

Letters to the Editor: *Two Replies to the Authors' League*

The Copyright Bill

SIR:—*The Saturday Review of Literature* for April 4th, 1936, contains a letter from Mr. Elmer Davis, Vice-President of the Authors' League of America, attacking the copyright bill which I introduced a year ago and which, having been passed by the Senate, is now pending in the House of Representatives. In the interest of public information, Mr. Davis's letter calls for an answer.

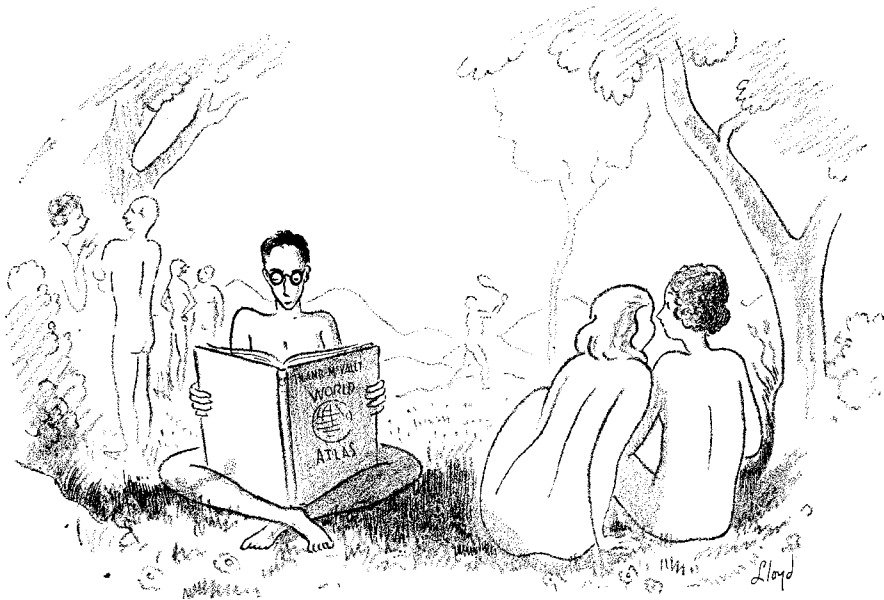
Mr. Davis states that the authors alone, of all groups interested in copyright, fail to get a "slice" from what the bill proposes. On the contrary, a dozen or more provisions were put into the bill at the request of the Authors' League and for the particular purpose of protecting their interests. The bill takes away nothing whatever, either in respect of copyright or "moral right" which authors now enjoy and it adds material safeguards, such as recognition of divisibility in copyright; copyright of unpublished works; and legally recognized exclusive right of radio delivery.

In addition, it offers them the best obtainable protection in other countries, American membership in the general copyright convention. Mr. Davis would belittle such protection because of certain temporary restrictions upon international trade and exchange hanging over from the world economic depression. This unsettled situation makes the security of the convention all the more desirable; and the fact that one country may be denying protection (to which Americans have now no legal claim) to persons of a certain race is no argument against accepting a convention that would prevent piracy of works in most of the countries of the world and establish a legal claim in behalf of Americans of all races in the country in question.

Mr. Davis suggests that it is humiliating to American authors to "get copyright on the continent . . . under the fiction that they are British subjects." It might be even more humiliating (as well as financially injurious) if they should be denied the right to be British "subjects" for this purpose. Yet a recent Netherlands court decision indicates that such may be the event. American participation in the convention will provide protection for them as Americans. The pending bill proposes to accomplish by preparing the way for American membership in the convention, which assures them automatic protection in all member countries.

Mr. Davis cannot understand why the bill does not also grant them automatic copyright at home and says no explanation thereof has ever been given. However, it was fully explained in the favorable report on the bill made by the Senate Committee on Patents, and readily accessible explanation has been made in the *Congressional Record* and elsewhere.

Copyright law is for the public interest, not primarily for authors. A large proportion of the public consider registration valuable—for instance as a guide showing when copyright expires. American



"HE CAN'T SEEM TO GET USED TO THE PLACE."

authors have always registered their works and to continue to do so at home is no considerable burden or expense—as to observe formalities abroad would be. But, the bill does give to American authors, through the treaty, a large "slice" of the automatic copyright which they desire.

The enforcement provisions of the bill have been modified in the public interest, but they are not less effective as remedies against infringement than is the present law. If American authors are, in Mr. Davis's phrase, being sold "down the river," the act is their own and arises out of their own failure to use their opportunity to support a sound measure that is for their benefit, nationally and internationally.

F. RYAN DUFFY.

United States Senate,
Washington, D. C.

The Actual Copyright Situation

SIR:—Friends of copyright appreciate your editorial note urging enactment of the Duffy bill in order to secure the entry of the United States into the Copyright Union. In 1925 this was proposed in the bill prepared by the Register of Copyright at the request of the Authors' League of America. Now, ten years later, the League is in active opposition and may be chiefly responsible for defeat. This adverse campaign involves attack on the Copyright Treaty as well as the Duffy bill.

THE COPYRIGHT TREATY

Vice-President Davis, in your issue of April 4, dwells upon the predicament of an American author who has sold his book rights in Australia only to find that he must go to that far country in order to spend his royalties! Mr. George Creel at the copyright hearings accentuated Germany's bad treatment of non-Aryan authors, and further opposition to adherence was expressed by George Mid-

dleton, Mr. William Hamilton Osborne, and Mr. Chester Crowell. Mr. Fritz Lanham, chairman of the Committee on Patents, suggested that even granting the present bad conditions in Germany and Italy, Hungary and Australia, "by entrance into the Berne Convention we would be no worse off in those countries than we are at present, and we would gain advantages in other countries." Mr. Creel's answer was: "I do not think so."

The Copyright Union was founded in 1887. Accessions have been gradual. Had we entered years ago we would only have been in copyright relations with a few of the countries now members. Suppose Germany and Italy were not now in the Union, would that be a good reason for us to refuse to enter into an advantageous agreement with the remaining forty-odd countries?

No question with respect to copyright has been so generally approved as entrance into the Copyright Union. Our Presidents have considered it,—Arthur, Cleveland, Harrison, Wilson, Theodore Roosevelt, Hoover, and Franklin Delano Roosevelt. Several Secretaries of State have urged it. Our leading newspapers and magazines have supported adherence. Our universities, colleges, and other institutions of learning are on record in behalf of their professors and teachers to urge adherence. The whole educational and cultural contingent included in the membership of our learned societies desires adherence.

If this session of Congress is allowed to end without securing adherence to the Copyright Treaty, it will lead to a copyright catastrophe of such magnitude that it will require half a century of effort to overcome the evil resulting.

THE COPYRIGHT BILL, S. 3047.

The opposition of the Authors' League is concentrated on the Duffy copyright

(Continued on page 20)

H. L. Mencken Meets a Poet in the West Side Y.M.C.A.

BY E. B. WHITE

POET. Good morrow, sweet Mencken,
Sweet Mencken, good morrow.
This is the West Side Y.M.C.A.
We got asphodel, we got coconut oil.
Tell us about the three abominations, Mr. M.

MENCKEN. (*Picking the skin off a medicine ball*)
Poetry, religion, and Franklin D.
The three abominations be.
Why mince words? I do not feel
Kindly toward the Nouveau Deal.
Hopkins peddles quack elixir,
Tugwell is a phony fixer.
Another lapse
For Homo saps.
Yahweh!
(*He throws the medicine ball and it turns into a Methodist bishop.*)

POET. Now there are three of us.
May I offer you a cigarette, Bishop?

BISHOP. What was that crack about religion?
I'm an evangel, pure and voluble.

MENCKEN. Things unsolved are still insoluble.
The church is just an anodyne;
So are Old Fashioneds and so is wine.
The world wants solace when it's grieved.
I drink beer, but I'm not deceived.
Alcohol is a glut in the larder
Except to induce connubial ardor.

POET. Are you talking about love?

MENCKEN. I'm talkin' 'bout devil crabs, son.

POET. Tell the Bishop about the three abominations. He probably didn't hear when you got it off the other time.

MENCKEN. (*Chanting*) Poetry, religion, and Franklin D.
The three abominations be.
When the world is out of kilter
Someone always brews a philter.
This time it is sunny Frank
Pulling rabbits from his hank.
Preacher, poet, seer, and quack
Simply set the people back.
Stuff like Marx's rumble-bumble
Always makes the ninnies tumble.
Thorstein Veblen dished peruna,
Henry George was goona goona.
Worse it is, the more they love it.
Want me to prove it?

POET. I don't see any harm in giving miserable people something to hope for. Just because their clothes zip up the front instead of buttoning down the back doesn't mean they're happy. They should put their faith in me, if it helps them any.

(*Singsong*)

I say put your faith in me,
I am like a living tree.

MENCKEN. You've got the Dutch Elm Blight, if you should ask. All you poets are sick visionaries.

BISHOP. People should put their faith in God, where it belongs. And in the church, which is the servant of God.

MENCKEN. Eeny, meeny, miny, mo,
Put it in Roosevelt and let it go.

BISHOP. Come, now, the New Deal is a very charitable philosophy. Of course, they are running the debt up rather high, but one can't count pennies in the matter of benefaction.

MENCKEN. Count pennies? Those Isaiahs down there can't count three marbles and make it come out three.

(*Intoning*)

Ickes, Wallace, Tugwell, Frank,
Take the money from the bank,
Give it to the meek in spirit
Whether or not they have merit.
Have some peruna, Bishop?

POET. What would you have people believe in, Mr. Mencken?

MENCKEN. Mathematics.

I give my clients
Science.

Two and two are four,
Not more.

All their lives people have added numbers together and got
wrong numbers, because they had a dream.

Poetry is the sleepy weed
The dumb, the sick, and the dizzy need.

POET. I believe in dream. People should have faith in the songs poets sing.

BISHOP. Sing one!

POET. What'll it be?

MENCKEN. Oh, let's have the traditional springtime Nature hocus pocus, and get in a little something about the divine intuitions of poesy. Lull me, in other words.

POET. (*Striking a chord on a squash racquet*)

Earth is a mother, long in labor,
Brought to bed in a bank of snow,
Heavy with life—which every neighbor,
Seeing earth so round, must know.

Life is a dream of winter's ending,
Thaw and sap-rise, seed and row,
I am the midwife, earth attending,
Bough and bud and fallow doe.

How shall you pawn the poet's dreaming,
Knowing not the poet's mind?
Blackbird swamp, and the meadow teeming,
Dwell in me and haunt the wind.

Love in the murmurous pond and peeper
Girds the lips of maid and lad;
Follow the march of the freed river,
Earth is glad, oh, glad!

Swaddling life, in green persuasion,
Frightens some, who dare not speak;
I, the donor, give transfusion
To the wishful and the weak.

Hidden wells of words deep running
Twist my magic willow rod;
Come, I see the turtle sunning,
One with earth, and one with God!