Dear Members and Supporters,

This was supposed to be the issue of the newsletter where we celebrated the publication of the first book on Clarke, *A Rebecca Clarke Reader*. Indiana University Press published it late in May and for a while it looked like celebration was called for. Two book-release parties were held in the Boston area, and interest was high. The book was for sale through many outlets on the Internet, and I watched its sales figures go up on Amazon.com. Then the current manager of Rebecca Clarke’s estate, Christopher Johnson, threatened the publisher with a lawsuit. Claiming that the book defamed him, and used unpublished material that is his intellectual property without his permission, he demanded that the book be recalled. His claims are groundless: what he alleges is defamatory is based on verifiable fact, and the unpublished materials that are quoted fall within the “fair use” clause of copyright law. Unfortunately, Indiana University Press feared costly litigation and reluctantly withdrew the book. Shortly thereafter an article in the *Chronicle of Higher Education* featured this extraordinary incident in their July 16, 2004 issue; the
Philomela Once More, continued from p.1

*Chronicle* saw IUP as an example of a financially strapped academic publisher, blackmailed by a threat of litigation, unable to support its research goals. The entire *Chronicle* article is available through a link on the RCS website, www.rebeccaclarke.org.

An excerpt is provided below.

The situation brings to mind the mythological story of Philomela, who was silenced by having her tongue cut out, and was later transformed into a nightingale. The recall amounts to censorship of Clarke’s own voice, as one-third of the book consists of transcribed interviews made with Clarke in the three years before her death in 1979. Clarke herself invoked the image of Philomela in a choral setting, a work (like most of her music) that was never published and that she never heard performed. It remained in her estate, withheld from access until 2002, when her choral music was finally published (by Oxford University Press).

The Rebecca Clarke Society is determined to give voice to Clarke’s words, by making the *Rebecca Clarke Reader* available through our website. A photocopied format is also available. (See enclosed order form.)

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**Silent Treatment: A copyright battle kills an anthology of essays about the composer Rebecca Clarke**

By RICHARD BYRNE

Two letters arrived in book reviewers’ mail in the middle of June. One missive came from Indiana University Press, withdrawing its just-published *A Rebecca Clarke Reader* from circulation . . .[and asking] reviewers and editors to ship it back at the press’s expense. The second letter came from Liane Curtis, editor of the *Reader* and founding member of the Rebecca Clarke Society. The label pasted onto the face of the envelope was bold and succinct: “DON’T RETURN your Rebecca Clarke Reader! The recall is groundless! We are fighting back!!”

. . . A lawyer for Christopher Johnson argued that the *Reader* “was replete with unauthorized excerpts from unpublished works, as well as defamatory and libelous statements regarding Mr. Johnson.”

“We very much regret having to withdraw the book,” [says Ms. Rabinowitch, Indiana press’s director]. “We were very proud of it.” [Ms. Curtis] says that Mr. Johnson has quashed the book out of personal animus against her. She says that the unpublished material in the *Reader* falls under “fair use” provisions of copyright law, which permit the reproduction of such materials without permission for the purposes of comment or parody. . . .

Ms. Curtis won Mr. Johnson’s cooperation in her early efforts to study and promote Clarke’s work, which culminated in a 1999 conference on Clarke held at Brandeis. But her working relationship with him frayed, she acknowledges, thanks to her public critiques of Mr. Johnson’s editing of Clarke’s music and her intensive campaign for greater access to unpublished material. . . . In a September 2003 review in the journal *Notes* of six editions of Clarke’s music edited by Mr. Johnson, Ms. Curtis took aim both at his editing and his stewardship of Clarke’s musical legacy. . . . Mr. Johnson rejects Ms. Curtis’s accusations in their entirety. “This is private property,” he says. “Who is Dr. Curtis, or anyone else, to say what’s to be done with this?”

. . . According to Ms. Rabinowitch, the alleged copyright infringements added up to 94 lines, or slightly more than two pages of a 241-page book. . . . Ms. Curtis argues that Indiana University Press should test those provisions of copyright law. “I would like to see Indiana stand up to [Mr. Johnson].” . . . The withdrawal of the book deprives readers of new scholarship on Clarke and a number of Clarke’s published writings and interviews. . . .
“Epilogue” is dedicated to Guilhermina Suggia, but the preface makes no mention of this. The distinguished Portuguese cellist, a student and later a colleague of Casals, played in a string quartet with Clarke before World War I (as Clarke mentions in a 1978 interview, *A Rebecca Clarke Reader*, p. 192). Since the date of composition for “Epilogue” is unknown, it is possible that it might have been written in this early period, when Clarke worked with Suggia.

That “Epilogue” was first titled “L’envoie” is fascinating. The editorial notes do not explore the significance of the change in title. The words “L’envoie” and “Epilogue” both have similar literary meanings, but an Epilogue can function as an ending to many things, while an Envoie is much more specific, referring to a closing couplet that involves direct address in poetry of the Trouveres. Practicality might have motivated Clarke to change the title to the more comprehensible “Epilogue.” What might have prompted the use of the title “L’envoie” is worth pondering, and the term gives some significance to the declamatory, recitative-style writing of the piece. This is an exciting and dramatic work that should prove a favorite among cellists.

In his editorial notes, Johnson states that “the only known documentation for the piece … is Clarke’s diary-entry for January 26, 1932….” He has overlooked an entry from December 17, 1930: “Went to the Izard’s in the morning to hear Toddles try my cello piece ‘Epilogue’.” Toddles was the husband of the violinist Constance Izard, the dedicatee of Clarke’s “Chinese Puzzle.”

Many of Clarke’s compositions are technically out of reach for most amateur musicians. Thus I (as an amateur cellist) had looked forward to the publication of “I’ll bid my Heart Be Still” for cello as an accessible work without obstacles of difficult technique. Unfortunately this edition’s interpretation of the cello part renders the work needlessly difficult. The manuscript annotation the editor claims indicates the cello version leaps up an octave in m. 25 is a tentative draft. In the case of the “Epilogue” such “indefinite and incomplete” additions to the score were ignored, and that

continued on p.4
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Also, our status as a public charity means we need to continue to grow our membership base. Thus we are launching a membership drive and reducing the rate of membership to only $5 per year for “electronic” members (those who receive the newsletter via email).

Please encourage friends and colleagues to join. A membership form is enclosed and you may also renew (or join) on our web site.

What would May Mukle do?
Give to the Rebecca Clarke Society today!