Scituate, Mass.
"Phoebe and Ernest"

Gillmore, Rufus
Scituate, Mass.
"The Mystery of the Second Shot"

Glazner, Richard B.
St. George's, Bermuda

Glasgow, Ellen
Richmond, Va.
"The Descendant"

Goodwin, Maud W. (Miss)
Cedarhurst, LI
"The Colonial Cavalier"

Gordon, Armistead C.
Staunton, Va.
"The Gift of the Morning Star"

Grant, Hon. Robert
Boston, Mass.
"Unleavened Bread"

Gregg, John R.
New York City
"Gregg Shorthand"

Griffith, Helen Sherman (Mrs.)
Philadelphia, Pa.
"Rosemary for Remembrance"

Griffith, William
New York City
"City Views and Visions" etc.

Grimké, Archibald H.
Washington, DC
"Life of William Lloyd Garrison"

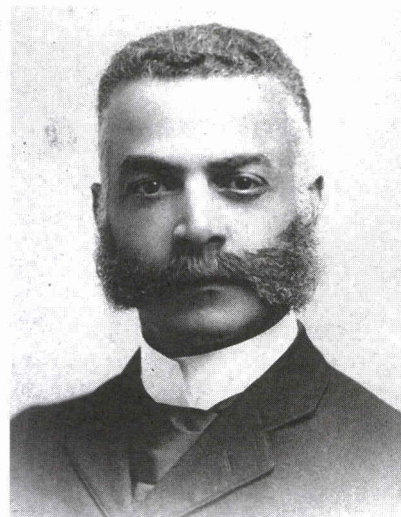
Guerber, Helene A. (Miss)
Nyack, NY
"Myths of Greece and Rome"

Haddock, Frank C.
Alhambra, Cal.
"Business Power"

Hamilton, Clayton
New York City
"The Theory of the Theatre"

Hammond, John H. (Mrs.)
New York City

Archibald Grimké (1849–1930) was the son of a mixed race slave and her owner, a prominent slaveholder in Charleston S.C.; his aunts Sarah and Angelina, known in Abolitionist circles as the Grimké Sisters, had publicly renounced their slaveholding heritage and fled the South years earlier. When they learned that their brother had fathered several children with one of his slaves, they offered to see to the education of two of them in Boston. One was Archibald, who would graduate from Harvard Law School (the second African-American to do so) and become a lawyer, journalist, activist and author.



Active in the National Council of Colored People, Grimké later served as national vice-president of its successor, the NAACP, and as president of the American Negro Academy. The book he chose as his qualifying work as a League member was a biography of abolitionist William Lloyd Garrison.

Hamp, Sidford F.
Colorado Springs, Col.
"Dale and Fraser, Sheepmen"

Haney, John Louis
Philadelphia, Pa.
"Monsieur D'Or"

Hapgood, Isabel F. (Miss)
New York City

Hare, T. Truxtun
Radnor, Pa.
"A Senior Quarterback"

Harré, T. Everett
New York City
"The Eternal Maiden"

Hasse, Adelaide R. (Miss)
New York City
"Economic Material in U.S.
Documents"

Hersey, Frank W. C.
Cambridge, Mass.
"Representative Biographies of English
Men of Letters"

Holt, Henry
New York City
"Calmire"

Hotchkiss, Thomas W.
New York City
"The State"

Hough, Emerson
Chicago, Ill.
"The Mississippi Bubble"

Howard, Clifford
Los Angeles, Cal.
"What Happened at Olenberg"

Howard, George Bronson
Belle Terre, LI
"Scars on the Southern Seas"

Howard, William Lee, M.D.
Westboro, Mass.
"The Perverts"

Hubbard, Alice (Mrs.)
E. Aurora, NY
"The Myth in Marriage"

Hughes, Rupert
Bedford Hills, NY
"The Whirlwind"

Hunting, Gardner
New York City
"A Hand in the Game"

Huntington, Archer (Mrs.)
New York City

Hutchinson, Woods, Dr.
New York City
"Preventable Diseases"

Ingram, Eleanor M. (Miss)
New York City
"From the Car Behind"

Irwin, Wallace
New York City
"At the Sign of the Dollar"

Irwin, Will
New York City
"The City That Was"

Jaekel, Frederic B.
Philadelphia, Pa.
"The Lands of the Tamed Turk"

Johnson, Owen
Florence, Italy
"Stover at Yale"

Johnston, Annie Fellows (Miss)
Pewee Valley, Ky.
"Little Colonel"

Johnston, William A.
New York City
"The Yellow Letter"

Judson, Katharine B. (Miss)
Seattle, Wash.
"Where the Forests Are Ablaze"

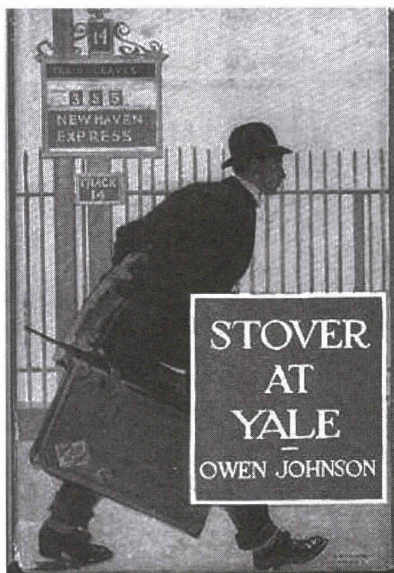
Kennedy, Charles Rann
New York City
"The Servant in the House"

Kerfoot, John B.
New York City
"Broadway"

Keyser, Harriette A. (Miss)
New York City
"Bishop Potter, the People's Friend"

King, Basil
Cambridge, Mass.
"The Inner Shrine"

Owen Johnson (1878–1952) wrote *Stover at Yale*, which was serialized in *McClure's Magazine* in 1911, a decade after Johnson himself had graduated from Yale. A portrait of the ruling class in high-jinks training, the book and its hero "Dink" Stover were seen as critical of Yale in particular and the life of privileged Ivy Leaguers in general. F. Scott Fitzgerald (Princeton '20) called it a "textbook" for his generation, and Yalies current and retired were grilled for their opinions as to the book's verisimilitude or calumny. The author responded to critics by inviting college students and recent graduates to submit plans for "the social reorganization of colleges and universities." Cash prizes were \$150 for the winning undergraduate, \$100 for the winning graduate—presumably less desperate for the cash.



Kingsley, Florence Morse (Mrs.)

Staten Island, NY
"The Glass House"

Kinthead, Eleanor T. (Miss)

Lexington, Ky.
"The Courage of Blackburn Blair"

Klein, Charles

Rowayton, Conn.
"The Lion and the Mouse"

Kobbé, Charles

Babylon, NY
"The New Jersey Coast and Pines"

Lawrence, Robert Means

Boston, Mass.
"Primitive Psychotherapy and
Quackery"

Lincoln, Joseph C.

Hackensack, NJ
"Cap'n Eri"

London, Jack

Glen Ellen, Cal
"The Call of the Wild"

Lothrop, Harriett M.

Concord, Mass.
"Five Little Peppers"

Lynch, Jerome M. (Mrs.)

New York City
"A Little Game with Destiny"

MacFarlane, Peter Clark

New York City
"The Quest of the Yellow Pearl"

MacGrath, Harold

Syracuse, NY
"The Man on the Box"

MacKaye, Percy

New York City
"Jeanne D'Arc"

Macpherson, Ewan

New York City

Marquis, Don

Brooklyn, NY
"Danny's Own Story"

Marriott, Crittenden

Washington, DC
"Sally Castleton"

Jack London (1876–1916): If Jack London's best known titles—*The Call of the Wild*, *Sea-Wolf*, *White Fang*, *The Iron Heel*—conjure the knife-edge and the abyss, it's for good reason. London's life was a short flaming roller-coaster ride, from his illegitimate birth in San Francisco to his spiritualist mother's failed suicide attempt—which she recounted in detail for the *San Francisco Chronicle* some years later, naming the putative father, an astrologer, and claiming he urged her to abort—to his own piled on adventures and misadventures, which he turned

into literary gold. He was the baddest boy writer of his day, a ranch wrangler, oysterman, cannery hand, and veteran of the Klondike gold fields, where he lost his front teeth to scurvy. He was also a committed socialist, unionist and war correspondent (in Korea, in 1904, for eight days during the Russo-Japanese War, and he managed to get himself arrested). He was combative, sentimental, a womanizer and given to borrowing—and admitting to borrowing—other people's lives and plots, which he jolted alive with vivid language and startling images. Some of his best known lines are suspect, including "After God had finished the rattlesnake, the toad, and the vampire, he had some awful substance left with which he made a scab," but it's easy to believe he had no help with one: "I would rather be ashes than dust!"



Martin, Attwood R. (Mrs.)

Anchorage, Ky.
"Emmy Lou"

Martin, Martha Evans (Mrs.)

New York City
"The Way of the Planets"

Maxim, Hudson

Landing, NJ
"Science of Poetry and Philosophy of
Language"

McCutcheon, George Barr

New York City
"Graustark"

McFarlane, Arthur E.

Long Island, NY
"Ridney McSaw"

McGraw, Donald George

Minneapolis, Minn.
"Trying to Outwit Sarah"

Mead, Leon

Binghamton, NY
"How Words Grow"

Merwin, Samuel

New York City
"The Short Line War"

Meyer, Annie Nathan (Mrs.)

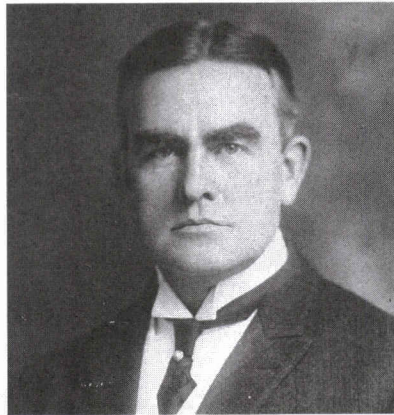
New York City
"Woman's Work in America"

Middleton, George

New York City
"Embers"

Cleveland Moffett (1863–1926):

A native of Boonville, New York, and an 1883 graduate of Yale, Moffett was a writer with a taste for mayhem and danger of many sorts. In 1887, he joined the European staff of the startup *Paris Herald*, and later worked as foreign editor of *The New York Recorder* before turning to writing full-time. The author of *Real Detective Stories* and *The Mysterious Card* was also the bent humorist who dreamed up *Careers of Danger and Daring*, a wild tour of disasters with chapter subheads such as "How Joshua Plumstead Stuck to His Nitro-Glycerin-Vat in an Explosion and Saved the Works" and "Wherein We See a Sleeping Village Swept by a River of Fire and the Burning of a Famous Hotel." Moffett's *The Conquest of America*, published in 1916, was an altogether different scary trip, narrated by a fictional reporter for the London *Times*, with chapters that charted the titular outcome step by step: "I Witness the Blowing Up of the Panama Canal"; "General von Hindenburg Teaches New York City a Lesson"; "Philadelphia's First City Troops Die in Defense of the Liberty Bell." *The New York Times* obituary that appeared a few days after his death in Paris reported that Moffett "was a trustee of the American Defense Society, Chairman of the American Defense Vigilantes and a leader in the suppression of seditious street orators." No mention was made of his position on the First Amendment.

**de Mille, William C.**

New York City
"The Woman"

Miller, Alice Duer (Mrs.)

New York City
"The Blue Arch"

Moffett, Cleveland

New York City
"A King in Rags"

Montague, Margaret Prescott (Miss)

West Virginia
"Linda"

Moore, Marion E. (Miss)

Tompkinsville, SI
"The Light in the Window"

Moyle, Seth

New York City
Literary Agent

Mumford, James P.

Clifton Springs, NY

Nicholson, Meredith

Indianapolis, Ind.
"A Hoosier Chronicle"

Nicolls, William Jasper

Philadelphia, Pa.
"Daughters of Suffolk"

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Obenchain, Lida Calvert (Mrs.)

Bowling Green, Ky.
"Aunt Jane of Kentucky"

O'Higgins, Harvey J.

Martinsville, NJ
"The Smoke Eaters"

Oppenheim, James

New York City
"The Olympians"

Osborne, William Hamilton

Newark, NJ
"Red Mouse"

Paine, Ralph D.

Durham, NH
"College Years"

Parker, William B.

New York City
Editor

Parrish, Randall

Kewanee, Ill.
"When Wilderness Was King"

Patten, Gilbert

New York City

Patterson, Florence L. (Mrs.)

New York City

Payne, Will

Paw Paw, Mich.
"The Losing Game"

Peebles, Mary Louise (Mrs.)

Upper Troy, NY
"A Question of Honor"

Perry, Arthur C., Jr.

Brooklyn, NY
"Outlines of School Administration"

Peterson, Arthur

Overbrook, Pa.
"Sigurd"

Phillips, Henry Albert

New York City
"The Plot of the Short Story"

Pollock, Channing

Shoreham, LI
"The Footlights—Fore and Aft"

Porter, Charlotte (Miss)

Cambridge, Mass.
"Lips of Music"

Porter, Harold E.

White Plains, NY
"Tutoring Henry"

Pulitzer, Ralph

New York City
"New York Society on Parade"

Purdie, Francis B.

New York City

Quintard, Edward

New York City
"Sea Babies and Other Babies"

Reed, Helen Leah (Miss)

Cambridge, Mass.
"Napoleon's Young Neighbors"

Remington, Joseph P.

Philadelphia, Pa.
"Practice of Pharmacy"

Reynolds, Paul R.

New York City
Literary Agent



Eliza Caroline "Lida" Obenchain (1856–1935) wrote under the pen name Eliza Calvert Hall, combining her father's and mother's surnames. She began her career sending poems to *Scribner's* magazine and continued writing throughout her life, short and long works of fiction that chronicled the lives of women in rural Kentucky, where she and her husband, a professor at Ogden College in Bowling Green, raised four children. An ardent suffragist and progressive, she received the equivalent of an Oprah shout-out from President Theodore Roosevelt in 1901. Addressing a gathering in Michigan, Roosevelt "cordially" recommended "the first chapter of *Aunt Jane of Kentucky* as a tract in all families where the menfolk tend to selfish or thoughtless or overbearing disregard to the rights of their womenfolk." The chapter was titled "Sally Ann's Experience"; *Aunt Jane* took off like a rocket.

Rhoades, Nina (Miss)
New York City
"Little Girl Next Door"

Rhone, Rosamond Dodson (Miss)
Farmington, NH
"Among the Dunes"

Rice, Alice Hegan (Mrs.)
Louisville, Ky.
"Lovey Mary"

Rice, Cale Young
Louisville, Ky.
"Nirvana Days"

Richmond, Grace S. (Mrs.)
Fredonia, NY
"Red Pepper Burns"

Riggs, Kate Douglas (Mrs.)
New York City
"Rebecca of Sunnybrook Farm"

Riley, James
Boston, Mass.
"Songs of Two People"

Rinehart, Mary Roberts (Miss)
Glen Osborne, Pa.
"When a Man Marries"

Robertson, Morgan
New York City
"A Tale of a Halo"

Robinson, Douglas (Mrs.)
New York City
"The Call of Brotherhood"

Roosevelt, Theodore
Oyster Bay, NY
"Winning of the West"

Roseboro, Viola (Miss)
Cos Cob, Conn.
"Players and Vagabonds"

Ryan, Coletta (Miss)
Boston, Mass.
"Songs in a Sun Garden"

Saalfeld, Adah Louise
Akron, O.
"Seeds of April's Sowing"

Sage, Dean
New York City

Scott, Donald
New York City

Sears, Joseph Hamblen
New York City
"Box of Matches"

Shaw, Adele Marie (Miss)
Forest Hills, LI
"The Lady of the Dynamos"

Shufeldt, Robert W.
Washington, DC
"Studies of the Human Form"

Lincoln Steffens (1866–1936):

Born into a prosperous San Francisco family, Steffens was raised in Sacramento and educated at a military academy before entering UC Berkeley. As an undergraduate, he picked his courses like a gourmet sampling an array of cheeses, much as he would choose causes and friends in later years. After getting his B.A. in history, he prevailed on his father to send him to Europe for further study. Stopping in New York on his way home three years later, he found a parental letter containing \$100 and orders to stay put and "hustle" until he had mastered the practicalities of life. He found his calling at the *New York Post*, reporting on dockworkers, slum dwellers and Wall Street, assignments that fed both his political instincts and his skills as investigative reporter and financial investor. In 1902, he became editor of the influential *McClure's Magazine*, working alongside fellow "muckrakers" Ida Tarbell and Ray Stannard Baker, and began writing the series of articles on corruption in municipal government that would make his reputation, published in book form in 1904 as *The Shame of the Cities*.

After reporting on the Mexican revolution in 1914–1915, the impassioned reformer began to see revolution as the more effective course, a view reinforced by his first trip to Russia in 1919, from which he returned to memorably declare that he had "seen the future, and it works."

The fellow whose goateed presence Malcolm Cowley compared to "a cartoonist's notion of a dapper French artist" was as filled with contradictions as the American political scene he despaired of. He counted among his friends Theodore Roosevelt, Jimmy Cagney and James Joyce, and was serially smitten, then disillusioned, by Mussolini and Stalin. His early investigation into Wall Street practices helped pave the way for the Federal Reserve System; the shrewd investments he made in the same period ensured a life as secure and comfortable as his father's.



Skinner, Henrietta Dana (Mrs.)

New York City
"Faith Brandon"

Sleicher, John A.

New York City
Editor

Sleight, Mary B. (Miss)

New York City
"An Island Heroine"

Sloane, William Mulligan

New York City
"Life of Napoleon Bonaparte"

Smith, Jeanie Davidson (Mrs.)

Johnstown, NY
"Sonnets of Life"

Smith, Mabel S.C. (Mrs.)

New York City
"A Tar-heel Baron"

Smith, Marion C. (Miss)

East Orange, NJ
"The Electric Spirit"

Smith, Russell E.

New York City
"Test of Tragedy"

Steele, Asa

New York City
Contributions to Periodicals

Steffens, Lincoln

New York City
"The Shame of the Cities"

Stevenson, Burton Egbert

Chillcothe, O.
"Soldier of Virginia"

Stoddard, William Osborn

Madison, NJ
"Ulric the Jarl"

Stratemeyer, Edward

Newark, NJ
"Dave Porter Series"

Street, Julian

New York City
"The Need of Change"

Edward Stratemeyer (1862–1930) sold his first story under his own name at 26 and dozens more under a variety of pseudonyms including "Fred Frisky" and "Roy Rockwood." In 1896, he began ghosting the endings on unfinished stories for his aging hero Horatio Alger, whose work Stratemeyer had published as an editor at *Good News*. After watching fellow editor Gilbert Patten's "Frank Merrill" series—by "Burt L. Standish"—catch fire in the last years of the century,



Stratemeyer launched a series of his own in 1901, "The Rover Boys," by "Arthur M. Winfield." As formulaic as Alger's and Patten's yarns before them, "Rover Boys" proved just as profitable, begetting "The Motor Boys," and in time, a pseudonymous army of carefully directed ghostwriters employed by the Stratemeyer Syndicate to keep the presses rolling. Among the many series launched by Stratemeyer were "Dorothy Dale," "Tom Swift," "The Bobbsey Twins," "The Hardy Boys" and "Nancy Drew," a formidable legacy of manufactured prose.

Stringer, Arthur

Cedar Springs, Canada
"The Shadow"

Stuart, Ruth McEnery (Mrs.)

New York City
"Sonny"

Sullivan, Mark

New York City
Editor

Sullivan, Thomas Russell

Boston, Mass.
"The Heart of Us"

Tarbell, Ida. M. (Miss)

New York City
"History of Standard Oil Company"

Tarkington, Booth

Indianapolis, Ind.
"Monsieur Beaucaire"

Taylor, Charles Maus, Jr.

Philadelphia, Pa.
"Touring Alaska and the Yellowstone"

Taylor, Mary Imlay (Miss)

Mamaroneck, NY
"The Reaping"

Telford, Emma Paddock (Mrs.)

New York City
"Evening Telegram Cook Book"

Thomas, Albert E.

New York City
"Cynthia Rebellion"

Thomas, Augustus

New Rochelle, NY
"The Witching Hour"

Thomas, Rowland

Millbrook, Mass.
"The Little Gods"

Booth Tarkington (1856–1946) burst upon the literary scene with back-to-back novels that tracked the fortunes of two young men of sharply contrasting characters and milieus: *The Gentleman from Indiana* (1899), a celebration of Midwestern modesty and uprightness, was succeeded by *Monsieur Beaucaire* (1900), a romance of disguised identity and intrigue set in 18th century-upper-crust Bath that would be adapted several times, including film versions that starred Rudolf Valentino (1924) and Bob Hope (1946).



Born into a politically well-connected Indiana family, Tarkington was voted most popular by his 1893 classmates at Princeton, where he was a star and founder of the Triangle dramatic club and from which he failed to graduate for want of a skipped course, a stumble neatly patched over with honorary degrees in 1899 and 1918, and a single term as Republican congressman from Indiana (1902–04). Though he traveled widely and would spend much of the last 25 years of his life in Kennebunkport, Maine, his heart and his most famous works—the “Penrod” series, which contemporaries compared to *Huckleberry Finn*, and the two novels for which he won the Pulitzer Prize in fiction, *The Magnificent Ambersons* and *Alice Adams*, remained permanently anchored in Indiana.

Train, Arthur C.

New York City
“The Prisoner at the Bar”

Troubetzkoy, Princess Pierre

New York City
“The Valiants of Virginia”

Trumbull, Annie Eliot (Miss)

Hartford, Conn.
“Mistress Content Cradock”

Underwood, J.J.

Seattle, Wash.
“Alaska: An Empire in the Making”

Upton, George P.

Chicago, Ill.
“Standard Operas”

Vance, Louis Joseph

New York City
“The Brass Bowl”

Wayne, Charles Stokes

Point Pleasant, NJ
“The Sable Lorch”

Webster, Jean (Miss)

New York City
“Daddy Long-Legs”

Wells, Carolyn (Miss)

Rahway, NJ
“A Nonsense Anthology”

West, Paul

New York City
“Just Boy”

Weyl, Walter E.

New York City
“The New Democracy”

Whitman, Roger B.

Flushing, NY
“Motor Car Principles”

Williams, Henry Smith

New York City
“The Science of Happiness”

Williams, Jessie Lynch

Princeton, NJ
“My Lost Duchess”

Wilson, Harry Leon

Monterey, Cal.
“The Spenders”

Winter, Alice Ames (Mrs.)

Minneapolis, Minn.
“Jewel Weed”

Wood, Eugene

New York City
“Back Home”

Wood, Otis F.

New York City

Wright, Marie Robinson (Mrs.)

New Rochelle, NY
“Mexico”

Wason, Robert Alexander

Delphi, Ind.
“Happy Hawkins”

Whitlock, Brand

Toledo, O.
“The Turn of the Balance”

Wiley, Franklin B.

Wayne, Pa.
“The Literary Beginner”

Woolley, Edward Mott

Passaic, NJ
“The Junior Partner”

Young, Rose (Miss)

New York City
“Henderson”

Zollinger, Gulielma (Miss)

Newton, Ia.
“Widow O’Callaghan’s Boys”

Associate Members

Blanchard, Amy E. (Miss)

New York City
"Talbot's Angles"

Burrowes, Katharine (Miss)

Detroit, Mich.
"Tales of the Great Composers"

Burrows, Annesley

Detroit, Mich.
"The Man Who Wouldn't Marry"

Cloud, Virginia Woodward (Miss)

Baltimore, Md.
"A Reed by the River"

Corbin, John

New York City
"An American at Oxford"

De Nise, George R.

Boulder, Wyo.

Duras, Victor Hugo

New York City
"Universal Peace"

Eblen, Frank J.

Akron, O.

Felix, Frederic

New York City

Fenollosa, Mary McNeil (Mrs.)

Mobile, Ala.
"Truth Dexter"

Fiske, Stephen

New York City
"Holiday Tales"

Gates, Herbert Wright

Rochester, NY
"Life of Jesus"

Gerhard, William Paul

Scarsdale, NY
"Theatres"

Grimké, Angelina W. (Mrs.)

Washington, DC

Harriman, Alice (Mrs.)

New York City
"A Man of Two Countries"

Kennedy, Sara Beaumont (Miss)

Memphis, Tenn.
"Joscelyn Chesire"

King, Grace (Miss)

New Orleans, La.
"Monsieur Mott"

Lilienthal, Howard

New York City
Medical Articles

Maynard, Margaret (Miss)

Nyack, NY

McKinney, Annie B. (Mrs.)

Vicksburg, Miss.

Mills, Enos

Longs Peak, Col.
"The Spell of the Rockies"

Patteson, S. Louise (Mrs.)

Cleveland, O.
"A Pestalozzian"

Price, Gertrude A.

Brooklyn, NY

Skinner, Richard Dana

Cambridge, Mass.
"Eunomies"

Smith, Chester Allen

Peekskill, NY

Thom, William B.

New York City

Towne, Paul Sidney

Flushing, NY

Wilson, George P.

Pinckneyville, Ill.

Kate Douglas Wiggin (Riggs)

(1856–1923): A teacher and director of the first free kindergarten in San Francisco in her early twenties, Kate Douglas Wiggin started writing as a way to raise money for the school after her marriage in 1881 obliged her to quit her job, which it did in most places back then. Her first two books, *The Story of Patsy* (1883) and *The Birds' Christmas Carol* (1887), were originally privately published but became commercial successes when Houghton Mifflin reissued them in 1889. From then on, Wiggin—who continued to publish under her first husband's name after his death, adopting her second husband's surname socially—was never out of print. She wrote scholarly works on education, novels for adults and for children, the most famous of which was *Rebecca of Sunnybrook Farm*. Published in 1903, it was the most popular "girls" book since *Little Women* and is still in print.



Along Publishers Row

Continued from page 2

phrases and sentences begin, another day's work."

DEBUT: In his media column in *The New York Times*, **David Carr** described **Scott Rudin** and **Barry Diller** as "two powerful entertainment moguls." They have started a new company in "the turbulent world of book publishing."

It is called Brightline. It will publish e-books and, in partnership with a Brooklyn publisher, Atavist, it will eventually put out physical books too. **Frances Coady**, a publishing executive, is a partner in the venture.

Carr wrote, "The alliance creates a new competitor in the rapidly changing digital book market, one that is dominated by Amazon, the online retailer, which has roughly 65 percent of e-book sales." E-books now account for more than 15 percent of publishers' revenue.

"Brightline" Carr concluded, "will pay big advances to compete for big-name authors, but many questions remain, including how the new company will share revenue with its authors and how it will get printed books into stores."

FOR ADULTS: **Eliezer Sobel** is an Authors Guild member and the author of *Minyan: Ten Jewish Men in a World That Is Heartbroken*.

He sent this column an excerpt from his new book, *Blue Sky, White Cloud*, which he described as a book for memory-challenged adults.

Sobel wrote: "Fairly early on in the progression of my mother's Alzheimer's disease, she could no longer follow stories or read books. . . . But one day I had an astounding revelation: Mom was thumbing through a magazine, looking at pictures, and I heard her

reading the big print out loud. *My mother can still read*, I realized."

So Sobel made an adult picture book of 32 pages. He plans for it to be the first in a series.

JOINING UP: **Thomas Pynchon**, the shy author of *Gravity's Rainbow* and *V*, finally gave in and allowed his seven novels and one story collection to be sold as e-books. **Julie Bosman** in *The New York Times* wrote, "The announcement signals another step toward the ubiquity of the e-book, even for authors who have stubbornly resisted it."

It is not uncommon now for a new novel to sell more e-book copies than print copies.

Pynchon's books are often long and have complicated page layouts that made them difficult to convert into e-book form. **Ann Godoff**, president and editor in chief of Penguin Press, said Pynchon's slow acceptance of the new trend may have been because "I think he reads in print."

FROM NORWAY: **Jo Nesbø**, the Norwegian author of crime thrillers, visited the U.S. and answered questions put to him by *The New York Times*. Nesbø's hero is Harry Hole, who uncovered a brutal serial murderer in Nesbø's latest novel, *Snowman*.

Nesbø is also the lead singer in a pop rock band and a former stockbroker. He said he is often asked if the dark Harry Hole novels are autobiographical and he said, "It isn't until characters start talking that you get to know them."

"At first I was pretty sure he [Harry Hole] didn't have anything to do with me, but then I realized that wasn't true. All writers write about themselves—that's inevitable. You put in your basic values, your views on politics and popular culture, the way you think about other people. It's really hard to have a main character with whom you

don't share these things. But then there are things we don't share at all. He has an addictive personality, and I guess I can relate to that, but I'm not an alcoholic. And for some reason he's not a big fan of my band."

LUCKY: Thirteen is **Don Winslow's** lucky number. *Savages* is his 13th novel and it's been made into a movie by **Oliver Stone**.

For years Winslow was a private investigator so his books come out of that experience. He was the subject of an article by *The New York Times's* **Charles McGrath**.

Winslow lives in California, and his novel is about the drug scene.

When Winslow began writing *Savages* in a pared-down style, he was "tired of people telling me how to write, what's going to sell and what isn't. I felt like throwing some elbows."

"Without sounding too presumptuous, I thought I was hearing a new language out there on the West Coast and wanted to see what happened if I put it in a book. I also wanted to play with the fractured way we get our information."

To the idea that his books suggest he is the brooding type, he said, "I'm actually pretty positive. But I guess it is a pretty dark vision sometimes. I don't know that I'd want to visit my brain except with a gun and a flashlight."

FOR KIDS: **Niall Leonard**, a TV screenwriter and husband of erotic novelist **E. L. James** (the *Shades of Grey* author), has written a book of his own. Took him a month.

The title is *Crusher*, and *The Guardian* said it was about a 17-year-old boy whose stepfather is beaten to death and the boy is chief suspect.

Leonard wrote the book on a challenge from his wife, who has had her three erotic romance books on the bestseller lists at the same time. *Crusher* came out in September from Random House Children's

Publishing. It's for young adults. Murder apparently is okay for kids, but it's not allowed in Leonard's wife's kind of erotic fiction.

SUBJECT MATTER: A cartoon by **Michael Maslin** in *The New Yorker* has a writer clicking away at his computer while his wife, in the doorway looking in, tells another woman: "It's a story of a crusty one-legged captain obsessed with a great white whale who's friends with a group of young women just out of college and living in Brooklyn."

HOT TITLES: The *Today Show* makes an effort to deal with books, and it did a segment about "sizzling" summer reading with two best-selling authors. **Charlaine Harris**, who writes about vampires, and **Janet Evanovich**, who has a long-running series starring a female detective, offered effusive praise for a dozen authors and titles.

They named newly-published books as the jackets splashed by on the TV screen. It all happened too quickly to make notes. At one point, Evanovich said, "I love **Joan Rivers**," and later claimed, "I love **Anthony Bourdain**." The comments were more endorsements (like blurbs for the books) than informative reviews.

COVER ART: Apparently, classic novels sell better to teens if new jackets make them look as if they might be as much fun to read as one of the *Twilight* or *Hunger Games* books.

The New York Times's **Julie Bossman** wrote, "The covers are intended to tap into the soaring popularity of the young-adult genre, the most robustly growing category in publishing."

One publisher hired fashion illustrator **Sara Singh**. She told the *Times*, "My challenge was to make something that's classic look appealing to 'tweens. We wanted to make [the covers] fashionable and

beautiful, with bright colors and handwritten text."

Julie Klein, who owns the Book Revue bookstore in Huntington, N.Y., said the new versions are selling briskly. "I appreciate the classics and I love when I can sell them to a new generation. Anything that gets kids to look at them."

INKED: It's been 50 years since **William Faulkner** died. To mark the occasion, the Folio Society is publishing *The Sound and the Fury* (1929) the way the author intended—the type in colored inks. *The Guardian* explained that the different colors mark chronological shifts in the story.

EARLY STARTS: In 1919, a novel entitled *The Young Visitors* was published. The author was a nine-year-old British girl, **Daisy Ashford**. It sold 200,000 copies but Ashford never wrote another book.

The Literary Life reports that "there have been at least a dozen authors who have published books before they were ten, the youngest of them only four years old."

CHOICES: **Ernest Hemingway** said farewell to *A Farewell to Arms* 39 times before he got it right. And Scribner's is publishing a new edition that includes all those possible endings plus early drafts of other passages in the novel.

Permission for this kind of presentation was granted by the Hemingway estate. Grandson **Sean Hemingway** told *The New York Times*, "I think people who are interested in writing and trying to write themselves will find it interesting to look at a great work and have some insight to how it was done."

Actually, there are 47 endings, and at least one was suggested by Hemingway's friend **F. Scott Fitzgerald**.

There are also a few suggested titles: *Love in War*, *World Enough and*

Time, *Every Night and All, Of Wounds and Other Causes*, *The Enchantment*.

TO BE YA OR NOT: A near controversy was stirred when a few writers said that they had written novels for adults, only to have them published as young adult fiction.

Kristin Cashore is the author of a trilogy of a YA novels including *Bitterblue*.

In an interview published in *The New York Times Book Review*, Cashore said, "The fact that at the moment the distinction is being made, a young adult, as opposed to an adult, is the one reading it. In other words, I don't entirely believe in the distinction. A great book is a great book and it is impossible to say what part of a person is going to connect to it. Age and experience aren't always among the most relevant factors."

SAMPLE: The outpouring of comment that followed **Nora Ephron's** death on June 26 included a mention of a spoof she wrote for *The New York Times Book Review*.

One of her targets was a feminist novel by **Marilyn French**. Ephron wrote a parody: "Vincent walked in. Her throat was dry. How would she ever manage to conduct an endless monologue on the plight of women with a dry throat?"

DID IT HERSELF: *Beautiful Disaster* is the title of a combined print and e-book bestseller by **Jamie McGuire**. The author is her own publisher, and she has an "official web site" to promote her novels.

The subject of one of her blogs is "if you are a writer and want help in publishing, here is what not to do."

McGuire wrote: "There is no secret. We all busted our asses and took our licks to get where we are. We did the research and found our own way. None of us talked a successful author into advertising our books on their page, and became an overnight success."

Her advice: make writers your friends but don't ever ask for any favors.

SEX: According to **Julie Bosman** of *The New York Times*, mother-of-the-vampire-craze **Ann Rice** delved deeply into the land of erotic fiction long before the "Fifty Shades" trilogy.

Published under the name A. N. Roquelaure, Rice's trilogy about *Sleeping Beauty* came out in the 1980s. The books now are being republished with Rice's name on the jacket, along with the message: "If you liked *50 Shades of Grey*, you'll love the *Sleeping Beauty* trilogy."

Publishers believe that book buyers can't ever get enough of any subject that becomes a big bestseller.

AT THE TOP: In September, PW noted that for the first time this year, the seven top slots on the bestseller list (hardbacks) were held by women.

OUT OF THE PAST: **Woody Guthrie**, the late folksinger, wrote a novel that will be published next spring. Historian **Douglas Brinkley** and movie actor **Johnny Depp** are the editors.

Finished in 1947, the fiction is about a couple in West Texas who fight banks and lumber companies in their effort to build an adobe house.

While working on an article about **Bob Dylan** last fall, Brinkley found the manuscript with help from Guthrie's daughter **Nora Guthrie**. Brinkley and Depp described the novel in *The New York Times Book Review*.

OUR MATERIAL: *Time To Be in Earnest: A Fragment of Autobiography* was published in 1999 by **P. D. James**, the British mystery writer.

She wrote: "Obviously we must use our own lives as material—what else do we have?—but a novelist

must be able to stand aside from this experience, view it with detachment, however painful, and fashion it into a satisfying shape. It is this ability to detach oneself from experience and at the same time portray it with honest and controlled emotion which make a novelist."

PARTY TIME: Lavish parties to celebrate the birth of a book are in short supply—unless you are a friend of **Graydon Carter**, the editor of *Vanity Fair*.

The restaurant that Carter half owns, The Waverly Inn in Manhattan, was the setting for celebrity sighting at a fete for **Kurt Andersen's** *True Believers*.

Carter told *The New York Times*, "Authors are still around, but publishing isn't what it used to be."

Guests included **Charlie Rose**, **Harvey Weinstein**, **Barry Diller**, **Julie Taymor**, **Arianna Huffington**, **Salman Rushdie**, **Christopher Buckley**, **Walter Isaacson** and **Marta Stewart**, who said she had written 77 books. **Tad Friend**, author of two books, said, "Based on the evidence of tonight and the crowd here, the publishing bubble has not burst."

NOIR: Irish novelist **John Banville** is writing a new novel starring Philip Marlowe—**Raymond Chandler's** Marlowe. It will be set in the 1940s in Bay City (Chandler's stand-in for Santa Monica). The publisher said the novel will "feature Chandler's hallmark noir ambience."

Chandler wrote seven novels, and the late **Robert Parker** produced one with Philip Marlowe doing the detecting instead of Spenser. It got savage reviews.

The Guardian said Banville's effort will be published next spring under his pen name, **Benjamin Black**.

ABOUT MARRIAGE: **Gillian Flynn** grew up in Kansas City, Mo., and

lives in Chicago. *Gone Girl*, her third novel, is a bestseller.

In an interview on CBS's *This Morning*, Flynn said *Gone Girl* was about "the dark side of marriage."

Flynn said her husband had encouraged her. "It takes a big man when his wife comes to him and says, 'Honey, I'm going to write this thriller about the darkest side of marriage and I'm going to poke around in it and everything,' he did not blink an eye. He said, 'Go for it. Do it. Don't censor yourself.'"

Was her marriage an inspiration? "Thank goodness, no," Flynn said.

TOO MUCH? With three "Shades of Grey" novels on the bestseller lists, **Roz Chast** took note with a cartoon in *The New Yorker*.

Chast drew a middle-aged couple sitting on a living room sofa, clutching their stomachs and looking utterly dazed. The title of the drawing is: "50 Billion Shades of Grey."

INSPIRATION: **Alison Bechdel** is a writer-cartoonist, author of *Fun Home* and *Are You My Mother?* In an interview for the "By the Book" column in *The New York Times Book Review*, she was asked what book had the greatest impact on her and what made her want to write.

Bechdel said, "*Harriet the Spy* in both cases. As a kid I just thought it made me want to be a spy. But now I see that it's an excruciatingly accurate depiction of the compulsion to write (and draw—**Louise Fitzhugh** illustrated the book herself) and the toll that this exacts on one's life."

FINDING LOVE: **Colson Whitehead's** most recent novel is *Zone One*. He wrote an essay for *The New York Times Book Review* that was titled "How to Write."

The piece consisted of 11 rules. Rule No. 2: "Don't go searching for a subject, let your subject find you. You can't rush inspiration. How do

you think **Capote** came to *In Cold Blood*? It was just an ordinary day when he picked up the paper to read his horoscope and there it was—fate. Whether it's a harrowing account of a multiple homicide, a botched Everest expedition or a colorful family of singers trying to escape from Austria when the Nazis invade, you can't force it. Once your subject finds you, it's like falling in love. It will be your constant companion. Shadowing you, peeping in your windows, calling you at all hours to leave messages like, 'Only you understand me.'"

Whitehead's 11th and last rule: "There are no rules. If everyone jumped off a bridge, would you do it, too? No. There are no rules except the ones you learned during your Show and Tell days. Have fun."

ADVICE: **Augusten Burroughs** is the author of *Running with Scissors* and, most recently, *This Is How*, a self-help book.

Burroughs wrote an essay for *The New York Times Book Review* entitled "How to Write How-To."

Burroughs said, "The writing process for my advice/self-help book . . . was unlike my experiences of writing a novel or memoir. I was less concerned with the craft of artful, attractive, witty sentences, and entirely concerned with clarity and specificity. I felt no need to maintain the levity of my previous books because the point of *This Is How* was not to entertain but to inform, challenge, help make minor psychological repairs and enlighten."

After stressing how failure is important, he concludes the essay with, "Personally, I wouldn't feel comfortable writing any sort of how-to book with anything resembling authority unless I was deeply aware of exactly how not to."

WINNER: **Colleen Hoover** lives in Texas with her husband and their three sons. She spends a lot of time

on her computer, promoting her books and courting readers. One of her self-published novels, *Slammed*, made bestseller lists.

On the Web, she is quoted: "For an Indie author to see success, it takes more than just a good story. It takes readers. It takes word-of-mouth. It takes a tremendous amount of time and effort."

Her success was not only making the bestseller list but in being signed by Atria, a Simon & Schuster imprint. Her books are now in bookstores.

MIXING IT UP: PW observed at length that "with publishing in flux, genres mix and mingle."

Sabrina Vourvoulis's *Ink* blends science fiction with magical realism. It came out in October, and booksellers "were uncertain where to shelve it."

Sean O'Brien's *Vale of Stars* mixes science fiction with political commentary and debates over ethics and morality.

M. K. Hume has written a historical novel with fantasy elements in *Clash of Kings*, due out in January. These days, anything goes.

TRUE VALUE: **J. Courtney Sullivan** is the author of two novels, *Maine* and *Commencement*, and three books of nonfiction. She lives in Brooklyn. She was asked by *The New York Times Book Review* to describe the perfect novel.

Sullivan said, "Character development is what I value most as a reader of fiction. If an author can manage to create the sort of characters who feel fully real, who I find myself worrying about while I'm walking through the grocery store aisles a week later, that to me is as close to perfection as it gets."

BIG TIMERS: *Forbes* magazine listed the top-earning writers of last year and at the top was **James Patterson** with \$94 million. **Stephen King**

earned \$39 million, **Janet Evanovich** took in \$33 million, **John Grisham** hit it big with \$26 million and **Jeff Kinney's** *Wimpy Kid* earned \$25 million.

Next year, *Forbes* said, **E. L. James** will join the elect because her three "Shades of Grey" books sold 20 million copies in four months. Movie rights brought her \$5 million.

SOLD! His books were sold from four buildings in Archer City, Texas, a unique store called "Booked Up." But author **Larry McMurtry** (*Lonesome Dove*, *The Last Picture Show*) decided to auction off 300,000 of his used books. The store will remain open but in only one building. McMurtry, 76, expected that "one store is manageable. Four stores would be a burden" for his heirs.

More than 150 collectors showed up to bid on an August day when the heat climbed to 110 degrees. McMurtry told *The New York Times* that the auction had become "an event that's transcended its literal purpose."

PENSION: The city of Buenos Aires now gives pensions to published writers to supplement their often meager retirement incomes. Eighty writers are profiting. Some receive as much as \$900 a month.

One of them is **Alberto Laiseca**, 71, the author of a dozen books of horror fiction with titles like *The Garden of Talking Machines* and *The Adventures of Professor Eusebio Fili-granati*. Laiseca was quoted in *The New York Times*: "The program is magnificent, delivering some dignity to those of us who have toiled our entire life for literature."

There are now plans to extend the program beyond Buenos Aires.

PRIZE: The largest award of its kind in North America is the Sami Rohr Prize for Jewish Literature, \$100,000. It is named for **Sami Rohr**, who died in Miami at 86 in August. The

prize was established in 2006 by Rohr's three children.

It is administered by the Jewish Book Council, and the director, **Carolyn Starman Hessel**, told *The New York Times*, "The impact [of the prize] has amazed me, giving authors an opportunity to take time off to pursue their craft. And that's what Sami Rohr believed in: he wanted to make sure that Jewish literature would thrive for generations."

The first award, in 2007, was given to **Tamar Yellin** for a novel, *The Genizah at the House of Sepher*, a thriller about a missing biblical codex. This year it went to **Gal Beckerman**, of the *Jewish Daily Forward*, for *When They Come for Us We'll Be Gone: The Epic Struggle to Save Soviet Jewry*. The prize alternates between fiction and nonfiction.

CHARITY: At the annual East Hampton (Long Island) Library Authors Night, 120 authors gathered under a tent to sell and sign their books. The 1,200 guests paid \$100 just to get in and shop around.

The authors sat behind desks stacked with their books. These included **Ken Auletta**, **Martin Amis**, **Dick Cavett**, **Robert Caro** and **David Baldacci**. The event raised \$200,000 for the library. A lot of the authors are already wealthy, and *The New York Times* reported that they wrapped off the evening with relaxing dinners at private homes.

CHANGELING: **Maria Semple**, author of a novel, *This One Is Mine*, and a comedy writer for television, moved to Seattle and hated it. She turned that emotion into a novel, *Where'd You Go, Bernadette*, and managed to get a big feature article in *The New York Times*.

The article's main focus was: How did the citizens of Seattle like having their homes, their clothing, their streets and rainy weather scorned in a comic novel?

No answer yet, but Semple said

that by the time she had finished her first draft, her opinions about the city had begun to change. "I was starting to like a lot of things about Seattle. The chill was melting and I realized I was growing out of this phase I was in. Now I love it here, and I can't imagine living anywhere else."

BOOM: Little is known about **Emily Dickinson**, but could she have been bald? She once said, "If I feel physically as if the top of my head were taken off, I know that is poetry."

THE POINT: **Michael Dobbs** is the author of three books about the Civil War. His latest nonfiction book is *Six Months in 1945*.

In a PW essay entitled "Why I Write . . ." he said, "I like to tell stories with vivid characters, exotic locales, and an exciting, well-defined plot. They must also have a clear beginning, middle, and end. Academics can be condescending about narrative history, but I find that telling the story in chronological fashion is the best way to explain what actually happened—and to keep your readers turning the pages, which is, after all, the point of the entire exercise."

ON YOUR OWN: Nearly 350,000 new print titles were published in 2011, and 150,000 of them were produced by self-publishing companies.

In an article warning writers who jump into self-publishing, *The New York Times* said that "you need to study carefully the details of each company's contracts; some charge very high markups for printing hardcover and paperback books, offer a lower share of the sales or make it difficult and expensive to leave a self-publishing company if you become dissatisfied."

Ron Pramschufer, president of Self Publishing Inc., said "It really is buyer beware out there. Don't get into the publishing business with-

out learning something about publishing."

SUBJECT MATTER: In *The New York Times's* Style magazine, **Joyce Carol Oates** was asked if she resented being asked why there was so much violence in her work.

Oates said, "I'm still asked that question constantly. And it seems so strange because I don't think they'd ask a question like that of most male writers, or they wouldn't ask that of someone who's covering the war in Afghanistan or who's writing about the Third Reich or Mao's China. It seems disingenuous to ask a writer why she, or he, is writing about a violent subject when the world and history are filled with violence. But I'm sure my friends get the same kinds of questions too. My friend **Edmund White** is probably asked why he writes about his love affairs. And **Anne Tyler** is probably asked, 'Why do you always write about housewives?'"

CRANK: From *The Writer's Quotation Book*, edited by **James Charlton**, a remark by the late **Gore Vidal**: "When I hear about writer's block, this one and that one! F**k off! Stop writing for Christ's sake. Plenty more where you came from."

ON VIOLENCE: **Michael Robatham's** latest novel is *Say You're Sorry*. It's about two teenage girls who are kidnapped. PW asked Robatham about the numerous sexual assaults the girls endure.

The author said, "I'm very careful to set boundaries when it comes to portraying physical and sexual violence. . . . I'm very critical of crime novels that use gratuitous violence to shock readers when it isn't necessary. If that's all you have to offer as a writer, perhaps you're in the wrong job. Violence is inevitable in crime novels but there are many different ways to tell a story. I use my characters' reactions to illustrate

the worst moments, rather than let readers watch them first hand."

OF SEQUELS: Sir **Andrew Morton** is a former poet laureate of Britain. He wrote an essay for *The New York Times Book Review* about sequels to famous books. He is the author himself of *Silver*, a novel that's a sequel to *Treasure Island*.

His advice: "Don't tread too hard on the heels of the original. Take the original text as a stable thing—and have serious fun with it. Imitation may be a sincere form of flattery, but something more ambitious than imitation is far more honoring."

Inspired by this essay, I decided that I would honor **Herman Melville** with a sequel to his greatest work. I shall tell my story with the famous whale as narrator. I have my first two sentences:

"Call me Moby-Dick. Many years ago—being hated by other whales because of my pale color—and feeling lonely, I thought I would swim about the ocean and examine all the watery part of the world."

STYLE: On *The Guardian's* Web page, **Mark Capell** wrote, "I like **Elmore Leonard's** comment on style: 'If it sounds like writing, I delete it.'"

One response: "Though you would have to explain how Leonard's writing is immediately recognizable as Leonard's writing. There can be no such thing as writing 'without style.'"

Another post: "Style and voice to a writer are what brushstrokes are to a painter—everything."

DIFFERENCES: **Elena Passarello** is an actor and writer. She is the author of a collection of essays entitled *Let Me Clear My Throat*.

She told an interviewer for PW that performing and writing are different. "It's like if you had a beach house and a ski lodge. Performing is so physical. All of the devices you make have to do with your body in

space interacting with other people. But at the same time, there's a limited autonomy. Literally, they put words in your mouth. Writing, you put the words into your own mouth, and there's no one there to help you. You really are training completely different muscle groups."

POLL BY BOOK BUYERS: According to Amazon, the best-selling political books in the U.S. are conservative. The only states that are selling more liberal titles are Vermont, Massachusetts, Rhode Island, Maryland and New York. The most liberal buyers of all (78 percent) are in the District of Columbia.

The most conservative book buyers (72 percent) are in Mississippi. Pennsylvania is split with half buying liberal books and the other half buying conservative titles.

GORE BIO: **Jay Parini**, novelist and biographer of **John Steinbeck**, **William Faulkner** and **Robert Frost**, is writing a biography of the late **Gore Vidal**.

Parini's editor, **Gerald Howard**, told *The New York Times* that the author had been a friend of Vidal for 30 years. "They hit it off quite well," Howard said, "and Jay had been talking to Gore for all that time, usually weekly and sometimes daily, in person or more often over the phone, so he knows a lot about Gore that he's heard directly from the source . . ."

Publication is slated for 2015.

NEW VIEW: Novelist **Paul Auster** is quoted in *The Guardian*: "**Raymond Chandler** invented a new way of talking about America, and America has never looked the same to us since."

MESSAGE MAN: **Andrew Hunt** is a history professor. His first novel, out in November, is *City of Saints*.

Hunt, who says he is not a Mormon, told PW, "I wrote this

novel featuring a devout Mormon detective, Art Oveson, in part to counter anti-Mormon bigotry."

Asked how writing fiction was different from nonfiction, Hunt said, "Fiction gives you a lot more freedom to write whatever you want. It's much harder to get published, but far more rewarding to write in so many ways. I've been writing nonfiction for so long, it comes naturally to me, but as a historian, I was trained to regard 'making things up' as taboo, which is what makes fiction writing so exhilarating. I feel like a free man!"

PIONEER: In PW, author **M. J. Rose** described her pioneering role in using the Internet to make a big seller out of a novel publishers wouldn't buy. Since then, she has written a dozen novels and founded Author Buzz.com. Her most recent novel is *The Book of Lost Fragrances*.

Her first novel, *Lip Service*, was rejected because it was an erotic novel with a mystery and a strong female main character—difficult to categorize, Rose was told.

In 2000, she self-published, and as soon as she had copies she took one to her local bookstore. The owner said, "I would never look at a self-published book." Rose said she "walked back outside, stood in the snow and burst into tears."

But then "I became tireless in marketing the book and sold almost 3,000 e-mail and print copies." It was discovered online by the Literary Guild and was then published traditionally by Atria. It sold 75,000 copies in the first month.

The copy currently on display in my local Barnes & Noble has a photo of two cherries on the cover.

Rose said, "The rules have all been bent or broken and the future is wide open to anyone with time, energy, and a good idea."

HOW TO: In an introduction to a new edition of **Anthony Burgess's**

A Clockwork Orange, **Martin Amis** wrote about how a novel is born. He said that it begins with an “enabling throb or whisper (a whisper that says, Here is a novel you may be able to write). Very mysteriously, it is the unconscious mind that does the heavy lifting. No one knows how it happens.”

Amis, whose latest novel is *Lionel Asbo: State of England*, explained: “The day-to-day business of writing a novel often seems to consist of nothing but decisions—decisions, decisions, decisions. Should this paragraph go here? Or should it go there? Can that chunk of exposition be diversified by dialogue? At what point does this information need to be revealed? Ought I use a different adjective and a different adverb in that sentence? Or no adverb and no adjective? Comma or semicolon? Colon or dash? And so on.”

INSTRUCTIONS: **Hilary Mantel**, the prizewinning historical novelist (see below), is the author of a memoir, *Giving Up the Ghost*.

Early in the book, she wrote: “I hardly know how to write about myself. Any style you pick seems to unpick itself before a paragraph is done. I will just go for it, I think to myself, I’ll hold out my hands and say, *c’est moi*, get used to it. I’ll trust the reader. This is what I recommend to people who ask me how to get published.

TV NEXT: The BBC2 is adapting **Hilary Mantel**’s best-selling *Wolf Hall* and *Bring Up the Bodies* in a six-part TV series. *The Guardian* reported the dramas will be broadcast late in 2013. Who will play **Thomas Cromwell**?

BEING BANNED NOT BAD: Much of the credit for the success of *The Perks of Being a Wallflower* by **Stephen Chbosky** is being given to the fact that it’s been on several

In Memoriam

Irving Adler
Frederick Baker
Jacques Barzun
Karen Blomain
Waldo T. Boyd
Avery Brooke
Robert W. Creamer
Neil Davidson
Inga Dean
Janet Gluckman
George Greenstein
Susan Jeffers
Walter James Miller
Barbara Rogers
Emerita Romero-Anderson
Earl Shorris
Edwin Silberstang
Josef Skvorecky
Bill Wallace

“banned books” lists. Published in 1999, it sells 70,000 to 100,000 copies a year, PW said.

The author wrote a screenplay and directed a movie version starring **Emma Watson** (film friend of Harry Potter). It opened in September.

ON RESEARCH: **Claire Vaye Watkins** is the author of *Battleborn*, a collection of short stories, and a teacher of creative writing at Bucknell University. Some of the stories appeared in *The Paris Review*.

Asked by a *New York Times* interviewer if she did a lot of research, especially for a story entitled “The Diggings” set in 1849, Watkins said, “Every story I write is heavily researched, though that scaffolding is surely most visible in ‘The Diggings.’ I watched documentary films about the Gold Rush and read several books about the forty-niners, and I read their letters. Research is important because it helps a writer get her facts right, of course, but

that’s nothing a good copy editor can’t do. What’s essential about research for me is the way it tunes my ear to characters’ language.”

TAKE IT OFF: “Many singers maintain that creativity is best expressed in the buff,” **Robert McCrum** wrote in a *Guardian* blog. “Maybe writers should take a fig leaf out of their book.”

He noted that **Lady Gaga** recorded her latest album while naked and the Canadian rock band Bare-naked Ladies performed that way.

McCrumb said, “Writing rituals, like fetishes associated with creativity, are intrinsically interesting . . .”

He cites a few: “day versus night, drunk versus sober, or champagne (**Harold Pinter**) versus benzedrine (**Graham Greene**), versus coffee (virtually everyone). Some writers are larks; others are owls.”

SCI-FI WITH HUMOR: **Iain M. Banks**’s most recent novel is *The Hydrogen Sonata*, which PW said “explores the background of the far-future Culture, where human, alien, and mechanical sentient beings mingle in a galactic melting pot.”

Asked about the humor he puts into his science fiction novels, Banks said, “Well, there’s humor almost everywhere, so why should SF or space opera escape? In the end, it’s about balance; you want to produce that sense of wonder SF is uniquely good at creating, and you want to dazzle the reader with astounding ideas and artifacts of preposterous scale, but if you don’t include an ironic, or at least sarcastic, commentary yourself, a smart reader will do it for you, and at that point you’ve started to lose them. A strand of undercutting humor is like a release valve letting the excess hot air out of the whole potentially absurd bubble of speculation that is SF.”

BLOG CHAT: **Sylvia Day**, 39 and the mother of two, is the author of

17 romance novels. Her latest, *Bared to You*, is a bestseller on all the lists.

She has an extensive blog on the Internet that includes quotes from her readers. In August, she wrote that it's okay for a book "not to be a perfect read, to have elements that a reader wishes would've been different or that a character would have acted in a different way. It's actually a bit more of a challenge to take you on a journey using a route you wouldn't have taken (or feel that a character wouldn't have taken) and still have you satisfied when you reach the destination. As a reader, I want an author to take me places I wouldn't have chosen to go. That's the escape."

ABOUT ROTH: **Blake Bailey** will write the authorized *Philip Roth: The Biography*. Bailey is the author of biographies of **Richard Yates**, **John Cheever** and **Charles Jackson**. Bailey's memoir, *The Splendid Things We Planned*, will be published in 2014.

MEMORY: **George R. R. Martin** turned up on National Public Radio, where he gave an account of a childhood fantasy that inspired his best-selling five-book series "A Song of Ice and Fire." *A Dance with Dragons* is the title of the latest novel.

Martin recalled his pet turtles when he was a boy: "I had this castle, this tiny castle made of tin. And it was just big enough for two of those turtle bowls that you bought in Woolworth's store. And so I kept all my turtles inside the castle. And since they lived in a castle, I decided they were all knights and kings, and I started making up stories where they betrayed each other. And they would die."

The books are the source for television's *Game of Thrones*.

EVOLUTION: The e-book continues to evolve and one major step might delight **Charles Dickens**—serialization.

Episodes of a "book" are being delivered to readers in scheduled installments, *The New York Times* reported, "like episodes in a television series." Amazon offered Kindle Serials, stories selling for \$1.99 and published in short episodes downloaded onto the Kindle.

In August, Byliner announced a new digital imprint of serialized fiction by authors **Margaret Atwood** and **Joe McGinniss**.

A novel called *The Silent History* began in October and was available on the Apple iPhone and iPad. It includes interactive, user-generated elements. The app is free but readers pay for the book's content, which arrived daily in installments of about 15 minutes reading time.

ON CRITICS: **Peter Stothard** was the chairman of the 2012 Booker Prize jury. In an interview in the London *Independent*, he said, "There is a widespread sense in the UK, as well as America, that traditional, confident criticism, based on argument and telling people whether the book is any good, is on the decline. Criticism needs confidence in the face of extraordinary external competition. It is wonderful that there are so many blogs and websites devoted to books, but to be a critic is to be importantly different than those sharing their own taste. . . . Not everyone's opinion is worth the same."

FUN SUBJECT: **Susan Orlean's** most recent book is *Rin Tin Tin*. She talked about dog books in an essay for *The New York Times Book Review*.

Orleans said that in writing about a dog, "You're bringing a literary eye to a subject that could be treated in a sort of cheesy way. Writing well about something emotional is really gratifying. And I guess there's the pleasure of it; because I love dogs, it was just really fun to just think about them. It was just fun."

DEATHS

Irving Adler, 99, died September 27 in Bennington, Vt. Fired from the New York City school system in 1953 for refusing to say whether or not he was a Communist, he went on to write 87 books for children. Titles include *The Secret of Light* (1952) and *Why? A Book of Reasons* (1961).

Nina Bowden, 87, died August 22 in London. She was the author of more than 40 books, both novels and nonfiction. Her best-known title for children was *Carrie's War* (1973). Other titles include *The Peppermint Pig* (1975), *Circles of Deceit* (1987) and *Dear Austen*, a memoir (2005).

Hugo Bedau, 85, died August 13 in Norwood, Mass. Noted for his opposition to the death penalty, the professor was the author of *Making Moral Choices* (1997).

Maeve Binchy, 72, died July 30 in Dublin, Ireland. She was the author of 16 novels including *Light a Penny Candle* (1982), *Circle of Friends* (1990) and *Tara Road* (1998). Several of her books were bestsellers.

Helen Gurley Brown, 90, died August 13 in Manhattan. The longtime editor of *Cosmopolitan* magazine was the author of the best-selling *Sex and the Single Girl* (1962), *Having It All* (1982) and *I'm Wild Again* (2000).

Malcolm W. Browne, 81, died August 27 in Hanover, N.H. The Pulitzer Prize-winning reporter for *The New York Times* was the author of an autobiography, *Muddy Boots and Red Socks* (1993).

Remy Charlip, 83, died on August 14 in San Francisco. The dancer and choreographer became a writer and illustrator of children's books. Titles include *Dress Up and Let's Have a Party* (1956), *Arm in Arm* (1960) and *Mother Mother I Feel Sick* (1966).

Barry Commoner, 95, died September 30 in Brooklyn Heights. According to *The New York Times*, he

was "the founder of modern ecology and a provocative thinker." He was the author of *The Closing Circle* (1970) and *Making Peace with the Planet* (1990).

Stephen R. Covey, 79, died July 16 in Idaho Falls, Idaho. He was the author of *The Seven Habits of Highly Effective People: Restoring the Character Ethic* (1989). It sold more than 25 million copies. Other titles: *Seven Habits for Highly Effective Families* (1997) and *The 8th Habit: From Effectiveness to Greatness* (2004).

Marion Cunningham, 90, died July 11 in Walnut Creek, Calif. The home cooking advocate was the author of *Learning to Cook* (1999) and seven more cookbooks. She revised *The Fannie Farmer Cookbook* in the 1970s.

Phyllis Diller, 95, died August 20 in Brentwood, Calif. The comedian was the author of *Phyllis Diller's Housekeeping Hints* (1968), *The Joys of Aging and How to Avoid Them* (1981), and an autobiography: *Like a Lampshade in a Whorehouse: My Life in Comedy* (2006).

Irvin Faust, 88, died July 24 in Manhattan. The high school guidance counselor was the author of *Roar Lion Roar and Other Stories* (1965), *Willy Remembers* (1971) and *Jim Dandy* (1994).

Shulamith Firestone, 67, died August 28 in Manhattan. She was the author of *The Dialectic of Sex: The Case for Feminist Revolution* (1970), a book still widely taught in colleges, and *Airless Spaces* (1998).

Karl Fleming, 84, died August 11 in Los Angeles. The journalist was author of *Son of the Rough South: An Uncivil Memoir* (2005).

James Fogle, 75, died August 23 in Monroe, Wash. A thief and drug addict, often in prison, he was the author of several unpublished books that became the inspiration for the movie *Drugstore Cowboy* and then appeared as a novel of the same title.

Philip L. Fradkin, 77, died July 8 in Point Reyes Station, Calif. He was

the author of 13 books including *A River No More: The Colorado River and the West* (1996), *The Great Earthquake and Firestorms of 1906: How San Francisco Nearly Destroyed Itself* (2006) and *Wallace Stegner and the American West* (2008).

Eugene D. Genovese, 82, died September 28 in Atlanta. A historian of the South, Genovese was the author of more than a dozen books (several written with his wife). Titles include *Roll, Jordan, Roll: The World the Slaves Made*, which won the Bancroft Prize for history in 1975.

Suzu Gershman, 64, died July 25 in San Antonio. She was the author of 16 "Born to Shop" guides for New York, London, Paris, Hong Kong, France and Italy, published over 26 years.

Harry Harrison, 87, died on August 15 in southern England. He was the author of more than 60 novels including *Bill the Galactic Hero* (1965) and *Make Room! Make Room!* (1966).

Daryl Hine, 76, died August 20 in Evanston, Ill. A poet, editor and translator, his books included *In & Out* (1975) and *Academic Festival Overtures* (1985). His last book, *In Reliquary*, will be published next spring.

Eric J. Hobsbawm, 95, died October 1 in London. The historian wrote a trilogy with the titles: *The Age of Revolution: 1789–1848* (1988), *The Age of Capital: 1848–1875* (1988), and *The Age of Empire: 1875–1914* (1989). A coda, *The Age of Extremes: A History of the World, 1914–1991*, was published in 1994.

Robert Hughes, 74, died August 6 in the Bronx. The *Time* magazine art critic for 30 years was the author of *The Shock of the New* (1981), *The Fatal Shore* (1987), *Goya* (2003), *Rome* (2011) and a memoir, *Things I Didn't Know* (2006).

John Keegan, 78, died August 2 in Kilmington, England. He was the author of 20 books, of which the best known was *The Face of Battle* (1976).

Other titles include *A History of Warfare* (1993) and *The Iraq War* (2004).

Maurice H. Keen, 78, died September 11 in Oxford, England. A historian, Keen wrote or edited almost a dozen books. Titles include *Chivalry* (1984), which redefined medieval court life.

Jean Merrill, 89, died August 2 in Randolph, Vt. She was the author of more than 30 books for children including *Henry the Hand-Painted Mouse* (1951), *The Pushcart War* (1964) and *The Toothpaste Millionaire* (1972).

George A. Miller, 92, died July 22 in Plainsboro, N.J. The Harvard psychologist was the author of *Language and Communication* (1951), *The Magical Number Seven, Plus or Minus Two* (1955) and *Plans and the Structure of Behavior* (1960).

Else Holmelund Minarik, 91, died July 12 in Sunset Beach, N.C. She was the author of *Little Bear* (1957), *Father Bear Comes Home* (1959), *Little Bear's Friend* (1960), *Little Bear's Visit* (1961) and *A Kiss for Little Bear* (1968). The "I Can Read" books for the very young have sold millions of copies.

Alexander Saxton, 93, died August 20 in Lone Pine, Calif. The novelist and historian was the author of *Grand Crossings* (1943), a first novel published when he was 24. Other titles include *The Great Midland* (1948), *Bright Web in the Darkness* (1958), *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (1971) and *Blackface Minstrelsy and Jacksonian Ideology* (1975).

Anna Schwartz, 96, died June 22 in Manhattan. An economist, she was the coauthor, with **Milton Friedman**, of *A Monetary History of the United States, 1867–1960* (1963) and *Monetary Statistics of the United States: Estimates, Sources, Methods* (1970).

Gitta Sereny, 91, died June 14 in Cambridge, England. She was the author of psychological studies: *Into*

That Darkness (1974), *Albert Speer: His Battle with Truth* (1995) and *Cries Unheard: Why Children Kill* (1998).

John Silber, 86, died September 27 in Brookline, Mass. The controversial academic (president of Boston College) was the author of *Straight Shooting: What's Wrong with America and How to Fix It* (1989) and *Architecture of the Absurd* (2007).

Louis Simpson, 89, died September 7 in Stony Brook, N.Y. The poet won the Pulitzer Prize in 1964 for his poem collection *At the End of the Open Road* (1963). Among his many other books were *Searching for the Ox* (1976), *In the Room We Share* (1990), and *The Owner of the House:*

New Collected Poems (2003). He also wrote two autobiographies: *North of Jamaica* (1972) and *The King My Father's Wreck* (1995).

Donald J. Sobol, 87, died July 11 in South Miami. He was the creator of the Encyclopedia Brown detective series for children. The first Brown book came out in 1963, and the 28th volume, *Encyclopedia Brown and the Case of the Soccer Scheme* came out this October.

John F. Stacks, 70, died September 11 in Manhattan. A senior editor at *Time* magazine, he was the author of *Scotty: James B. Reston and the Rise and Fall of American Journalism* (2003) and three other books, in-

cluding the best-selling *To Set the Record Straight* (1979, ghostwritten for Federal Judge **John J. Sirica**.)

Michael Wreszin, 85, died August 12 in Manhattan. He was the author of *Oswald Garrison Villard: Pacifist at War* (1965), *The Superfluous Anarchist* (1972) and a biography of critic **Dwight Macdonald**.

Michael J. Ybarra, 45, died in a fall during a solo climb the first weekend in July in Yosemite National Park. The extreme-sport reporter was author of *Washington Gone Crazy: Senator Pat McCarran and the Great American Communist Hunt* (2004). ♦

BOOKS BY MEMBERS

Robert H. Abzug (Ed.): *William James's Varieties of Religious Experience*; **Warren Adler**: *The Serpent's Bite*; **Tasha Alexander**: *Death in the Floating City*; **Sherman Alexie**: *Blasphemy: New and Selected Stories*; **Thomas B. Allen**: *The First Mormon Candidate*; **Christopher Andersen**: *Mick: The Wild Life and Mad Genius of Jagger*; **Alan Anand**: *Scorpio Rising*; *Hide in Plain Sight*; *Harm's Way*; **John Annerino**: *Saints, Santos, and Shrines*; **Piers Anthony**: *Luck of the Draw*;

Alan K. Baker: *The Lighthouse Keeper*; **Sandra Balzo**: *Dead Ends*; **Kate Banks** (and Georg Hallensleben, illus.): *The Bear in the Book*; **Rick Bass**: *A Thousand Deer: Four Generations of Hunting and the Hill Country*; **Peter Benjaminson**: *Mary Wells: The Tumultuous Life of Motown's First Superstar*; **Wendell Berry**: *A Place in Time: Twenty Stories of Port William*; **Maryka Biaggio**: *Parlor Games*; **Deidre Blair**: *Saul Steinberg: A Biography*; **Francesca Lia Block**: *The Elementals*; **Mervin Block**: *Weighing Anchors: A Veteran TV Newswriter Critiques the Networks' Top Anchors*; **Betty Bolté**: *Hometown Heroines (True Stories of Bravery, Daring, and Adventure)*; **Sandra Boynton**: *Christmas Parade*;

Peter Brown: *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350–550 AD*; **Sandra Brown**: *Low Pressure*; **Joseph Bruchac** and **Jeff Newman**, illus. (and James Bruchac): *Rabbit's Snow Dance*; **Carol A. Butler** (and Less Sellnow): *Knowing Horses: Q&As to Boost Your Equine IQ*;

Colleen Carroll Campbell: *My Sisters the Saints: A Spiritual Memoir*; **Jacqueline Carey**: *Dark Currents*; **R. Dewey Cassell**: *Marie Severin: The Mirthful Mistress of Comics*; **Miriam Chaikin** (and Gabriel Lisowski, illus.): *Hard-lucky: The Story of a Boy Who Learns How to Think Before He Acts*; **Jerome Charyn**: *Under the Eye of God*; **Michael Connelly**: *The Black Box*; **Joseph Cowley** (Adapt.): *Lewis Carroll's Alice's Adventures in Wonderland*; **Judy Cox** (and Jeffrey Ebbeler): *Snow Day for Mouse*; **Tad Crawford**: *A Floating Life*; **Priscilla Cummings**: *The Journey Back*; **Robin R. Cutler**: *The Laughing Desert: Dick Wick Hall's Salome Sun*;

Roberta Degnore: *Until You See Me*; **Nelson DeMille**: *The Panther*; **Mike Denney**: *Nobody's Boy: An Old Doctor and New Science*; **Ken Derby**: *Mischief*

of the Stuffed Animals; **Damon DiMarco**: *My Two Chinas: The Memoir of a Chinese Counterrevolutionary*; *Fat Kid Got Fit: And So Can You!*; **Crescent Dragonwagon** (and David McPhail, illus.): *All the Awake Animals Are Almost Asleep*; **Lawrence Dunning**: *Rondo and Fugue for Two Pianos*; **Olivier Dunrea**: *Little Cub*; **Patrick Durantou**: *Hegel Encyclopedia of Philosophical Sciences*; *The Same and the Other*; *The Philosophical Influence of the Works of Antonio Machado*; *Spirals*;

Julie Andrews Edwards (and Henry Cole, illus.): *Little Bo in London: The Ultimate Adventure of Bonnie Boadicea*; **Dave Eggers** (Ed.): *The Best American Nonrequired Reading 2012*; **Ed Emberley** (and Rebecca Emberley): *The Ant and the Grasshopper*; **Karen Engelmann**: *The Stockholm Octavo*; **Louise Erdrich**: *The Round House*;

Firth Haring Fabend: *New Netherland in a Nutshell: A Concise History of the Dutch Colony in North America*; **Ken Follett**: *Winter of the World*; **Jack Foreman**: *Transcendental Meditation: The Essential Teachings of Maharishi Mahesh Yogi*; **Joan Frank**: *Because You Have To: A Writing Life*; **Ian Frazier**: *The Cursing*

of *Mommy's Book of Days*; **Nancy Frazier**: *I, Lobster: A Crustacean Odyssey*;

Peter A. Galuszka: *Thunder on the Mountain: Death at Massey and the Dirty Secrets Behind Coal*; **Kathlyn Gay**: *Food: The New Gold*; **Lisa Genova**: *Love Anthony*; **Tess Gerritsen**: *Last to Die*; **Perry Glasser**: *Riverton Noir*; **John Glassie**: *A Man of Misconceptions: The Life of an Eccentric in an Age of Change*; **Marita Golden**: *Living Out Loud: A Writer's Journey*; **Judy Goldman**: *Losing My Sister*; **Barbara Graham**: *Murder by Vegetable: The Baby Quilt*;

Donald Hall (and Mary Azarian, Illus.): *Christmas at Eagle Pond*; **Jean O'Malley Halley**: *The Parallel Lives of Women and Cows: Meat Markets*; **Peter Hannaford**: *Presidential Retreats*; **Carolyn Hart**: *Cry in the Night*; *Skulduggery*; *What the Cat Saw*; **Amy Hill Hearth**: *Miss Dreamsville and the Collier County Women's Society*; **Colin D. Heaton** and **Anne-Marie Lewis**: *The Me 262 Stormbird: From the Pilots Who Flew, Fought, and Survived It*; *The Star of Africa: The Story of Hans Marseille, the Rogue Luftwaffe Ace Who Dominated the WWII Skies*; **Deborah Heiligman**: *Intentions*; **Karen Hesse**: *Safekeeping*; **Mark Peter Hughes**: *Lemonade Mouth Puckers Up*

Pascal James Imperato (and Gavin H. Imperato) *Bundu: Sowe! Headpieces of the Sande Society of West Africa*; **Susan Isaacs**: *Goldberg Variations*; **Rachel Isadora**: *There Was A Tree*;

Ian Jackman (and Michael Feinstein): *The Gershwins and Me: A Personal History in Twelve Songs*; **Jordan Jacobs**: *Samantha Sutton and the Labyrinth of Lies*; **Alan Jacobson**: *Hard Target*; **David Jacobson**: *Of Virgins and Martyrs: Women and Sexuality in Global Conflict*; **Eloisa James**: *The Ugly Duchess*; **Susan Jaques**: *A Love for the Beautiful: Discovering America's Hidden Art Museums*; **John A. Jenkins**: *The Partisan: The Life of William Rehnquist*; **Colin Jerolmack**: *The Global Pigeon: How Animals Shape City Life*; **Rebecca L. Johnson**: *Zombie Makers: True Stories of Nature's Undead*; **Margaret Placenta Johnston**: *Faith Beyond Belief*;

Stories of Good People Who Left Their Church Behind;

Frederick Kaufman: *Bet the Farm: How Food Stopped Being Food*; **Henry Keller**: *The Making of Ghosts*; *Hollywood on the Couch: A Psychoanalyst Examines 15 Famous Films*; *Personality: How It Forms*; *The Discovery of God: A Psychoevolutionary Perspective*; **Kitty Kelley**: *Capturing Camelot: Stanley Tretick's Iconic Images of the Kennedys*; **Nancy B. Kennedy**: *How We Did It: Weight Loss Choices That Will Work for You*; *Miracles & Moments of Grace: Inspiring Stories from Doctors*; **Paul Kennedy**: *Engineers of Victory: The Problem Solvers Who Turned the Tide in the Second World War*; **Thomas E. Kennedy**: *Getting Lucky: New and Selected Stories*; **Sarah S. Kilborne**: *American Phoenix: The Remarkable Story of William Skinner, a Man Who Turned Disaster Into Destiny*; **Ric Klass**: *Excuse Me for Living*; **Mirka Knaster**: *Living This Life Fully: Stories and Teachings of Munindra*; **Jon Krampner**: *Creamy and Crunchy: An Informal History of Peanut Butter, the All-American Food*; **Linda Kranz**: *Love You When...*; **William Kuhn**: *Mrs. Queen Takes the Train*; **Harold S. Kushner**: *The Book of Job: When Bad Things Happened to a Good Person*;

Anne Lamott: *Help, Thanks, Wow: The Three Essential Prayers*; **J R Lankford**: *The Sacred Imposter*; **Eve LaPlante**: *Marmee & Louisa: The Untold Story of Louisa May Alcott and Her Mother*; **Eve LaPlante** (Ed.): *My Heart Is Boundless*; **Janice Law**: *Fires of London*; **Janet Lawler** (and Amanda Haley, Illus.): *Snowzilla*; **Janet Lembke**: *Chickens: Their Natural and Unnatural Histories*; **Rika Lesser** (Transl. with Cecile Ingleliss Margellos; Kiki Dimoula, author): *The Brazen Plagiarist: Selected Poems*; **Laura Levine**: *Death of a Neighborhood Witch*; **Kerstin Lieff** (and Margaret Dos): *Letters from Berlin: A Story of War, Survival, and the Redeeming Power of Love and Friendship*; **Richard Lingeman**: *The Noir Forties: The American People from Victory to Cold War*; **Robert Lipsyte**: *The Twinning Project*; **Robert Littell**: *Young Philby*; **Lois Lowry**: *Son*; **Cynthia Lynn**: *The Haunting*;

Marylee MacDonald (Contrib.): *New Sun Rising: Stories for Japan*; **Stan Mack**: *Fight for Freedom*; *Taxes, the Tea Party, and Those Revolting Rebels: A History in Comics of the American Revolution*; **Mary Mackey**: *A Grand Passion*; *The Kindness of Strangers*; *The Last Warrior Queen*; *McCarthy's List*; *Season of Shadows*; *Immersion*; **Ted Magnuson**: *The Bouchard Legacy*; **Lawrence Malkin** (and Susan Traill): *Dancing with Madmen: The Wall Street Novel*; **Susan Mallery**: *A Fool's Gold Christmas*; **JoAnn Mapson**: *Finding Casey*; **Leonard S. Marcus**: *Listening for Madeleine: A Portrait of Madeleine L'Engle in Many Voices*; **Jane Marinsky**: *Just Perfect*; **Margaret Maron**: *The Buzzard Table*; **Carolyn Marsden**: *My Own Revolution*; **Katherine Marsh**: *Jepp, Who Defied the Stars*; **Ann M. Martin**: *The Good and Bad Things About My Life (So Far)*; **Alice Mattison**: *When We Argued All Night*; **Mary Maxwell**: *An Imaginary Hellas*; *Emporia*; *Cultural Tourism*; **Robin Maxwell**: *Jane: The Woman Who Loved Tarzan*; **Teresa McCarthy**: *Once Upon A Diamond*; **Barbara McClintock**, Illus. (and Natalie Merchant, Ed.): *Leave Your Sleep: A Collection of Classic Children's Poetry*; **Barbara McClintock**, Illus. (and Ellen Bryan Obed): *Twelve Kinds of Ice*; **Philip McFarland**: *Mark Twain and the Colonel: Samuel L. Clemens, Theodore Roosevelt, and the Arrival of a New Century*; **James McGregor**: *No Ancient Wisdom, No Followers: The Challenges of Chinese Authoritarian Capitalism*; **Jennifer McMahon**: *The One I Left Behind*; **Patrick F. McManus**: *The Horse in My Garage and Other Stories*; **Edie Meidav**: *Lola, California*; **Mark A. Michaels** and **Patricia Johnson**: *Great Sex Made Simple: Tantric Tips to Deepen Intimacy & Heighten Pleasure*; **Craig Moodie**: *A Sailor's Valentine and Other Stories*; **Susanna Moore**: *The Life of Objects*; **Bonnie J. Morris** (and Phil Evans, Illus.): *Women's History for Beginners*; **Charles R. Morris**: *The Dawn of Innovation: The First American Industrial Revolution*; **Donald Morris**: *Tax Cheating: Illegal—But Is It Immoral?*; **Walter Mosley**: *Merge/Disciple: Two Short Novels from Crosstown*; **Laura Mullen**:

Enduring Freedom; **Miriam Murcutt** and **Richard Starks**: *A Room with a Pew: Sleeping Our Way Through Spain's Ancient Monasteries*; **Shirley Rousseau Murphy**: *Cat Bearing Gifts*; **Elizabeth A. Murray**: *Forensic Identification: Putting a Name and a Face on Death*;

David Nasaw: *The Patriarch: The Remarkable True Life and Turbulent Times of Joseph P. Kennedy*; **Carl A. Nelson**: *Annapolis: The Making of a Naval Officer*; *Boot Camp Buddies*; **Jay Neugeboren**: *The Other Side of the World*; **Alyson Noel**: *Echo*;

Caragh M. O'Brien: *Promised*; **Barbara O'Connor**: *On the Road to Mr. Mineo's*; **Kim O'Donnell**: *The Meat Lover's Meatless Celebrations*; **Jenni Ogden**: *Trouble In Mind: Stories from a Neuropsychologist's Casebook*; **Margaret O'Hair**: *Sweet Baby Feet*; **Anna Olswanger** (and Miriam Nerlove, Illus.): *Greenhorn*; **Karen Osborn**: *Centerville*;

Alison Pace: *You Tell Your Dog First*; **Donald Palmisano**: *The Little Red Book of Leadership Lessons*; **Richard Panichyk**: *New York City History for Kids: From New Amsterdam to the Big Apple*; **Marjorie Blain Parker** (and Holly Berry, Illus.): *Colorful Dreamer: The Story of Artist Henri Matisse*; **Karen Patterson**: *Eating Your Way Across Ohio: 101 Must Places to Eat*; **Carol Antoinette Peacock**: *Red Thread Sisters*; **Laura Pederson** (and Penny Weber, Illus.): *Unplugged: Ella Gets Her Family Back*; **Gene Perret**: *The Ten Commandments of Comedy*; **Herbie J. Pilato**: *Twitch Upon a Star: The Bewitched Life and Career of Elizabeth Montgomery*; **Randall Platt**: *Liberty's Christmas*; **Letty Cottin Pogrebin**: *How to Be a Friend to a Friend Who's Sick*; **Rhonda Pollero**: *Bargain Hunting*; **Nick Pollotta**: *Gentlemen Prefer Witches*; **James Ponti**: *Dead City*; **Douglas Preston** (and Lincoln Child): *Two Graves*; **Laurence Pringle**: *Ice!: The Amazing History of the Ice Business*;

Robin Pulver (and Lynn Rowe Reed, Illus.): *The Case of the Incapacitated Capitals*; **Mara Purl**: *Where the Heart Lives*;

Emily Raboteau: *Searching for Zion: The Quest for Home in the African Diaspora*; **Doreen Rappaport** (and Matt Tavares, Illus.): *Helen's Big World*; **Chris Raschka** (Illus., and James Howe): *Otter and Odder: A Love Story*; **Cheryl Reavis**: *The Soldier's Wife*; **Suzanne Rhodenbaugh** (Ed.): *Sarah's Civil War: The Edited Diary, 1859-1865, of Sarah Lois Wadley*; **Linda Lightsey Rice**: *Against the Ruins*; **Elizabeth Richards**: *Black City*; **Alyson Richmond**: *The Rhythm of Memory*; **Charles Robbins**: *The Accomplice*; **Betsy Robinson**: *Conversations with Mom: An Aging Baby Boomer, in Need of an Elder, Writes to Her Dead Mother*; **Bill Roombach**: *Life Among Giants*; **Albert Russo**: *Crystals in a Shock Wave: The Works of Albert Russo*; *Embers Under My Skin*; *Gosh Zapinette Vol. 1: Parisian Zapy*; *Gosh Zapinette Vol. 2: Zapy in Macaroniland*; *Gosh Zapinette Vol. 3: Zapy Back in Gay Paree*; **Richard Russo**: *Elsewhere: A Memoir*;

Oliver Sacks: *Hallucinations*; **Peter Adam Salomon**: *Henry Franks*; **Charles Salzberg**: *Swann Dives In*; **Paul Schullery**: *The Time Traveler's Tale*; **John Schwartz**: *Oddly Normal: One Family's Struggle to Help Their Teenage Son Come to Terms with His Sexuality*; **Lynne Sharon Schwartz**: *Two-Part Inventions*; **Michael Sears**: *Black Fridays*; **Robert J. Seidman**: *Moments Captured*; **R. F. Sharp**: *No Regrets, No Remorse*; **Nancy Shaw** (and Kristina Rodanas, Illus.): *Elena's Story*; **Michael W. Sherer**: *Night Blind*; **Seymour Simon**: *Seymour Simon's Extreme Earth Records*; **Larry Sloman** (and Peter Criss): *Makeup to Breakup*; **Charlene Smith**: *Whispers on My Skin: A Rape Survivor's Guide to Relearning Intimate Touch*; *Mandela and America*; **Robert Ellis Smith**: *The Magnetism of Islands*;

Roland Smith: *Kitty Hawk*; **Eliezer Sobel**: *Blue Sky, White Clouds: A Book for Memory-Challenged Adults*; **Eileen Spinelli** (and Marjorie Priceman, Illus.): *Cold Snap*; **Eileen Spinelli** (and Bin Lee, Illus.): *Together at Christmas*; **Stephanie Spinner** (and Meilo So, Illus.): *Alex the Parrot: No Ordinary Bird*; **Diane Stanley**: *The Cup and the Crown*; **John Stephens**: *The Fire Chronicle*; **Jim Sterba**: *Nature Wars: The Incredible Story of How Wildlife Comebacks Turned Backyards into Battlegrounds*; **Deanne Stillman**: *Desert Reckoning: A Town Sheriff, a Mojave Hermit, and the Biggest Manhunt in Modern California History*; **R. L. Stine**: *Red Rain*; **Victoria Strauss**: *Passion Blue*; **Carren Strock**: *In the Shadow of the Wonder Wheel*; **Mark Sullivan**: *Rogue*;

Janelle Taylor: *Necessary Evil: A Christmas Surprise*; *Kiss of the Christmas Wind*; *How the Zebra Got Its Stripes*; **Patrick Taylor**: *An Irish Country Wedding*; **Susan Terkel** (and Lorna Greenberg): *The Circumcision Decision*; **Dustin Thomason**: *12.21*; **Jeffrey Toobin**: *The Oath: The Obama White House and the Supreme Court*;

Rachel Vail: *Kiss Me Again*; **Doug Valentine**: *A Crow's Dream*; **George Venn**: *Keeping the Swarm*; **Erica Verrillo**: *Chronic Fatigue Syndrome: A Treatment Guide, 2nd Edition*;

Fay Weldon: *Habits of the House*; **Gloria Whelan** (and Stephen Costanza, Illus.): *Smudge and the Book of Mistakes: A Christmas Story*; **Margaret Willey**: *Four Secrets*; **Arthur Wooten**: *Arthur Wooten's Shorts*; *Leftovers*; *Wise Bear William: A New Beginning*; **Herman Wouk**: *The Lawgiver*;

Jasenn Zaejian: *Healing Personal Depression and Anxiety For Good: The Only Self-Help Solution You'll Ever Need*; **Jane Breskin Zalben**: *Mouster-piece: A Mouse Sized Guide to Modern Art* ♦

MEMBERS MAKE NEWS

The National Book Foundation held the National Book Awards Ceremony on November 14 at Cipriani in New York. **Elmore Leonard** was presented with the 2012 Medal for Distinguished Contribution to American Letters. **Louise Erdrich** won the National Book Award for Fiction for *The Round House*. **Robert A. Caro** was a finalist in the Nonfiction category for *The Passage of Power*. **Susan Wheeler** was a finalist in the Poetry category for *Meme*. **Dave Eggers's** *A Hologram for the King* and **Kevin Powers's** *The Yellow Birds* were both finalists in the Fiction category.

The winners of the 31st annual Northern California Book Awards were announced on June 10 at the San Francisco Library's Koret Auditorium. *Sequoia Gardens* by **Ernest J. Finney** won for Fiction. Finalists included *Sugar Zone* by **Mary Mackey** (Poetry), *Come, Thief* by **Jane Hirshfield** (Poetry), *Lola, California* by **Edie Meidav** (Fiction), *Everett Ruess: His Short Life, Mysterious Death, and Astonishing Afterlife* by **Philip L. Fradkin** (Creative Nonfiction), *The Left Coast: California on the Edge* by **Philip L. Fradkin** (Creative Nonfiction), and *Rereading Women: Thirty Years of Exploring Our Literary Traditions* by **Sandra M. Gilbert** (Creative Nonfiction).

The PEN American Center presented its 2012 PEN Literary Awards at the CUNY Graduate Center's Proshansky Auditorium in New York City on October 23. **E. L. Doctorow** was the recipient of the PEN/Saul Bellow Award for Achievement in American Fiction, which honors a living American author for the breadth and quality of his work over a sustained career. **James Gleick** was awarded the PEN/E. O. Wilson Literary Science Writing Award for *The Information: A History, a Theory, a Flood*. **Robert K. Massie** won the PEN/Jacqueline Bograd Weld Award for Biography for *Catherine the Great: Portrait of a Woman*. **Janny Scott's** *A Singular Woman: The Untold Story of Barack Obama's Mother* was the runner-up for the PEN/Jacqueline Bograd Weld Award for Biography. **Kostya Kennedy's** *56: Joe DiMaggio and the Last Magic Number in Sports* was the runner-up for the PEN/ESPN Prize for Literary Sports Writing.

The Storytelling World Resource Awards are given annually to books for children that have "story-listener appeal." The categories cover stories for children of all ages. This year's winners included **Lester L. Laminack** for *Three Hens and a Peacock* (Young Listeners) and **Ying Chang Compestine** for *The Runaway Wok* (Pre-Adolescent Listeners). Young Listeners honorees included **Lucine Kasbarian** for *The Greedy Sparrow: A*

Rewritten Armenian Folktale, **Susan VanHecke** for *An Apple for Dinner* and **Wendy Henrichs** for *I Am Tama, Lucky Cat: A Japanese Legend*. Honorees for Pre-Adolescent Listeners included **Eric Kimmel** for *The Three Little Tamales* and **Josephine Nobisso** for *Francis Woke Up Early*; **Erica Silverman** was an Adolescent Listeners honoree for *Liberty's Voice*.

The Sound of a Wild Snail Eating by **Elisabeth Tova Bailey** won the 2012 William Saroyan International Prize for Writing in the category of Nonfiction. The award is sponsored by Stanford University Libraries and the William Saroyan Foundation and honors new and emerging talent.

Jason Berry received the 2011 Investigative Reporters and Editors (IRE) Book Award for *Render Unto Rome: The Secret Life of Money in the Catholic Church*. The IRE Awards were presented at the 2012 IRE Conference in Boston on June 16.

Barbara Fischkin was named Senior Editor of *On the Issues Magazine*.

Ric Klass and his novel *Excuse Me for Living* were chosen to participate in the National Press Club's 35th Annual Book Fair & Author's Night in Washington, D.C. on November 13, 2012.

Marylee MacDonald's short story "The Pancho Villa Coin" won the *Yalobusha Review's* 2012 Barry Hannah Fiction Prize. Her short story "Tea and Sugar" won the *Broad River Review's* 2011 Rash Award.

Deena Metzger won the 2012 PEN-Oakland Josephine Miles Literary Award for Fiction for her novel *La Negra y Blanca: Fugue and Commentary*. The awards ceremony will take place on December 1 at the Oakland Public Library Rockridge Branch.

Bonnie J. Morris won Finishing Line Press's New Women's Voices Chapbook Competition for *The Schoolgirl's Atlas*.

What the Heart Knows by **Mara Purl** is a finalist for the Foreword Book of the Year Award for Romance, which honors independently published titles that expand the reader's world. Winners will be announced at the 2013 American Library Association Conference next summer. Her book also won the 2012 Indie Excellence Award for Romance.

Embers Under My Skin by **Albert Russo** was a finalist for the 2012 Indie Excellence Award for Poetry. ♦

Letters

Continued from page 2

timately gave up the exercise you recommend and arranged for 100 percent of client earnings to go directly to my new agency. Perhaps there's a good reason why "it's always been done this way."

—Leigh Feldman, Literary Agent
New York

Mark Levine responds:

Leigh Feldman deserves kudos for having already attempted the two-check solution I recommended for authors in my last column, and I'm grateful to her for calling my attention to the confusion that resulted.

As she points out, however, the problem is not the two checks but the two royalty statements. Authors can easily avoid this problem by providing in their contracts that the publisher issue the two checks but provide only one royalty statement—for 100 percent of the amount payable, as they have always done. If the author, agent and publisher want (or the publisher says it's necessary for its computer software to properly print the two checks), the contract can require the publisher to add two brief lines right below the 100 percent amount, viz.

"Amount payable to Author: [insert 85 percent of the 100 percent amount]"

Split Royalty Payments? The Guild's Take

The Authors Guild's *Model Trade Book Contract and Guide* advises on pp. 57–58 that the author and agent should each be empowered to instruct the publisher to split payments. The guide cautions that such a provision is "quite controversial," however, and that some agents object that it damages the trust underlying the author-agent relationship. Others point out that the author may find tax reporting more complicated, since agents aggregate royalty payments into a single 1099 Form. Separate payments may not be in the author's interest where the agent has placed foreign rights. Some agents take steps to minimize overseas bank charges, for example, and file forms that prevent foreign tax authorities from deducting taxes from royalties. The Guild recommends that authors confirm that their literary agents belong to the Association of Authors' Representatives, which has a code of ethics and disciplinary rules governing their members' handling of authors' funds.

"Amount payable to Agent: [insert 15 percent of the 100 percent amount]"

Sample language for such a clause can be found at www.BookContracts.com. ♦

BULLETIN BOARD

Multiple Genres

Arts & Letters will accept submissions for its 2013 contests in fiction (short story), poetry, drama (one-act play) and creative nonfiction. Winners receive \$1,000 and publication in the journal. Entry fee: \$15 per submission (\$17 online). Submission timeline: February 1 to **March 18, 2013**. For submission guidelines, visit al.gcsu.edu/prizes.php. Contact: *Arts & Letters* Prizes, Campus Box 89, Georgia College & State University, Milledgeville, GA 31061.

The Association of Writers and Writing Programs (AWP) sponsors annual competitions for book-length works: the Donald Hall Prize for Poetry and the Grace Paley Prize for Short Fiction, both of which award the winners \$5,500 and publication, as well as awards for

novels and creative nonfiction, the winners of which receive \$2,500 and publication. Entry fee: \$20 for AWP members, \$30 for nonmembers. Submission deadline: **February 28, 2013**. Visit awpwriter.org/contests/awp_award_series_overview for submission guidelines and eligibility requirements. Contact: George Mason University, 4400 University Drive, MSN 1E3, Fairfax, VA 22030. 703-993-4301.

The Passaic County Community College Poetry Center offers four awards with deadlines this winter and spring: the Paterson Prize for Books for Young People, the Allen Ginsberg Poetry Awards, and the Paterson Fiction Prize for a novel or collection of short fiction. Cash prizes range from \$100 to \$1,000. Deadlines range from **March 15 to April 1, 2013**. Visit pccc.edu/

home/cultural-affairs/poetry-center/prizes for more information, including application guidelines for each prize. Contact: Maria Mazziotti Gillan, Executive Director, Poetry Center, Passaic County Community College, One College Boulevard, Paterson, NJ 07505. (973) 684-6555, mgillan@pccc.edu.

Poetry

Ahsahta Press is accepting submissions for the Sawtooth Poetry Prize, which honors an unpublished book of original poetry written in English. The winner receives \$1,500 and publication by Ahsahta Press in 2014. Entry fee: \$25. Deadline: **March 1, 2013**. For more information, visit ahsahtapress.boisestate.edu/contest.htm.

The Kundiman Poetry Prize is awarded to an exceptional book of poetry by an Asian American poet. The winner receives \$1,000, publication by Alice James Books, and the opportunity to do a reading in New York City. Entry fee: \$28. Deadline: **March 1, 2013**. For more information, visit kundiman.org/prize/. Contact: Kundiman, P.O. Box 4248, Sunnyside, NY 11104.

The James Laughlin Award is given to honor a second book of original poetry, in English, by a citizen of the United States. To be eligible, a book must have come under contract with a United States publisher between May 1, 2012, and April 30, 2013. Suggested length is between 40 and 75 pages. The Academy of American Poets will award the winning poet \$5,000 and will purchase copies of the book for distribution to its members. Deadline: **May 15, 2013**. For more information, please visit www.poets.org/page.php/prmID/118. Contact: The Academy of American Poets, 75 Maiden Lane, Suite 901, New York, NY 10038. awards@poets.org.

The Montreal International Poetry Prize is offering \$20,000 for one original, unpublished poem of no longer than 40 lines written in English. Entry fees range from \$15 to \$25. Deadline: **May 15, 2013**. For more information and submission guidelines, visit montrealprize.com/competition/the-details/. Contact: contact@montrealprize.com.

Fiction

So to Speak, a biannual feminist journal of poetry, fiction, nonfiction, and art published by George Mason University, is accepting entries for its 2013 Fiction Contest. The winner receives \$500, publication in the journal, and two complimentary issues; runners up will also receive publication. Entry must not exceed 4,500 words and must be submitted online. Entry fee

is \$15. Deadline: **March 15, 2013**. For more information, visit sotospeakjournal.org/contests/. Contact: *So to Speak*, George Mason University, 4400 University Drive, MSN 2C5, Fairfax, VA 22030.

The Lorian Hemingway Short Story Competition honors emerging short fiction writers. The winner receives \$1,500 and publication in *Cutthroat: A Journal of the Arts*. The runners up receive \$500 each. Entries must not exceed 3,500 words in length. The entry fee is \$15 for stories submitted by **May 1, 2013**, \$20 for those submitted by the final deadline, **May 15, 2013**. For more information, visit www.shortstorycompetition.com/Guidelines.php. Contact: Lorian Hemingway Short Story Competition, P.O. Box 993, Key West, FL 33041. shortstorykw@gmail.com **Nonfiction**

Residencies

The Marguerite and Lamar Fellowship for Writers at Columbus State University for the Fall 2013 semester begins September 1 and ends December 1, during which the Smith/McCullers Fellow will reside in a private apartment in Carson McCullers' childhood home. There is a stipend of \$5000 to cover costs of transportation, food, and other expenses. Recipients will be required to present their work through readings or workshops and coordinate with the Center Director on a formal presentation near the end of the residency. Deadline: **April 1, 2013**. For more information, visit mccullerscenter.org/fellowships.php. Contact: Courtney George, Director, The Carson McCullers Center Fellowship Program, Columbus State University, 4225 University Avenue, Columbus, GA 31907. george_courtney2@columbusstate.edu. ♦

From the President

Continued from page 6

lic gets to read. Say what you might about *50 Shades of Grey*, it is an example of readers finding what they want, despite publishers' initial lack of interest in providing it. E-books are here to stay. In some important ways, they make the business of publishing far more economic: no costs for paper, printing, warehousing, or shipping. But the new e-universe has delivered new challenges.

Between e-books and online sales, Amazon now dominates bookselling in this country. Its increasing economic clout is demolishing independent book-

stores and threatens to obliterate the publishing model we've known for close to two centuries, replacing it with a do-it-yourself system, in which each author is obliged to play editor, marketer, and entrepreneur. Seeing the future, our largest publishers have begun to take steps to level the playing field by consolidating imprints and forming ever-larger corporate entities. Such concentration will not end well for authors.

New technology often brings conflict over copyright issues, but there is more money at stake than ever before. Google and others have made free use of copyrighted works under the increasingly expansive rubric of fair use—a use in which the corporate entity makes a profit while authors make nothing. These commercial interests have found some allies among copyright professors, under the banner of making works more broadly accessible. It goes without saying that every author should have the right to make her or his work available on an open or free basis. It is less obvious why anyone should think they have the right to override the copyright of other authors who choose not to.

***One imagines we could never face
such problems in the United States,
where copyright is explicitly
protected by the Constitution.***

Finally there is what I regard as the greatest threat of all—piracy. In a society where access to the Internet is approaching the universal, piracy of copyrighted works is rampant and will soon approach the Russian situation, unless strong action is taken to prevent it. The safe harbor provisions of the Digital Millennium Copyright Act have broken the long tradition of the common law that says that someone who aids and abets wrongdoing shares responsibility for it. Today you can, as I did this morning, google “Scott Turow novel pirated copy” and get a result from Pirate Bay offering a full collection of my novels. The notion that a publicly traded company feels no compunction about aiding simple theft, and hauls in advertising revenue as it does so, is beyond galling; it represents a complete collapse of an ethical business culture.

There will always be books, authors, and readers. There will always be libraries. But whether we continue to fulfill the Constitution's mandate to promote progress by allowing the literary arts to flourish is far less clear. ♦

What Do You Mean, I'm Not a Joint Author?

Continued from page 12

ceive, co-authorship billing; because Larson had never listed her as a co-author on drafts; and because Larson had entered into all contracts concerning the play as the sole author, the court held that Thomson was not a joint author.

Contributions by editors are not likely to clear the intent hurdle either: as the *Childress* court said, “very few editors and even fewer writers would expect the editor to be accorded the status of joint author, enjoying an undivided half interest in the copyright in the published work.”

By contrast, in *Maurizio v. Goldsmith*, a case involving a claim to joint authorship of *The First Wives' Club*, the district court held that if Maurizio could prove at trial that Goldsmith, who had written most of the book, had suggested that they both “co-write the book” and that they both would “make a lot of money,” that would tend to prove that Goldsmith had intended that Maurizio be a joint author. (The case never went to trial because the parties settled.)

You may think you are able to meet these three requirements in connection with the book that you and your friend want to write about the election. But there is no guarantee that your friend will see it the same way, no matter how far back your friendship goes. Before the dispute that gave rise to *Childress v. Taylor*, Taylor and Childress had been best friends for thirty years. Once it started, neither one would settle, even though the case went on for several years and involved thousands of dollars in attorneys' fees on each side.

It costs far less to negotiate a collaboration agreement up front than to litigate afterwards. If it turns out that you and your colleague have very different ideas about who will own the work or how the project should proceed, it's better to find that out before you start working. Also, with a collaboration agreement, you can structure your respective ownership and exploitation rights the way you want to. For example, you may want to provide that neither of you can exploit the work without the other's consent. (By contrast, in the absence of a joint ownership agreement, each joint author may enter into a non-exclusive license on her own, but she has to pay her coauthor a proportional share of the profits.)

At the end of the day, then, even though collaboration agreements do not always work out as planned, in most cases, the benefit outweighs both the potential cost of having to prove that you are a joint author, and the risk of having a court hold that you are not. ♦

Legal Watch

Continued from page 14

Greenspan in the appellate brief he recently submitted to the First Circuit Court of Appeals.)

Also detrimental to Greenspan was the fact that, according to the court, he failed to allege facts that the defendants' misrepresentations harmed his business by causing the loss of sales or goodwill. As a result, both the unfair competition and false advertising claims were dismissed.

Defamation

Greenspan's defamation claims arose from statements made in *The Accidental Billionaires*, where he is incorrectly referred to as "Grossman" and pejoratively referred to as "some kid," and where, regarding Greenspan's website, Mezrich wrote, "hardly anyone paid attention to it . . . and [it] wasn't particularly slick." Additionally, Greenspan claimed defamation from omissions in both *The Accidental Billionaires* and *The Social Network* that allegedly withheld from Greenspan the recognition he was due, and from statements made by Mezrich in a C-SPAN interview claiming *The Accidental Billionaires* was true (thereby magnifying the previously mentioned harms) and attributing false motives to Greenspan.

A defamation claim will stand if a court finds that the allegedly defamatory statement "would tend to injure the plaintiff's reputation, or hold the plaintiff up to scorn, hatred, ridicule or contempt, in the minds of any considerable and respectable segment of the community." The references to Greenspan as "Grossman" and "some kid," the court found without much discussion, were not defamatory under this standard.

Additionally, defamation claims cannot be founded on expressions of opinion. When deciding this question, courts must "examine the statement in its totality in the context in which it was uttered or published." Mezrich's dismissive remarks were couched in the language of opinion, the court found, because in their original context they were qualified by the phrase "as far as Eduardo knew," which serves to caution the reader that the statement "is based on the extent of Eduardo's knowledge and not any undisclosed facts." Similarly, the statements made by Mezrich in the C-SPAN interview were found to be based on opinion and not any undisclosed fact.

As for Greenspan's claim that he suffered defamation by the omission of his name and role from the

Legal Services Scorecard

From July 21 through November 1, 2012, the Authors Guild Legal Service Department handled 306 legal inquiries. Included were:

- 45 book contract reviews
- 9 agency contract reviews
- 20 reversion of rights inquiries
- 28 inquiries on copyright law, including infringement, registration, duration and fair use
- 16 inquiries regarding securing permissions and privacy releases
- 23 electronic rights inquiries
- 3 First Amendment queries
- 162 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

book and the subsequent film, the court was quite dismissive: "[e]ssentially, Greenspan contends that the harm resulting from the omissions was that he was robbed of his proper recognition for his role in the origins of Facebook; that is not a claim of defamation."

—Ryan Fox
Legal Intern

Reeling in a Big Fish

U.S. vs. Kim Dotcom

U.S. District Court for the Eastern District of Virginia

Today, you can access almost any movie, computer program, video game or live sporting event online somewhere without spending a penny beyond your regular Internet subscriber fee. While the U.S. government has shut down several well-known domestic peer-to-peer file sharing and streaming file sharing sites, its efforts to track down and prosecute similar sites internationally has largely been a failure.

Just last year, the Department of Homeland Security seized the domain and blocked access to the foreign-hosted site atdhe.net shortly before the 2011 Super Bowl aired. Among atdhe's many offerings were its live streams of NFL games. With the NFL Sunday

Ticket exclusively licensed to DIRECTV by the NFL, and it became the go-to site for football fans who did not want to trek out to a sports bar every Sunday to watch their favorite non-local teams play. Unfortunately, within hours of the government seizing the domain and blocking access to U.S. citizens, dozens of similar affiliated sites popped up, dooming the effort by the Department of Homeland Security.

It appears that the U.S. government may be more successful in its effort to shut down another popular file-sharing site, Megaupload, which gave users free access to commercial-free episodes of virtually any currently running television show and many that are no longer being broadcast but remain under license. Recently, the U. S. District Court for the Eastern District of Virginia rejected a motion made by Megaupload's founder, Kim Dotcom, to dismiss a prior criminal in-

*At the .net became the go-to site for
football fans who did not want to trek out
to a sports bar every Sunday to watch
their favorite nonlocal teams play.*

dictment for copyright infringement against Megaupload because it lacked a "last known address" within the Eastern District of Virginia or a "principal place of business elsewhere in the United States" where it could receive a copy of the criminal summons.

In its decision, the court noted that Federal Rule of Criminal Procedure ("FRCP") Rule 9 stipulated that a court must issue a summons to a defendant named in an indictment at the request of the government. Moreover, pursuant to FRCP Rule 4, a summons must be served on an organization "by delivering a copy to an officer, to a managing or general agent, or to another agent appointed or legally authorized to receive service of process. A copy must also be mailed to the organization's last known address within the district or to its principal place of business elsewhere in the United States."

In the case of Kim Dotcom and Megaupload, the court found there was no problem with the first re-

quirement, since the government could deliver a copy of the summons to Kim Dotcom, the founder and an officer of Megaupload and thereby "legally authorized to receive service of process," as soon as he was extradited from Germany. However, the court found that there was an issue with the requirement to mail a copy to the organization's business address, since neither Kim Dotcom nor the servers he uses to host Megaupload reside in the United States.

The court noted that prior courts have held that Rule 4's mailing requirement is satisfied by mailing a copy of the summons to a wholly foreign corporation's domestic subsidiary. The court pointed out that "this has been the case when the court, in effect, pierced the corporate veil to find the domestic subsidiary an alter ego of the foreign corporate parent," thereby eliminating "the legal distinction between a corporation and its alter ego." Mailing a copy to the company's alter ego, Kim Dotcom, the court ruled, was the same as mailing it to the named corporation being indicted. The court added that prior case law supported the conclusion that jurisdiction was established because FRCP Rule 2 provides that the other FRCP Rules should be "interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable delay."

Essentially, the court found that Rule 2 provides some leeway in interpreting the other FRCP Rules. Although Rule 4 is silent on the "alter ego" issue, it becomes "relevant" because of the leeway given courts under Rule 2, allowing for jurisdiction over the defendant. As such, the court held that Megaupload would have notice of the proceeding and would be able to mail the summons to Kim Dotcom once he was extradited to the U. S. Moreover, the court noted that the government could prove Dotcom would serve as the subsidiary under the alter ego analysis once he was in the U. S. By allowing for such service under Rules 2 and 4, the court found the mailing requirement could be satisfied. The court denied Kim Dotcom's motion to dismiss, and as we went to press, Megaupload.com is not viewable in the U.S.; Homeland Security has blocked access to the site domestically. A small or even temporary victory for copyright holders, but a victory nonetheless.

—Michael Gross
Staff Attorney

Why Should Writers' Talk Come Cheap?

BY STEVE ETTLINGER

The other day I reached a limit I thought I'd never reach—I turned down an interview request. And not just any Podunk radio station. I turned down NBC TV, of all outfits!

The young booker at NBC News headquarters was flabbergasted when I said, after some consideration, that I couldn't rush to the nearest affiliate. I happened to be on a coastal Maine island, working on my next book, and I did not want to devote a day of my life to driving 60 country road miles to a TV station in Bangor, Maine for (maybe) a one-minute lightweight-expert talking-head kind of thing. "I completely understand that your time is precious, as is mine," the snippy little elf e-mailed me, misreading my reasons. That got me thinking.

NBC wasn't alone in taking an interest in me. I got over 100 e-mails just that afternoon. Of course I opened every one the instant it arrived. My adrenaline was pumping, my professional dedication in full gear. I did 12 other radio, Web and print interviews in about three hours, and many more in the following few days. But though I'm perfectly happy to help my publisher make a few extra bucks, I've learned from experience that all I'll probably ever get out of the three or four days it takes to prepare and give interviews is a sore throat and workload on hold, which is just what this particularly intense effort caused.

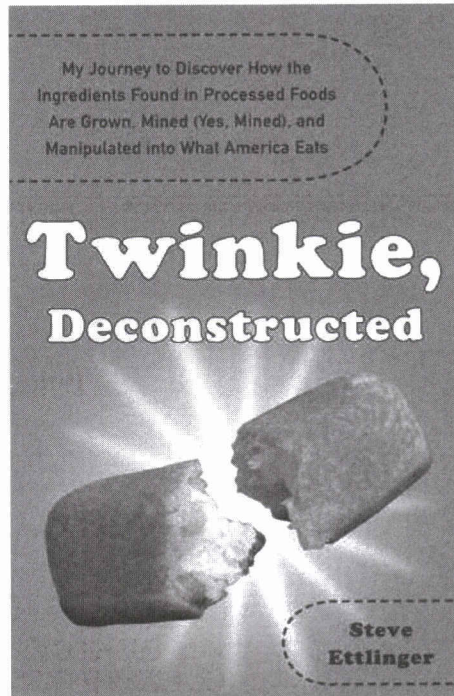
Why all of this sudden fame and attention? A few years ago, Hudson St. Press/Plume/Penguin pub-

lished my pop-science book about artificial food ingredients, *Twinkie, Deconstructed*, using the Twinkies ingredient list as a table of contents. The title has led journalists all over the world to think of me as the No. 1 Twinkie expert. Alas, I only researched the ingre-

dients. Yet when Hostess filed for bankruptcy they all called to ask me why Americans love Twinkies the way they do—and about the future of all Hostess brands. (Really. Even the BBC called.) I'm game, up to a point, mostly out of habit.

The problem is that my book came out in hardcover back in 2007 (paper in 2008), and while it has sold quite well, it has not yet earned out because I was lucky enough to get a big advance. The paperback and e-book royalties add up very slowly, making it hard to justify spending full days doing interviews even if it had earned out. Besides, the questions are not even about my book, so I doubt many folks will rush out and buy a copy after listening in.

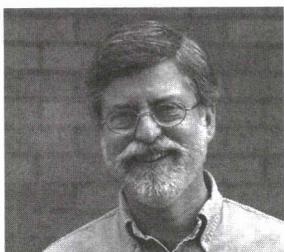
I've enthusiastically given interviews for every book I've published since 1988. I've done them from my bed; I've done them from pay phone booths in the middle of a field (i.e., before cell-phones). I agree that we authors need to do every possible bit of publicity we can. Being a natural ham and



I got over 100 e-mails just that afternoon.

... Journalists all over the world think of me as the No. 1 Twinkie expert.

Alas, I only researched the ingredients.



Steve Ettlinger (www.steveettlinger.com) is the author of seven books. *Twinkie, Deconstructed* (www.twinkiedeconstructed.com) is his most recent. He has appeared on all the major network morning shows.

an entrepreneur, I'm always ready and willing; it's fun, too, and generally limited to when your book has just been published. But what to do when you're caught up in the news cycle for days and the interviews are not about your subject? What should you do when it is unlikely to be of any monetary benefit to you, and to top it all off, they're saying, "well, it will get you some good exposure"? For more interviews?

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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.

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The best I can wish for is a call to give a major paid lecture, which actually happened once. A guy looking for a keynote speaker for a national convention of quality control engineers (!) hired me for \$5,000 after hearing me on a Detroit radio interview. That was totally unpredictable and worth it (others who booked me to speak may have done so because they heard my interviews, I admit; I just don't know for sure). Now, five years after my book was published, I doubt anything big will happen.

A cartoon in a recent *New Yorker* captures my feelings quite well. A gunslinger has stepped into a bar in the old Wild West and says to the tough-looking patrons, "I'm looking for a couple of fast guns who ain't afraid to lay down their life. There's no pay, but it'll be a great way to get your name out there."

What is the best way to monetize my very limited fame? Shouldn't the media pay me for providing information that I worked hard to get, even if it is "news" to them? Am I not a commodity equal to the paid panelists on Sunday talk shows? I'm providing editorial material. Shouldn't I be paid an honorarium or some union scale (\$850–\$1,100, per SAG-AFTRA)? Foreign TV shows pay for interviews—I was paid \$150 on this very same subject earlier this year by a foreign network, and it was just a five-minute trip away. Bangor should be worth a lot more.

But wait! I just found out that there was indeed a bump in sales last week. Hurray! Instead of the average 26 books a week we'd been selling, 28 were sold. At \$1.20 per book, that's \$2.40 more. WOW! Maybe I should have gone to Bangor, after all. ♦

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