

Index

- Abbott, George, 192
 Abrams, Floyd, 217–218, 218n
 actors, 86, 93, 95, 96, 124, 179, 197, 209
 Actors' Equity, 131, 132n, 136, 144–145, 149, 151n
 adaptations, 91, 92, 93, 120n, 120, 124n, 125, 143–144, 146
 Ade, George, 31
 advances, 89, 131n, 212
 African American casts, 164
 Agency Agreement, 93n, 99n, 100
 agents. *see* playbrokers
 Aiken, George, 34n
Aime de Femmes, 125
Allen Bradley case, 170
 amateur rights, 231–232
 amateur theatre movement, 59
 Amazon, 234–235
 American Airlines Theatre, 225n
 American Authors' Dramatic Association, 46n
 American Civil Liberties Union, 150
 American Dramatic Authors' Society, 135
 American Dramatists Club, 33, 99
 American Federation of Labor, 132n, 150, 159
 American Play Company, 90n, 90, 91, 94, 112, 114n, 114
 Ames, Winthrop, 111, 115
 Amherst College, 32n, 32
 amortization, 226n, 226–227, 227n
 Andrias, Kate, 239n
 angel funders, 211
 anthropologies of bureaucracy, 9n
 anticompetition, 157–158, 231, 239n
 antitrust laws
 Approved Production Contract, 213
 Barr litigation, 216–218
 independent contractors, 168n
 new gateways and mediators, 231, 236–238, 239n
 regional theatres, 221
 Ring v. Spina background, 168, 169n, 170–171
 Ring v. Spina case, 182n, 182, 184, 188, 200–201, 202n, 209, 211n
 Ring v. Spina resolution, 203–205, 206, 207
 Shubert antitrust narrative, 228–231
 Approved Production Contract (APC), 11n, 213, 218n, 218–220, 219n, 221, 222n, 222, 228, 236
 arbitration, 147, 148, 182
Are You a Mason, 81
 art theatre movement, 164
 artistic authority
 contracts and consent clause, 92–93
 contractual artistic authority, 118–121
 Guild Bill of Rights, 109n
 Minimum Basic Agreement, 141
 negotiating playwright integrity, 107–109
 producer artistic authority, 121–125
 rehearsal revisions and integrity, 126–129, 130
 Ring v. Spina, 187–189, 193, 195, 196, 199, 209–210
 Audible, 234–235, 235n
 author consent
 contractual artistic authority, 119–120, 121
 playbrokers and contracts, 92–93
 producer artistic authority, 121–122, 123
 rehearsal revisions and integrity, 126, 130–131
 Ring v. Spina and Basic Agreement, 168, 171, 172, 187, 195–196
 author rights, 1–2, 6–7, 47–48, 97, 100
 authors. *see also* dramatists
 Copyright Act 1870, 108
 facilitation of theatrical production, 17–19, 21, 24–27
 film and TV writers, 238
 French's unpublished empire, 38–40, 44–45
 new gateways and mediators, 236–239
 parol transfer rule, 24–27

- playbrokers and contracts, 84–85, 86–88, 89–94, 98–101
 Authors' League of America, 84, 99n, 130, 131n, 136, 160, 173, 203, 206, 207, 208, 217, 236
 authorship, 6n, 11–12, 25, 26–27, 48, 57, 86, 109n, 197–198, 210

 Bacall, Lauren, 214, 215n, 215
 Baker, Dorothy, 106
 balanced contracts, 120, 121, 126
 Baldwin, James
 Twenty Two, 122n, 122
 Barnes, Howard, 160–161, 161n
 Barnes, James, 75n
 Barr, Richard, 216–217, 218, 219, 228
 Basic Agreement. *see* Minimum Basic Agreement
 Bassin, Joel, 220
Battle Cry, 116n
 Baum, Frank, 120
 Bayard, James, 30n
 Belasco, David, 105n, 105, 161
 Bellows and Gregory, 89n
 Bennett, Arthur
 Sawdust and Sentiment, 117n, 117
 Bernard, Sam, 126n
 Berne Convention Implementation Act, 20n
 Bernheim, Alfred, 33n, 86n, 86, 94, 99, 212
 Bianco, Anthony, 104n
 Bickerton, Joseph, 142
 Big Tech, 235n
Bill for the better protection of acting-plays and literature, A, 45–47
 Billboard Magazine, 160
 Bird, Robert Montgomery, 29n, 29
 Blackburn, Joseph, 46n
 Blackstone, Sarah, 75, 80n
 Blau, Gustav, 96
 Bloom, Ken, 109
 Blossom, Harry (Henry), 125
 Un Voyage Cook, 124
 Boker, George Henry, 29n, 29, 50n
 booking businesses, 7, 86, 102, 157n
 Boroff, Philip, 4n
 Boston, 167, 181, 192–193
 Boucicault, Dion
 After Dark, 66n
 copyright reform, 29n, 29, 32n
 French and A *Celebrated Case*, 49–50, 52
 The Octoroon, 22n
 The Poor of New York, 34n
 Violet, or the Life of an Actress, 31n
 Bowrey, Kathy, 9n
 box office receipts, 103, 106, 107n, 215, 219n, 219–220, 226

 Bracco, Robert
 Unfaithful, 129n
 Bracha, Oren, 17, 21n, 21, 29, 30n, 50n
 Brady, William, 142, 143–144, 145, 146n, 173
 break-even point, 125n, 220
 Breglio, John, 214, 218–219, 226n, 227n
 Britain, 30, 40–41, 41n, 57
 British authors, 171
 British rights, 147
 British Society, 90n
 Broadhurst, George, 129n
 Broadway
 Approved Production Contract, 11n
 commercial theatre developments, 12
 costs and royalties, 215, 224, 226
 French's publishing empire, 32, 34, 43–44
 Guild membership, 148
 Internet Broadway Database, 32n
 negotiating playwright integrity, 103n, 109, 110, 113, 114
 new gateways and mediators, 222n, 234, 236
 Playwrights Bill, 231
 regional theatres and LORT, 221, 222–223
 Ring v. Spina, 180–181
 Shuberts dominance, 167, 179
 theatre ownership, 225, 227–228
 Broadway League, The, 32n
 BroadwayHD, 234, 235n
 brokers. *see* playbrokers
 Brooks, Joseph, 125
 Brown, Martin, 154
 Brownell, John
 Mississippi Rainbow, 166n
 Bryan, William, 103n
 Buck, Charles, 161n
 Buck, Gene, 142
 Bureau of New Plays, 163n, 163, 164, 165, 222n
 bureaucracy, anthropologies of, 9n
 Burkert, Mattie, 9n
 Burnett, Frances Hodgson, 31
 Little Lord Fauntleroy, 89n
 business, before art, 107
 Byers, Alexander
 brokerage industry, 100
 death of, 65n
 obituary, 82
 piracy, 60n, 63n, 63, 64–65, 72–82
 Byron, Edward, 55

Caesar and Cleopatra, 128n
Caesar v. Ziegfeld, 100n
 Caffey, Judge, 182–183
 Caldwell, James, 105n
Callaghan v. Myers, 24n

- Camelot*, 234
 Cannon, Fanny
 Mark of a Beast, 126
 CARES Act, 237n
 Carroll, Michael, 2n
 casting, 119, 123, 125n
Cats, 224n, 224, 234
Cave Lady, The, 124
Celebrated Case, A, 22n, 42n, 42, 43, 45, 48n, 48–50, 52–57
 Chase, Judge Harrie, 203, 204n, 204
 chattel staging property, 39
Chicago (musical), 232
 Chicago Manuscript Company, 63, 65n, 65–66, 72n, 74, 75, 77, 79, 80–81
Chorus Line, A, 214, 220
 Christie, Agatha, 174–175
 The Hollow, 188n
 The Suspects, 188n
 Ten Little Indians, 174
 Towards Zero, 175
 citizenship, 57
 Civic Repertory, The, 162
 Clancy, George, 76n
 Clark, Judge, 183, 184, 204–205, 206n, 207n
 Clayton Antitrust Act of 1914, 168, 169n, 170, 202, 204, 218
Clemens v. Press Pub Co, 193n
 closed shop, 142–145, 145n, 149n, 149, 151n, 155, 158, 160, 172, 190
 co-authored pieces, 93
 Coble, Representative, 185n, 228n
 codes, industry, 130–132
 collective bargaining, 149, 239n
 Collins, Nate, 234
Columbia River Packers Assn. v. Hinton, 170n
 combination system, 33n, 102n, 102, 106
 commercial producers, 102n, 108
 commercial theatre transfer, 223
 commercialism, 103–105, 105n, 129
 commission, 84, 90–92, 94, 99, 100
 common law rights
 authorial rights of French and associates, 47–48
 facilitation of theatrical production, 23, 25
 French and unpublished manuscripts, 37, 50, 58
 history of common law copyright, 18n, 213
 manuscript form, 120n
 performance rights, 23n, 23
 piracy and Byers, 64, 74
 competition law, 11, 12, 14, 132, 150, 158, 159, 160, 171, 213, 237, 239
 Compston, Nelson, 73n, 73, 75
 Comstock, F Ray, 123n
 Concord, 234n, 234
 Connelly, Marc, 199n, 199
 Conrad, Judge Robert, 29n
 consent
 contractual artistic authority, 119–120, 121
 Guild Bill of Rights, 109n
 Minimum Basic Agreement 1926, 146n
 playbrokers and contracts, 92–93
 producer artistic authority, 121–122, 123
 rehearsal revisions and integrity, 126, 130–131
 Ring v. Spina and Basic Agreement, 168, 171, 187, 189, 195–196
 contractual artistic authority, 118–121
 contractual control, mediating hubs of, 110–114
 copying and copyists, 62–64, 65–66, 72, 73–74
 copyright
 brokering theatre, 83–101
 facilitation of theatrical production, 17–27
 historical overview, 1–14
 negotiating playwright integrity, 102–132
 organizational response overview, 135–140
 piratical pursuits of Byers, 60–82
 playwright code, 141–166
 publisher's unpublished empire, 28–59
 Ring background and Dramatists Guild, 167–185
 Ring case and Guild strength, 186–210
 subsequent developments to 1976 Act, 211–239
 Copyright Act of 1790, 17, 19n, 28n
 Copyright Act of 1831, 17, 57
 Copyright Act Amendment of 1856, 17, 19n, 27n, 28–31, 30n, 41n, 57, 59, 64
 Copyright Act of 1870, 17, 19n, 30n, 57, 77n, 108, 117, 118
 Copyright Act of 1891 (Chace Act), 17, 19n, 20n, 32n, 41n, 58n, 58, 64n
 Copyright Act of 1897, 18, 19n, 27n, 62n, 64n, 73, 81, 135
 Copyright Act of 1909
 facilitation of theatrical production, 18, 19n, 20n, 20, 21, 23–24, 24n, 25n, 25
 negotiating playwright integrity, 108
 piracy of Byers, 64n, 74, 75
 playwright code, 141
 Copyright Act of 1976, 18–20, 108n, 108, 213–214, 220, 224, 231, 236
 copyright divisibility, 162n, 162
 Copyright Office, 22n, 26, 73n, 73, 75, 78, 176
 copyright protection term, 17, 18, 213
 Corby, H. S., 64n
 Cork, Edmund, 174, 175n
 Common, Eugene
 A Celebrated Case, 48, 49
 Two Orphans, 50
 COVID-19 coronavirus pandemic, 235n, 235, 237n
 Craig, Carys, 6n

- creative collaborators/stakeholders, 111
 Crothers, Rachel
 A Man's World, 92
Cry for the Child, The, 115n
 Cummings Bill (1897), 81n
 Curley, Eileen, 64, 79n
 Curtin, Rebecca Schoff, 6n
 Cushing, Catherine
 The Belle, 122
 Cuthers, W., 98n
 cutting, 218
- D'Ennery, Adolphe
 Around the World in Eighty Days adaptation, 51n
 A Celebrated Case, 48, 49
 Two Orphans, 50
 Daly, Augustin, 105n, 106
Dan'l Druce, 43n
Danicheff, 43n, 43, 44
 Davenport, Ken, 236
 Davis, Andrew, 104n, 167
 Davis, Owen, 31, 59n, 59, 107n, 119, 120, 123, 136, 142, 145, 146n, 199n
Davy Crockett, 75n
 Day, Edmund
 Round Up, 116n
Dear Evan Hansen, 227n
Deborah, 123n
 Delacour, Alfred
 Les Dominos Roses, 44
 DeMille, Cecil B., 113
 DeMille, Mrs H. C. (Beatrice), 89
 Depression, 109, 164, 172
 Deresiewicz, William, 235n
 derivative rights, 3, 108n, 108, 117, 118n
 Dickinson, Thomas, 104
 digital economy, 234–235
 Digital Theatre+, 234n
Diplomacy, 43, 56n, 56–57
 directing salary, 116
 directors, 2, 26
 Disney, 225n, 234
 Dittenhoefer, Abram J., 64n, 82n
 divisibility, 162n, 162
Doctor Bill, 43
Dominos Roses, Les, 44
Donaldson v. Becket, 18n
 Donnelly Act, 152, 157n
 double stage, 60n, 61
 Dramatic Authors' Society, England, 41
Dramatic Mirror
 Dramatists Guild evolution, 135
 dramatists' claims, 27n
 piracy and Byers, 60n, 62–64, 73n, 77
 playbrokers, 86, 95, 99
 Theatrical Syndicate, 103n, 104
Dramatic News, 45, 46
 Dramatic Publishing Company (DPC), 232–233
 dramatic works, and literary works, 2
 dramatists
 Approved Production Contract and royalties, 219–220
 authorship rights, 1–2
 brokering opportunities and challenges, 83–84
 copyright law history overview, 4–5
 Dramatists Guild evolution, 135–138
 Dramatists Guild strength, 184–185, 209–210
 facilitation of theatrical production, 17–19, 24–27
 Gardiner as playbroker, 86–88
 Kausar and brokerage industry, 95, 98–101
 Marbury as playbroker, 89–94
 mediating stakeholders, 11–12
 Minimum Basic Agreement 1926, 141–150
 motion pictures and playwright integrity, 114–117
 negotiating playwright integrity, 102–132
 new gateways and known mediators, 231, 236–239
 playbrokers, playwrights and producers, 84–85
 Shubert antitrust narrative and Playwrights Bill, 228–231
 Dramatists' Club, 82n
 Dramatists Guild
 Agency Agreement, 100
 Approved Production Contract, 11n, 213, 218
 Barr and antitrust response, 216–218
 Bill of Rights, 109n
 Copyright Advocacy Committee, 237n
 copyright history overview, 1, 7, 11n, 11–12, 12n, 14
 dramatists shop, 155
 evolution of, 131, 135–138
 Guild membership, 147–150
 Guild structure, 145–146
 mediating stakeholders, 7, 11–12
 Minimum Basic Agreement, 92, 211
 Minimum Basic Agreement 1926, 136–140, 142, 144, 145–146, 147–150
 Minimum Basic Agreement 1941, 168, 171–172, 174
 negotiating playwright integrity, 109n, 109, 130, 131n, 131
 new gateways and mediators, 222n, 233, 236–238
 pandemic relief, 237n
 playbrokers, 88, 91, 92, 99n, 100
 reframing of authority on monopoly, 152–158, 159–160, 163
 regional theatres and LORT, 221–222

- Dramatists Guild (cont.)
Ring v. Spina and Guild strength, 186–187, 188
Ring v. Spina and Learned Hand, 202–205, 207–209
Ring v. Spina and right to freedom, 200, 201–202
Ring v. Spina and Ring testimony, 193
Ring v. Spina and Shubert testimony, 196, 198
Ring v. Spina issues for jury, 188–190
Ring v. Spina overview, 168, 170, 189n
Ring v. Spina preliminary proceedings, 182, 184, 185
royalties, 211, 215–216
Shubert antitrust narrative, 229, 230
Shuberts resistance and *Hellzapoppin*, 171–172, 174, 176, 179–180
trade associations, 27, 33
Dramatists Play Service, 232
Dreamworks, 225n
Drone, Eaton
memory and copying, 23n, 23, 56n
parol transfer, 24n
play right, 25, 48n, 48, 56, 57, 58
Treatise on The Law of Property, 23n, 24n, 48n, 52n, 56n
dual citizenship, 57
dummy system, 151, 152
- Earle, Georgia
Mark of a Beast, 126
East Lynne, 75n
Eaton, Walter P., 33n
Edwards, Laura, 9n
Edwards, Thomas, 56n
Elliott, Thomas
Law and Fashion, 31n
Elopement, The, 75n
Emerson, John, 143, 144, 151n
employer/employee relationship, 20n, 20–21, 62, 100, 157, 183, 198
England, 41
English drama, 32, 35
enhancement deals, 223
entertainment industry, 26
entertainment union movement, 137
Equity Shop, 151n, *see also* Actors' Equity
Erlanger, Abraham (Abe). *see also* Klaw and Erlanger (partnership)
negotiating playwright integrity, 102, 104n, 109, 111–114
Theatrical Syndicate, 61n, 102, 167
Ernst and Cane, 116n
estates of playwrights, 13
European plays, 31, 35, 41, 59, 84
Evita, 234
exclusivity agreements, 40–41, 42, 48, 89, 116, 228n, 232
Eyes of Youth, 116n
fair use, 4n, 4
Famous Players' Lasky, 115n, 115
Farber, Andrew, 222n
Fathom Events, 234
federal copyright law history, 1, 14, 17–20, 21–26, 30, 47, 57
Federal Theatre Project, 10n, 164–166
Fields, Lew, 128n
film rights
Broadway productions, 224–225
Bureau of New Plays, 163n, 163
copyright divisibility, 162n, 162
copyright law overview, 12n, 12
federal copyright legislation, 18
film and TV writers, 238
Minimum Basic Agreement, 136, 145, 147, 174, 187
motion pictures, 114–117
negotiating playwright integrity, 109, 110, 111, 113n, 113–117, 115n, 131n
nonprofits, 163, 164
playbrokers, 84, 98, 99
film studios, 163, 164, 224–225
First National, 115n
Fisk, Catherine, 17, 20–21, 21n, 89, 100, 168n, 169n, 237n
Fiske, Harrison, 19n, 62n, 62, 63n, 64n, 73n, 81, 95, 103, 135
Fitch, Clyde, 31
The City, 116n
fixed amortization, 226n, 227n
Flanagan, Hallie, 164, 165n, 165
Fleisher, Sidney, 184n
Ford, Lisa, 9n
Ford's Opera House, Baltimore, 52n
foreign authors and works
authorial rights of French and associates, 47–48
Chace Act of 1891, 17, 20n, 32n
combination system, 33n, 107
Copyright Act of 1909, 141
French and *A Celebrated Case*, 50, 54–55, 56, 57, 58–59
French, the manuscript and its performance, 41–44
French's unpublished empire, 31–34, 37, 40–41, 44–47, 52
Minimum Basic Agreement 1926, 143–144, 146
negotiating playwright integrity, 124n
piracy and Byers, 65
playbrokers, 88, 89

- Shuberts and Basic Agreement, 174, 186, 188
 foreign publishers, 46
Fortunate Fool, 124n
Fortune Hunter, The, 75n
 Fox, John
 The Trail of the Lonesome Pine, 112, 113
 Fox Corporation, 115n
 France, 32, 40, 43, 55, 115n
 Frankfurter, Justice, 170n, 170
 French, G. B., 55
 French, Samuel
 accommodating mediators in the courts, 48–59
 authorial rights of French and associates, 47–48
 British Society, 90n
 A Celebrated Case, 54, 55, 56–57, 58, 59
 Catalogue of Dramatic Pieces, 37
 control of printing plates, 34–35
 control through physical space, 35–40
 current play licensing, 232
 death of, 59
 manuscript and its performance, 41–44
 negotiating playwright integrity, 111, 120n
 playbrokers, 84, 89, 90, 95, 98, 100
 publisher's unpublished empire, 31–32, 60
 sole and exclusive rights, 40–41
 transatlantic movement of intellectual creation, 40–47
 turning practice into law, 44–47
 unpublished manuscript and common law, 47–59
 French, Thomas Henry (T. H.)
 Byers office raid, 81
 A Celebrated Case, 49n, 50, 54–55
 foreign works, 35, 43, 44, 48
 French's unpublished empire, 31, 35, 43, 45–46
 Maguire and *Diplomacy*, 56n, 56, 57n
 Palmer partnership, 43n
 French and Son
 authorial rights, 47–48
 A Celebrated Case, 48–49, 52
 control through physical space, 35–40
 French's unpublished empire, 31, 33–34, 58, 59
 manuscript and its performance, 42, 43, 44
 playbrokers, 89n
 French plays, 45, 47, 50, 53n, 55, 59
 French societies, 34
French's American Drama, 34
French's Minor Drama, 34n
French's Standard Drama, 34n
French v. Conelly, 51, 74n
French v. Maguire, 56–57, 57n, 89n
 Frick, John, 86
 Frohman, Charles, 63, 102, 103
 Frohman, Daniel, 63
 Frohman, Gustave, 63
 Frohman Brothers, 61n, 63, 96
 frontier settlements, 9n
 Gabriel, Ralph, 104n
 Gardiner, C. R., 85–89
Gascon, 44n
 Gaumont, Irving, 180–181, 181n, 182n, 182, 190, 193n, 199, 204, 205n
 General Business Law, 152, 157n, 157, 173
 Gershwin, George, 234
 Gervais, Daniel, 108
 Gilbert, W. S.
 Dan'l Druce, 43n
 Giles, Judge William, 54
 Gilmore, E., 46n
 Gilmore, W. J., 42n, 52n, 52, 53n
 Ginsburg, Jane, 24n
Girl and the Wizard, The, 126n
 Glass, Montague
 Potash and Perlmutter, 120n
 Goldman, Mathew, 129n
 Goodman Theatre, 214
 government programs, 7n, 7, 164–166
 Grau, Robert, 89n
Grease, 232
 Green, Julius, 174
 Greenbaum, Edward, 145n, 175n, 190–191, 193n, 193, 196–197, 199n, 199, 200
 Greene, Clay, 135
 gross receipts, 31, 89, 91, 215, 219–220, 224
 Gross Weekly Box Office receipts (GWBOR), 219n, 219–220
 Group Theatre, The, 162
 Guernon, Charles (aka Carlton Glidden)
 Eyes of Youth, 116n
 Guild. *see* Dramatists Guild
H. A. Artists & Assoc., Inc. v. Actors' Equity Association, 209
 Hagan, James, 161n, 161
Hamilton, 4n
 Hammerstein, Arthur, 142
 Hand, Chief Judge Learned, 203–204, 205–207
 Hannan, Walter, 170, 181n, 181, 189n, 192
 Harbach, Otto, 142
 Harned, Virginia, 124
 Harris, Andrew Bennett, 104n
 Harris, Robert, 175
 Harris, Sam, 142, 144
 Harrison, George, 63n
Harry Potter and The Cursed Child, 226, 227n
 Hayman, Al, 102

- Hays, Arthur Garfield, 137, 150, 152, 155–157, 158, 159, 203
- Hays, Carole Shorenstein, 227n
- Hazel Kirke*, 60–64, 65n, 73, 74n
- Helburn, Theresa, 163n, 163, 164, 165
- Hellzapoppin*, 175–179, 196–198, 200
- Hennequin, Alfred
- Les Dominos Roses*, 44
- Her Own Money*, 115
- Herbert, Victor
- Trilby*, 127
- Hervieu v. *Ogilvie*, 59n
- Heyman, Edward, 170, 181n, 181, 189n, 189, 192, 198n, 198, 201
- Hoffman, Aaron
- The Politicians*, 122
- Hogg, Wentworth, 34, 42n
- Holliday Street Theatre, Baltimore, 52, 54
- Hollywood films, 138n, 163, 200, 224, 229n
- Hopkins, Charles, 96n
- Hopwood, Avery, 31
- Seven Days*, 77
- Houseman, John, 164
- Howard, Bronson, 31, 33, 82n, 84, 85, 127n, 135
- Howard, Legrand, 123n
- Hunting for Hooligan*, 74, 75n
- Hutcheson* case, 169–170
- Ibsen, Henrik, 165n
- If Love Be Love*, 93
- impresarios, 14, 102n, 109, 111, 129, 167, 174, 212n, 225, 235
- indigenous people, 9n
- industrial trusts, 102n, 103, 104n
- industrialism, 104n
- industry codes, 128, 130–132
- Ingersoll Bill, 28n
- Inner Shrine, The*, 125
- intangible right, 113, 157, 213
- integrity of the work, 130, 132, 180, 188, 198, 230
- intellectual property rights
- author divestment, 25
- copyright history overview, 1, 5, 6, 9, 13
- Dramatists Guild membership, 147, 148
- Dramatists Guild strength, 209–210
- employers and employees, 20n, 21
- Federal Copyright Act of 1976, 213
- film studios and theatre industry, 224
- new gateways and mediators, 238
- playbrokers and playwrights, 100
- Sondheim on, 230
- theatre ownership, 227
- Van Dyke on, 47n
- International Copyright Act of 1891 (Chace Act), 17, 19n, 20n, 32n, 41n, 58n, 58, 64n
- international copyright law, 46, 55
- International Guild of Theatrical Writers, Inc, 188
- Internet Broadway Database (IBDB), 32n
- investors, 215, 219, 220, 226
- Irish authors, 32
- Irwin, Laetitia, 154
- Jackson, N. H., 51
- Jagged Little Pill*, 234n
- Johnny Drummer*, 182, *see also* *Stovepipe Hat*
- Johnson, Burges, 131n
- Johnson, “Chic”
- Hellzapoppin*, 175–179, 176n, 197–198, 200
- Joint Committee of Dramatists and Managers, 82n
- joint works, 3
- Jujamcyn Theatres, 225
- Julien, Alfred, 189, 196, 199n, 200–201
- Kaplan, Carol, 225n
- Kasha, Lawrence, 215
- Kaufman, Adolph, 171–172, 174–175, 187
- Kaufman, George, 159, 192
- Kausser, Alice, 83n, 83, 89, 94n, 94–98, 101, 120
- Kean, Norman, 219
- Keene, Laura, 89
- Keene v. Kimball*, 56, 74n
- Keene v. Wheatley*, 20n
- Kelly, Ashley, 229n
- Key to Room No. 10, The*, 119
- Kidder, Kathryn, 59
- Klaw, Marc
- Kausser and brokerage industry, 96
- negotiating playwright integrity, 102, 109, 111–114
- piracy and Byers, 63
- play booking business, 157n
- Theatrical Syndicate, 61n, 102, 157n, 167
- The Trail of the Lonesome Pine*, 111–114
- Klaw and Erlanger (partnership)
- contractual artistic authority, 111–114, 113n, 114n, 120
- mediating hubs of contractual control, 111
- motion picture rights, 115, 116n, 117
- negotiating playwright integrity, 123n
- producer artistic authority, 122, 123, 124–125
- script changes, 127
- Klein, Charles, 31
- Klein, William
- Hellzapoppin* case, 176n, 197
- law and authority on monopoly, 152, 157–158, 159
- Minimum Basic Agreement, 171, 173, 174, 187
- Ring v. Spina* and Basic Agreement, 184, 188
- Klein, William, II, 137n, 159n, 159

- Krow, Arthur, 85
Kubly, Herbert, 202, 203
Kyle, Howard, 131n
- La Jolla Playhouse, 214
labor disputes and law
 Clayton Act and Norris-LaGuardia Act, 168–170
 Guild strength, 208–210
 mediating stakeholders, 11
 new gateways and mediators, 237–238, 239n
 reframing of authority on monopoly, 156, 157
 Ring v. Spina, 188
 Shubert antitrust narrative, 168n, 230
Labor Management Relations Act of 1947 (Taft-Hartley Act), 142n, 169n
Lacy, Thomas Hailes, 34n, 34–35, 37, 48
Lampell, Willard, 189n
Landro, Vincent, 109
Lanham Act, 118n
Larson, Jonathan, 3n
Latour, Bruno, 8n
Lawson, Tom, 63n
League of New York Theatres, 173–174, 219
League of Residential Theatres (LORT), 212, 221n, 221–222, 222n, 223, 225n
leasing rights, 80n, 147, 171
Leavitt, M. B., 85, 88
Lee, Harper
 To Kill a Mockingbird, 232–233
Lee, Ilhyung, 118n
legal internalism, 14n
Lerner and Loewe, 234
Levine, David, 222n
Levy, Aaron, 159
Library of Congress, 17, 22, 30n, 53, 57, 73n, 76, 81
Library Table, 46
licensing, 40–41, 45, 89, 90, 98
licensing houses, 232, 233
Lincoln, Abraham, 166, 180n, 180, 198
Lincoln Center Theatre, 221n, 223n, 225n
Lindey, Alexander, 201n
Lippman, Monroe, 105–106, 143n
literary works, and dramatic works, 2
litigation, 26, 47, 48, 52, 148, 159, 160, 161
Litman, Jessica, 2n, 19n, 20, 21n, 23n, 24n, 24, 26, 27n, 50–51, 138
Little Lord Fauntleroy, 73, 89n
Little Mermaid, The, 225n
Little Nemo, 123n
Little Theatre, Chicago, 162
little theatres, 59
live theatre
 digital platforms, 234
 pandemic effects, 235n
 livestreaming, 234n
Living Newspaper, 165
Livingston, Margit, 4n
Lloyd Webber, Andrew, 234
London, 34–35, 40
London, Todd, 4, 12, 223n, 223
LORT. *see* League of Residential Theatres (LORT)
Lucas, Craig
 Prayer for My Enemy, 223
- MacKaye, (James Morrison) Steele
 American Dramatic Authors' Society, 135
 Hazel Kirke, 60n, 60–62, 74n
 inventions, 60n
 MacKaye v. Mallory, 21n, 61n, 62n, 68n, 74n
 name and archives, 60n
MacMahon, Alice, 96
Madison Square Theatre, 43n, 61
Maguire, Thomas, 56
 French v. Maguire, 56–57, 57n, 89n
Mallory, George, 61n, 61, 62n, 63, 68n, 74n
Mallory, Marshall, 61n, 61–62, 62n, 63, 65n, 68n, 74n
Maloney, Richard, 192, 199n, 199
managers, 59, 95, 111
Managers' and Stars' Agency, 86
Manhattan Theatre Club, 214, 221n, 225n
Manners, J. Hartley, 124
 The Girl and the Wizard, 126
manufacturing clause, 58n
manuscripts. *see also* unpublished manuscripts
 author control, 120n
 authorial rights of French and associates, 47–48
 French's empire, manuscript, and performance, 39, 41–44
 Kaiser and brokerage industry, 97
Marbury, Elisabeth
 agency agreements, 90n
 brokering theatre, 83, 89n
 contractual artistic authority, 120
 Kaiser and brokerage industry, 94n, 94–95, 96, 97, 98
 Marbury and power to negotiate, 89–92, 94
Marcin, Max, 116n
Mark of a Beast, 126
Mason, John, 124n
Massachusetts Supreme Court, 55
material scripts, 26, 82
materialism, 104
Mathew, Fannie Aymar, 62n
Maxwell, Jennifer J., 4n
Mayer, M. L., 89n
McDonald, William, 164n

- mediating stakeholders
 copyright law history overview, 1, 7–14
 law and reframing of authority on monopoly, 166
 new gateways and known mediators, 231–239
 organizational response overview, 135
 playbrokers, 83–84, 100–101
- memory, 23n, 51n, 51–52, 55n, 55, 56n, 56, 57, 74n
- memory doctrine, 55n, 74n
- merger doctrine, 4
- MGM, 115n, 215n, 215
- Middleton, George
 advances and royalties, 212n
 Dramatists Guild Agency Agreement, 93n, 100
 Dramatists Guild evolution, 135, 136
 Dramatists Guild president, 148n, 148
 foreign author rights, 58–59, 115n
 Minimum Basic Agreement, 142, 143, 146n, 148, 149, 150, 187, 211
 motion picture rights, 115n
 negotiating playwright integrity, 131n
 playbrokers, 84, 100
Ring v. Spina case and effects, 145n, 189, 190, 202, 203, 208
 Strong's sketch of, 138–139, 139n, 140n
These Things Are Mine, 137, 140
- Miller, Arthur, 164, 230
- Miller, Derek, 9n, 23n, 41n, 55n, 74n, 110n, 212, 227–228
- Minimum Basic Agreement
 antitrust response, 216
 Approved Production Contract, 219
 contract committee, 151n
 first agreement, 141–150
 immediate resistance and tensions, 150–152
 motion picture rights, 116–117
 playbrokers and contracts, 92
 reframing of authority on monopoly, 153, 154, 155, 158–160, 166
 resistance to new agreements and *Hellzapoppin*, 171–180, 198
Ring v. Spina background, 167–168, 188n, 189–190
Ring v. Spina freedom from illegal restraint, 199–202
Ring v. Spina Learned Hand's resolution, 202–203, 204n, 204, 205–206, 207–208
Ring v. Spina preliminary proceedings, 182n, 182–185, 183n
Ring v. Spina testimony of Ring, 192–193
Ring v. Spina testimony of Shubert, 194–195, 196, 198
 royalties, 211–212, 213–215, 219n
 Shubert antitrust narrative, 231
- Minimum Basic Agreement 1926
 antitrust response, 216
 Dramatists Guild evolution, 136–140
 first agreement, 141–150
 immediate resistance and tensions, 150–152
 motion picture rights, 116–117
 reframing of authority on monopoly, 152–166
Ring v. Spina, 183n, 205
 Shubert antitrust narrative, 231
- Minimum Basic Agreement 1936, 164, 219n
- Minimum Basic Agreement 1941, 168, 171–180, 189, 195, 198
- Minimum Basic Agreement 1946, 186–188, 194, 195
- Minimum Basic Agreement 1955, 211–212, 212n, 214
- Minimum Basic Agreement 1961, 219
- Minimum Basic Production Contract, 211n, 217
- minority groups, 10
- Miranda, Lin Manuel, 4n
- Mirror*. *see* *Dramatic Mirror*
- Mitchell, Langdon, 31
- monopoly, 152, 153, 154, 157n, 158, 216, 217, 230
- Monster, The*, 123
- Moody, William Vaughan, 31
- moral rights, 108, 109n, 118n, 130, 137, 189, 230
- Morissette, Alanis, 234n
- Morton, Martha, 31
- Moses, Montrose J., 107n
- motion pictures
 Broadway productions, 224–225
 copyright divisibility, 162n, 162
 Minimum Basic Agreement, 147, 174, 187
 negotiating playwright integrity, 109, 113–117, 115n, 127
 nonprofits, 163
- movement, 8n, 8
- Music Theatre International, 234
- Musical Company, The, 234
- musical works, 18, 20, 155
- musicals. *see also* *Stovepipe Hat*
 artistic consent clause, 93
 mega musicals, 224n, 224
 performance rights, 232, 233–234
 producer artistic authority, 124, 125
 production costs, 226
 rehearsal revisions, 126
 royalties, 219, 227n
- musicians, 184n, 184, 209n, 209
- Mussolini, Benito, 165
- My Country*, 151
- My Fair Lady*, 234
- My Permanent Husband*, 124n
- My Romance*, 175n

- Nagrin, Helen Tamaris, 199
- National Theatre of Norway, 165n
- natural rights, 56, 57
- Nederlander Organization, 225
- Nederlanders, 215n, 217, 227n
- negotiating playwright integrity, 102–132
- contractual artistic authority, 118–121
 - mediating hubs of contractual control, 110–114
 - motion pictures, 114–117
 - overview, 102–110
 - producer artistic authority, 121–125
 - rehearsal revisions and codifying integrity, 126–132
- Negro Theatre Unit, 164
- Neighborhood Playhouse, 162
- New Amsterdam Theatre, 113, 225n
- New Deal, 7, 164, 236
- New Haven, 167, 180–181, 192
- New Theatre, 110–111, 129, 162
- New York, 34, 35, 110
- New York Dramatic Mirror*. *see* *Dramatic Mirror*
- New York League of Theatres, 216
- New York Supreme Court, 56, 152, 172
- Nichols v. Universal Pictures Corporation*, 4n
- Nicosia, Josephine, 180
- Nixon, Sam, 102
- nonprofits, 7n, 7, 10n, 163–164, 212, 214, 220–223, 236
- non-writer creative collaborators, 1n, 2n, 2, 5, 26
- Norris-LaGuardia Act, 169n, 169, 170, 209n
- novelization, 141
- Octoroon, The*, 21n, 22n
- Old Globe, 214
- Olsen, “Ole”
- Hellzapoppin*, 175–179, 176n, 197–198, 200
- O’Neill, Eugene, 151n, 161, 162, 164, 165n, 165
- open door policy, 142–143, 143n, 158, 211n
- operating profits, 215n, 215, 220
- orchestras, 209
- organizational response overview, 135–140
- originality, 3
- Palace Theatre, 215n, 215
- Palmer, Albert Marshall
- authorial rights of French and associates, 47–48
 - French and *A Celebrated Case*, 49, 50, 52n, 52–53, 54, 55–56
 - international copyright, 46
 - manuscript and performance, 43–44
 - and T. H. French, 43n
 - unpublished manuscript and common law, 52
- Palmer, Henry D., 51n, 52n
- Palmer v. De Witt*, 23n, 24n, 51n, 51, 52, 74n
- pandemic (COVID-19 coronavirus), 235n, 235, 237n
- Papp, Joseph, 214, 220
- Paramount Pictures, 114, 163n
- parol transfer, 24n, 24, 25, 57, 65, 213n, 213
- Parton v. Prang*, 24n
- Pauker, Edmond, 189n, 208
- Paulson, Michael, 227n, 234n
- Payroll Protection Program, 237n
- Penfield, Roderic
- Lady Teazle*, 129n
 - White Hen*, 129n
- performance rights
- Copyright Act 1856 revision, 28, 57
 - development of, 23n
 - facilitation of theatrical production, 17, 18, 23, 25, 26
 - French and unpublished manuscript, 23, 37, 40, 42, 57
 - new gateways and mediators, 231–232, 233
 - piracy and Byers, 79, 81
 - playbrokers, 89
- Perlmutter, William
- My Country*, 151–152
- Phantom of the Opera*, 224n, 224, 234
- physical manuscript, 97, 100
- physical space, control through, 35–40
- physical theatre properties, 225
- Pink Dominos*, 43n, 43, 44
- piracy
- and Byers, 62–64, 65, 73–74, 75–76, 77, 81
 - foreign authors, 47n
 - French and unpublished manuscript, 42, 47, 50
 - musical works, 18
 - playbrokers, 99
- plagiarism, 62–64, 160–162, 161n, 162n
- plates, printing, 34–35, 37
- Platt, Don, 46n
- play right, 25–26, 48n, 48, 56, 57, 58, 64
- playbrokers
- brokering theatre, 83–101
 - contractual artistic authority, 120
 - cultural and transatlantic production, 83n
 - early American playbrokers, 84–85
 - Gardiner as advisory manager, 85–88
 - industry centralization, 59
 - Kauser and brokerage industry, 94–101
 - Marbury and power to negotiate, 88–94
 - mediating stakeholders, 7
 - overview, 83–84
 - theatrical tours, 33
- playwright code. *see* Minimum Basic Agreement
- playwright integrity
- contractual artistic authority, 118–121

- playwright integrity (cont.)
 industry codes, 130–132
 mediating hubs of contractual control, 110–114
 motion picture rights, 114–117
 negotiating playwright integrity, 102–132
 overview, 102–110
 producer artistic authority, 121–125
 rehearsal revisions and codifying integrity, 126–132
 playwrights. *see* dramatists
 Playwrights Horizons, 214
Playwrights Licensing Antitrust Initiative Bill, 228–231
 PMA. *see* Producing Managers Association (PMA)
 Poggi, Jack, 51, 311, 31, 106, 110n, 163n, 212
 points, 215n
 Pollock, Channing, 131n, 132n, 132, 136, 160, 161n, 161–162, 162n
If Love Be Love, 93
The Inner Shrine, 125
 Porter, Cole, 234
 Porter, Olive
The Ringmaster, 119, 126, 129n
 Price, Fanny, 89n
 Price, Stephen, 105n
 printed plays, 8, 35, 37, 41, 47, 82
 printing plates, 34–35, 37
 pro-author contracts, 125
 producers
 antitrust response, 216
 artistic control, 108
 contractual artistic authority, 118, 120–121
 definitions, 102n
 facilitation of theatrical production, 22
 mediating hubs of contractual control, 111
 mediating stakeholders, 13
 Minimum Basic Agreement, 151, 184–185
 motion picture rights, 115–116
 new gateways and known mediators, 237, 238
 piracy claims, 63
 playbrokers, 84–85, 98
 producer artistic authority, 121–125
 rehearsal revisions and integrity, 126, 127–128, 130–132
 Shubert antitrust narrative, 229
 Producing Managers Association (PMA), 131n, 131, 132n, 136, 142n, 146n
 production costs, 226
 production cycle, 165n
 production process
 author divestment, 25
 brokering theatre, 83
 copyright law history overview, 5–7
 facilitation of theatrical production, 17–27
 mediating stakeholders, 7–9, 13
 publisher's unpublished empire, 33–34
 profits, 43n, 44, 107n, 215, 220
 prompt scripts, 127
 pro-producer contracts, 121, 126, 127
 Provincetown Players, 162
 pro-writer contracts, 119, 123, 126, 130
 public performance rights, 18
 public space, 225
 Public Theatre, 214, 220
 published works
 authorial rights of French and associates, 47, 48
 federal copyright protection, 21–22, 25
 French's publishing empire, 35, 37, 40, 41
 unpublished manuscript and common law, 57
 publisher's unpublished empire, 28–59
 accommodating mediators in the courts, 48–59
 authorial rights of French and associates, 47–48
 control of printing plates, 34–35
 control through physical space, 35–40
 manuscript and its performance, 41–44
 overview, 28–34
 sole and exclusive rights, 40–41
 transatlantic movement of intellectual creation, 40–47
 turning practice into law, 44–47
 publishers
 authorial rights of French and associates, 47–48
 entrepreneurs, 31, 59
 facilitation of theatrical production, 22, 26
 negotiating afterlife of work, 232
Pulte v. Derby, 24n

Queen's Evidence, 42n, 42

 race, 10n, 118n, 120n
Radiant Release, The, 96n
 railroad system, 33, 82
 reading fees, 84, 88, 100
Rebecca of Sunnybrook Farm, 120–121, 126
 regional theatres, 59, 212, 221–223
 registration of copyright
 Copyright Registration Office, 22n
 federal copyright law, 17, 19–20, 21–22, 23, 30n
 new gateways and mediators, 213n, 236
 piracy and Byers, 65, 73–76, 76n
 playbrokers, 100
 unpublished manuscript and common law, 57
 rehearsals, 92, 126–127
Report on Committee to the Association of Dramatists, 141
 residential theatres, 236
 revues, 175n, 175–176, 176n, 187, 188, 195, 197
 Rhodes, Irwin, 165n

- Rice, Elmer, 100n, 172, 173n, 173
- Richman, Arthur, 142, 144, 145, 148n, 152, 155n, 155
- Rifkind, Judge, 183, 195, 201–202, 203
- Right to Contract clause, 142, 143, 144, 145
- Rinehart, Mary Roberts
 Seven Days, 77
- Ring, Carl E.
 career and case background, 166, 168, 170–171
 obituary, 208
 Ring v. Spina freedom from illegal restraint, 198, 199–202
 Ring v. Spina Guild strength, 186, 188
 Ring v. Spina issues for jury, 188–191
 Ring v. Spina preliminary proceedings, 180–185
 Ring v. Spina resolution, 203–208
 Ring v. Spina testimony, 171n, 192–194
 Ring v. Spina testimony of Shubert, 194
- Ring v. Spina*
 antitrust response, 216
 case background, 168, 170–171
 Guild inherent strength, 186–188
 issues for jury, 188–191
 Learned Hand's resolution, 202–210
 Middleton involvement, 145n
 Minimum Basic Agreement, 168n, 211
 ongoing labor disputes, 237
 ongoing theatre developments, 212–213
 preliminary proceedings, 180–185
 right to freedom from illegal restraint, 198–202
 Shubert antitrust narrative, 229
 Shuberts and Guild system, 175n
 testimony of Lee Shubert, 194–198
 testimony of Ring, 171n, 192–194
- Ringmaster, The*, 119n
- Rising, Lawrence
 Apartment 12 K, 121, 126
- robber barons, 104n
- Roberts v. Myers*, 21n, 22n
- Rockefeller, John D., 104n
- Rodgers & Hammerstein Theatricals, 234
- Rodgers and Hammerstein Organization, 234
- Rogers, Henry E., 63n
- Rosen, Zvi S., 18n, 22n, 76n
- Ross, Robert, 181, 194, 199
- Round Up*, 116n
- Roundabout Theatre, 214, 221n, 223, 225n
- royalties
 African American themes, 164n
 antitrust response, 216
 Approved Production Contract, 219n, 219–220
 author success, 4
 Federal Copyright Act of 1976, 214–216
 Federal Theatre Project, 165–166
- French's unpublished empire, 31, 42–43, 43n, 44, 45, 58–59
- gross receipts and royalty system, 224, 226–227
- Hamilton*, 4n
- MacKaye and Mallory, 61
- Minimum Basic Agreement, 148, 155, 211–212
- motion pictures, 116
- music, 155
- negotiating playwright integrity, 114n, 114, 116, 120, 131n
- new gateways and mediators, 212n, 227n, 236
- nonprofits and regional theatres, 220, 221n, 221, 222–223
- piracy and Byers, 65
- playbrokers, 83, 89, 98, 100
- Ring v. Spina*, 181n
- Shubert and *Hellzapoppin*, 197
- Shubert antitrust narrative, 228, 229
- royalty pools, 214, 215–216, 220, 224, 226–227, 228, 229
- Rubens, Maurie, 154
 Green Fruit, 154n
- Rudin, Scott, 232–233
- Rukgaber, Cecile, 106
- Rumsey, John, 90n, 90, 116n
- Russak, Ben, 165n
- Salter, Brent, 7n, 11n, 168n, 222n, 224n, 238n
- Samuel French (publishing company), 32n, 34–35, 111, 232, 233, 234, *see also* French, Samuel; French and Son
- Samuel J. Friedman Theatre, 225n
- Sanger and Jordan, 86n, 89n
- Sardou, Victorien
 Diplomacy, 56n, 56, 89
 Fedora, 89n, 89
 Madame Sans-Gene, 59
 playbrokers, 89n, 89–90
- Sawdust and Sentiment*, 117
- Scenes a Faire*, 4n, 4
- Schoenfeld, Gerald, 229
- Schweitzer, Marlis, 8n, 105n, 109, 212n
- Scott, Leroy, 131n
- screen rights. *see* film rights
- screenwriters, 12n, 238
- scripts
 material scripts, 26, 82
 playbrokers, 84, 97
 rehearsal revisions, 126–128
 script approval, 109n
 scripts on hold, 84, 129n
- Second Stage, 214
- Selden, Edgar
 McKenna's Flirtation, 73n

- Select Operating Corporation, 167n, 172, 174n
 Select Theatres Corporation, 167n, 167, 172, 211n
 Selwyn, Archibald, 85
 Selwyn and Co agency, 89n, 90n, 93
 Sergel, Christopher, 232–233
 Sergel, Christopher, III, 233
Seven Days, 77, 78, 79
 Sevush, Ralph, 140n, 233n, 236–237
 Seward, William Henry, 29n, 29, 50n
 Shaw, George Bernard, 128n, 164, 165
 Caesar and Cleopatra, 128n
 Sherman, Robert, 65n, 80n
 Sherman Act, 182, 183, 204, 208, 217, 230
 Shook, Sheridan
 authorial rights of French and associates,
 47–48
 French and *A Celebrated Case*, 48, 49, 50–51,
 52–53, 54, 55–56
 French's unpublished empire, 43n, 43–44, 45,
 46, 52
Shook v. Rankin, 23n, 50, 51
Shrek, 225n
 Shubert, J. J., 173n, 174, 184, 187–188, 194, 231
 Shubert, John, 187, 194
 Shubert, Lee
 and Agatha Christie, 174–175, 188n
 Minimum Basic Agreement, 142n, 142, 146n, 148,
 149n, 154n, 174n, 174–175, 187
 negotiating playwright integrity, 106, 111, 125,
 131n, 132n, 132
 reframing of authority on monopoly, 153–155,
 158, 159
 Ring v. Spina case, 192, 193, 199, 200
 Ring v. Spina testimony, 194–198
 Shubert antitrust narrative, 229, 231
 Shubert Archive, 102n, 110–111, 111n, 118, 196, 197
 Shubert Organization (Shuberts)
 antitrust narrative, 217, 228, 230–231
 Broadway theatres, 167, 225
 brokerage industry, 83, 93, 97–98, 98n, 101
 contractual artistic authority, 118–120
 Fields association, 128n
 foreign language works, 124n
 Hellzapoppin case, 176–179, 196–198
 liquidation, 167, 172
 mediating hubs of contractual control, 102n,
 104n, 107n, 110–111
 Minimum Basic Agreement, 138–139, 142–143,
 145n, 145, 151–152, 155, 171–180, 186–188
 motion picture rights, 114–115, 116n, 117
 negotiating playwright integrity, 102, 106, 108,
 109, 110, 119, 121, 125n, 126
 open door policy, 142–143, 143n, 158, 211n
 producer artistic authority, 121, 123–124, 125
 reframing of authority on monopoly, 152–155,
 156, 157–160, 162
 regional theatres, 221
 rehearsal revisions and integrity, 126, 128–129, 132
 Ring v. Spina case, 167, 168, 171–180, 188, 190,
 194–198, 200, 209
 Shubert antitrust narrative, 229
 and Theatrical Syndicate, 102–103, 105, 106–107,
 107n, 111, 142–143
 theatre ownership, 167
 Shubert Theatre, Boston, 181
 Shubert Theatre, New Haven, 199
 Shubert Theatre Corporation, 152, 172
 silent contract, 119
Silk, 123
 Sillcox, Luise, 148n, 148, 163n, 203, 208n
 simulcasting, 234n
Sketch, The, 35n
 small rights, 155
 Smart, Harry, 88
 Smith, Harry, 154
 Ladies Change, 124n, 125n
 social bargaining, 239n
 Society of American Dramatists and Composers,
 84, 135
 Society of Authors, 90
 Society of Directors and Choreographers, 12
 Sondheim, Stephen, 230
Song of Jacob Zulu, The, 222–223
 Sorkin, Aaron, 232
 South Korea, 235n
 space, control through, 35–40
Spider-Man: Turn Off the Dark, 226n
 Spies, J. J., 88
 Spina, Harold
 Ring v. Spina issues for jury, 189
 Ring v. Spina preliminary proceedings, 180,
 181n, 181, 199n
 Ring v. Spina right to freedom from illegal
 restraint, 198, 201
 Ring v. Spina testimony of Ring, 171n, 192–194
 Ring v. Spina transcript, 189n
 Stovepipe Hat, 170, 180, 181, 189n, 189, 208
Spirit of the Times, The, 47, 50
 Spoo, Robert, 31n, 65n
 St Cyr, Dirce, 129n
 stage directions, 3, 4n
 Stagg, Jerry, 132n, 167
 staging, 6, 8, 37, 38, 39
 stakeholders. *see* mediating stakeholders
 Stange, Hugh
 Seventeen, 129n
 star touring system, 102n, 102
 stars, 95

- state courts and laws, 23, 25, 58, 64, 118n
 Stationers' Hall, London, 41
 Statute of Anne, 6n
 stenography, 23n, 52, 56n, 56, 74n, 77, 79, 82
 Stephen Sondheim Theatre, 225n
 Steppenwolf Theatre, 222
 Stewart, Henry, 85
 Stewart, Justice, 209n
 Stitt, Georgia, 237n
 stock rights, 94, 147, 148, 231–232
 stock system, 95, 102n, 102
 Stone, Peter, 5, 215, 219
 stop clauses, 227
 Stout, William, 76n
Stovepipe Hat, 166, 170–171, 180–185, 188, 189n,
 189–190, 191, 194, 201, 205, 208
 Strong, Austin, 138–140
 Strong, James
 Hunting for Hooligan, 75
 subsidiary rights, 147, 174, 211–212, 214, 222, 223n, 223
 Supreme Court, 169, 186, 208, 209
 Swan, Mark
 Her Own Money, 115
 Swan, Judge Thomas, 203, 204–205
 Swartz, Mark, 111n
 Syndicate. *see* Theatrical Syndicate
- Taft-Hartley Act of 1947, 142n, 169n
 Tams-Witmark, 234
 Tani, Karen, 10n
 tech mediators, 234–235, 235n
 Teichmann, Howard, 159
 television writers, 238
 Ten Eyck, Mills, 202
Ten Nights in a Bar Room, 75n, 75
Ten O'Clock Scholar, 175n
 term of protection, 17, 18, 213
 text-based framework, 1, 2, 7
 Thatcher, T. W.
 If Love Be Love, 93
 Theatre for a New Audience, 221n
 Theatre Guild, 162, 163n, 163
 theatre ownership, 28, 103n, 217, 225, 227
 theatrical managers, 59, 95, 111
 theatrical properties, 8, 86, 225
 Theatrical Syndicate
 artistic control, 108, 109
 contractual artistic authority, 118–119
 contractual control, 110–111
 Fiske on, 73n
 foreign author tours, 33n
 formation of, 102
 Frohman Brothers, 63
 industry centralization, 14
 Klaw and Erlanger, 61n, 167
 motion picture rights, 115, 117
 negotiating playwright integrity, 102–107,
 128–129
 playbrokers, 83, 86, 96, 97
 playwright code and Shuberts, 142–143, 158
 Thomas, Augustus, 31
 Arizona, 31n
 Lion and the Mouse, 31n
 Thompson, Charles, 120
 Thompson, Charlotte, 126
 Thomson, Lynn, 3n
To Kill a Mockingbird, 232–233
Tompkins v. Halleck, 56, 74n
 Tony Awards, 222n, 223
 touring
 combination system, 33
 foreign authors, 33n
 playbrokers, 86, 89, 98
 playwright integrity, 102n, 102, 106n, 110, 111, 114n
 Shuberts and Syndicate, 111, 142
 trade associations, 7, 11, 12, 14, 27, 136, 142, 149, 160,
 166, 237
 trade courtesy, 31n, 65n
 trade unions. *see* unions
Trail of the Lonesome Pine, *The*, 111–114
 Train, Arthur, 137
 translations, 40–41, 43, 44, 50, 53n, 124n, 146
 transportation technologies, 80, 82
 trusts, 83, 102n, 103, 104n, 107, 114
 Twain, Mark, 193n
Two Orphans, *The*, 43, 48n, 50–51
 Tyler, George, 122
 Tynan, Brandon
 Vivian, 121
- Uber, 237n
Uncle Tom's Cabin, 73, 75n
 unemployment, 164, 165, 166
 Union Square Theatre, 43n, 43, 47, 49n, 49, 50, 55
 unions
 Dramatists Guild and Basic Agreement, 142, 149,
 150–151, 156, 157, 158, 160
 new gateways and mediators, 237–238
 Ring v. Spina, 170, 182, 185n, 208–209
 Uber, 237n
 United Scenic Artists union, 12, 136
United States v. Hutcheson, 169–170
 unpublished manuscripts
 accommodating mediators in the courts, 48–59
 authorial rights of French and associates, 47–48
 early playbrokers, 100
 facilitation of theatrical production, 20,
 21–26, 213

unpublished manuscripts (cont.)

- French and publisher's unpublished empire, 31, 34, 36, 37, 39, 41–42
- mediators pre-1976 framework, 236
- piracy and Byers, 64, 74, 75, 80

Valenzi, Shane, 232, 233–234

Van Dyke, Reverend Dr. Henry, 47n

Variety, 207, 219

vaudeville, 176, 197

Verne, Jules

Around the World in Eighty Days, 51n

Vestal, Albert, 162n

Vickery, Anthony, 167n

Vivian Beaumont Theatre, 225n

Wagner Act, 169n

Wallack, James, 105n

Wallack, Lester, 49–50

Wallack Theatre, 50

Walsh, Thomas, 131, 136n, 137

Walter, Eugene, 112–114

The Heritage, 116n

Washington Square Players, 162

Weber, Max, 9n

weekly operating profits, 220, 224, 226, 227n

Weidman, John, 2, 138n, 138, 224

Weinberger, Harry, 162n, 173, 184

Weiser, Jacob, 151–152, 155n, 155

Welles, Orson, 164

Werker, Judge, 218

Wetzel, Robert, 163n, 223n

Wiggin, Kate Douglas

Rebecca of Sunnybrook Farm, 120–121, 126

Wilf, Steven, 9

Wilks, T. E.

Black Domino, 38n

Williamstown Theatre Festival, 235n

Winter, William, 104

Wittenberg, Philip, 85, 100, 189–190, 192–193, 195, 199

Wizard of Oz stories, 120n, 120

Woman of the Year, 214–215, 215n, 219, 226

women

agents and playbrokers, 89n, 89

mediating stakeholders, 10

writers, 31n

Wood, Mrs Henry, 75n

Woods, A. H., 125

work-for-hire doctrine, 3, 20–21, 21n, 125n, 165n

Works Progress Administration (WPA), 164, 165

Wright, Doug, 12, 137

I Am My Own Wife, 137

writers. *see* authors; dramatists

Writers Guild, 12

Yiddish Theatre, 162

Yourgrau, Tug

The Song of Jacob Zulu, 222–223

Zecher, Henry, 104n

Ziegfeld case, 100n

Zimmerman, Fred, 102