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Barbara Ringer and Copyright History:
Remembering a Mentor, Colleague and Friend

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MEMORIAL TO BARBARA RINGER

IN MEMORIAM: BARBARA RINGER



(1925–2009)

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**BARBARA RINGER AND COPYRIGHT HISTORY:
REMEMBERING A MENTOR, COLLEAGUE AND FRIEND**

by MORTON DAVID GOLDBERG*

Barbara Alice Ringer was born in Lafayette, Indiana, May 29, 1925, and died in Lexington, Virginia, April 9, 2009. She had served more than three decades with the United States Copyright Office.

She served her country twice as Register of Copyrights, and was long acknowledged as one of the country's — and the world's — most eminent authorities in copyright law and a major contributor to the advancement of copyright legislation and international copyright relations. And, far less well-known, she made a significant contribution to the recognition of the proper roles of women and minorities in the copyright field and beyond.

President Gerald Ford recognized her as “the Nation’s foremost authority on copyright law and international issues” in a White House ceremony, when he conferred upon her the United States government’s highest honor for achievement in the federal career services, The President’s Award for Distinguished Federal Civilian Service. Barbara received that Award for her successful efforts and leadership over sixteen years in the enactment of the first major copyright legislation in more than half a century, the Copyright Act of 1976.

Her receipt of The President’s Award and her receipt (twice) of the Library of Congress Award for Distinguished Service were the vindication not merely of her long efforts to update our copyright system but, as well, her struggle to overcome gender and race discrimination in the Copyright Office and its parent, the Library of Congress, during the regime of Librarian L. Quincy Mumford.

She received the recognition from the Library, its highest award, from two of Mumford’s eminent successors: in 1976, from Librarian Daniel J. Boorstin, for her “brilliant ability to grasp, communicate, and reconcile conflicting viewpoints and strongly held opinions” in working with Congress and the many private sector interests involved; and in 1995, from the current Librarian, James H. Billington, for her “unfailing dedication and outstanding contributions” both “to the world intellectual property community” and “to the Copyright Office [and] the Library of Congress”

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A remembrance

This piece is a remembrance of Barbara *qua* Barbara, from the perspective of others and from the perspective of my own interaction of a few decades with the Copyright Office. A reader not familiar with her contributions may read what I've written as a witness's recall of the play-by-play in an "inside baseball" history, but that's alas the risk of a remembrance.

I've not written a discussion of her views on the policies, provisions and practices of laws and treaties or her strongly-held philosophical perspectives that informed those views. So, I've not bitten off a scholarly analysis of her prolific writings, and I've eschewed the trammels of burdensome citations (even to myself) and footnote documentation. All that's for scholars, for them to expound and expand after they review her scholarly writings and the laws and treaties to which she contributed her ideas and her expression over more than four decades.

I've tried not to duplicate the excellent pieces by Judith Nierman and Arthur Levine that have already appeared in the April 2009 Special Edition of the Library of Congress "Copyright Notices," commemorating Barbara's life.

My adjectives and adverbs will tip off the reader early on that I've long been a fond admirer of Barbara. Jonathan Swift said that "whoe'er excels in what we prize / appears a hero in our eyes." Barbara excelled.

The Copyright Act of 1976

I first met Barbara and her distinguished predecessor as Register, Abraham L. Kaminstein ("Kami," to just about everyone) in the early 1960s through a variety of bar-related and quasi-governmental activities relating to their work in the revision program that culminated in the 1976 Act. I came to know them in activities of entities such as the predecessors of the American Bar Association Section of Intellectual Property Law and the American Intellectual Property Law Association, and in groups such as the Panel of Consultants to the Register of Copyrights on the General Revision of the Copyright Law and other governmental entities with sesquipedalian titles such as the Panel on Legal Aspects of Computerized Information Systems, of the Committee on Scientific and Technical Information ("COSATI").

In the last one, I participated with such luminaries as Barbara, Richard Posner and Stephen Breyer, with all of whom I was listed as "contributor" (much as a dictionary would define both Warren Buffett and me as "investor").

In those days, Barbara was Chief of the Examining Division of the Office and then Assistant Register, and was Kami's most significant collaborator in assisting, and then leading, the twenty-year program leading to the 1976 Act. It's fair to say that Barbara not only drafted far more of

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the Act than any other person (or group of persons) but, as another of her many awards, the Government Patent Lawyers Association 1977 Distinguished Achievement Award, put it: "Her imaginative leadership in directing efforts toward revision of the copyright law, and her perseverance in overcoming obstacles and resolving differences between many conflicting interests, make her the person most responsible for enactment of the Copyright Act of 1976."

Some of what Barbara did for copyright revision in the United States and internationally is attested to in an eight-page letter that Kami wrote on April 27, 1974. He wrote it to Princeton's Woodrow Wilson School almost three years after his retirement, nominating Barbara for the Rockefeller Public Service Award. I was fortunate to succeed in coaxing and cajoling Barbara to give me a copy of his letter, because it so well expresses much of what I might say about her, just more eloquently. She gave me the copy twenty-five years later when I assembled documentation for a submission to the American Bar Association, seeking another award for her, of which more later.

Kami's letter told the people at Princeton that he "relied primarily on Barbara Ringer to do the initial drafting of both the 1961 Report on the General Revision and the revision bill" that the Office later proposed. The House Judiciary Subcommittee No. 3 later held twenty-two days of public hearings on the bill, with testimony from 150 witnesses, and discussed it in fifty-one executive sessions. And it was Barbara, Kami said, who analyzed the bill and all the comments on it for the Subcommittee, which unanimously approved it in 1966.

He went on to say that there was every hope that Barbara (by 1974, the Register) would be able to achieve an overall revision of the 1909 statute, notwithstanding the "Gordian knot of CATV" ("community antenna television," the precursor to today's cable systems) and other issues that had to be addressed in the Senate Judiciary Committee. He said she was working with that Committee and several federal agencies, and that she has the respect of all government and private sector parties, "who recognize her not only as able and talented but, perhaps more importantly, as an 'honest broker.'"

Barbara's international contributions

Kami's letter also documented Barbara's achievements in resolving the period of crisis that international copyright relations had entered following the 1967 adoption of the Berne Convention's Stockholm Protocol, which he characterized as a "direct threat to the standards of protection and to the structure of international copyright which had evolved over the past one hundred years."

Even though the United States would not become a member of Berne until 1988, Barbara prepared a blueprint in November, 1967, for resolution of the crisis and traveled back and forth to Paris and Geneva for the next three years to work out compromises. Then, it was Barbara who, as chair of an ad hoc preparatory committee comprising representatives of the key copyright countries, prepared the initial draft of the text that was later adopted by the Committee with her basic provisions. That text was presented to the diplomatic conferences in Paris to amend the Berne Convention and the Universal Copyright Convention in July, 1971, and at their conclusion they adopted what are now the Paris Texts of the two Conventions.

Kami noted: "As my alter ego as Rapporteur General, Ringer produced the first draft of the Universal Copyright Convention single-handedly, working night and day." During this period, he suffered the stroke that led to his retirement as Register on August 31, 1971; and he said that Barbara thereafter "not only took over but speeded the effort" for international revision.

In Kami's view and that of many others, her "leadership and abilities have been of exceptional value" not only to the United States government but to "everyone in the world whose works are affected by the level and structure of international copyright protection." And, as further evidence that she had become a major figure in international copyright, Kami cited her well-regarded tenure as Director of the Copyright Division of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris from May, 1972 to November, 1973.

Among Barbara's accomplishments in international copyright was of course her achievement in effecting the 1976 Act's reforms in American copyright law that were necessary preliminaries in making United States membership in Berne possible two decades later. And her passion for international reforms continued even after her first retirement as Register in 1980. She remained an active participant in the movement for American adherence to Berne and was prominent among the witnesses called upon for the significant hearing on Berne that Senator Mathias called before his Judiciary Subcommittee on Patents, Copyrights and Trademarks on May 16, 1985.

In the mid-1980s, she also made herself available to the members of the Ad Hoc Working Group on U.S. Adherence to the Berne Convention that the State Department had convened to review the laws of the United States and of the fifty states to analyze their compatibility with Berne. As a member of the Working Group, I was grateful to Barbara for her insights. She was not a member, but I know that the extensive Final Report could not have been written without those insights and her earlier endeavors as well.

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Barbara, the fighter for justice

The essence of Barbara was not her expertise. It was what she did with it.

Kami's 1974 letter epitomized Barbara as a "truly dedicated civil servant both in her own right and by background," alluding to the fact that both of her parents had been lawyers with important careers in the government and that her mother was the only woman graduating in the University of Michigan Law School Class of 1923, two years before Barbara was born.

As one who had known his colleague for twenty-five years, he concluded notably:

"She has fought time and time again for what she believes is right, often against great opposition. I know few people, in or outside of the Government, who have her integrity and honesty."

Kami was alluding to the fights that Barbara had undertaken in the causes of domestic and international copyright, but as well to the reason that Barbara had been serving in Paris at UNESCO in 1972 and 1973. When Kami retired because of his stroke, the then Librarian of Congress, L. Quincy Mumford, had rejected Kami's strong recommendation for Barbara as his successor. Mumford had decided to deny her the position of Register and appoint a less qualified man, discriminating against her not only because of her gender, but also for reasons of her stand on race questions in the Library. Barbara, though white, was recognized in the Library as a strong supporter of the rights of blacks in the Office and in the Library itself.

Her affection for the Office and the Library, the great institutions to which she had already dedicated more than two decades, made the dispute with their top manager a painful one for her. But Barbara fought Mumford's decision, and fought it hard for two years.

The best one to tell this sad (but inspiring) story is Barbara. She did it in the third person in a portion of the detailed bio that I succeeded in wresting from her in 1999. She gave it to me for a submission to the American Bar Association, proposing her for the ABA's Margaret Brent Award that recognizes women lawyers who have advanced opportunities for other women in the profession and who have been role models for other women and opened doors for them.

This is the story (which jibes in every respect with what's said in the Report of the EEOC Appeals Examiner and the decision of the district court):

Serious illness forced the retirement of Register of Copyrights Abraham L. Kaminstein in 1971, and the principal candidates for the vacancy were Ringer and George Cary, the Deputy Register

of Copyrights. Meanwhile, widespread protests erupted at the Library of Congress over what was perceived as long-standing discrimination against minorities and women in the Library and the Copyright Office. Ringer agreed that the discrimination was real and serious, and took some preliminary steps aimed at redressing the situation. This made her candidacy controversial.

When the job was posted, Cary was appointed on August 27, 1971, without the Library having interviewed Ringer or complied with other Library regulations. Ringer sued in the United States District Court and obtained a court order on September 27, 1971, vacating Cary's appointment. But, on November 1, 1971, after fulfilling its procedural obligations the Library again appointed Cary. Cary thereupon relieved Ringer of all of her responsibilities and ongoing activities, and asked her instead to make a study of cable television and copyright (the study was written and later published in a European journal).

According to a story in *Publishers Weekly* (September 17, 1973): "Charging that Mumford had discriminated against her on the basis of sex and because she had championed the cause of blacks at the Library of Congress, Ringer went through a long administrative proceeding, and finally took her case to court." Ringer prevailed at every stage of the proceedings, including [the Report of the Equal Employment Opportunity Commission Appeals Examiner on August 10, 1972, and] the decision reported in *Ringer v. Mumford*, 355 F. Supp. 749 (D.D.C. 1973), in which Judge William B. Jones ordered the Cary appointment vacated. But the Library continued in its refusal to take any action.

In 1972, Rene Maheu, the Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), offered Ringer an appointment as Director of the UNESCO Copyright Division. The Library was happy to see Ringer go, and provided her with some job retention rights. Ringer accepted the appointment and remained at UNESCO in Paris from May, 1972, to November, 1973. During her tenure she played a leading role in work on treaties dealing with the copyright aspects of satellite communications and the piracy of sound recordings, and in the preparation of model copyright laws for developing countries.

While in Paris, Ringer pursued her action against the Librarian. After trial, the U.S. District Court had ruled in her favor but had declined to hold the Librarian in contempt when he failed to respond. Ringer appealed, and an appellate brief and arguments were prepared but, to quote again from the *Publishers Weekly*

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story: "On [September 7, 1973,] the eve of a U.S. Appeals Court ruling, Mumford announced her appointment, which Ringer had insisted upon as the only appropriate relief when a district court judge ruled in her favor on the discrimination charges. Cary retired earlier this year [in March] when District Judge William B. Jones ordered his appointment vacated. Ringer then reapplied for the job. Mumford's action now closes the case."

The broader racial discrimination issues would await resolution much later. I don't recall whether the recitation of these facts was written entirely by Barbara or perhaps in part by others at the Office, but I do know that she approved it as accurate. Now, a decade later, I've filled in a few dates and a reference to the EEOC hearing, but it's otherwise the text exactly as Barbara permitted me to include it in the c.v. that I sent to the ABA on her behalf.

As a sidelight for Copyright Society history, I should mention that, in the interregnum between Kami and Barbara, a small group of the concerned leadership of The Society made a lobbying trip to Washington — although, because of the nature of the educational charter of The Society, the trip was not made on its behalf. Our group included, as I recall, Alan Latman, the late professor at New York University Law School and founding partner of Cowan, Liebowitz & Latman, P.C.; E. Gabriel Perle, then Vice President — Law at Time, Incorporated; and me, then the President of The Society, but appearing, as Alan and Gabe did, only in a personal capacity.

We paid a call on Emanuel Celler, the Chairman of the House Judiciary Committee, and possibly also on Librarian Mumford. I don't remember whether Mumford agreed to see us, delegated that burden to a lesser representative of the Library or simply refused any such meeting. I do know that the lobbying was not at Barbara's behest; it's possible that she was even opposed to it.

We met with Celler because his Committee has jurisdiction over copyright legislation, and that, coupled with his clout as one of the most powerful on the Hill, gave him a solid political base for intervening on Barbara's behalf. A factor may also have been that Alan, as a Brooklyn boy, had roots in Celler's district. Celler quickly interrupted our preachment about merit as the only proper criterion for selecting a Register and cut to the point, as a good politician would, asking (in substance): "OK, who's your man?" We told him that our "man" was Barbara. We never found out whether he did anything further.

Barbara was not only the first woman Register but also the first woman to hold an adjunct professorship at Georgetown University Law Center, and the first to achieve many positions and distinctions in the United States and internationally. Yet she didn't view these attainments

as merely personal successes. She was much aware of the broader significance of her various roles as "the first woman to . . ."

All of today's achievements by copyright women of merit of course can't be attributed merely to Barbara's leadership as a role model, but she's had a significant influence both directly and indirectly. Certainly that's true in the Copyright Office, in the personae of the distinguished current Register, Marybeth Peters, and talented other women in the leadership of the Office. That's in sharp contrast with what Barbara was up against fifty years ago. Just take a look at the photograph in the Annual Report of the Register for 1966, the year Marybeth joined the Office after being inspired by a presentation Barbara had given. The photo shows the twelve persons from the Office and the House Judiciary Subcommittee then responsible for the copyright revision bill. One is a woman. Barbara, of course.

She would be justifiably proud that today about half of the legal and business professionals in the copyright field are women, as are about half the membership of The Society and its leadership of Officers, Trustees and Executive Committee.

Barbara, the mentor

Concomitant with her busy activities in copyright revision and international matters, Barbara also served as an adjunct Professor of Law at Georgetown University Law Center from 1962 to 1972. And yet she apparently had nothing else to do in the remaining few minutes of her busy days in the 1960s but to aggregate many hours in preparing numerous extensive handwritten criticisms and comments on sections of a draft — probably unduly detailed and lengthy — of someone else's law review article.

The article was an overall discussion of the main features of American copyright law, in the form of a critique of the landmark report of which she was a primary author, the *Report of the Register of Copyrights on the General Revision of the U.S. Copyright Law*, that the Office issued on July 7, 1961. I was the author of that law review article and thus a significant beneficiary of her graciousness and wisdom (Cornell had asked Alan Latman to write the article, but Alan was busy extensively revising and expanding *Howell's Copyright Law* for its reincarnation as *Latman on Copyright Law*, and he had suggested me instead).

My article recognized the significant contribution that the Register's Report had made to the updating of the anachronism that was the 1909 Act, and I agreed with most of its major proposals. But I disagreed with its proposals that "common law copyright" be retained for undissemated works and that the renewal protocol be retained under the federal system. I made contrary suggestions: that the revised statute should effect a transi-

tion to abolishing common law protection, and that all copyright protection should be placed under the federal statute for a period, generally, of life-plus-fifty. My suggestions were not novel, and were not original with me; and I doubt their later incorporation in the 1976 Act was due in any significant way to me. The primary reason they're in the statute? Barbara, of course.

Although Kami had relied primarily on Barbara to do the initial drafting of the 1961 Report (and more), her comments on my draft law review article were candid about problems that the Report presented and — no milquetoast she — equally unsparing in criticism she thought appropriate for either the Report or my views on it. Melding criticism and graciousness is an art. She'd mastered it.

In my article, I acknowledged gratitude to Barbara and to Alan for their extremely helpful comments, with the standard disclaimer that my views weren't necessarily theirs. I didn't want to gush too much in the acknowledgement, so I didn't say there what I distinctly recall telling Barbara at the time, that the interchanges with her on the draft were among the most intellectually stimulating and rewarding in my legal career. Now, more than four decades later, they still are.

I looked recently at Alan Latman's preface to the edition of his book published in 1962 — the same year as the article of mine on which Barbara had given me so much of her valuable time. The acknowledgement in Alan's preface says: "Of the lawyers who have generously read and commented on portions of the manuscript, I wish particularly to thank Barbara A. Ringer." And many others can cite similar examples of their own. So, as for her editorial generosity, Q.E.D.

My next significant editorial encounter with Maestra Ringer on general copyright revision was probably in 1975 (revision of a statute sixty-plus years old did not move quickly). The implementing legislation was still tied up in Congress. One of the many issues still under review, although not then as controversial as "CATV" and other touchy topics, was that of preemption of state statutes and common law by a federal copyright law.

I had expressed concerns to Tom Brennan, the Chief Counsel of the Senate Judiciary Committee, about ambiguities in the legislation's treatment of preemption. He wrote me on January 24, 1975, that the preemption language in the Senate report reflected the intent earlier given to that concept by the Copyright Office and that, while he was open to considering a change, to do so "[i]t would seem necessary to redraft section 301, and then in the report to clearly reject the interpretation previously advanced by the Copyright Office." My contemporary notes indicate that Barbara had already told me that, even though the pending draft of that

section had its genesis in the Office, she was sympathetic to modifying it after the Supreme Court's decisions in *Goldstein* and *Kewanee*.

Tom called me on January 27 in my capacity as Chair of the Committee in the ABA with jurisdiction over the legislation. He said that the Senate timetable now could not await a formal ABA recommendation for an amended section 301, and he encouraged me to submit my own proposed language. I did so, together with additional explanatory comments for the related legislative history (implementing the insight of Winston Churchill, who prophesied that "history will deal gently with us, because I intend to write it").

I was pleased that my redraft of the section was included verbatim in the further versions of the congressional bills that were reported out of Committee prior to the 1976 enactment. But, even more so, I was delighted that Barbara took the time to write me on April 17, 1975, to say that the Office supported my amendment. She said that the "supporting documents were extremely helpful . . . , your redraft represents a substantial improvement of this section, and I was pleased to support it without any changes." Few could be both as stubborn and as open-minded as she.

Barbara of course was also a mentor to others, notably Marybeth Peters, but also many others in the Office, elsewhere in the government, and in the private sector. Examples abound, but one I learned of just recently is typical: a lawyer named Robert Roth emailed a comment for an online obituary for Barbara, to recall her kindness to him as a student, when his paper failed to win a national prize in a Burkan competition that she had judged, but she nonetheless generously took the time to give him her personal feedback and encouragement.

Barbara's retirements

Barbara retired as Register twice. She first retired on May 30, 1980. That was after shepherding the 1976 Act through and, with Jon A. Baumgarten, her General Counsel, preparing the Office regulations necessary to implement the Act, and also after she'd already served the international copyright community in the many significant ways that Kami described in his 1974 letter. And in 1980, she joined her erstwhile Office colleague Arthur J. Levine in the Washington law firm of Spencer & Kaye.

During her first retirement, she didn't cease contributing to the world of copyright. In addition to her private-sector role in the ultimately successful program for Berne adherence, she participated, frequently with Irwin Karp (counsel for the Authors League in the heady days leading to the 1976 Act), in developing legislation that she thought was well grounded in copyright principles and fair to those concerned.

Included in those endeavors were statutes such as the Copyright Renewal Act of 1992 (making automatic the renewals of old-law copyrights

secured after December 31, 1963) and legislation addressing the immunity of states from copyright liability under the Eleventh Amendment to the Constitution. Although Barbara was more of a diplomat than Irwin — as Irwin would admit — her fervor in these matters was no less passionate than his.

Librarian of Congress James Billington asked Barbara to serve as Acting Register in the interim between Ralph Oman's retirement on November 26, 1993 and Marybeth Peters' appointment the following August. Because of her love for the institutions of the Office and the Library, she came back out of retirement.

For the same reason, she had already acceded to Billington's request in May of that year to return as a volunteer to serve as co-chair of the Librarian's Advisory Committee on Copyright Registration and Deposit ("ACCORD") (as I recall, so named at member Fred Koenigsberg's suggestion that we come up with an acronym of suitable mnemonic and inspirational character). Her service as Acting Register overlapped with her service as ACCORD co-chair, but she nonetheless found time to make a solid contribution to the work of ACCORD and to join with Eric Schwartz to write its final report.

As a member of ACCORD, I was privileged to work once again with Barbara and to witness once again how she was able use her customary combination of scholarship and diplomacy to move a frequently fractious group to resolutions of significant issues.

And with the appointment of Marybeth in 1994, Barbara retired once again, this time for good (almost).

The 1990s and beyond

I saw Barbara in the 1990s in Geneva at a meeting of the World Intellectual Property Organization (WIPO) Committee of Experts, which she attended to make an ardent intervention to the assembled international representatives about the need to recognize the rights of performers. And, Barbara being Barbara, she missed no opportunity to lobby delegates with equal passion — and diplomacy — in the coffee breaks between the formal sessions.

My last significant contacts with her were in 1999, when I worked with her in pulling together the relevant background material to be submitted to the American Bar Association for the Margaret Brent Women Lawyers Achievement Award. Proposals for her were submitted to the ABA at that time by me, by Roger L. Zissu, by Michael J. Pollack as the incumbent President on behalf of The Society, and others.

It was not easy to convince Barbara to let us submit her name. She really didn't want to bother schlepping [sic], she said, to the ABA annual meeting in Boston for them to make a fuss over her if she won. And so it

also wasn't easy to convince her to cooperate with me in working up a relevant formulation of her c.v. and to include in it the details of her successful discrimination litigation against the Library. She did permit me to send the ABA a copy of Kami's 1974 letter that I've quoted above. But, unlike her review of my draft article for Cornell decades earlier, her comments were few. Gracious as always, but few.

When I had to tell her later that she had not received the Award (perhaps because of internal ABA politics), she expressed no regrets, only appreciation for the efforts that her proposers had put into the submission.

Barbara's other passions

Much of her life was work, but it wasn't all-work-and-no-play. She had passions, and she indulged them with grace and humor.

Her passions extended to the creations that copyright fosters, especially in the areas of film and opera. In this respect, a typical anecdote about Barbara is one that I heard more than once from the late Lewis I. Flacks. Lew had been hired at the Office by Barbara, and later became her assistant for international relations and occupied one of the special Office positions that came to be designated as that of "Policy Planning Advisor." For his hiring interview with Barbara, he had contemplated an interview devoted to the profundities of copyright law, but was delighted that instead that the two of them spent just about the entire time discussing the nuances of creativity in the old films that they both loved so much. Lew, a true Renaissance man (from Tarnhelms and Twains to Citizen Kanes, and beyond), had found a kindred spirit in Barbara.

She was a passionate collector of films and works about film, and had amassed 20,000 films and 1,500 volumes on the subject, all of which — in part because of her affection for the Library — she gave to the Library's National Audiovisual Conservation Center.

Her enthusiasms extended also to opera. I must confess that, on a few occasions, both Alan Latman and I exploited that enthusiasm, aided and abetted with gifts of Metropolitan Opera tickets, to facilitate luring her to New York City for a copyright lecture at programs for organizations such as the Practising Law Institute. We did that even though Barbara probably would have been gracious enough to come anyway on those occasions, as she did so many other times.

The *Wall Street Journal's* story about her in its print edition for May 9–10, 2009, quoted Barbara's description of a hero of hers, diva Maria Callas, as "a thoroughly selfish woman, [a] great artist who knew what she wanted and went after it." Online, however, the *Journal's* Web site followed the story with a "related quote" that appeared to say it was Barbara who was the "thoroughly selfish woman, a great artist . . .," etc. She would have been amused. Her reaction would have been the same to be-

ing called a “scrivener” in the article (which was otherwise reasonably accurate in summarizing her accomplishments).

She’d probably react the same way to a few who’ve already laid claim to the credit for some of her legislative accomplishments (she’d long been a firm believer in the principle that, to get things done, it frequently helps to ensure that others get the credit for doing them). And her reaction would have been the same to a blogger’s recent description of her as “the queen of fair use” because the 1976 Act “established . . . fair use” — except that here the scholar in Barbara might first respond with a wry pointer to *Folsom v. Marsh*, etc., as predecessors to the later success of the Act in codifying the doctrine.

Barbara would be amused where others in her position might put the person down, thinking what fools these mortals be. Yes, she had a puckish sense of humor always, but her idea of fun was not a life of wryly putting people down.

Coda

How best to summarize the amalgam of talents that was Barbara? The Society did it when it honored her with its Award upon her retirement in 1980, saying that she “managed to be gracious and tenacious, thoughtful and articulate, scholarly and practical, tough-minded and warm-hearted, patriotic and international.” That was Barbara.

When Librarian of Congress Daniel J. Boorstin, the eminent historian, conferred the Library’s Award for Distinguished Service on her in 1976, he said, “Your work will serve generations of copyright users and will benefit all those in the nation and the world who share the dividends of progress in literature, science, and the useful arts.”

Barbara’s firm instructions specifically requested that there be no memorial service for her. But we in copyright can be mindful of the inscription in St. Paul’s Cathedral for its architect, Christopher Wren: if you seek the memorial, look about you.

Barbara, *ave atque vale*.