

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SUNTRUST BANK as Trustee of)
the Stephens Mitchell Trusts f/b/o Eugene)
Muse Mitchell and Joseph Reynolds Mitchell,)
) Civil Action File
Plaintiff,) No. 1:01 CV-701-CAP
)
v.)
)
HOUGHTON MIFFLIN COMPANY,)
)
Defendant.)
_____)

DECLARATION OF ANTON MUELLER

1. I am a senior editor at Houghton Mifflin Company, where I have worked since the fall of 1999. As a senior editor, I typically acquire, edit and publish from eight to twelve new titles a year. I actively seek out new properties; present the case, where appropriate, for their acquisition; edit the manuscripts; and work with the marketing, sales and publicity departments to ensure that titles are effectively published.

2. Previously, I was employed as an editor at Grove Atlantic Press in New York City, where I worked for approximately ten years. As additional background, I graduated in 1981 from Hampshire College in Amherst, Massachusetts; I attended graduate school in the master's English program at the University of Virginia; and I worked for two years at the Washington Post Book World. As an editor, I have specialized in literary fiction and serious, narrative nonfiction, often with a political point of view.

3. In the summer of 1999, Alice Randall, whom I had known since the early 1980s, told me that she was writing a parody of *Gone with the Wind* that would skewer

the book for its treatment of African Americans. My reaction was one of skepticism. I understood the need for such a book; GWTW, the book and the movie, present a profoundly flawed picture of an important chapter in American history, and Ms. Randall confided to me that most black Americans experienced the book as a visceral affront. Despite this, it had become indelibly etched on the American imagination.

4. My first response to the idea was, however, as an editor of literary fiction: how could a parody of GWTW – one of the most popular works of all time – result in a new work that I, and Houghton Mifflin, would ever be interested in. It would take considerable literary skill to go up against such a sprawling popular classic and not simply come off as clumsy or bizarre. One of my fears was that, as a first time author, Ms. Randall would not have the skill to avoid having GWTW overwhelm her own work.

5. When Ms. Randall elaborated on her narrative strategy, I grew even more skeptical. She was creating an entirely new character, Cynara, a mulatto half sister of her analogue to Scarlett, and she would let this new character tell her own story in a first person, diary form narrative. When Alice mentioned that Cynara was to be a well-educated former slave; was to have gone on a grand tour of Europe; was to marry her parallel to Rhett Butler, a character named R; and was to venture north to mingle with Reconstruction Washington's black intelligentsia, including the historical figure of Frederick Douglass, I recall saying to her, "You have to make it believable."

6. I received the first draft of Ms. Randall's novel in February or early March of 2000 with, therefore, a great deal of trepidation. When I started reading, however, I was able after a score of pages to let out a sigh of relief. First of all, it was clear that Ms. Randall's talent for language was on full display. I could see the influence in her prose of the

18th century epistolary novels and the 19th century British novels that she dearly loved, and I could also hear the influence of the slave narratives I knew she had been reading. In addition, she had added her own poetry to these influences and was writing with a deliberate and measured care that took me by surprise.

7. Second, as I went on, I had no sense of a dominating presence of the work that she was parodying. In fact, I was barely aware of the other novel at all: the parallels to Ms. Mitchell's characters, and small details, seemed natural and unobtrusive. My biggest fear – how to parody such a large novel and not have it overwhelm your own – was answered. My reactions to *The Wind Done Gone*, then and now, are as follows:

a. While the novel gained its ultimate level of meaning and true political significance as a parody of *GWTW*, it stood on its own and possessed its own narrative integrity.

b. The main character of Cynara, and her story, were utterly convincing to me. Indeed, I realized that my initial reaction to Cynara reflected my own residual racism: I still had trouble transcending stereotypes to grant the possibility that someone like her could exist. This, I realized, was the central purpose of Ms. Randall's novel: to call into question her readers' assumptions and preconceptions, and to change them.

c. Ms. Randall has used just enough to call up the broad outlines of *GWTW*, and has used other allusions as necessary to comment on certain aspects of *GWTW* that she wished to take issue with. Nothing was taken gratuitously. Whereas Ms. Mitchell's novel does not recognize African Americans as complex or capable human beings, Ms. Randall's novel reverses the equation: her black characters are complex, her white characters are simple. Using the formal tools of parody, she has upended the basic racial relations within Ms. Mitchell's novel; she has turned everything upside down and inside out and in doing so created the imaginative space for a new reality, a new world, to be born in relation to Ms. Mitchell's familiar story.

d. It has been alleged that Alice "took too much" to achieve her end of parody, but that is not the case. The absurdity of *GWTW* is how little attention Ms. Mitchell paid to the reality and consequence of African American lives in a work of large scale that has given us our most enduring image of Southern society over a crucial span of our nation's history. To respond to this absurdity, Ms. Randall had to comment on the scope of the work she was skewering; to parody just a few

aspects of GWTW would have proved nothing. Ultimately, Ms. Randall very effectively, through parody, poses the question, “How can GWTW, as a work of fiction, have been accepted almost without comment as a cultural icon when it so dramatically damages the black psyche?” To create a piece of literary fiction that could present that question and serve as an effective rejoinder to the panoramic fiction of GWTW demanded more than a few scenes.

e. The ultimate question, therefore, is how Ms. Randall accomplished her goal, which she clearly did, by parodying so little. Plaintiff talks about 15 characters; according to my count, there are more than 150 figures referenced in GWTW. Plaintiff talks about a relative few scenes, many of which are very minor, from a book of more than a thousand pages. Ms. Randall has been very sparing in her approach.

8. After, therefore, getting confirmation of my own views from several colleagues at Houghton Mifflin, I circulated Ms. Randall’s book to our Acquisition Committee with a covering memo in which I noted “it is difficult to believe that it hasn’t been done before. But it hasn’t, and the time is ripe: no other text is so beloved in American popular letters, or so problematic in its treatment of race; it is an icon of American culture, and an insult to African Americans. *The Wind Done Gone* lives up to the idea: it is an exuberant act of literary revenge and a book that I think black Americans will simply have to read. The emotional satisfaction, the vindication, the fun, will simply be too good to pass up. And I think that it will attract white readers too, both those who will relish it, and those who just might be offended by it. I can see it taking the South by storm. The book is daring, righteous, and beautifully written, and will get a ton of attention.”

9. I had no way of knowing, of course, that *The Wind Done Gone* would attract as much attention as it has, resulting from the Mitchell Estate’s complaint. I had naively thought that the owners of GWTW might even embrace Ms. Randall’s novel. Certainly, the publication of Ms. Randall’s novel would lead to increased sales of GWTW, and to

increased rentals and purchases of the film. One of the first things I did after finishing Ms. Randall's novel was to go out and rent the movie. I had seen the movie before, a few times, but viewing it after having read *The Wind Done Gone* was like seeing it through fresh eyes. No longer as willing to so passively accept the conventions of the film, I winced at the representation of blacks throughout the story. And yet, there was something about the very existence of Ms. Randall's novel, a sense in which it created a new context for *GWTW*, a context in which the story could be seen merely as cultural artifact from a particular time and place, that excited me.

10. After Houghton Mifflin acquired Ms. Randall's work, and after it had been thoroughly edited and expanded, I sent the manuscript to our production department, which created a limited number of bound manuscripts with a view to soliciting endorsements from other writers that could be used to promote the book. This is especially critical for a first-time author, someone who is unknown and without a track record, and it is often a difficult task to accomplish, precisely because the author is unknown and has not yet forged relationships within the writing community. I, of course, had total faith in the novel, both in terms of its literary merits and in terms of its larger social importance, but I was immensely pleased with the number, the enthusiasm, the range, and the perceptiveness of the comments we received. Among the collection of comments we received are the following:

"Those who care about the complexities of American history and innovative literature will surely be drawn to this wonderful novel deceptive in its worldly breadth. It sounds like an old blues riff that travels back to the spiritual. Because of the finely-tuned and shaped language, an array of characters hold the reader's

focus in a loving way. This amounts to good storytelling. Life resides compressed in *The Wind Done Gone* and it reads like poetry."

--Yusef Komunyakaa, poet, author of Pulitzer Prize winning *Neon Vernacular*, Professor of Creative Writing at Princeton University

"The Wind Done Gone is the story that has always lurked between the lines and pages of *Gone With the Wind*. It is the story that has hovered over our land, silent, invisible--but far more powerful than the stories we WERE told. And to have it told in language that is distilled, poetic and immensely sensual is a gift to us all. You'll read this book in one sitting. But I promise you, you'll read it again and again for the wisdom that is there for all of us."

--Myra McLarey, author of *Water From the Well*, a work of literary fiction set in the South and spanning multiple generations

"One of the sweetest joys of my entire career is to watch tiny acorns blossom into gigantic oak trees. Alice Randall has just now turned into one of those beautiful oaks. *The Wind Done Gone* is a must read. I'm so glad I knew her before the rest of the world, which will surely know her now. She is something special."

--Quincy Jones, producer of film, music and television

"Spare, haunting, beautiful. Randall takes on an epic, throwing stones at America's mirage of racial purity. But her real achievement is a debut novel of shimmering lyricism."

--Lisa Jones, author of *Bulletproof Diva: Tales of Race, Sex, and Hair*, writer for the *Village Voice*

"At once a post-modern commentary on a beloved text and an old-fashioned 'Dear Diary' romance, Alice Randall's *The Wind Done Gone* tells the truth as only the smartest literature can. Thin and strong as a tendon, it's the connective tissue that binds the fairy tale of *Gone With the Wind* to the gothic nightmare of Absalom, Absalom. If the revelation that Sally Hemings bore Thomas Jefferson's children has started a fire, this book helps make that fire bright enough to see by."

--Tony Earley, author of *Jim the Boy*

"Like a great big bowl of Hoppin' John, this novel is so good you keep coming back for more."

--Rita Mae Brown, author of *Rubyfruit Jungle*

"*Wind Done Gone* is a brilliant meditation on a modern myth, a revisionist version of our history which is utterly convincing and compelling. It's hard to

believe this book hasn't always been with us. *Wind Done Gone* has the inevitability of a work of art."

--Jay McInerney, author of *Bright Lights Big City*

"The *Wind Done Gone* is one of the most beautifully written—and researched—novels I've read in a long time. Fiction has never been more credible."

--Claude Brown, author of *Manchild in the Promised Land*

"Alice Randall brings intelligence, wit, and a vivid imagination to the Neo-Slave Narrative."

--Ishmael Reed, novelist, , critic and satirist, author of *Mumbo Jumbo* and *Reckless Eyeballing*

"Alice Randall , a multicultural daughter of the new South and a writer of significant gift, has breathed authenticity and vibrant life into the shopworn mythology of moonlight and magnolias assembled by Margaret Mitchell in her 1936 romance novel, *Gone With the Wind*. Randall's character make Mitchell's seem like vaudeville stereotypes. *Gone With the Wind* was a cardboard fairytale of the old South. *The Wind Done Gone*, by contrast, is an unpretentious little gem of a novel that leaves you thinking, "This is how it truly must have been.""

--John Egerton, author of *Speak Now Against the Day: A generation Before the Civil Rights Movement in the South*, winner of the Robert F. Kennedy Award, 1994, author of *The Americanization of Dixie*

" Imagine a book that's written by Alice Walker and Ishmael Reed. Alice Randall is dropping a literary A-Bomb in our ongoing cultural Civil War, exploding clichés of fine southern gentlemen and ladies in waiting into shadows against plantation walls."

--Reginald Hudlin, Film Director

These comments showed that my own opinion, and the opinion of Houghton Mifflin, was, and would be, widely shared.

11. I have reviewed the Affidavit of Ellis B. Levine and I find his refutation of Wendy J. Strothman's affidavit of March 27, 2001 to be cursory and incorrect. It may reflect the approach to the business of publishing that is taken by the large New York houses that are parts of conglomerate enterprises. For, however, a much smaller com-

pany like Houghton Mifflin in Boston, with a much closer, more personal relationship to its authors, an injunction would have, in my opinion, the potentially devastating consequences set forth in Ms. Strothman's affidavit. Plaintiff has put out to the press statements to the effect that Ms. Randall was not willing to expend the effort to create something truly significant on her own, so she just moved things around from GWTW – that *The Wind Done Gone* is just literary piracy. If Houghton Mifflin is enjoined, the press will give credence to, and reprint with emphasis, such statements.

12. As for other portions of Mr. Levine's affidavit, it is true that it is not uncommon for there to be changes in publication dates. Such changes, however, are rarely welcomed, and none of Mr. Levine's examples are remotely relevant to the present circumstances. The fact that authors sometimes die or are late with their work has nothing to do with a book that has been on schedule for months, with extensive pre-publication publicity. *The Wind Done Gone*, moreover, has now received extensive publicity not only as a result of Houghton Mifflin's well-orchestrated plan, but equally as a result of the attention generated by plaintiff's legal action. The time to publish the book is now. If the book is enjoined even for as short a time as three months, *The Wind Done Gone* will be stale news; readers will no longer feel a need to read the work because they will think they "know all about it" from the prior, extensive press coverage. Perhaps even more damaging, an injunction would change the public perception of the work from that of a literary creation to a literary curiosity; from a serious work to a notorious one. It is true that *The Wind Done Gone* has "garnered far more publicity than it would if there had been no litigation." That is only true, however, for the present and is unlikely ever to be true again. A lengthy delay will destroy interest in the work; even a short

delay will distort the novel's reputation and reception. Plaintiff's actions make it certain that Houghton Mifflin will suffer irreparable harm if it is enjoined.

13. As for the implication, in a recent filing by the Mitchell Trusts, that "parody" is a recent invention of Houghton Mifflin, it is nonsense. Parody was part of my initial discussions with Ms. Randall; the initial title to Ms. Randall's work included the subtitle, "A Meaningful Parody"; in the publishing agreement, entered into in August of 2000, the work to be delivered by Ms. Randall is described as a parody of *Gone with the Wind*; parody was both implicit and explicit in my presentation to the Acquisitions Committee; it has been emphasized in virtually every marketing effort undertaken on behalf of the book; we have attempted to be careful not to use "parody" in the sense that it is often used, a comic broadside, but every item Houghton Mifflin has put out has driven home the "dramatic rejoinder" message of Ms. Randall's book; that message was perceived by, and is both implicit and explicit in, all of the above comments that Houghton Mifflin has received about the book – and all of this activity took place well prior to the initiation by the plaintiff of litigation.

14. Finally, attached hereto are photocopies of statements that have been submitted to and signed by the following individuals:

1. Harper Lee
Author of "To Kill a Mockingbird", Winner of Pulitzer Prize, 1961
2. Arthur M. Schlesinger, Jr.
Historian and Political Commentator
Pulitzer Prize Winner, 1946, 1966
Winner of National Humanities Medal, 1998
New York, NY
3. Shelby Foote.
Civil War Historian
Author of "The Civil War: a Narrative" (Three Volumes) and "Shiloh"
Memphis, TN

4. Charles R. Johnson, PhD
Author of "Middle Passage", Winner of National Book Award, 1990
PEN/Faulkner Award Finalist, 1987
MacArthur Genius Fellow, Guggenheim Fellow
S. Wilson and Grace M. Pollack Professorship for Excellence in English
University of Washington
Seattle, WA
5. John Berendt
Author of "Midnight in the Garden of Good and Evil"
New York, NY
6. Nell Painter
Winner of the American Historical Association Award, 2001
Author of "Exodusters: Black Migration to Kansas After Reconstruction"
Edwards Professor of American History
Princeton University
Princeton, NJ
7. John Egerton
Author of "Speak Now Against the Day: The Generation Before the Civil War"
Author of "The Civil War: a Narrative" (Three Volumes) and "Shiloh"
Memphis, TN
8. Ward Just
Author National Book Award finalist "Echo House"
Recipient of Berlin Prize Fellowship
James Fenimore Cooper Prize
Vineyard Haven, MA
9. Steve Earle
Musician, Songwriter, Author of "Doghouse Roses"
Nashville, TN
10. Ben H. Bagdikian
Professor Emeritus, School of Journalism
University of California
Author of "The Media Monopoly"
Berkeley, CA
11. Catherine Clinton

Author of "Tara Revisited: Women, War and the Plantation Legend"
Winner of Alex W. Bealer Prize, Atlanta Historical Society 1998
Riverside, CT

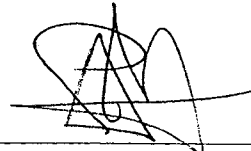
12. Robert A. Brown
Assistant Professor of Political Science and African American Studies
Emory University
Atlanta, GA
13. Adam Hochschild
Author of "King Leopold's Ghost"
Finalist, National Book Critic's Circle Award
Winner of Lionel Gelber Prize, J. Anthony Lukas Award, Mark Lynton
Prize in History
San Francisco, CA
14. Reginald Hudlin
Film Director, "The Great White Hype"
Los Angeles, CA
15. A.Yvette Huginnie
Assistant Professor, American Studies Department
University of California
Santa Cruz, CA
16. Linda Hutcheon
Author of "A Theory of Parody: The Teachings of Twentieth-Century
Art Forms"
Professor of English and Comparative Literature
University of Toronto
Toronto, ON
17. Nick Kotz
Winner of Pulitzer Prize, National Magazine Award
Washington, DC
18. Michael Kreyling
Author of "Inventing Southern Literature"
Professor of English, Director of Graduate Studies
Vanderbilt University
Nashville, TN

19. Lucius T. Outlaw, Jr., PhD
Author of "On Race and Philosophy"
Professor of African American Studies and Philosophy
Vanderbilt University
Nashville, TN

20. Andrea Y. Simpson, PhD
Author of "The Tie That Binds: Identity and Political Attitudes in the
Post-Civil Rights Generation"
Assistant Professor of Political Science
University of Washington
Seattle, WA

The originals of these statements will be filed with the Court as soon as they are received.

I declare under penalty of perjury under the laws of the United States of America
on this 11th day of April 2001 that the foregoing is true and correct.



Anton Mueller