

Publishers Weekly

ST 21, 1978 / VOL. 214, NO.8

TABLE 3 Paperback Titles at All Price Levels—1976 & 1977
(From WR listings of domestic & imported hardbound & paperbound books)

Series	1976 titles (final), 18-mo. WR listings			1977 titles (prelim.), 12-mo. WR listings			1977 titles (final), 18-mo. WR listings		
	New Bks.	New Eds.	Totals	New Bks.	New Eds.	Totals	New Bks.	New Eds.	Totals
Fiction	873	894	1,767	727	873	1,600	845	925	1,770
Nonfiction	8,562	2,246	10,808	6,682	1,989	8,671	8,436	2,364	10,799
TOTALS	9,435	3,140	12,575	7,409	2,852	10,271	9,281	3,288	12,569

Just released final figures for 1977 highlight the book trade statistics that begin on page 22

MANAGING EDITOR: Paul Carnese	6	PW INTERVIEWS: "John Luckless"
DEPUTY MANAGING EDITOR: Peter Brandt	7	LETTERS
SENIOR EDITOR: Barbara A. Bannon	7	MEDIA
SENIOR EDITOR: Judith Appelbaum	12	CALENDAR
SENIOR EDITORS: Robert Dahlin, John Johnston, Daisy Maryles, Joe Paster, Genevieve Stuttaford	14	THE WEEK: Doubleday and Warner files subpoenaed in Farber case/ "Indecent materials" bill considered/ Author sues Scientologists . . .
SENIOR EDITORS: Stella Dong, Gusto, Sally Lodge	19	PEOPLE
ASSISTANT MANAGER: Marion Odomirok	22	UPDATED BOOK TRADE STATISTICS—1977
PRODUCTION: Ann Green	27	THE VIEW FROM THE WEST
PRODUCTION ASST.: Edith Stepney	30	RIGHTS & PERMISSIONS
HEAD LIBRARIAN: Miriam E. Phelps	33	TRADE NEWS: "The Bettmann Archive Picture History" . . .
LIBRARIAN ASST.: Barbara Jones-Diggs	40	BOOKSELLING & MARKETING: Special Survey of Summer Bookstore Business
EDITORIAL ASST.: Danna M. Boggio	44	PW FORECASTS
OFFICE EDITORS: John P. Dessauer, Robert Doebler, Chandler B. Grannis, Merriem, S. Nathan, F. Pilpel, Alan U. Schwartz, Susan Th., Sybil Steinberg, Wev	47	Fiction 57 Paperbacks
SENIOR CORRESPONDENT: R. L. Loran	53	Nonfiction 60 Children's Books
SENIOR CORRESPONDENT: Wagner	61	How-To Books
CORRESPONDENT: [Name]	66	INDEX TO FORECASTS
ADVERTISING MANAGER: Maureen J. Rose	72	WEEKLY EXCHANGE
ADVERTISING MAN: Edward W. Martin	74	PAPERBACK BEST SELLERS
ADVERTISING MANAGER: Richard H. Brown		HARDCOVER BEST SELLERS

THE WEEK

Editor: Madalynne Reuter

-002809-

Court Demands Farber Files From Doubleday and Warner

Doubleday and Company and Warner Communications were ordered by a New Jersey judge on August 9 to turn over files relating to book or film negotiations with *New York Times* reporter Myron Farber. Both companies had been issued subpoenas by Superior Court Judge William J. Arnold to provide information on contract dealings with Farber, whose investigations at New Jersey's Riverdell Hospital unit covered a series of hospital deaths that preceded the murder trial of Dr. Mario E. Jascalevich. The defense in the Jascalevich trial requested the companies' files to support its contention that Farber conspired to bring about the indictment of Dr. Jascalevich to profit from a book and film about the case. Farber is now serving a jail sentence for refusing to turn over his notes.

Attorneys for both Doubleday and Warner Communications made motions to quash the subpoenas but their efforts

met with only partial success. The companies were allowed to keep some of the subpoenaed files, but others, "which were thought to be too important to the case," in the words of James McGrath, Doubleday and Company's vice-president and general counsel, must be turned over. He said these files included Doubleday's contract file and an editorial file. Doubleday's position, said McGrath, was that the subpoena represented a violation of the confidential relationship between author and publisher, as well as constituting an infringement upon first amendment rights. McGrath declined to say whether Farber had actually contracted with Doubleday for a book. Martin D. Payson, vice-president and general counsel for Warner Communications, commented, "We have received the court's statement, complied and have made no contractual arrangement with Farber."

New York State Booksellers Face Proposed Indecency Bill

Booksellers who display "indecent material" to minors can be charged with a criminal offense, if a proposed amendment to New York State's penal law is passed. Assembly Bill 12056, which is likely to make its second appearance before the Assembly this month, would make booksellers liable if material deemed "harmful to a minor" is displayed in any part of the store accessible to a minor. The bill states that a bookseller is presumed to have "knowledge of the character and content of the material sold, loaned or displayed" within the store.

The American Booksellers Association has urged New York State booksellers to oppose the bill. It finds the bill's language to be so vague in describing indecent materials as to encompass a wide range of books "found in stocks of the most circumspect bookstore." Declared the ABA, "The kicker is that you don't have to sell anything to a minor," nor does the minor "have to come into your establishment. Seeing in or through a win-

bill." It added, "The bill is every bit as unconstitutional as the Tennessee Act" (*PW*, July 17). Michael Bamberger, a lawyer for Media Coalition, an umbrella group for a number of organizations in the publishing industry, noted that though the bill came in "without a lot of fanfare and publicity, it raises constitutional problems that greatly concern the publishing community."

At issue are, for the most part, "non-obscene" materials. However, because of the legal distinctions between what is indecent for minors and what is indecent for adults, booksellers may find themselves faced with a choice of either segregating material deemed harmful to minors in one part of a store or barring minors from the premises entirely. This latter action has been recommended by the ABA should the bill pass.

Booksellers and publishers also object to the section of the bill which finds the bookseller legally responsible for the specific contents of books and materials defined as indecent for a minor, even though the bookseller may not be familiar with the specific contents of the material. Said Bamberger, "Anyone who displays such material is pre-

know what's inside the book." Booksellers found guilty would be charged with a "class B misdemeanor" under the law.

Assembly Bill 12056 came before New York State Assembly on July 15 this year. It received a vote of 73 in favor versus 18 against but failed to pass because too few representatives were present to meet the requirements. The bill went back to the Assembly Rules Committee and has now been placed on the calendar for a second vote.

Author Files \$20-Million Suit Against Scientologists

The author of a book critical of Scientologists has filed a \$20-million lawsuit against the Church of Scientology of New York, Inc., charging it with a "calculated and reckless plan" of harassment during the past five and a half years. The suit was filed August 15 in the State Supreme Court in New York City by Paulette Cooper, author of "The Scandal of Scientology," published by Tower in 1971.

According to publisher reports, Scientologists caused the publisher to withdraw the book from circulation. While acknowledging that there were "complaints and suits by the church," Gerard Brisman, executive vice-president of Tower Publications, said he would reserve all comment about the book's history pending discussion with counsel and with the author.

In her complaint, Cooper asserts that records recently obtained by her from the files of the Church of Scientology indicate that she was the object of a campaign with the code name "Operation Freakout," the stated purpose of which was to "incarcerate Paulette Cooper in a mental institution or send her in jail."

Cooper, who is the author also of "The Medical Detectives" (*McA*), "Growing Up Puerto Rican" (*NY House*, *NAL*) and a children's book "Halloween" (*Watts*), said one part of a retaliatory campaign against her began in December 1972. At the time, her complaint states, Scientology gained access to her apartment through false pretenses, stole her personal belongings, composed a bomb threat to themselves purportedly from her and mailed it to themselves and reported it to the FBI. In May 1973, she was indicted for sending a bomb threat

denying it, and arrested. It was not until 1975, the complaint asserts, that she was able to demonstrate her innocence and the charges were dismissed. And it was not until October 1977, the complaint continues, that she was advised by the FBI that evidence had been obtained bearing out her allegations against the Scientologists.

Cooper told *PW* that a federal grand jury in the Southern District of New York is currently considering new evidence obtained from the subpoenaed records of the church that the bomb threat was, as she charged, a frame-up.

In other actions in its campaign to silence her as a critic, her suit charges, the church has instituted 14 suits against her; has sent "false and malicious but anonymous" letters to her friends and fellow tenants; has made "threatening and abusive telephone calls to her"; has stolen records from her and from the offices of her doctor and lawyer; and has threatened her with bodily harm.

Other publishers, as well as Tower, have felt the brunt of the church's attention. For the two months prior to Lippincott's publication June 19 of "Snapping: America's Epidemic of Sudden Personality Change" by Flo Conway and Jim Siegelman, representatives of Scientology made repeated demands to see the manuscript or proofs, according to Lippincott. Their campaign of pressure was directed against Siegelman, the authors' agent-lawyer, their editor, two executive officers in Lippincott's New York offices and the company's production manager and copyediting chief at Lippincott's Philadelphia headquarters. When the demands were refused, the Scientologists threatened legal action if in their view the published book contained false or misleading material.

In a statement, the authors declared that the actions of the Scientologists were "tantamount to a demand of prior censorship and constituted an overt threat of legal action. The vital question of author and publisher liability

"I am thrilled by the opportunity to bring this book to the screen. It is a taut, moving story that will make everyone want to stand up and cheer."

—Samuel Goldwyn, Jr.



Harold Kennedy, author of *Doubleday's "No Pickle, No Performance,"* surrounded by several of his leading ladies at a party at the Doubleday suite. Left to right are Kitty Carlisle Hart, Helen Hayes and Gloria Swanson.

has only recently begun to attract public attention, in part because of the actions of Scientology and other organizations which have virtually unlimited funds at their disposal to pursue their critics in the courts," the authors said.

Copyright Officials Stress Deposit Law at Bar Meeting

The U.S. Copyright Office, operating under strict requirements for deposit of two copies of copyrighted works, has made formal demands in several instances for deposit copies that could wind up in legal action by the Department of Justice, according to representatives of the Copyright Office.

In discussing several aspects of the new copyright law at the recent annual meeting of the American Bar Association in New York City, Barbara Ringer, Register of Copyrights, and Jon Baumgarten, Copyright Office general counsel, stressed deposit regulations. The new law, which requires one copy of a book for registration and one copy for the Library of Congress, was written with a view to building the LC collection, the officials said. They asserted they had every intention of enforcing the law if, through negligence or carelessness, copies are not sent in response to formal demands. Ringer said some situations of that nature had already arisen and the Justice Department had been notified.

Both she and Baumgarten also urged members of the copyright bar to help ease the crisis in processing copyright registration applications by studying the new forms carefully and educating their clients about the complexities.

While the registration procedures of the U.S. copyright system do present difficulties, Ringer said it was still her opinion that registration is a good thing because it creates a useful public record of copyrighted works.

future changes in the law, however, said she was not at all convinced copyright notice (© with name and of copyright owner) was beneficial. Many countries do not require notice, thus eliminating one of the many formalities required by the U.S. law, she noted. Without notice, she said, a work must be presumed to be in the public domain unless proven otherwise. "I'm not sure that would be a good thing," she said.

Acknowledging the existence of a real emergency in the Copyright Office, officials said they were reviewing new forms with a view to possible simplifications, but told members of ABA's Section of Patent, Trademark and Copyright Law that the information sought in the current forms is generally required by the new copyright law. Shortly before that law went into effect, they said, the Copyright Office was inundated by a flood of applications—apparently from bargain hunters who wanted to register at the low fee before the new \$10 fee went into effect or from persons who saw some advantage to registering under the old law. After January 1, when the new law went into effect, applications continued to come in at a rapid rate until now. The Copyright Office is staggering under a backlog of 110,000 applications.

Ringer, featured speaker at a luncheon session on August 6, said that every attorney in the Copyright Office had been drafted for the job of examining applications—many of which are faulty and require correspondence for additional information from applicants. Budget limits, imposed on the Library of Congress by an economy-minded Congress in the aftermath of California's vote to cut property taxes, make it impossible to look to that source for help in funding additional staff to do the job.

The Copyright Office is still hoping