

fascinating advances in the realm of geography. By writing to a government bureau or geographical society, or even resorting to the Sunday metropolitan paper, he can be provided with maps so that he can follow Commander Byrd and his associates through Little America, he can sweep over the jungles of Central America with Lindburgh, or hop across the southern seas with the Southern Cross to the Antipodes.

Let me digress here a moment. What is Commander Byrd trying to do in the Antarctic? As some reflection from European sources has been cast upon his work intimating that it is merely sensational and largely for publicity purposes, I wish to state that already Commander Byrd has accomplished a very great deal in the interest of science and one of the important contributions which he will make when the records are all in, is to a better understanding of the meteorology of the southern hemisphere. Very few people know that the planetary wind system is controlled largely by two gigantic air engines known as the glacial anti-cyclones which function over the two great polar ice-caps, Greenland and Antarctica, and the storms of North America and Europe and those in South America, Africa, and Australia are closely connected with the meteorological events of these two regions. This is just one of the many contributions that Commander Byrd made during his first sojourn in the south.

Geography is not something to be forgotten at the end of the seventh grade—though a good deal of what is now taught might very well be forgotten. I would ask you to look upon it as a subject of pre-eminent worth in the university curriculum, as it is considered in Europe and in many American universities. It should also be one of the choice subjects in the curriculum of that larger university of the home fireside whose courses are not complete until one is called to take the still longer journey into the unknown.

WARREN D. SMITH

DOES A COPYRIGHT MEAN ANYTHING?

Flagrant pirating of published educational texts by individuals, school districts, and higher institutions has reached a serious point; "reproducing" considered a depression economy method.

IN 1931 the National Society for the Study of Education presented as Part II of its Thirtieth Yearbook a report entitled "The Textbook in American Education." On the reverse side of the title page, following the usual notice of copyright by the secretary of the society, there appeared for the first time in this series of yearbooks the statement: "No part of this yearbook may be reproduced in any form without written permission from the secretary of the society."

Only Three Out of Five Condemn Practice

This statement was added after reading in Chapter 10 of the yearbook the discussion dealing with the lack of understanding of or regard for the significance of the copyright, and after noting the figures which showed the attitude of more than two hundred educators and school administrators on the ethics of reproducing copyrighted material for distribution in the schools. Dean Edmonson had asked: "Would it be ethical for a superintendent to reproduce for free distribution to pupils certain pages from textbooks not adopted for use in the schools?" To this query 14.6 per cent of his correspondents said "Yes" while 20.9 per cent more said "It depends," and 5.6 per cent thought the matter unimportant; in other words, only three of five school men (58.9 per cent) definitely condemned the practice.

To get at concrete cases, I invited seven textbook publishers to report characteristic experiences. These publishers, who prob-

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ably collectively market four-fifths of the school books sold in the United States, have contributed the instances I shall cite. Nearly all the instances occurred within the last three or four years. Names of authors, texts, firms and school officials are fictitious or are omitted, but the instances are all real.

"An' What 'e Thought 'e Might Require—"

Contracts between authors and publishers commonly, if not invariably, contain a clause whereby the author guarantees that he will protect the publisher against any claim for damages set up by a second author or a second publisher for violation of the copyright law. In other words, every author is responsible for avoiding in his manuscript the use without permission of copyrighted material. If he wants to quote from a copyrighted work, he must secure written permission to do so, and he or his publishers may be called upon to pay to the holder of the copyright a stipulated sum for this permission. Naturally reputable publishers are fully alive to the significance of a copyright; they understand that *copyrighted material represents property and the use of such material without permission is equivalent to theft*. Consequently, such publishers take special precautions to warn their authors against quoting without permission. Even so, authors are careless or forgetful; witness the following instance:

Passages Innocently "Lifted"

"We had a very curious case a number of years ago in which two or three selections were innocently 'lifted' from our Smith Series of Supplementary Readers. Several years after his readers appeared, Doctor Smith happened to be thumbing through a new set of readers by Jones and spied several selections repeated in identical form from his own readers. Doctor Smith reported the matter to us, and we at once took it up with the publisher of the Jones readers.

"This publisher was amazed at what we showed him and promptly summoned Mr. Jones to explain his outright infringement of copyright. Jones told his publishers: 'Yes, I put those selections in my readers myself; they are my own material; I have been using them for several years when telling stories to children, particularly to pupils in school auditoriums.' Naturally, this mystified Jones's publisher and the editor who had put the Jones readers through the press. So they challenged Mr. Jones to tell these stories then and there; they had our Smith readers in front of them and followed the stories while Jones told them *verbatim et literatim* as they appeared in our Smith readers. It then became perfectly obvious what had happened; Jones had used Doctor Smith's stories so long and so often that he had completely forgotten their source and had come to regard them as the product of his own lucubrations."

A similar case came to my attention recently in which a well known professor of history, after many years of successful teaching, was prevailed upon to develop his classroom lecture notes into a textbook. This material was in galley proof when a member of the editorial department felt that there was something familiar about the exposition of certain events, and search in the publisher's library showed that perhaps a tenth of the material followed word for word paragraphs in two or three other texts now less commonly used. Here it turned out that this professor had used notes from these other texts when he began to develop his course of lectures, that his typist at that time had omitted quotation marks and references, and that he had long since forgotten that the material he was using was borrowed.

Test Material is a Special Sore Spot

Less excuse can be found for another form of copyright infringement by which several publishers who specialize in work-

books, test blanks and record forms have been many times victimized to their financial loss. I quote a case in point: "We publish a successful and widely used test of ability. There have been almost innumerable violations of our copyright upon this material, especially of the record book that accompanies the test, on the part of public and private clinics, hospitals, school systems and even college departments of psychology and education. Many of these violations have been unwitting, particularly those attributable to secondhand and third-hand copying by one institution of forms they obtain from another institution, which, of course, have carried no statement of 'permission to quote.' It is only fair to say that most of the offenders have willingly discontinued publication when informed that they were violating copyright.

"More serious in many respects has been the quoting freely and without permission of portions of this test material in at least three widely circulated magazines. This quoting not only infringed upon our copyright but also endangered the validity of the test material itself for use in future testing."

Writers for popular periodicals appear to have a less sensitive conscience than writers of books. Perhaps they feel that the magazine article is more ephemeral or they may even argue that they are indirectly giving the original author valuable advertising for which he should be thankful. One of my correspondents writes: "The most flagrant case that I can recall of what seemed to be intentional plagiarism was the reproduction, almost in full, of a study we published for a well known psychologist. This material later appeared in a certain popular magazine on psychology, without any credit line and without any authorization from us. We called the editor of this magazine to account. He did his best to put the blame on the author of the article in his magazine, while the author blamed

the editor who, he said, had agreed to 'clear up' any quoted material. Certainly neither of them did it, and the material appeared as if it were the creation of the magazine writer."

The Reproducing Nuisance

The illustrations that have just been given of plagiarism in textbooks and magazine articles are sufficiently numerous and serious to worry publishers and authors, but they are far less numerous, and in point of financial consequences far less serious, than the infringement of copyright that is going on, particularly in educational circles, through the use of the reproducing machine.

The naïveté with which this purloining of printed statements, and hence theft of property, is undertaken is well-nigh incredible; witness the following conversation reported by an experienced bookman, whom we may call Brown, who had just been talking with a superintendent, whom we may call White, and had, as he put it, "given him some information about copyrights that certainly jolted him."

"Hello, I didn't expect to find you still here, Mr. White."

"Why not, Mr. Brown? I'm not leaving Ironville; not even thinking of leaving."

"No, I didn't think you'd be leaving. To tell the truth, Mr. White, I thought you would be in the jail by the time I got here."

"Why, what do you mean, Mr. Brown? Why should I be in jail?"

"Because I heard that you had been caught stealing; they told me at our New York office that you had been stealing our property, and they gave me to understand that they were going to make an example of you for the benefit of other superintendents who might be playing with the same notion."

"Mr. Brown, I'd like to know what you are talking about; if this is a joke, it has gone far enough."

"That's exactly the point of view of our firm, Mr. White. Here's your last letter to

our New York office. You say here: 'Please send me a complimentary copy of Book II of your "Thompson Workbook in Arithmetic." I have reproduced Book I which you sent me last term, and my teachers think it is fine.'

Salesman Brown went on to say that he knew that he was taking a risk of never selling another textbook in Ironville, but also knew he would never sell a "Thompson Workbook" there; furthermore, he believed that White was an honest man and would see the light if he caught his attention sharply and then proceeded, as he did, to explain quietly the unfortunate, and in the last resort unethical, nature of the reproducing nuisance. Superintendent White listened to his explanation, pressed a button on his desk, summoned the janitor, pointed to a pile of reproduced material, told the janitor to throw it in the schoolhouse furnace, and then gave the gratified Brown an order for enough of Book I and of Book II of the "Workbook" to outfit his school system.

In that case a good bookman and a good superintendent achieved an amicable and a proper adjustment of a situation that is all too common.

I think it likely that some school officials may stifle their qualms of conscience by the notion that no one suffers except the publisher, that the publisher can stand the few pennies he may lose, and that they have done him enough favors by buying his other books. At any rate such an attitude would be a natural one for those who believe that the schoolbook publishers, as the governor of one of our southern states expressed it, form "a gigantic octopus stretching its slimy tentacles into every nook and cranny of our public school system!" Actually, violations of copyright entail more loss in dollars and cents to authors than they do to publishers. This statement will surprise many readers, but I am assured that in most publishing houses the amounts paid in authors' royal-

ties, meager as they often are, exceed the amounts that the publishers are able to earn in dividends upon their invested capital.

Salesman Stifles His Objections

But in many other cases the book salesman is fully aware of this illegal use of copyrighted material, yet dares not discountenance it for fear of loss of business on other items that might easily amount to more than the loss on the material that is being reproduced. To quote from one of my correspondents:

"Usually our agents just say nothing. Sometimes they make a polite show of remonstrance to good effect; that occurs when the school official is not aware of any wrongdoing. Occasionally they remonstrate, only to have the perpetrator tell them that he proposes to do about as he pleases. In that event you might suppose that we would bring suit for legal recovery, but we have never done so and it would probably be inexpedient unless a goodly group of textbook publishers would join us in standing against this nuisance. It is doubtful if you could persuade a dozen, or even half-a-dozen, book firms to stand together on this issue.

"Something ought to be done to make school people clear about the ethics of the book business, and especially about the ethical and legal aspects of the copyright, but not much will be done unless the professional educational associations or the educational magazines or the institutions for the training of teachers take the matter into their own hands. Especially to be counteracted is the impression that there is no violation of copyright if only enough copies are made to supply the local needs and if none is sold for a profit. How greatly this information is needed is demonstrated by the fact that one of the school magazines recently offered a prize to a teacher for submitting a device for securing economy in

school administration—a device that included reproducing!”

A Startling Example

The instances of school reproducing that have been cited refer primarily to classroom material largely confined to test material, word lists and the like. It has been shown that often there are factors in the situation that explain, though they do not justify, the infringement of copyright. The ordinary excuses can be less easily applied to the following particularly heinous copyright violation, cited by the editor of an outstanding firm.

“Four years ago the city of X reproduced the first five chapters, complete, of our book by Doctor Blank (naming a well known book for students of education) and distributed these sets to the teachers of the entire school system. This was done without permission and without notice to us. When five chapters had been so distributed, the matter came to the attention of our local manager in X, who, when he protested, was informed that the school authorities had not intended to reproduce the rest of the book! We have always, quite naturally, taken that statement with a large hunk of rock salt.”

While we are talking about heinous violation of copyright, what does the reader think of the letter sent to university professors by a certain publishing company in April urging them to produce books by reproducing that will be sources of profit by simply (to quote the letter) “gathering together your own ideas or the best parts of several other books?” This open invitation to professors and teachers to “lift” the products of the brains of others is discussed editorially in the *Publishers' Weekly* of May 6.

We have just described the reproducing nuisance that arises from the unauthorized reproduction of copyrighted material. What should be the attitude of school and college teachers and what should be the attitude of

publishers toward such reproduction if made with the authorization of the copyright holder?

I suspect the reader may say, “That is all right, and the publishers ought to grant such requests freely.” Perhaps some publishers do so, but I believe more of them do not, and I suspect that the reader has little appreciation of the extent of the drain upon the financial returns of the author and the publisher that would result if all such requests were granted. Here is how one publisher puts it: “With the professors and superintendents of schools it is an old, old story for them to want to reproduce selections from important publications ‘for the use of their own students and not for distribution’ or ‘in order to test the material before adopting it.’ Invariably the very meat of the subject is included in the pages selected by the professors; and since it is the student market, in many cases, for which the book was primarily published, we invariably say ‘No.’”

This publisher appends to his letter a list of thirteen specific requests received within three or four months; they come from high schools, normal schools and colleges of national and even international reputation, and these are the amounts of material they wish to reproduce and distribute free to their students: 12 pages, 8 pages, a chapter, 25 pages, 21 pages, an indefinite amount, a chapter, 8 pages, 4 pages, 12 pages, 1,600 words, 4 pages, and last but not least, 138 pages!

A Matter of Some Inconvenience!

In declining this last request from the college of commerce of a large state university, the publisher reminded the college official that the authors of the book from which he wished to reproduce and distribute 138 pages had put considerable time into the preparation of material, that this had been supplemented by a considerable investment of capital on the part of the publishers in order that the material might be

available in book form to all persons interested, and that both author and publisher must rely upon direct sales to such persons to recoup their investments of time and money. To this polite explanation the university's representatives replied: "I have removed these selections. . . . You can appreciate that this is a matter of some inconvenience to me, and I am most surprised and disappointed at the arbitrary manner in which you deal with members of the teaching profession." (!)

Another university teacher, in charge of the extension work of a Western state institution, on being called to task for distributing, without even a "May I?" quantities of material copyrighted by this same publisher, was far more concerned over the source of the publisher's information than over his own offense; as for that, he explained, it is interesting to note, that he was "*merely following practices in the use of material that have been followed by extension divisions all over the country for many years.*" What an amazing sidelight on the ethics of some higher institutions of learning!

Unethical Answer Books and Illegal "Cram Bureaus"

Of the numerous other variants of illegal infringements upon the rights of authors and publishers, two only can be mentioned here.

The first refers to the preparation and sale of solutions or answers to the problems of a given textbook (commonly a college text in mathematics). An enterprising student in New York not only sold material of this sort locally, chapter by chapter, but also began to advertise his keys by mail and even attempted to establish selling agents in other institutions where the same textbook was in use. The publisher, by vigorous representations on the part of his attorneys and by conference with the college authorities, induced the student to give up his business and to destroy his stock

and his stencils. Somewhat similar reports are made by publishers of workbooks sold without permission to accompany copyrighted texts.

The second variance is most neatly illustrated by the decree of Federal Judge Brewster, which is cited in a recent issue of the *Boston Globe*. Two persons who had been doing business, mostly with Harvard and Radcliffe students, as "The College Tutoring Bureau," were "perpetually enjoined and restrained from printing, reprinting, publishing, copying, distributing, selling or exposing for sale any of said copyrighted books or any other book or work pirated or copied therefrom or any parts of said copyrighted books or quotations therefrom or any other version or abridgement thereof." Judge Brewster also ordered destroyed all reproduced copies and stenciling equipment seized by a raid on the tutoring bureau by a United States marshal, and awarded damages totaling one thousand dollars to the four publishing firms concerned: The Macmillan Company, Houghton Mifflin Company, Ginn and Company, and Harper and Brothers.

It appears, therefore, that publishers and the authors they represent will have little difficulty in enforcing the copyright law, once they decide to take legal action. How much better that the school administrators and the college teachers of the country should understand the significance and see the "sweet reasonableness" of copyright protection; that is really all that is needed to rectify what is now a decidedly unsatisfactory situation.

GUY MONTROSE WHIPPLE

Life is a competitive episode, and, since capabilities differ and opportunities vary, some will prosper and some will not . . . It is futile to complain of these inequalities, for they are biologically inevitable . . . It will be a sad day when we all come to be cut from precisely the same piece of educational cloth.—DR. HARVEY CUSHING.