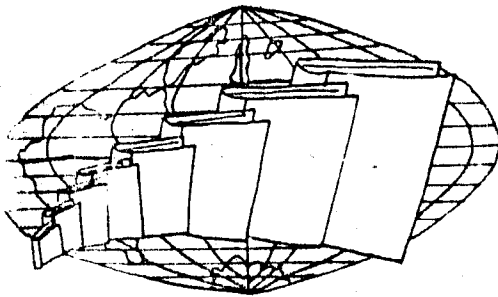


Publishers Weekly

September 17, 1979 / Vol. 216 No. 12



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Jacket copy, set in bronze, for "The Complete Work of Don Fine" proclaims "Here at last is the sweeping saga of publishing success which began when Don and I. Fine incorporated Arbor House in July of 1969 with a \$5000 loan from a Harvard classmate and credit from a printer and distributor. . . ." Above, the protagonist of the sweeping saga peers at the jocular tribute held by Arbor House production manager Martin Cook at the 10th anniversary party August 15 at the Four Seasons restaurant in New York City.

Scientology Church Loses "Snapping" Libel Suit

A federal judge has dismissed the Church of Scientology's claims of libel against James Siegelman and Flo Conway, authors of "Snapping: America's Epidemic of Sudden Personality Change," and J. B. Lippincott, which published the book in 1978.

In his August 27 opinion, Judge Gerard L. Goettel of the U.S. District Court for the Southern District of New York at the same time dismissed two out of three counterclaims made by the authors that the Church had asked the court to deny.

After a "careful examination" of 23 allegedly libelous statements made in "Snapping," on the "David Susskind Show" or in a *People* magazine interview, Judge Goettel found 15 of the statements—all those attributable to Siegelman and Conway—to be "clearly either nonlibelous or statements of opinion.

Declared the judge: "None of these statements go beyond what one would expect to find in a frank discussion of a controversial movement." At most, he said, the authors' comments were "unflattering" but not defamatory.

In their motion to dismiss the Scientology charges, the authors and attorney Melvin L. Wulf argued that the First Amendment prevents religious associations from claiming libel (*PW*, May 28). Judge Goettel, however, disagreed with this contention, finding the "Snapping" case to deal more with the

effects of actions of the Church upon its members than with questions regarding the validity of religious beliefs.

"The Court agrees that where validity of religious beliefs are at issue involvement by the judiciary would be inappropriate," said the judge. "It does not follow from this, however, that simply because a religious organization is a party to an action that that action should immediately be categorized as a theological dispute."

Judge Goettel found the Church of Scientology to be a "public figure." The California and Washington, D.C. chapters, which brought the suit, are parts of "a large world-wide religious movement which claims to have over five-million adherents." The two chapters have taken "affirmative steps to attract public attention, and actively seek new members and financial contributions." As a public figure, the Church must prove that the alleged libelous statements were made with the knowledge that they were false and with reckless disregard as to their falsity. While material submitted by the Church at this point was "far from convincing, it did put the defendants' state of mind into question, Judge Goettel said, and he would therefore withhold judgment on this issue.

Of the three counterclaims advanced by the authors, Judge Goettel dismissed two—one for abuse of process and another for conspiracy to deprive the authors, as part of a class of individuals, of their constitutional rights.

The judge upheld the authors' con-

... that the Scientologists could be held liable for prima facie tort in which a party may be found guilty of having inflicted intentional harm, resulting in damages, without legal excuse or justification, by an act which would otherwise be lawful. Siegelman and Conway charged that the Scientologists had brought the suit against them to punish them for expressing adverse opinions about Scientology, and said that as a result they had suffered monetary damages.

"While the facts before the Court at this stage of the litigation are sparse, it is certainly not clear . . . that the defendants will not be able to meet their burden of proof," wrote Judge Goettel.

Attorney Wulf told *PW* he was pleased the suit had been speedily disposed of. "Aside from this being a significant victory, the decision rids us of a vexatious libel suit at the earliest possible moment," he commented.

In a joint statement, the authors declared: "We hope this decision established the precedent that authors are not defenseless—at least as long as

there are bold lawyers like Wulf—and that neither authors nor publishers need to be helpless victims of any organization that may seek to suppress public discussion or the free expression of fact and opinion."

The two chapters of the Scientology Church involved in the litigation had not determined whether they would continue their suit, Ron Haugen, assistant guardian for public relations for the Church of Scientology, told *PW* last week. He reiterated the organization's view that the "Snapping" authors had given an "unseemly and unbalanced" characterization of the Church and he deplored the "concerted campaign to discredit Scientology" that he said was conducted by some of the media and by the federal government. On the charges by Siegelman and Conway of alleged legal harassment, Haugen declared: "It has been a longstanding Church policy to use the courts only as a last resort."

A Delta edition of "Snapping," containing a 2000-word postscript, will be issued by Dell in mid-November.

STELLA DONG

Moscow Fair Ends as Future U.S. Presence Is Doubtful

As the second Moscow Book Fair ended September 10, U.S. participation in future fairs was in doubt, according to the Association of American Publishers. Alexander Hoffman, AAP chairman, at a press conference in Moscow protested the confiscation by Soviet customs officials of more than 40 American books. Earlier, Hoffman, advised by Per Sjögren, president of the International Publishers Association, had protested the last minute refusal of the U.S.S.R. to grant visas to Robert L. Bernstein, chairman of Random House (*PW*, Sept. 3) and to some 14 Israeli publishers and book importers. The two officials also objected to the exclusion of South Korean publishers.

"I believe future American participation in Soviet book fairs is questionable despite our great desire, in keeping with Helsinki Accords, to promote a free exchange of books between the U.S. and U.S.S.R.," Hoffman said.

A complete account of the fair by Herbert R. Lottman, *PW*'s international correspondent, will appear in the October 1 issue.

Copyright Office Invites Views on Graphic Design

The Copyright Office, which is considering adoption of regulations concerning the registration of claims to copyright in the graphic elements involved in the design of books and other printed publications, has invited participation in a public hearing. The hearing

ton, Va., is intended "to elicit comments, views and information to assist the Copyright Office in considering all aspects of the question and in drafting regulations to be issued as proposed rules for additional comment at a later time."

Written requests to testify at the hearing must be submitted by September 26 to: Office of the General Counsel, U.S. Copyright Office, Arlington, Va. 22202.

Notice Sent to *PW*'s Straight-Faced Editor:

The Taplinger Publishing Company has announced that it will pursue an innovative policy in regard to review copies of "With Hitler in New York," the book of short stories by Richard Grayson ("Grayson pokes fun at American life. . . ." *PW*, April 23). Review copies will bypass critics and be sent directly to the Strand Book Store in New York City:

"This efficient system," observed the author, who originated the plan, "will save postage and bothersome packaging for literary critics."

Reviewers may now contact Taplinger and request that copies of "With Hitler in New York" be sent directly to the Strand rather than to their homes or offices. The book will be credited to each reviewer's account by the book store.

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