A Message from the *Anamesa* Editorial Board

It has come to our attention that a photograph published in the last edition of *Anamesa* (The Democracy Issue, spring 2005) was plagiarized. Titled “The Good Doctor” and attributed to Daniel Butcher, the photo, which depicts Hunter S. Thompson, was in fact taken by Brian Brainerd. It was originally published in the *Denver Post* and later reprinted in the *New York Times*.

After publication, co-editor Jonah Cardillo confronted Butcher about his deceit via e-mail. The following is an excerpt from Butcher’s reply:

1. As you know, I felt strongly that Hunter deserved the recognition of a fitting tribute in our journal.

2. The few photos that I was able to take of/with him are marred by insufficient light.

3. Because *Anamesa* is an academic, not-for-profit journal, there are no copyright issues involved, as such publications are protected under the fair use clause of federal copyright law. It is an issue that I feel strongly about: our federal government should allow free sampling/appropriation of any and all artistic products, provided that they are used toward furthering artistic/aesthetic creation (as opposed to serving commercial ends). This is part of the message of (what I consider) my piece of conceptual/political art, which could only have been carried off in the way that it did in fact transpire. It has that subtly subversive aspect to it that would have amused Hunter to no end.

4. I wanted to discuss the piece with you
beforehand, and came very close to doing so, but I knew you would be compelled to share all information with [co-editors] Dan and Pablo, who were obviously quite hostile to any tribute dedicated to Hunter’s memory (I really enjoy them as people, though, I hope it goes without saying).

The piece is what it is. Whether or not you agree with its message and my tactics for performing it (which are inextricably intertwined), I hope you understand the spirit in which it was carried out. I want the Good Doctor to be remembered, and in a vital way that continues to spark discourse, controversy, and the iconoclasm for which Hunter was known.

*Anamesa* retracts the photo and refutes Butcher’s rationale, which we believe is a misreading of copyright law that conflates legitimate appropriation with plagiarism. Butcher argues in favor of borrowing artistic work in the way that hip-hop artists sample music. He also appeals to the fair use clause (Title 17, Chapter 1, section 107), which states that copyrighted works may be used “for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research.” But Butcher did not sample the Thompson photo in the way sanctioned by copyright law nor in the hip-hop sense of pastiche. He added nothing to the piece. Rather, he merely affixed his name to someone else’s photograph and submitted it unaltered as if it were his own, leaving this “performance” unexplained until he was challenged.

*Anamesa* is a small journal with a small audience, but to say that its size justifies ignoring copyright laws and flaunting basic standards of intellectual integrity is an insult to its contributors and its staff—people who have dedicated many unpaid hours and sleepless nights to producing the journal. No one will argue, least of all us,
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Anamesa is a small journal with a small audience, but to say that its size justifies ignoring copyright laws and flaunting basic standards of intellectual integrity is an insult to its contributors and its staff—people who have dedicated many unpaid hours and sleepless nights to producing the journal. No one will argue, least of all us, that artists shouldn’t be allowed to appropriate, sample, collage, mix media—hell, be interdisciplinary! But we unanimously draw the line at misrepresenting someone else’s work as your own.

We do, however, agree with Butcher on one score: the importance of debate. This episode has sparked a long discussion among the editors, not just about copyright law, but about the nature of art, especially of the postmodern kind. We invite our readers to share their thoughts on the matter: e-mail us at anamesa.journal@nyu.edu. We will print your comments in the spring 2006 issue.

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