

Institutional Memory and the Prospect of Publishing  
in an Electronic Age

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A Talk Given at  
Alderman Library, University of Virginia, September 18, 2002  
Kirn Library, Norfolk Public Library, September 24, 2002  
Rust Library, Leesburg, October 1, 2002

*Precarious*

In 1989, did we realize that the twentieth century ended? The world had changed; the change began, I would say, on February 14 that year, when the nation of Iran issued a *fatwa*, a death-sentence, against the novelist Salman Rushdie. He was an Indian citizen with an international reputation living in London, and he was sentenced to death by a foreign government for a work of fiction. That was a terrible shock and sent fear instantly through writers everywhere in the world. I wonder if we recall that fear now. We should recall it. Its memory has affected all of literary life, in that we can no longer believe without question that free speech is indivisible in a civilized, democratic society.

In those years I lived in New York and had a book contract with Viking, Rushdie's American publisher. My editor told me that the chief officers of Viking had for a month eaten and slept in different hotels every night for safety, and that the cost of defending the Viking operations was more than a million dollars. (In July 1991, Rushdie's Japanese translator would be killed, his Italian translator wounded; in October 1993, his Norwegian publisher would be shot and seriously injured. Rushdie had been put at once into protective custody by the British MI5 and would be guarded for the next ten years, until the *fatwa* was cancelled, if that is the proper verb.)

It was a peculiar moment privately, too, because the book I was writing was about Alaska, and about my work as an itinerant poet among Native people in Alaska. I knew Viking had published a book called *CRAZY HORSE*, by Peter Matthieson, about (in part) government actions taken against the Sioux, which they had been forced to withdraw from circulation because the governor of South Dakota had brought suit against the writer. In those long-ago days I felt, on the one hand, proud to be part of the link to Rushdie, and, on the other, puzzled because my editor would not discuss the matter of *CRAZY HORSE*. Perhaps he was legally enjoined from doing so. That long documentary book had come out in 1983, but was not circulated for eight years, until 1991, when Matthieson won the suit. But his victory had not yet happened when, in January 1989, I signed the contract for my own book. From the vantage point of obscurity, I realized that *the writer's* position even in a middle-class world was – precarious.

### *Knocked About*

For several years I had noticed, though obliquely, the disintegration of publishing houses in New York and their transformation into subsidiaries of enormous holding companies, or conglomerates. Suddenly, during one week early in 1994, two good, small literary imprints, Atheneum and Ticknor and Fields, were shut down by their conglomerate owners, while at Harcourt Brace, a distinguished old name belonging to another conglomerate, most of the adult trade editors were fired. A shudder of apprehension, or a sort of collective nervous breakdown, went through trade publishing.

The last editor and publisher of Atheneum was Lee Goerner, who was my husband. He was known as a literary editor; before Atheneum, he had been at Knopf for twenty years. When after five years as publisher he was fired, and Atheneum closed, no other company opened its door to him. I watched him try, and fail, to come to terms with a corporate demand for return on investment that was so egregious as to subvert traditional editorial relations. Simultaneously, I endured the "orphanage" of my own manuscript at Viking. What I had thought about books and how they became published was simply, naively wrong.

While I stormed about, Lee suggested reading *BEL AMI*. He could just as well have recommended Gissing; or I could have read the outcries of many a

writer during the last hundred fifty years about the commercialism of publishers. Sooner or later, are not all authors disillusioned by this book business? Yet, I knew – I felt – that something irrevocable had occurred, that the texture of our culture, not just our own lives, had been altered, and that this alteration should be fought; that we stood on the high ground, even as it eroded under us. Lee, on the other hand, possessed of a most un-American sense of irony and with no technical aptitude at all, bought a computer. It was a Mac, and after he died, I began to use it, too.

*Thinking about the Web: "Too Democratic"*

In 1996, having left New York for the quiet literary-university town of Charlottesville, Virginia, I had the vague notion of starting a new review of literary matters I did not see being attended to, at least in ways that pleased me. In my own work, and through Lee, I was acquainted with writers and editors, and asked several what they thought of the idea. The most interesting suggestion came from Sonja Bolle, then editor of the *Los Angeles Times Book Review*, who said I should think about publishing the review on the Internet. Her reasons were these: because the Net was "too democratic." there was no hierarchy, unlike in trade publishing; but there *were* serious readers who didn't care to "surf" the Net: they wanted "authority"; they wanted to know where to go to find good writing. "If you're there, we'll know where to go," she said.

*Technology: Baffled*

Technically, I knew nothing about the Net. I used an Apple 520 laptop with a black-and-white screen, and though I subscribed, briefly, to America On Line, I detested the witless design of their set-up. I didn't use a browser; the graphical Web didn't exist for me. I needed to learn everything, but not as an amateur. Unfortunately, the word "professional" implied money, and I hadn't any to speak of; that is, I had no investment capital. Nor did I consider trying to raise any until I had something to show for it. An inheritance would cover expenses long enough to see if I could make the journal work as an independent, non-commercial enterprise; this was what Michael Bessie, the publisher, would later refer to as "fuck-you money," the private reserve any small enterpriser needs in a pinch. I asked technical people how to use the

odd forum the Web was for my own purposes; but I hadn't learned the lingo. I didn't even know what questions to ask.

The jargon of the Internet was arbitrary and referential. Yet, in the flood of new terms I heard "pdf," portable document file, meaning (I understood) that a text could be encoded in such a way that it could be read off-line and even printed, but not altered, by the reader. Because copyright was already an issue on the Web – "everyone said" that writers' works were "stolen" and posted without permission, or even rewritten, or even plagiarized – I thought this device ensured security. I didn't know, quite, what "HTML" meant; it means "hyper-text markup language," or the way text and graphics can be reformulated as electrical impulses, transmitted to the ether that is the Internet, and decoded by the receiver's machine. Or, something like that.

### *Citizens of the World Post-1989*

It's generally agreed that the Web was organized in 1989, at CERN, in Switzerland. The man credited with devising it is Tim Berners-Lee, an English physicist who, I'll note, has deliberately taken no commercial benefit from the results of his work, following the old ethic that knowledge is for mutual benefit. On a site maintained by Larry Zeltser (<http://www.zeltser.com>) at the University of Pennsylvania, which offers a history of the Web, I read that "CERN was originally named after its founding body, the 'Conseil Européen pour la Recherche Nucléaire,' and is now called 'European Laboratory for Particle Physics.'" But I doubt we should suppose the Web was part of a military-industrial complex. It was for the free dissemination of information, but with an important restriction. As Zeltser wrote: "The WWW project is based on the principle of universal readership: 'if information is available, then any (authorized) person should be able to access it from anywhere in the world.'" We've gone beyond that idea of "authorized" readership now, I think.

The "graphical Web" is said to have been launched by the physicist Larry Smarr, director of the National Center for Supercomputing Applications at the University of Illinois at Urbana-Champaign, and director of the National Computational Science Alliance. He devised "Mosaic," the "graphical browser – marketed as the Netscape Navigator and Internet Explorer – that opened the Net to the masses."

So, I intended to organize, edit, and publish on this World Wide Web a journal of literature, the arts, and opinion, to be called *Archipelago*. In mid-1996, I had registered a site as [www.archipelago.org](http://www.archipelago.org).

By publishing on the World Wide Web, I expected to make *Archipelago* visible without restrictions of borders or transportation and production costs, to educated readers who were, increasingly, living in and being formed by more than one society. I saw that more of us were becoming citizens of the world post-1989, and that I could, adapting the epigram, publish locally and think globally.

I meant to choose and edit by listening for the writer's voice; to publish literature following its own rules, not those of profit-making or a market; and to offer international writing, by Americans at home and abroad and writers in translation. I would work directly with writers, not through agents. I wanted to give the lie to the received opinion that good publishing and good literature don't necessarily go together (on the Web, at least).

I felt compelled to write an editorial statement of some kind, and came up with the idea "Art and Capitalist Relations and Why Publishing on the Web Might Be Interesting." Reading it now, I find it tells, in miniature, what I expected *Archipelago* to be and do:

I was thinking of where a literary colony might be found, nowadays, and decided that, if one exists at all, geographically and culturally it would be an archipelago. A fine, hard word, *archipelago*, evoking rock-ribbed peaks with green life clinging to their slopes, rising from some vast, erosive ocean. Evoking too, a terrible human history.

Since 1989, the world has changed, politically, historically, culturally. That was a water-shed year, perhaps the real turn of the century: the year of the Velvet Revolution and the opening of the Berlin Wall, that led to the collapse of socialism and the triumph of unregulated capitalism; the year that began with a death-sentence laid against an internationally-known novelist. Our minds have been different since then.

Contemplating that rather large idea I happened upon three articles of recent weeks which seemed to throw a more precise light on the context in which this journal was about to appear....

That context in which *Archipelago* appeared was sharply critical of the ideology of the market and the increasing coarseness of the owners of trade publishing companies. I find my ideas have not changed. Nor has my sense of how the Internet might work as a medium of distribution:

We encourage readers to write us. We encourage them, also, to put this issue on their hard drive, by clicking on the download link and following the instructions thereon. ARCHIPELAGO can then be printed; it will appear on paper as we have designed it, and fill about 50 pages. We urge our readers then to pass the journal on to other readers. We are interested in the notion that the Worldwide Web might also be a publishing medium and a distributor of literature; we think serious readers exist in Buenos Aires, London, Paris, and New York as well as in the Dakotas, Key West, Modesto, Charlottesville. We believe they have more in common than they might have supposed, and will be interested to learn if we are right about this. We also hope that when they disagree with us, and with each other – we suspect that this might often be the case – they will let us know. We are certain that well-formed arguments about literature, the arts, and opinion help keep our minds open.

—*Archipelago*, Vol. 1, No. 1, Endnotes <http://www.archipelago.org/vol1-1/endnotes.htm>

A month later came the first notice, on paper, from London, in the *Times Literary Supplement*:

*Archipelago*, is launched into cyberspace from Charlottesville, Virginia, joining the relatively small number of serious literary periodicals on the trivia-stuffed World Wide Web.....

Ms. McNamara's first editorial for *Archipelago* adopts a more old-fashioned tone, and ends with the curiously old-media invitation to readers to download the magazine and see how it looks in real, as opposed to cyber, space: 'It will appear on paper as we have designed it, and fill about fifty pages. We urge our readers then to pass the journal on to other readers.' Next they'll be saying, 'I have seen the past, and it works.'

—*Times Literary Supplement*, March 14, 1997



Soon after, *USA Today Online* called us "Cool *Archipelago*: If you're seriously interested in serious literature, read *Archipelago*." Who would have thought it?

*Not a Democracy: A Small Magazine on the Web*

If I think *Archipelago* is a print magazine distributed on the Web, if I think it "really" exists in the Download edition, my collaborator Debra Weiss, who became the journal's Web designer, thinks otherwise. It was she who persuaded me to move away from the black-and-white format of the first year (because I had a black-and-white screen). "You're graphics-resistant," she laughed (as she still does), "and you don't believe in color, but people *really do read on-screen*, and you ought to respect that." She showed me that the technology of the Web could be friendly equally to texts and readers' eyes. "We don't have to be 'webby,'" she said, and went on to construct an elegant architecture behind the screen, so that the design of the magazine never falls apart. She made *Archipelago* resemble a printed journal by designing a discreetly-colored logotype and graphical titles, and by linking succeeding pages, so that readers could, in effect, thumb through each issue, while also linking each article to the spine of the Contents page. She refers to my "helpful ignorance" of the Web. I'll ask her to do something (she won't give examples) a technically-adept person would dismiss as too difficult. *Hmmm*, she'll say, then figure out the necessary coding. She reminds me, too, that in this association, we are not a democracy. We are not organized by committee; the integrity of the operation stands or falls on the two of us and our close attention to detail. (Here I must note my own constant failings and her never-ending patience.) She delivers, handsomely, what she likes to call "hand-crafted high tech."

*What Is Responsible Publishing?*

I thought I had better find out why the book industry, as it was called, worked the way it did. What were "content providers"? It's still impossible to use this phrase without contempt. What did "return on investment" mean? The most important question: Who made the final decision about what books would be published? For it was clear that editors no longer had the decisive

say; that is, if they had ever had it. In the large trade companies, Barnes and Noble and the marketing department came to have as much weight as the editor did. What was "responsible publishing?"

It has been remarked that book publishing as a so-called gentleman's occupation began to change about the time the phrase "publishing industry" came into use, around the mid-1970s. If true, it marks nicely the beginning of the kind of change I was interested in tracing in the business of making and selling books.

Was it true, however: had the gentleman's occupation changed so much, so quickly? Perhaps my assumption was faulty? An editor and publisher of long experience told me that he'd like to take the notion of "gentleman's occupation" and kick it in the head. I liked this and asked him to say more. He did, and a lively conversation ensued.

Not that publishing was ever altruistic. But it was a profession, and it was a way of life: class-bound, often. But books and writers were heavy-weights in our cultural and imaginative life. (We still had private and public lives then. We had, also, the private sector and the public sector, and the walls between them were fairly thick.) Publishing companies were – mostly privately held, even family owned. The big sell-offs began, probably, in the late 1950s, when Bennett Cerf and Donald Klopfer sold Random House to General Electric. Publishers were, usually, cultivated gents and ladies. Alfred A. and Blanche Knopf, Cass Canfield, Robert Straus, Robert Giroux were notable figures at dinner parties. The publishing houses were "known" as Wasp or Jewish houses. How did this effect who and what they published? An interested person would want to compare their back lists and know who their editors were.

For, In Those Days, In Illo Tempore, editors didn't move around, and they did the hard work necessary for turning manuscripts into good books.

Who gained? Well, books have always had to be sold. But the profit structure was always low. (This remains true, no matter how you work the accounting books.) And then, things began to change. The first million-dollar advance was given to a writer. The IRS reclassified publishers' inventories as commodities rather than potential goods, and books printed but not yet sold became subject to tax.

Substantially, however, what has changed in the business of making and selling books? For I think it can be agreed that enormous change has



occurred. What sorts of people went into publishing then? Are they a different sort now? Are there fewer good books, more bad, than ever? Is the art of editing no longer practiced well in the trade? How can we speak of publishing "houses" after conglomeration? Do conglomerate managers know anything about books? I inquired of distinguished representatives of an older generation, and of my own generation of the Sixties, what they thought about these questions.

Generously, these persons told how they entered the book trade; spoke about writers they published and declined to publish; described the (changing) class structure of their domain; talked straight about money, commerce, and corporate capitalism; described their way of practicing responsible publishing. Without exception, they were serious readers, usually of more than one language. They recognized that times have changed. They spoke with wary-friendly observation of the generations coming up.

Excerpts of these conversations have appeared regularly in *Archipelago* over the last five years (see <http://www.archipelago.org/vol6-1/schocken.htm>). They have served as an opening into an institutional memory contrasting itself with the current corporate structure, reflecting on glories of its own, revealing what remains constant amid the present flux. Despite their surround of gentility, these publishers were – are – strong-minded characters engaged with their historical circumstances. Out of that engagement appeared a number of books that we can say, rightly, belong to literature.

At the same time, Institutional Memory was also my own, very public tutorial. A cliché of the business is that publishing is an accidental profession. You sort of fall into it. You don't, necessarily, set out to be an editor, let alone a publisher. You simply love books, or words, or the smell of glue and binding. Some editors even like writers, although I wonder how often the feeling is reciprocated. Certainly, no sensible writer would ever consider his or her editor an equal, and all publishers should be viewed with suspicion as money-grubbers. That said, let me offer you a few remarks made by some of those book people about their venerable enterprise.

My first conversation was in 1997, with MARION BOYARS, of Marion Boyars Publishers, London. (<http://www.archipelago.org/vol1-3/vol1no3.pdf>)

Marion Boyars began her publishing career in 1960, by buying half-equity in the firm of John Calder, who was known in England for publishing

avant-garde writers, among them Samuel Beckett. In 1964, the firm took the name of both owners. For more than 15 years they published the work of novelists considered among the most avant-garde and literary in Britain, among them Beckett, William Burroughs, Henry Miller, Elias Canetti, Peter Weiss, Heinrich Böll, Hubert Selby (whose *LAST EXIT TO BROOKLYN* was prosecuted for obscenity, defended by Calder & Boyars); translations of the *nouveau romain*; the writings of modern composers, and books by social thinkers. In 1975, Boyars and Calder began to dissolve the company; by 1980, the list had been divided. Since 1975, Marion Boyars has published fiction, belles lettres and criticism, poetry, music, theater and cinema, social issues, and biography and memoirs. We became friends. She died three years ago.

I asked her: "What should a writer expect from his publisher?"

She replied: "Loyalty."

Next I spoke to CORNELIA and MICHAEL BESSIE, editor and publisher, respectively. (Part 1, <http://www.archipelago.org/vol1-4/bessie.htm>; Part 2, <http://www.archipelago.org/vol2-1/bessie2.htm>)

Michael Bessie began his career in publishing in 1946, when Cass Canfield, then head of the house, invited him to join Harper and Bros. as an editor. Cornelia Shaeffer, as she was then, joined the firm several years later, as foreign reader; she became an editor, subsequently, for *The Reader's Digest*, Dutton, and, once more, Harper's. In the meantime they had married. In 1960, Michael Bessie left Harper and, with Pat Knopf and Hiram Hayden, founded Atheneum.<sup>1</sup> Cornelia joined the firm a year afterward. They remained with Atheneum until 1976, when they returned to what had become Harper & Row; and where, five years later, they housed their own imprint, Bessie Books. After Harper & Row was sold to Rupert Murdoch and transformed into HarperCollins, Bessie Books migrated, first to Pantheon,

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<sup>1</sup> In 1978, Atheneum merged with Scribner's, which was still owned by the Scribner family then. Two years later, Macmillan bought the combined company. The Macmillan company then was bought by the English robber baron Robert Maxwell. In 1992, Maxwell died in mysterious circumstances. His American publishing company, Maxwell-Macmillan, finally was sold to Simon & Schuster, which was owned by Paramount Pictures, which itself had recently been bought by Viacom. Atheneum was closed down not long afterward, in 1994.

then to Counterpoint, of Washington, D.C., which was closed down this spring by its mini-conglomerate owner Perseus Publishing.<sup>2</sup>

I asked Cornelia Bessie to describe the editor's responsibility. She said firmly: "If you can say to yourself, when that manuscript goes to the printer's, 'This is the best book that this person can write at this time,' then you've done your job."

Michael Bessie, looking to the horizon, said – his words have become my guide – "The important question about the publishing industry is: how well does it serve literature?"

WILLIAM STRACHAN (<http://www.archipelago.org/vol2-4/strachan1.htm>) was formerly editor-in-chief at Henry Holt and is now director of Columbia University Press. He took the rare step of crossing over from trade to academic publishing, and he thought in an interesting way about those two not wholly compatible domains: about what they had in common and what they did not. I was interested, too, because Columbia had taken up e-publishing, producing several CD-Roms and sponsoring the first of what it hoped will become a series of scholarly journals published on the internet. Yet, while technology entered the discussion of institutional changes in publishing which has been the theme of the series, it did not dominate; as would be expected, the making of good books — writerly writing, editorial acuity, the publisher's willingness to take a chance, and readers wanting to read — was the real subject.

Strachan said: "I come back to this: the writing. You've got to look at the writing."

SAMUEL S. VAUGHAN (<http://www.archipelago.org/vol3-2/vaughan1.htm>) entered the publishing trade in 1951, as a desk man for King Features Syndicate. The following year he joined the syndication department

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<sup>2</sup> Among the hundreds of authors whom the Bessies, together and separately, have edited and published are (a nearly random selection): Edward Albee, Luigi Barzini, Justice William Brennan, John Cheever, Cyril Connolly, Jan de Hartog, Len Deighton, Janet Flanner, Ruth Gordon, Richard Howard, Guiseppe de Lampedusa, Harper Lee, Nadezda Mandelstam, John McGahern, Nigel Nicholson, André Schwartz-Bart, Jean Renoir, Peter Shaffer, Saul Steinberg, Joanna Trollope, Peter Weiss. Among Nobel laureates, they have published Miguel Angel Asturias, the Dalai Lama, Mikhail Gorbachov, Sir Peter Medawar, Anwar Sadat, Alexander Solzhenitsyn, James Watson, and Elie Wiesel.

of Doubleday, where he learned the craft of cutting books into serials, then selling rights to newspapers. He was promoted to advertising manager (1954-56), then to sales manager (1956-58). From sales he moved to editorial, becoming a senior editor in 1958. Ten years later, he was made executive editor of Doubleday. In 1970 he was named publisher and president of the company and remained so for the next twelve years. From 1982 till 1985 he was editor-in-chief of Doubleday. The list of authors he published (it is incomplete) should indicate that he learned the art of publishing books from the ground up.<sup>3</sup>

Sam Vaughan told me: " I think the reader has rights."

ODILE HELLIER (<http://www.archipelago.org/vol4-1/odile.htm>) is the proprietor of the Village Voice Bookshop, Paris, where she offers a distinguished list of books published in English, imported from the United States, Britain, the Commonwealth countries. Indeed, for American and British literary life in Paris, including a long list of remarkable authors who have read there over the past twenty years, the Village Voice is the place to

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<sup>3</sup> (Some of the) authors Sam Vaughan edited or published: Diane Ackerman, Shana Alexander, Stephen Ambrose, Patrick Anderson, Bernard Asbell, Isaac Asimov, Laurence Barrett, Dave Barry, Brendan Behan, Ezra Taft Benson, Bill Bradley, Brassai, William F. Buckley, Jr., Herb Caen, Hortense Calisher, Bruce Catton, Charlotte Chandler/Fellini, Joanne Ciulla, George Cuomo, Max Eastman, Dwight D., Milton, and John S.D. Eisenhower, Duke Ellington, Paul Erdman, Fannie Flagg, Sarah Gainham, Ernest K. Gann, Larry Gelbart, Winston Graham, George Garrett, Ruth Gordon, William Goyen, Hannah Green, Josh Greenfield, Leonard Gross, Arthur Hailey, Alex Haley, Marilyn Harris, William Harrison, W.C. Heinz, Mohamed Heikal, Patty Hearst, Thor Heyerdahl, Sir Edmund Hillary, Rolaine Hochstein, Hubert H. Humphrey, J.R. Humphreys, Hammond Innes, Roger Kahn, Garson Kanin, Dr. Fred Kantrowitz, Richard Ketchum, Marvin Kitman, Stephen King, F. Sionil José, Eric Larabee, Gordon Lish, Alistair MacLean, D. Keith Mano, Kai Maristed, John Bartlow Martin, Martin Mayer, Eugene McCarthy, James Michener, James Mills, Gilbert Millstein, Malvin Moscow, Edmund Muskie, Paul Nagel, N. Richard Nash, David Niven, Louis Nizer, William Abrahams & the O. Henry Prize Stories, Jake Page, William Paley, Joe Paterno, Stanley Pottinger, Jean-Francois Revel, Nelson Rockefeller, William Safire, Pierre Salinger, Harrison Salisbury, Jonathan Schwartz, Winfield Townley Scott, W.B. Seitz, Israel Shenker, Bud Shrake, Nancy Sinatra, David Slavitt, Wilbur Smith, Elizabeth Spencer, Wallace Stegner, Alma Stone, Irving Stone, Lewis L. Strauss, Gay Talese, Alexander Theroux, Tommy Thompson, Ann Thwaite, Henri Troyat, Margaret Truman, Leon Uris, Immanuel Velikovsky, Earl Warren, Peter Watson, Tom Wicker, Paul Wilkes, Lauren Wolk, Yevgeny Yevtushenko.

go. *The Bookman*, the trade journal of British publishing, named her bookstore "the best literary bookshop in Europe."

She was emphatic about the changes in the life of books and the independent bookstore. "If the bookseller has disappeared, and is only a salesperson, it means that there is no vision. It means that there is no knowledge. It means that, if you sell Gertrude Stein, you put Gertrude Stein at the same level as [John] Grisham: it makes no difference, a book is a product. Thus we have seen the leveling of the meaning of books."

CALVIN REID (<http://www.archipelago.org/vol4-4/reid.htm>) has been a news reporter for *Publisher's Weekly*, the trade paper of the industry, since 1987. He reads omnivorously, is a visual artist, and plays squash. He writes criticism and reviews for *Art in America*, *Artnet.com*, the *International Review of African American Art*, and *Polyester*, a bilingual art magazine in Mexico City, and is a contributing editor of *Bomb*.

Even he, a veteran of the e-boom, said: "The Web is great because you can see things, you can sample things; but, in the end, people want something they can put their hands on. In the end, the book is still the most efficient way to transfer information."

For the final three chapters of *Institutional Memory*, I talked to people involved with the once-great (although small) publishers SCHOCKEN BOOKS. Founded in Berlin in 1933 by the merchant Salman Schocken, a cultivated Jew concerned to make the great works of Hebrew literature available to his cultivated German Jewish friends, the Schocken Verlag somehow (though barely) survived the Nazis. By 1939, Schocken had moved to Palestine and founded another Schocken publishing company (and bought the newspaper *Ha'aretz*). From there he went to New York. There, in 1945, Schocken Books came into being, under the co-editorship of Nahum Glatzer and Hannah Arendt. Schocken died in 1959; gradually, his family lost the ability to continue and the firm was sold to Random House, by then owned by the Newhouse family; it is now a tiny imprint in the Knopf Publishing Group, itself a division of Random House. Random House and all its divisions and imprints, along with Doubleday, Bantam, and Crown, is owned by Bertelsmann GmbH., the privately-held German media conglomerate. Bertelsmann owns about a quarter of the publishing companies in New York.



ARTHUR SAMUELSON (<http://www.archipelago.org/vol6-1/schocken.htm>) was the editorial director of Schocken Books in the early 1990s. His insight was that Schocken was a "niche" publisher and could be "positioned" differently than general trade houses. But his optimism was quite definitely qualified.

He told me: "The real weakness in the publishing industry is not from the corporate side. The real weakness comes from the culture. We have less and less of a reading public, less and less of a culture. Period. And I happen to think that actually this is a great time to be a writer. If anybody has something to say, he can get heard. There's more and more product, but less and less that has any value, and anybody, now, who has something to say can easily rise above that noise."

Institutional Memory, charting the whitewater of trade publishing, is, in one sense, a book of used-to-be. Yet, I have used it as a guide to what Michael Bessie (again) calls "responsible publishing," that is, holding your organization to a size you yourself can manage comfortably; keeping your aims in focus; watching your budget. And this, the heart of the enterprise: *"The important question about the publishing industry is: how well does it serve literature?"*

In our very first conversation I asked Marion Boyars, "What is a literary culture? Is there one? Are there many?"

She said, "Undoubtedly, but it's too difficult to define. I mean, the non-literary culture couldn't exist without the literary culture. Everybody knows about Marx and Freud, but you don't have to read them: they're essential, part of the lifeblood; but you don't have to be part of it. Language develops because of literature. It doesn't develop because of television."

"That might be argued," I said.

She said, "Yes: I know it can be argued; that's why I say it. I don't think television has that much of an effect on 'culture,' though it is informative, while literature has a lot of effect. This is why, when people say obscenity in literature doesn't "do" anything, I think they're wrong. Literature 'does' something. I think obscenity and the forbidden, taboos, as such, are not important in themselves; but they are necessary subjects. It is the *art* that is made of them that refuses to allow us to remain complacent. These things make us reach beyond ourselves, move, grow. They are very important. And



through art, we can actually do something positive. We become aware of life through it."

I said: "Certainly, not all books are literature."

"Certainly not," she said.

I said, "And much of what makes a literary culture—"

She finished, "—is language. It is the use of language, the ends to which it's put. It's *how* you put it on the page. People write to me and they say, 'I've written a novel about a such-and-such a subject.' I'm not very interested in that. I'd like to know *how* you've done it, what you've done. Carlo Gébler, an Irish writer, has a new manuscript. Let me read you two lines: 'My name is Douglas Peter; I am a Russian scholar. I am married to a Russian woman, and have been for forty years. I'm extremely miserable.'

"Wonderful. It's got everything there. And that's in the juxtaposition. You could do the same thing in a newspaper report, but it wouldn't be the same. I think this is what writing is."

*What is the promise of electronic publishing?*

Perhaps I've given a glimpse into the – or, one – promise of electronic publishing. But responsible publishing does not exist when the expectation of (excessive) demand for return on investment becomes the principle reason for a company's existence. Rather, I observe that the arts have long existed because of an active, concerned audience – and because of subsidy by patrons: foundations, philanthropists, *amateurs* in the highest sense. *Archipelago* has no "market"; it produces nothing to "sell." This quarterly of literature, the arts and opinion has readers. It has an editor of strong views, a revolving cast of willing volunteers, and a designer who respects eyes as much as texts. Most of all, its contributors are writers, artists, and thinkers of high caliber, I would say. Theirs are works of human imagination.

Moreover, there are serious readers in the world. Some of them read *Archipelago*. Our Spring issue – April/May/June 2002 – drew 380,000 'hits' and 17,700 'unique readers. *Archipelago* seems to have proved itself worthy, in the lively tradition of small magazines.

*What are the threats of – and to – electronic publishing?*

It is said that donations to the arts are drastically lower, and low, in any case, and that readers are really just consumers. The so-called "global economy" is dangerously confused with reactionary politics. The Web has been invaded by marketers and designers with the taste of television-programmers. In short, bad taste, nasty politics, and the ideology that everything must be for sale may undermine any notion that a literary culture can thrive even in electronic publishing. Today, I'd say that discussion would be lively, loud, and fun – and best argued over several bottles of good wine.

The serious threat, I would say, the one we ought all to be terribly alert to, is the USA Patriot Act of October 2001. Do you know about the USA Patriot Act?<sup>4</sup> And do you know about the FISA Court? If not, let me tell you a few things you should know.

In the current issue of *Archipelago* ([www.archipelago.org/vol6-2/feingold.htm](http://www.archipelago.org/vol6-2/feingold.htm)), you can read a speech by Sen. Russell Feingold explaining why he – alone of U.S. Senators – voted against the Administration's hastily-composed "USA Patriot Act." Sen. Feingold is Chair of the Constitution Subcommittee of the Judiciary Committee. His reservations are well-considered, I would say, and he has placed them against the historical context of the not-infrequent threats against our civil liberties posed by national crises. In brief, here is why he voted against the Senate version of the bill:

First, the bill contains some very significant changes in criminal procedure that will apply to every federal criminal investigation in this country, not just those involving terrorism. One provision would greatly expand the circumstances in which law enforcement agencies can search homes and offices without notifying the owner prior to the search. The longstanding practice under the Fourth Amendment of serving a warrant prior to executing a search could be easily avoided in virtually every case because the government would simply have to show that it has "reasonable cause to believe" that providing notice "may" "seriously

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<sup>4</sup> "Uniting and Strengthening America by Providing Appropriate Tools to Intercept and Obstruct Terrorism"

jeopardize an investigation." This is a significant infringement on personal liberty.

Notice is a key element of Fourth Amendment protections. It allows a person to point out mistakes in a warrant and make sure that a search is limited to the terms of a warrant. Just think about the possibility of the police showing up at your door with a warrant to search your house. You look at the warrant and say, "yes, that's my address, but the name on the warrant isn't me." And the police realize a mistake has been made and go away. If you're not home, and the police have received permission to do a "sneak and peak" search, they can come in your house, look around, and leave, and may never have to tell you.

And how, then, would I know? His next point comes even closer to home: my home, at least.

Another very troubling provision has to do with the effort to combat computer crime. The bill allows law enforcement to monitor a computer with the permission of its owner or operator, without the need to get a warrant or show probable cause. That's fine in the case of a so called "denial of service attack" or plain old computer hacking. A computer owner should be able to give the police permission to monitor communications coming from what amounts to a trespasser on the computer.

As drafted in the Senate bill, however, the provision might permit an employer to give permission to the police to monitor the emails of an employee who has used her computer at work to shop for Christmas gifts. Or someone who uses a computer at a library or at school and happens to go to a gambling or pornography site in violation of the Internet use policies of the library or the university might also be subjected to government surveillance – without probable cause and without any time limit.

His next point concerns the FISA Court. Who among us had known of it? I had not. Sen. Feingold tells us:

I am also very troubled by the broad expansion of government power under the Foreign Intelligence Surveillance Act,

known as FISA.<sup>5</sup> When Congress passed FISA in 1978 it granted to the executive branch the power to conduct surveillance in foreign intelligence investigations without meeting the rigorous probable cause standard under the Fourth Amendment that is required for criminal investigations. There is a lower threshold for obtaining a wiretap order from the FISA court because the FBI is not investigating a crime, it is investigating foreign intelligence activities. The law currently requires that intelligence gathering be the primary purpose of the investigation in order for this lower standard to apply.

The bill that passed the Senate last night changes that requirement.<sup>6</sup> If it becomes law, and there is every reason to believe with a Senate vote of 96-1 that it will, the government will only have to show that intelligence is a "significant purpose" of the investigation. Even if the *primary* purpose is a criminal investigation, the heightened protections of the Fourth Amendment won't apply.

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<sup>5</sup> FISA, or the Foreign Intelligence Surveillance Act (1978), passed in the long wake of the years of Vietnam and civil rights protests, to prevent the CIA from engaging in domestic spying (particularly on groups engaged in civil political dissent). To keep the FBI and CIA from over-reaching into the civil liberties of dissenters, it prevented criminal and espionage investigators from exchanging information. To do this, the secret FISA court was established, to approve or deny requests for electronic surveillance in the name of national security. In 1995, by Executive Order, Pres. Clinton widened the Court's authority to approve "black bag" physical and electronic searches, nearly, it seems, to the extent that the USA Patriot Act now makes statutory.

<sup>6</sup> In August 2002, the Washington Post reported a decision (made in May but only later made public) by the FISA Court rejecting Atty. Gen. Ashcroft's request for "broad new powers, saying the government had misused the law and misled the court dozens of times.... A May 17 opinion by the court that oversees the Foreign Intelligence Surveillance Act (FISA) alleges that Justice Department and FBI officials supplied erroneous information in more than 75 applications for search warrants and wiretaps, including one signed by then-FBI Director Louis J. Freeh. Authorities also improperly shared information with agents and prosecutors handling criminal cases in New York on at least four occasions, the judges said." ("Secret Court Rebuffs Ashcroft, Justice Dept. Chided on Misinformation," Washington Post, Friday August 23, 2002, p. A1 <http://www.washingtonpost.com/wp-dyn/articles/A51220-2002Aug22.html>)

For further information about FISA, see "The Secret FISA Court" <http://www.monitor.net/monitor/10-30-95/fisa.html>. For information about the disturbing case of Kurt Stand and Terry Squillacote, American citizens sentenced to long prison terms after an FBI "sting" under FISA authority, see "Activists Sentenced to Long Prison Terms" <http://www.washingtonpeacecenter.org/articles/activitssentenced.html>; "Wisconsin Espionage Case" <http://www.webactive.com/webactive/pacifica/demnow/dn980618.html>; and Google.

It seems obvious that with this lower standard, the FBI will try to use FISA as much as it can. And of course, with terrorism investigations that won't be difficult because the terrorists are apparently sponsored or at least supported by foreign governments.

And, of course, we have seen the broadening use by the FBI of FISA and the FISA "lower standard" during the past year.

Sen. Feingold continues with a point that directly affects everyone in this room, not excluding the librarians and – I would suggest – their perhaps conflicting responsibilities to their patrons under the new law<sup>7</sup>:

But the significance of the breakdown of the distinction between intelligence and criminal investigations becomes apparent when you see the other expansions of government power under FISA in this bill. One provision that troubles me a great deal is a provision that permits the government under FISA to compel the production of records from any business regarding any person if that information is sought in connection with an investigation of terrorism or espionage.

Now we're not talking here about travel records pertaining to a terrorist suspect, which we all can see can be highly relevant to an investigation of a terrorist plot. FISA already gives the FBI the power to get airline, train, hotel, car rental and other records of a suspect.

But under the Senate bill, the government can compel the disclosure of anyone – perhaps someone who worked with, or lived next door to, or went to school with, or sat on an airplane with, or has been seen in the company of, or whose phone number was called by the target of the investigation.

And under this new provisions *all* business records can be compelled, including those containing sensitive personal information like medical records from hospitals or doctors, or educational

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<sup>7</sup> I have asked librarians whether the FBI has made such inquiries of them and, seeing their discomfort, realized they are not allowed – or believe they are not allowed – to tell me even in general terms. I have asked whether their libraries have established a policy about this law, and whether they have notified the general public about it; and I have urged library patrons to ask their libraries for more information. To my dismay, although not surprise, most people in the audiences where I have spoken had not known about this law – including some librarians. I am glad to say that they have begun discussing the matter among themselves, at least. One asked me whether the Watergate break-in would have been legal under the USA Patriot Act. I don't know the answer but think it a provocative question.

records, or records of what books someone has taken out of the library. This is an enormous expansion of authority, under a law that provides only minimal judicial supervision.

Under this provision, the government can apparently go on a fishing expedition and collect information on virtually anyone. All it has to allege in order to get an order for these records from the court is that the information is sought for an investigation of international terrorism or clandestine intelligence gathering. That's it. On that minimal showing in an *ex parte* application to a secret court, with no showing even that the information is *relevant* to the investigation, the government can lawfully compel a doctor or hospital to release medical records, or a library to release circulation records. This is a truly breathtaking expansion of police power.

Sen. Feingold's deep reservations are worth reading slowly and pondering, for the Act he voted against affects us all. As a publisher, particularly in the electronic media, I am sobered by my knowledge so far. Let me quote the Senator again:

The anti-terrorism bill that we considered in the Senate this week highlights the march of technology, and how that march cuts both for and against personal liberty. Justice Brandeis foresaw some of the future in a 1928 dissent, when he wrote:

"The progress of science in furnishing the Government with means of espionage is not likely to stop with wire-tapping. Ways may some day be developed by which the Government, without removing papers from secret drawers, can reproduce them in court, and by which it will be enabled to expose to a jury the most intimate occurrences of the home. . . . Can it be that the Constitution affords no protection against such invasions of individual security?" [*original ellipses*]

I read that Americans have said they are willing to trade (some of) their civil liberties for the sense of increased security. I wonder what they mean by security. I wonder which rights they are willing to compromise. I wonder if they know they are trading *my* rights, also. For myself, both professionally and as a citizen, I am not willing to compromise any of my civil liberties.



But I wonder, too, how correct the polls could have been. Weren't we struggling to figure out what had happened? Weren't we shocked and grieving? Weren't we reading, listening, talking, trying to learn so many new things about which we had previously known so little?

Most of all, I wonder why our civil rights and liberties were a difficulty in the first place? Was there anything – I wonder – that the FBI, CIA, DIA, and so on, amid the myriad of intelligence and security agencies had not learned already, that the USA Patriot Act laid open to them now? And what of the expanded powers of the secret FISA Court?

Sen. Feingold – and many others – warn us against the "truly breathtaking expansion of police power" in the year since the attacks. I wonder, finally: who benefits from this expansion?

Katherine McNamara ([editor@archipelago.org](mailto:editor@archipelago.org)) is the founding editor and publisher of *Archipelago*, an international quarterly of literature, the arts and opinion published since 1997 on the World Wide Web, and author of a non-fiction narrative, *NARROW ROAD TO THE DEEP NORTH, A Journey into the Interior of Alaska* (Mercury House [www.mercuryhouse.org/mcnamara.html](http://www.mercuryhouse.org/mcnamara.html)). Parts of this speech appeared in her essay "Organizing a Literary Journal as the World Changed: the Formation of *Archipelago*," *WITHOUT COVERS: Literary Magazines in the Digital Age* (ed. Hurliman and Kunakemakorn, Purdue University Press, 2002) and *Publishers Research Quarterly*. *INSTITUTIONAL MEMORY*, her series of conversations with distinguished book people, will be published later this year as an electronic book.

## U.S.A. Patriot Act: Some Web Sites

*Archipelago*: Senator Russell Feingold, On Voting Against the U.S.A. Patriot Act  
<http://www.archipelago.org/vol6-2/feingold.htm>

Library of Congress, "Legislation Related to the Attack of September 11, 2001"  
<http://thomas.loc.gov/home/terrorleg.htm>

Library of Congress, "HR3162: Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001" <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:h.r.03162>:

Thomas Jefferson Center for the Protection of Free Expression <http://www.tjcenter.org/>

Center for Constitutional Rights The USA PATRIOT Act: What's So Patriotic About Trampling on the Bill of Rights? 1 [http://www.ccr-ny.org/whatsnew/usa\\_patriot\\_act.asp](http://www.ccr-ny.org/whatsnew/usa_patriot_act.asp)

Nancy Chang, SILENCING POLITICAL DISSENT (Seven Stories Press)  
<http://www.sevenstories.com/Book/index.cfm?GCOI=58322100208840>

ACLU: USA Patriot Act Boosts Government Powers While Cutting Back on Traditional Checks and Balances *An ACLU Legislative Analysis*  
<http://www.aclu.org/congress/1110101a.html>

American Library Association: Libraries and the Patriot Legislation  
<http://www.ala.org/washoff/patriot.html>

ALA Office for Intellectual Freedom <http://www.ala.org/alaorg/oif/>

On the USA PATRIOT Act <http://www.ala.org/alaorg/oif/usapatriotact.html>

Association of American Publishers, Freedom to Read  
<http://www.publishers.org/abouta/patriot.htm>

Congressional Research Service Report for Congress (PDF)  
<http://www.fas.org/irp/crs/RS21203.pdf>

The USA PATRIOT Act and Patron Privacy on Library Internet Terminals *By Mary Minow*  
 Law Library Resource Exchange <http://www.llrx.com/features/usapatriotact.htm>

Repeal the USA Patriot Act by Jennifer Van Bergen *t r u t h o u t* | April 1, 2002, 6-part series [http://truthout.com/docs\\_02/04.02A.JVB.Patriot.htm](http://truthout.com/docs_02/04.02A.JVB.Patriot.htm)

*The Jurist* - THE USA PATRIOT ACT AND THE US DEPARTMENT OF JUSTICE: LOSING OUR BALANCES?  
 Professor Susan Herman, Brooklyn Law School  
<http://jurist.law.pitt.edu/forum/forumnew40.htm>

The FISA Court:

"Secret Court Rebuffs Ashcroft, Justice Dept. Chided on Misinformation," Washington Post, Friday August 23, 2002, p. A1 <http://www.washingtonpost.com/wp-dyn/articles/A51220-2002Aug22.html>)

"The Secret FISA Court" <http://www.monitor.net/monitor/10-30-95/fisa.html>.

"Activists Sentenced to Long Prison Terms"  
<http://www.washingtonpeacecenter.org/articles/activitssentenced.html>

"Wisconsin Espionage Case"  
<http://www.webactive.com/webactive/pacifica/demnow/dn980618.html>

### Electronic Book Publishing: Some Web Sites

*Archipelago*, "Institutional Memory: Calvin Reid on Electronic Publishing"  
<http://www.archipelago.org/vol4-4/reid.htm>

Rattapallax Press (innovative poetry web site, print journal with CD-ROMs, e-books, and books) <http://www.rattapallax.com/>

Seven Stories Press: eBooks (Adobe, Microsoft, Palm)  
[http://www.sevenstories.com/catalog/index.cfm?category\\_id=286](http://www.sevenstories.com/catalog/index.cfm?category_id=286)

University of Virginia eText Center (Microsoft and Palm) <http://etext.lib.virginia.edu/>

Adobe eBook Mall <http://www.adobe.com/epaper/ebooks/ebookmall/main.html>

Microsoft Reader <http://www.microsoft.com/reader/default.asp>

Barnes and Noble (Microsoft eBooks)  
[http://ebooks.barnesandnoble.com/ms\\_reader/index.asp](http://ebooks.barnesandnoble.com/ms_reader/index.asp)

Amazon eBooks and Documents (various formats)  
[http://www.amazon.com/exec/obidos/tg/browse/-/551440/ref=br\\_lr\\_/002-4720327-7746401](http://www.amazon.com/exec/obidos/tg/browse/-/551440/ref=br_lr_/002-4720327-7746401)

Audible.com (for Mac OSX) <http://www.audible.com/adbl/store/welcome.jsp>

CyberRead (eBooks for PDA) <http://www.cyberread.com/mobishop/>

eBooks.com (Adobe, Microsoft, PDA) <http://www.ebooks.com/>

eFollett.com (college bookstores)  
<http://shop.efollett.com/htmlroot/bookstore/eBooks.jsp>

Fictionwise (Adobe, Microsoft, Palm) <http://www.fictionwise.com/>

Powell's (Gemstar, Adobe, Microsoft) <http://www.powells.com/ebookstore/adobe.html>

Previewport (good books and authors; Microsoft) <http://ebooks.previewport.com/>

Electronic Book Web (industry journal/store) <http://12.108.175.91/ebookweb/>

Online Computer Library Center (library cooperative founded in 1967 by a network of college presidents; owns NetLibrary) <http://www.oclc.org/home/>

netLibrary <http://www.netLibrary.com/>

Project Gutenberg (founded in 1971 by Michael Hart, to put as many public-domain texts as possible into Plain Vanilla ASCII) <http://promo.net/pg/history.html>

Gemstar eBooks (hand-held reader, adapted from the old Rocket eBook reader) <http://www.gemstar-ebook.com/cgi-bin/WebObjects/eBookstore>

This talk was sponsored by the Virginia Foundation for the Humanities and Public Policy (<http://www.virginia.edu/vfh/>), *Archipelago*, and the host libraries.

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