

GONE WITH THE WIND: THE SEQUELS

Why have so many authors failed in the attempt to write authorised follow-ups to Margaret Mitchell's bestseller?

(The Sunday Times Magazine, 2007.)

This weekend, lovers of Scarlett O'Hara and Rhett Butler are gathering at the Margaret Mitchell House in Atlanta for one of the biggest publishing events of the year. The launch of *Rhett Butler's People* by the American novelist Donald McCaig is expected to signal a gold rush for booksellers second only to the final *Harry Potter*. A sequel to *Gone With the Wind* told from Rhett's point of view, it will have an initial print run of one and a half million copies.

McCaig's is not the first sequel – it follows in the footsteps of Alexandra Ripley's *Scarlett*, published in 1991 – but it is one which few people expected to see the light of day, and not just because of the six long years its author spent writing it. What has made the project part of literary folklore is the extraordinary degree of control exercised by the Mitchell family estate.

Novelists invited to undertake it – and McCaig is by no means the first – have been required to submit their titles, plot lines, characters and even vocabulary for approval by a committee of lawyers. The result has been a saga of literary puppeteering with few parallels outside a Cold War Ministry of Propaganda.

So zealous is the lawyers' defence of the Mitchell family's interests that they have been accused by some of America's leading writers of defying the First Amendment (which guarantees the freedom of speech). Stephen King described the estate's association with Warner Brothers, the publishers of *Scarlett*, as 'a combination made in hell'. Even those who have accepted the lawyers' terms have found that this is no guarantee of publication: one, the British novelist Emma Tennant, refers to a trail of 'blood-soaked casualties' left in their wake.

How, then, did the book become such a poisoned chalice? And how did Donald McCaig succeed where his predecessors had failed?

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The Mitchell estate operates from a position of enormous financial power. *Gone With the Wind* remains one of the bestselling novels of all time, with sales of over 28 million, and the family has also benefited enormously from film and merchandising rights. Sadly, Margaret Mitchell herself derived little happiness from its success: an outgoing journalist in her youth, she felt completely overwhelmed by fame, and never published another book. She died in 1949, a few weeks before her 48th birthday, after being knocked down by a speeding taxi driver; one of her last requests was that any artefacts relating to her be destroyed, including all but a few pages of her manuscript. But if she thought that this would stop the growth of the *Gone With the Wind* industry, she was very much mistaken.

The first published sequel, *Scarlett*, was a phenomenon in its own right. It became one of the fastest-selling books of the twentieth century, and went on to reach the six-million mark – despite almost universally unfavourable reviews.

Its author Alexandra Ripley, who died in 2004, had made her name with a series of innocuous historical romances set in the Deep South. Her former publicist Lynn Goldberg describes her as ‘a larger-than-life personality. She was tall and rather grand and had a Maggie Smith quality to her.’ She adds that Ripley took her commission so seriously that she actually copied out hundreds of pages of *Gone With the Wind* ‘so that she could get the feeling of Margaret Mitchell in her wrist’.

Scarlett brought Rhett and Scarlett back together again, and left the door open for another sequel. Ripley was given the option of writing it, but said no. How much this had to do with the demands of the Mitchell estate we do not know, but it was the beginning of a long and troubled search for a new author.

Ripley believed that no one could do justice to the subject unless they

after reports of talks with Sidney Sheldon – who was Jewish and from Chicago – they approached the biographer and mystery writer Antonia Fraser. She declined, but suggested Emma Tennant, who had just published a sequel to *Pride and Prejudice* called *Pemberley*.

Tennant was surprised but thrilled to be asked. The advance agreed on was \$100,000, and her then agent Jonathan Lloyd estimated that her royalties could amount to \$3 million. What she hadn't bargained for, though, was the extraordinary contract that she received. Running to eighteen pages of dense type, it stipulated that she was a 'writer for hire' whose book would belong entirely to the estate: if she failed to meet the contract's demands, her manuscript would be locked away in a vault, never to be seen again. Among the rules laid down was that the book could contain 'no incest, no same-sex and no miscegenation.'

Today the term 'miscegenation' (meaning sex between people of different races) is considered offensive in itself; and even then, in 1994, its use suggested some extremely old-fashioned – and unpleasant – attitudes. But in her mind Tennant was already committed to the project, and she signed. In retrospect, she says, 'I should have had ten lawyers as well. But it didn't occur to me, and I couldn't have afforded it anyway.' When she met the estate's team that September she found them 'very friendly, bluff and jovial'; but as they discussed her proposed outline for *Tara* – objecting to, among other things, a love scene between Scarlett and Ashley in a Grecian temple – she began to feel like a character in Arthur Miller's dramatisation of the Salem witch trials, *The Crucible*. She was also struck by how elderly the three lawyers were – the youngest being 76.

The estate's hopes of selling the proposed book, *Tara*, to a publisher received a serious setback when a television version of *Scarlett* proved a dramatic flop. But Tennant saved the day by mentioning it to Hope Dellon of St Martin's Press, the American publishers of *Pemberley*. St Martin's Press made a bid of \$4.5 million, which was accepted.

Tennant threw herself whole-heartedly into writing the book, and by October 1995 had produced a 575-page manuscript. According to Jonathan Lloyd, ‘She fulfilled the brief absolutely brilliantly, and we rushed it through to St Martin’s Press in the expectation that they would be thrilled.’ Philippa Harrison, the then head of Little, Brown UK, who had bought the British rights, pronounced it ‘terrific’. But unfortunately for all three, the Americans disagreed. In January 1996, Tennant received a 40-page letter from St Martin’s Press listing the book’s shortcomings. She was invited to go to New York to set out her ‘goals’ for it, but decided that the odds were too heavily stacked against her. In March she received a letter from the estate officially firing her.

Tennant had reason to feel bitter. She had devoted a year of her life to a book which she was legally forbidden from ever offering to another publisher or even discussing with her friends; she had brought about a \$4.5 million deal from which she was now excluded; and her book had been rejected principally because, Hope Dellon says, ‘It was too European in its sensibility’ – something the lawyers might have thought about before they hired her. On the other hand, she had signed a contract which clearly set out what the consequences might be. What nobody bothered to tell her, she complains, is that hers would not be the first book to have crashed and burned.

In 1976, a novel also called *Tara* had been commissioned from Vivien Leigh’s biographer Anne Edwards by the Hollywood producers Richard Zanuck and David Brown, who held the film-sequel rights to *Gone With the Wind*. They were pleased with the results, and the book was handed over to James Goldman, the Oscar-winning writer of *The Lion in Winter*, to turn into a screenplay. But a dispute arose over the film rights, culminating in a three-year court case between the Mitchell estate and MGM, as a result of which both the book and the screenplay were killed off. ‘When I chose *Tara* as my title,’ says Tennant, ‘the lawyers exchanged significant glances. They must have been thinking, “Here’s another one to be thrown to the wolves.”’

There nevertheless remained a contract to be fulfilled between the Mitchell estate and St Martin's Press, and the estate next approached Pat Conroy, author of *The Lords of Discipline* and *The Prince of Tides*. Conroy had been born in Atlanta and claimed to have a mother so obsessed with *Gone With the Wind* that he was 'the only person you'll meet who was raised by Scarlett O'Hara'; but despite his unimpeachably Southern credentials, this too ended in tears.

The discussions lasted for almost three years. Part of the problem was that Conroy was already contracted to do two books for another publisher, Doubleday; but according to his editor there, Nan Talese, the real sticking point was his determination to write the sequel on his own terms: 'When the estate and the people at St Martin's Press told him there were restrictions on what he could and couldn't do, he refused to go along with it.' At the end of 1998 Conroy finally withdrew, declaring that 'I went through more negotiations with this *Gone With the Wind* than the Germans did in World War I with all the clauses at Versailles.' He also joked that the beginning of his sequel would have read, "After they made love, Rhett turned to Ashley Wilkes and said, 'Ashley, have I ever told you that my grandmother was black?'"

Three years later, Conroy was to have his revenge, when the Mitchell estate tried to stop the publication of a parody of *Gone With the Wind* by Alice Randall. The resulting court case became a cause célèbre in which twenty leading writers (including Harper Lee, author of *To Kill a Mockingbird*, and the Nobel Prize-winner Toni Morrison) signed a letter in support of Randall – to which Conroy added a personal affidavit. The case was eventually settled out of court, with the book's publishers agreeing to include the words 'An Unauthorised Parody' on the cover; but many were left wondering just who the Mitchell family thought they were, and how they had become so trigger-happy.

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In her five-page, handwritten will Margaret Mitchell left the rights to *Gone With the Wind* ‘domestic and foreign, of all kinds’ to her husband John Marsh. The couple had no children, and when Marsh died three years after her, the rights passed to her older brother Stephens Mitchell.

Educated at Harvard, Stephens was a lawyer specialising in real estate. Paul Anderson Jnr, a much younger colleague involved in the trust, remembers him as a ‘very bright, entertaining figure’ – though debilitated in later life by a freak accident in which a huge pane of glass from a building site fell on top of him. ‘Like his sister,’ says Anderson, ‘he had a real gift for bringing a story to life’; he adds that after Margaret’s death Stephens ‘basically gave up his legal practice to defend the copyright of this book and deal with off-the-wall enquiries from people who wanted to write a sequel’.

Stephens was certain in his mind that Margaret would not have approved of any sequel. So why did he eventually allow one?

The answer lies in US copyright law. Today this protects a book for 90 years after the author’s death; but until the mid-1970s, the maximum was 56. As Stephens Mitchell grew older, says Paul Anderson Jnr, the anxiety grew that when the rights to *Gone With the Wind* entered the public domain ‘anyone could write what they wanted, and have behaviour which he felt shouldn’t have any part in a sequel. So he was persuaded to allow a sequel over which he would have control.’

At about the same time Mitchell set up trusts for each of his two sons, Eugene and Joseph, who would receive the royalties from *Gone With the Wind* after his death. To administer them he appointed a committee of three elderly lawyers – one being Paul Anderson’s father. The committee’s brief was to protect the book’s copyright and use it for the benefit of the trust, but also make sure that any sequels or merchandising were in the best possible taste.

Stephens Mitchell died in 1983, by which time his sons were middle-aged. Eugene – a shy man with a passion for photography – was on paper the

university and worked for many years as a Government economist; he had known his Aunt Margaret well, and like her was a generous benefactor to Morehouse College in Atlanta, the alma mater of Martin Luther King and Spike Lee. (Joseph, even shyer, was virtually a recluse, shielded from the outside world by his father's housekeeper.) But as their father had arranged things, it was the lawyers who called the shots: when Alexandra Ripley was asked to write *Scarlett*, the brothers were informed only two days before the news became public.

It seems, however, that the trustees found it increasingly hard to reconcile their twin obligations to protect but also to capitalise on *Gone With the Wind*. As lawyers, they had a good grasp of copyright law, and as Margaret Mitchell's contemporaries they could guess at what she would or would not have liked. But they were not literary critics or publishers, and their age made it ever more difficult for them to judge what might make a sequel appeal to contemporary readers; while to deal with authors and publishing houses, they created a system which became ever more unwieldy. With the author contracted to the trust, and the trust having a separate contract with the publishing house – plus agents complicating matters on both sides – it began to resemble the court of an Oriental potentate where princes and mandarins jostled to be heard.

The extent of the resulting Chinese whispers can be gauged by talking to Hope Dellon. According to her, the quest for a sequel was partly inspired by the trustees' dismay at *Scarlett*'s negative reviews, as a result of which they wanted to find 'a different kind of writer'. But ask Paul Anderson Jnr and you discover that this is entirely misconceived: 'The trust was very pleased with the reception of *Scarlett*,' he says. 'Miss Ripley was a very nice lady and she wrote well and the trust had nothing to complain of.' In other words, St Martin's Press and the Mitchell estate have been working at cross purposes for more than a decade.

Of course, it is all to the good if *Rhett Butler's People* proves a literary

certainly impressive: a believer in exhaustive historical research, he has had his novel *Jacob's Ladder* compared to *Cold Mountain* and even praised as 'the best Civil War novel ever written'.

McCaig has described the six-year process of writing *Rhett Butler's People* as 'a rocky road. There were a lot of people involved and a lot of different needs. It's a much more complex environment than most novels are written in.' But he has also undoubtedly benefited from changes at the estate. While Paul Anderson Snr (now aged 92) continues to oversee it, the other two places on the committee are now held by younger men – one of them Anderson's son – who seem more willing to move with the times.

'The truth is that in the year 2007 we are dealing with different tastes and attitudes to things which were felt strongly about in the Thirties,' declares Paul Anderson Jnr. 'It was felt there should be more flexibility.' It is significant that the principal bone of contention between McCaig and the trustees was whether he could use the word 'nigger' – with the trustees making that the 21st century argument that it was unacceptable. (McCaig, arguing for historical authenticity, won.)

One of the alternative titles Margaret Mitchell considered for *Gone With the Wind* was *Tote the Weary Load*. For some of her would-be successors, it must have sounded all too appropriate. But let us hope that, for Donald McCaig at least, tomorrow proves to be another day.