Ethics arise with reprinting books with false facts

By Leslie Kaufman, New York Times

Journalism is meant to be the first draft of history, and newspaper articles fit that mold nicely, fading into the archives. But books are not so neat.

The digitization of books has facilitated the rerelease of a spate of nonfiction works years or decades after their initial publication, and in some cases the common interpretation of their subject matter has evolved or changed significantly.

Melville House confronted this situation with its decision to reissue in December a 1964 book by A. M. Rosenthal, “Thirty-Eight Witnesses: The Kitty Genovese Case.” The book was originally released just months after the murder in March 1964 of 28-year-old Catherine Genovese, known as Kitty, who at around 3 a.m. was returning from her job at a tavern to her apartment in Kew Gardens, Queens, when she was assaulted, stabbed to death and then raped by a psychotic killer.

It was a gruesome story that made perfect tabloid fodder, but soon it became much more. Rosenthal, a Pulitzer Prize-winning reporter who would go on to become the executive editor of the *New York Times*, was then a new and ambitious metropolitan editor for the paper who happened to be having lunch with the police commissioner 10 days after the crime. The commissioner mentioned that 38 people had witnessed the murder, and yet no one had come to Genovese’s aid or called the police.

Rosenthal quickly mapped out a series of articles centered around a tale of community callousness, and then followed in June with his quick-turnaround book, published by McGraw-Hill. National and international interest in the issue spiked, and soon the Kitty Genovese case became a sociological phenomenon

studied intensely for clues to behavioral indifference.

In the years since, however, as court records have been examined and witnesses reinterviewed, some facts of both the coverage and the book have been challenged on many fronts, including the element at the center of the indictment: 38 silent witnesses. Yet none of the weighty counter-evidence was acknowledged when Rosenthal's book was reissued in digital form by Melville – raising questions of what, if any, obligation a publisher has to account for updated versions of events featured in nonfiction titles. Dennis Johnson, the publisher of Melville House, said he knew about the controversy but decided to stand behind Rosenthal's account. "There are, notably, works of fraud where revising or withdrawing the book is possible or even recommended, but this is not one of those cases," he said. "This is a matter of historical record. This is a reprint of reporting done for the New York Times by one the great journalists of the 20th century. We understand there are people taking issue with it, but this is not something we think needs to be corrected."

But others say there was a way to tip at the controversy without correcting the book. "If you are taking a piece of iconic journalism and reissuing it, it is probably in the interest of the reader of today to place it into a context that makes sense," said Peter Osnos, the founder and editor at large of PublicAffairs Books, which handles numerous works by journalists. "That doesn't change the value of the literature."

In this electronic era publishers are increasingly reaching into their backlists to exploit popular nonfiction from the past. In this case Johnson said that reissuing works in digital form was a mostly automatic effort. For the most part people in the industry agree that there is not a high burden on a publisher to update books based on new evidence about old events, or even to acknowledge that new facts or interpretations exist.

“It would never enter a publisher’s mind that they were obliged to add material,” said Jane Friedman, a co-founder and chief executive of Open Road Media, which specializes in digitizing and marketing backlist books. “The information may have changed, but we are not journalists or academics. The book is the book.”

Still, she said, it could be a smart marketing opportunity. “I like new material because I like to make something fresh if I can. It would have been so interesting to bring up the controversy and start a debate.”

Some publishers and authors do make an attempt to stay current. In his biography on Joe Paterno, Joe Posnanski quickly added material dealing with a shocking new development — the sexual abuse scandal at Pennsylvania State University, where Paterno coached. Still, the book has been criticized for presenting a generally favorable portrayal of a figure whose reputation had since been greatly tarnished.

The fear at the time of the Kitty Genovese case was that urban areas were becoming much more dangerous, and her death amid unconcerned neighbors was a definitive tipping point. Rosenthal’s book played a significant role in building up the incident’s notoriety. The book, which went in and out of print over the decades, also kept the case alive for generations of students studying “Genovese Syndrome,” a description of why onlookers turn away from bad events and the diffusion of responsibility.

But over time the basic facts were called into question. As early as 1984 the *Daily News* published an article pointing to flaws in the reporting. In 2004 the Times did its own summation of the critical research, showing that since Genovese crawled around to the back of the building after she was stabbed the first time (her assailant fled and returned) very few people would have seen anything.

The article quoted among others Charles E. Skoller, the former Queens assistant district attorney who helped prosecute the case and who also has written a book on it. “I don’t think 38 people witnessed it,” said Skoller, who had retired by the time of the interview. “I don’t know where that came from, the 38. I didn’t count 38. We only found half a dozen that saw what was going on, that we could use.” There were other mitigating factors as well; it was a cold night, and most people had their windows closed.

“Maybe only five people were in the position to hear her calls, if even that,” said Kevin Cook, an author who is currently researching the case for a book of his own and trying to determine exactly who knew what.

Rosenthal’s book was digitized in large part because of a campaign by Andrew Blauner, a literary agent whose clients included Rosenthal and who has long had an interest in the Genovese case.

Blauner would not address the criticism of the book’s assertions but said he thought that, details aside, Rosenthal’s work was about humanity and thus more relevant than ever.

“I don’t think that there’s any question that the story of Kitty Genovese is iconic and important, timely and timeless and transcendent, on so many levels,” he said. “There is, in my view, great intrinsic value and virtue in Abe’s book being made available to as many people as possible, in as many formats as possible.”

Blauner argued that when Melville first brought the book back into print in 2008, it contained a new preface by Samuel G. Freedman, a journalism professor who also writes a religion column for the *Times*. The preface, Blauner said, acknowledged that “myths” had built up around the book. But that introduction talks only about myths about Rosenthal’s role in

the story, not the story itself.

Freedman said that Rosenthal was a mentor and that he had been honored to asked to write the introduction. “The post-facto controversy about Abe’s book is certainly available with a few simply online searches to anyone who wants to find it,” he said. “But I chose not to disparage the book in an introduction to it, and I live serenely with that decision.”

Anyway, it is doubtful that Rosenthal, who died in 2006, would have wanted any addendum attached that acknowledges the challenges to his conclusions. When the journalist reporting the 2004 *Times* article approached him with the skeptics’ claims, he was resolute.

“In a story that gets a lot of attention, there’s always somebody who’s saying, ‘Well, that’s not really what it’s supposed to be,’” Rosenthal is quoted as saying. “There may have been 38, there may have been 39, but the whole picture, as I saw it, was very affecting.”