The Cry of the Cricket #22

(v. 2, #9; WN 22) is the Official Organ of the Esoteric Order of Dagon, a closed circulation amateur press association devoted to the life, work and thought of Howard Phillips Lovecraft, the "Lovecraft Circle", and the Weird Tales tradition. It is produced for each quarterly mailing by its Official Editor (Joe Moudry P.O. Box 1205 Tuscaloosa AL 35401; phone: 205-556-1781, after 5PM).

The material constituting each mailing of the Esoteric Order of Dagon is produced by the membership primarily for circulation within the closed group, and hence the mailings of the Order are not available to the general public and are protected by the "Definitions" topic of the new Copyright Law. Any unauthorised use or copying of the bundles is not allowed without written permission from the individual contributor.

Earthsea Publication #171.5; 7606.23:1436.

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The next deadline is: 20 August, 1978 (50 copies)
Since there are no actual footnotes in the Table of Contents this time around the 00-mill, we can go to the warning sections. Two members who owed minac with this mailing experienced difficulties with their printer and notified me of this before the deadline, so I have extended their minac due-date until the next deadline. Our Canadian member had, for the second time in as many mailings, his bundle returned to me, minus the address label. Seemingly the Canadian Customs inspector took the claim notice off so vigourously that he managed to rip the address label off at the same time. Gary's minac deadline has been extended to the next deadline, also (and I will, from this mailing onwards, print his address directly on the jetpack, with indelible ink).

The following members must have (at least) the indicated number of creditable pages in my hands by the next deadline to retain their memberships:

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<td>Frierson</td>
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<td>Kimber*</td>
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*Extension granted by Editor.

With the recent lowering of fannish participation in the various apas in civilisation, the waitinglist is at an almost all time low. This mailing sees the loss of a charter member, Jim Webbett [minac lacking] and one of longer term members, Arthur Metzger, falls from the roster due to the same problem.

We welcome this mailing two new members: David Oreno and William Fulwiler, who sent in their first submissions.

This leaves vacancies in the roster, and I invite the names with a zero (0) beside their name to submit the required minac and monies by the next deadline and thus fill those vacancies.

And the following members owe their annual dues with the next deadline: Bosky; Kimber.

There has been quite a bit of flap about the Order's bundles being sent to the Lovecraft Collection at the John Hay Library, including a completely unofficial open letter vom petition. The two letters that I have reproduced below cover the Editor's stance on the issues adequately, but a few lines of explication might not be redundant. Having the quarterly bundles of the Order's offerings lodged in the John Hay Library is nice, but if the material is not treated in the same fashion as materials in other Special Collection libraries in research institutions throughout the nation, it is no honour to anyone, least of all H.P. Lovecraft.

To make an overly long standard procedure brief, when Special Collections are offered papers, correspondence, and other materials of a person, there are often "requests" that restrict the use to which the materials may be given them. For example, the papers of the late Senator Sam Ervin have recently been given to his university, with the "request" that they be restricted, due to the countless numbers of memoes related to the Watergate investigation. Special Collections of his university agreed to this when they accepted the initial lot of material. The New York Public Library holds the holograph correspondence between Howard Phillips Lovecraft and Richard Ely Morse, but will not allow copies to be made without a written permit from August Derleth (or his heirs). [Cont. on pg. 6]
Wednesday evening, 17 May, 1978

Dear Ken,

I received your open letter cum petition yesterday afternoon, and after reading it feel that this response is in order, with copies of it to be posted to the membership of the Order. Your letter has more than a few incorrect statements in it that require correction, and the petition muddies, rather than clarifies, the issue under consideration; hence my decision to post copies of this letter (with the postage being taken from my pocket, rather than the Order's meager treasury).

First, the points contained in the letter:

1. "As is stated in each mailing in The Cry of the Cricket, the John Hay Library is supposed to receive a copy of each E*O*D mailing at the same time that we receive our copies." The Rules of the Order have not appeared in "each mailing," nor do those Rules state at any place that the John Hay Library "is supposed to receive a copy of each E*O*D mailing at the same time that we receive our copies".

2. As to receiving and not responding to Mr Stanley's two letters, I responded to one of them, although I did not (at the time) make or save a carbon of it. Your letters arrived while I was both working roughly sixty hours/week and negotiating the purchase of a house, as I told you during the course of the telephone call that you mention. Mailing 21 was extremely late and I (incorrectly, as it proved) assumed that your letter was about the lack of your bundle.

3. Yes, I did say that I would attempt to use the University of Alabama's Watts Line to contact Mr Stanley, but it was at the time that all Federal Grant proposals had to be in their niches in Washington, and at the end of the semester; my chances of obtaining the Watts Line under these conditions were nil, and I could ill afford to take time from work and go home and make the call (which would have been yet another expense that I could ill afford). Please find enclosed a xerox of my latest letter to Mr Stanley.

4. This next section is one that puzzles me no end: suddenly the letter/petition veers off into the question of copyright, and flatly (sp?) states that I don't know what I'm talking about: something that would indeed surprise the four Library School copyright authorities that I consulted before stencilling the statement contained in the colophon of the 21st 00. I did not "apply the standards of the old copyright law to the E*O*D", but rather based the statement on the very first chapter of Public Law 94-553 ("An Act For the general revision of the Copyright Law..."). If you go to a Federal Depository Library (and I assume that Brown University is the nearest) and borrow a copy of the Act, turning to Sec 101 (Definitions), and read the definition of "publication" (...the distribution of copies or phonorecords of a work to the public by sale or other transfer of ownership, or by rental, lease, or lending. The offering to distribute copies or phonorecords to a group of persons for purposes of further distribution, public performance, or public display, constitutes publication. A public performance or display of a work does not itself constitute publication."). Since Mailing 13, when my "codified" version of the Rules first ran, you may notice that the bundles of the Order have been available only to members and waitlisters (i.e., members-in-waiting). This is the way that the Rules have read since February, 1976, and for the very purpose of establishing the entity of the Order's bundles available to a closed group, which by definition of Public Law 94-553 does not constitute publication.

You note slightly later in the same paragraph that many of the members send their individual fanzines to outsiders: this does not matter once the bundles have reached the closed group that constitutes the Order, but is rather at that point the decision and action of that individual member, and does not negate the closed distribution of the
Order's assembled bundles.

I also direct your attention to Section 107 of Public Law 94-553, which delimits strict parameters of the "fair use" section of the new Copyright Act. Upon reading it one might differ with your statement that "there would be no limit to the number of xerox copies made if these copies are used for private or scholarly purposes."

(And the Order's bundles can easily be copyrighted as a distinct entity, for $10.00 per year/volume and about fifteen minutes at a binder's press.)

The petition itself is a rather frightening document if carefully read. I trust that it was not written so, but it may easily be interpreted in a light that would have the signer waive all possible and future copyright. Broken down into distinct and discrete statements, the petition reads:

"Dear Joe Moudry:

[1.] "I request that you send a copy of the E*O*D mailings, as has been stated in each [please see above—jlm] Cry of the Cricket, to the John Hay Library." [2.] "I understand that the new copyright law is not as strict as was stated by you, [something that is astounding, since the experts can only interpret and say that they are making an educated guess—jlm], and" [3.] "I can see no objections to the John Hay's receiving their copies."

This struck me at my initial reading of your signed copy of this: that the John Hay Library could loan out the E*O*D bundles without restriction and the user do as he sees fit with it, all of which has my blessings! I doubt that anything that I ever write or distribute through the Order would be "valuable" enough to worry about the copyright on it, but I certainly wouldn't blithly sign away any and all rights to it if it were something originally submitted to a closed group, which does not even implicitly constitute publication! It is for this reason that I am sending copies of this letter to the membership: I doubt that the total (innocent, I feel certain, but there nevertheless) implications of this have been thought out.

And finally, all of this is academic gnat-straining, since the Official Editor is empowered to do as he sees best for the Order, which is the course that I have taken with Mr Stanley. If the letter/petition had been about the lateness of the mailing I would be much harder pressed to defend my actions, but on this matter, I am proceeding in a manner which more than a few of us deem appropriate. To state it in basic terms, fandom has a long precedent of the OE being empowered with wide latitudes, for the position is one of few rewards, long hours, and more than a few times a money loser for the OE.

I hope that this hasn't come across as an angry letter, but many of the things in your letter/petition called for comment, and the petition itself is something that should have serious thought given to it before signing (especially since you ask the signers to state that they have done so in print, thus giving anyone with access to the bundles a case for the member waiving copyright on his material). My letter to Mr Stanley will appear in the next 00, with his reply, thus keeping the membership informed.

May Yog-Sothoth grant you memorable nightmares,

Joe Moudry
OE: E*O*D

cc: membership of E*O*D.
Dear Mr Stanley:

It has been some time since my last letter to you, but trying to work out an allocation budget for the University of Alabama's libraries and buying and moving into a new house have taken more than their share of time since last December. I had hoped to call you and make the arrangements in re the Esoteric Order of Dagon bundles before now, but the University's Watts Line has been unobtainable.

As in my previous letter, the basic area in which we need closure is that of the "ultimate" ownership of the E*O*D material that is/shall be lodged with the John Hay Library, and the use to which John Hay patrons may make of the material. More than a few of the members of the Order have expressed concern on these two topics, and I feel certain that we can reach agreement on them quite quickly.

On the first issue: the concensus of the membership is that the bundles are "ultimately" a part of the Order and constitute the Editor's File Set, that is stored with the Lovecraft Collection at the John Hay; this has been stated in the "Rules of the Order" for some time now. This is more a theoretical problem than an actual one, but does need clarification.

The second, and more important, problem is that of the use that the bundles are put once they reach the John Hay. The Order is, in essence, a manuscript circulation group, where a large amount of material is seen that is first-draft, fragmentary, and more or less of a frank nature that can not be considered appropriate for general consumption. Also, we have a few professional authors in the Order who submit early versions of fiction that is later submitted for professional publication, and free and unlimited access to this material would not benefit the authors in any manner. For these (and other) reasons the only method of use that would be fair to both the members of the Order and the patrons of the John Hay would be to require a signed statement from the individual contributor/member be handed to you by the requesting patron before any copying be allowed. This statement would give the release to the John Hay for photocopying and designate the material for which permission had been obtained. Such a procedure is acceptable to the membership and would also protect the Lovecraft Collection from any quibbles about unlimited use without control.

I trust that these restrictions are acceptable to you, for I personally would like to see the quarterly offerings of the Order lodged with the Lovecraft Collection. If not, other arrangements must be made to assure adequate protection of the manuscript status of the members' efforts for the Order.

Also, I shall enclose an addressed postcard in each bundle for your convenience in notifying me that the bundle has successfully run the gauntlet of the U.S. Postal "Service."

I hope to hear from you soon, so that these issues may be put to rest and things normalised with the bundles.

May Yog-Sothon grant you memorable nightmares,

Joe Moudry
Official Editor, the Esoteric Order of Dagon
Those restrictions are more or less standard and the various institutions abide by them if they wish to continue collecting materials for their various specialised collecting areas.

The reception of each addition to a specialised collection is briefly acknowledged by a member of the library, thus assuring the donor that the piece survived the various hazards to which it might fall in the Postal Service/U.P.S. Again, normal professional librarians' procedure.

The only acknowledgement of reception of an E04D bundle that I have ever received from the John Hay Library was one for Mailing 15, after I wrote Mr. Stanley asking if the bundles for Mils. 14 and 15 arrived safely, or if I should send a replacement. I received no notice that the next mailings had arrived.

By this time I began to receive letters from members of the Order asking that the bundles sent to the John Hay be properly handled, stored and kept intact. This began the "waiting period" that has continued up to the present. After Mailing 19 I received a one paragraph missive asking if the Order was still in existence and where their [sic] bundles were, but to date I have received no response asking for agreement with the basic stipulations that are stated, yet again in the letter reprinted on page five, and posted to the John Hay Library the day after the date given thereon.

Working as I do in a rather large academic/research library I know the generally accepted procedures of Special Collections, and the complete lack of response to simple, common, and basic requests about the use of material lodged with them is something that angers me: is the Order and its quarterly offerings held in such contempt that normal requests are not worthy of response? Given the time and number of letters to the Library about this, I begin to believe that such may well be the case, and will not send material to it until agreement has been reached.

I have saved one complete set of each mailing since 16, and if agreement can be reached I will send them all at once; until then, I see no point in sending material for which we have no guarantee as to its proper storage and use.

If I can gather the material relevant to this issue, I'll include it in Mailing 23, if there is enough concern and/or interest.

I have also reproduced the letter to Ken Neily that I posted him upon receiving his letter and "petition," rather than add further fuel to a side issue that does not concern the John Hay matter. I used the term "manuscript section" in the colophon of the last Official Organ in a loose manner, and have corrected it with this colophon statement. The entire issue of copyright and the Order is completely unfashionable and distasteful to me, but it would appear that there are more than a few non-fannish vultures in the outside world, which makes the agreement with the John Hay Library even more of a problem.

Enough on this for now.

THE WAITINGLIST

0. Peter Reichenspenger 
0. John Finkbiner 
0. Floyd Holloway 
0. George Inzer
0. Wm. Pugmire
0. Jim Webbert 
0. Stuart Schiff
1. Paul Berglund
2. Richard Fawcett
3. recruit for this spot!

THE WAITINGLIST

0. Peter Reichenspenger - c/o Dirk Mosig - $1.00 
0. John Finkbiner - P.O. Box 784 Eagle Lake FL 33839 - 1.00 
0. Floyd Holloway - 2519 #6 Court Tuscaloosa AL 35401 - 1.00 
0. George Inzer - Box 891 State University AR 72467 - 1.00 
0. Wm. Pugmire - 5021 43rd Ave. S. Seattle WA 98118 - 1.00 
0. Jim Webbert - 3925 West Missouri Phoenix AZ 85019 - 1.00 
0. Stuart Schiff - Box 1492-W Azalea Street Brown Mills NJ 08015 - 1.00 
1. Paul Berglund - 1210 Inchin St Tarawa Terrace NC 20543 - 1.00 
2. Richard Fawcett - 61 Teecomwas Dr. Uncasville CT 06382 - 1.00
The Roster

1. Larry Baker  c/o 105 Orville Dr. Bohemia NY 11716
3. Roger Bryant 1019 Peckham St Akron OH 44320
4. Crispin Burnham 1051 Wellington Rd Lawrence KS 666044
5. Tom Campbell P.O. Box 2277 Tuscaloosa AL 35401
6. Peter Cannon 310 West 89th St New York NY 10024
8. Scott Connors 6004 Kingston DR Aliquippa PA 15001
9. David Drake P.O. Box 904 Chapel Hill NC 27514
10. Bob Eber 6481 Atlantic Ave, #N320 Long Beach CA 90805
11. R. Alain Everts P.O. Box 864 Madison WI 53701
12. Ken Faig 1111 Church St, #705 Evanston IL 60201
13. Meade Frierson, III 3705 Woodvale Rd Birmingham AL 35223
14. William Fulwiler 623 West Ridge Duncanville TX 75116
15. Bill Hart 913 West Knapp Ave Fullerton CA 92632
16. Lawrence Hill 6633 North Ponchartrain Chicago IL 60646
17. Ben Indick 428 Sagamore Ave Teaneck NJ 07666
18. Gary Kimber 135 Highview Ave Scarborough ONT M1N 2J2 CANADA
19. Randy Larson 774 Vista Grande Ave Los Altos CA 94022
20. Glenn Lord P.O. Box 774 Pasadena TX 77401
22. Dirk Mosig c/o Psych. Dept. Kearney State College Kearney NE 68847
23. Joe Moudry P.O. Box 1205 Tuscaloosa AL 35401
24. Ken Neily 17 Albert Ave West Barrington RI 02890
25. David Oreno 4269 South 4580 West Salt Lake City UT 84120
26. Vernon Shea 10621 Governor Ave Cleveland OH 44111
27. David Schultz 5802 West Heinecke Milwaukee WI 53210
28. Reg Smith 1509 Mar-Les Drive Santa Ana CA 92706
29. Mark Sprague 295 West Ave Rochester NY 14611
30. Bill Wallace 1608 Hather Austin TX 78704
31. George Wetzel 55 Ritters Lane Owings Mill MD 21117
32. Chet Williamson P.O. Box 68 Elizabethtown PA 17023

On the Wings of Darkness #1 was franked through the Order by Larry Baker. I have heard nothing from Loay Hall about getting on the WaitingList, so it comes to the membership an an unknown bonus.

New waitlisters are again being invited to membership, so there is no "N" to demark their first appearance thereon. However, the other code symbols are still in effect for the roster:  
# = COA [change of address]  
! = new member.

Please remember that the deadline for the next mailing is again not the regularly scheduled one, but the eighty-eighth anniversary of the birth of our object of focus. To decode that deadline, it is 20 August, 1978

which is admittedly a Sunday, but any submission appearing in POB 1205 the next morning should make the bundle.

Please use the requisite number of staples in your submissions, and if you must alter the direction of the copies of your submission in your package, please do not cross them more often than every ten copies.

And finally, please don't use an entire box of staples to seal your package; I managed to rip my hand on one such package for this mailing, which was truly no fun.
THE RULES OF THE ESOTERIC ORDER OF DAGON

I. The Esoteric Order of Dagon is a quarterly amateur press association devoted to the life and works of Howard Phillips Lovecraft, the Lovecraft Circle, and the Weird Tales tradition.

II. Membership

1. Membership in the E*O*D is limited to 39 (thrice 13) members, who have paid dues of $3.00 per year (four mailings) [members with non-domestic addresses shall arrange dues individually with the Official Editor on a parity basis], and who fulfill the requirements as set forth in Section II:2.

2. A. Minimum activity for members in the E*O*D is six standard size pages of printed or duplicated material every two mailings.

B. Five of the six pages must be the member's own writing and/or art work, and all six must not have been circulated elsewhere prior to the deadline of the mailing in which they are to appear.

C. Any other material, pre-circulated or not, the member's own work or not, may also be contributed to the mailings, but the minimum requirements must be met in order to retain membership.

D. 50 identical copies of each submission are required; format & reproduction are the option of the member as long as they meet the minimum requirements & are legible (as determined by the OE, who will see all copies). The member is responsible for printing his own submission & sending 50 copies to the OE before the deadline. Submissions should always be pre-collated & bound with at least two staples per copy.

E. A page is defined as a standard 8½ x 11" format; smaller formats may be submitted, but for minimum page credit the page count must equal six standard pages.

F. Failure to meet the minimum activity requirements results in the member being dropped from the roster of the E*O*D.

G. Considering the nature & purpose of the E*O*D, a member may receive minimum activity credit for material that he reprints in his submission, as long as the reprinted material is from an obscure source and has not seen print within the last decade. Minimum activity credit is given at the rate of: one page of reprinted material equals one-half page credit, through a total allowable minac credit of three (3) pages (i.e., six pages of reprinted material).

H. New members must have at least six (6) pages of creditable material (as defined in II:2:B) in their first submission to qualify for membership (in addition, of course, to paying their first year's dues).

III. The Waitinglist

1. A Waitinglist is provided when there are no vacancies on the roster.

2. Applicants will be placed on the Waitinglist upon payment of a $1.00 fee, which is non-refundable, but may be applied to the first year's dues. If the waitlister remains on the Waitinglist for more than one year, an additional $1.00 will be required from him upon becoming a member, to help defray the cost of mailing the OO to him.

3. A. Waitlisters will be sent a copy of the Official Organ (OO) for each mailing, & must notify the OE in writing, upon reception of it, that he is interested in becoming a member when invited.

B. If a waitlister fails to acknowledge the OO twice in as many mailings, he is automatically dropped from the Waitinglist.

C. As vacancies occur the OE will invite the top waitlister(s) to send the amount outstanding on his first year's dues along with his first submission (as defined by II:2:H).

D. Waitlisters are encouraged to submit material to the mailings while on the Waitinglist.
IV. Deadlines
1. The deadlines of the Order are: Candlemas (2 February), Roodmas (1 May), Lammas (1 August), & Hallowmas (31 October).
2. When the deadline falls on a Sunday, that deadline is to be considered to be the previous day.
3. Direct mailings and post mailings do not count for minimum activity credit.

V. Change of Address
The OE must be notified of a change of address (COA) by first-class mail. A COA printed on the outside of a parcel or noted within a contribution will not be considered official.

VI. The Official Editor
1. The Official Editor (OE) is responsible for all phases of the operation of the E*O*D.
2. In particular, he is expected to produce the mailings on time & make a financial accounting to the membership.
3. The OE is authorised to make changes, or add to, the Rules as necessary, but should take the wishes of the membership into account before making any major change.
4. A. The OE is elected in the Hallowmas mailing, for a term of one year (four mailings). Candidates must notify the present OE of their intentions to stand for office by 10 October.
B. A teller is appointed prior to the Hallowmas deadline & a ballot (to be returned to the teller) is distributed in the Hallowmas mailing; the results are announced in the OE for the Candlemas mailing, & the new OE takes office after that mailing has been distributed.
C. Only persons who are full members of the E*O*D with the Hallowmas mailing are eligible for OE & only they may vote in the election.
D. The OE may appoint an Emergency Officer (EO) at his discretion, who would serve in producing a mailing in the event that the OE was unable to do so.

VII. Extra Mailings
1. An extra bundle of each mailing of the E*O*D will be sent (as the OE's File Set) to the John Hay Library of Brown University for storage in its H.P. Loevcraft Collection.
2. A. The remaining extra bundles of each mailing are available, at $3.00/bundle, to the Waitinglist in order of seniority.
B. If a waitlister submits material to a mailing (as defined in II:2:M) & sends money, he will receive a bundle of that mailing, even if his position on the Waitinglist would not normally entitle him to one.
3. No one may purchase more than one (1) bundle of each mailing.
4. Bundles of each mailing of the E*O*D may be sold (or otherwise distributed) only to waitlisters (members receiving theirs automatically).

VIII. The Annual Achievement Awards
1. The E*O*D, to strengthen the quality of material presented in its mailings, shall sponsor an Annual Achievement (Laureate) Award in appropriate categories.
2. Only members at the time of balloting are eligible, & only they may vote.

The present Official Editor is:
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