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How Unauthorized Is the New Book About Harper Lee?

Article for *Gawker* by Michelle Dean

Everyone is curious about Harper Lee, the author of *To Kill a Mockingbird*. That's why a new book about her—*The Mockingbird Next Door*, by Marja Mills—is selling briskly. Lee has reportedly denounced the book as "unauthorized."

But that slam does more to illuminate her current circumstances than it does to cast a shadow on the biography.

For most of her life Lee managed her own affairs — the royalties from *To Kill a Mockingbird* are thought to bring in millions a year — with the help of her sister Alice, an attorney. But Harper Lee is now 88 years old, and a stroke she suffered in 2007 put her into an assisted living facility, where reports say she is increasingly blind and deaf. Alice, now 102, retired in 2011 and went into a nursing home herself. Neither sister had children. Their affairs are now being handled, apparently, by attorneys.

When an elderly person has to hand off control of her affairs like this, things can get messy. Sure enough, in the last two years Lee has been embroiled in one business dispute after another: first with a crooked former agent, then with a local museum in Monroeville, Alabama, Lee's hometown. This dispute with Mills, who insists she had the full participation and friendship of both sisters, is just the latest bit of trouble.

Have that many fights in the space of two years, and a whiff of scandal is bound to kick up. Everyone wants to do well by her, but because Lee only speaks through third parties, no one knows where her mind really is on all of this. And the third parties she seems to have put her trust in — well, they've definitely bungled a few things, along the way.

The last dispute is actually the easiest one to start with, because at its crux is Harper Lee's fierce clutch of her own privacy, which is what this is all about, in the end.

The possibility that Lee would object to someone writing a book about her will not surprise anyone who's followed her career. Like J.D. Salinger, Lee was apparently overwhelmed by the media blitz which attended her beloved, Pulitzer-Prize-winning book's publication in 1960. Lee never published another novel after *Mockingbird* came out. She also turned down most press requests, though she would occasionally surface for events. Her reclusiveness has become part of her public persona. And *The Mockingbird Next Door*, clearly, pierces that.

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But the book isn't a gossipy biography or scandalous takedown: It's pretty gentle work by Mills, a former Chicago Tribune journalist who befriended the Lee sisters in 2001, while writing a feature for the newspaper. The sisters' willingness to talk to Mills was a privilege they had not bestowed on many journalists. Harper Lee, in particular, saw journalism as a sort of fallen profession after her experience of the media blitz. Mills writes that she thought she could correct some of the old errors that bothered Lee if she continued to interview them after the feature reporting was finished, and wrote a book about the sisters.

Mills' personal circumstances eventually led her to move to Monroeville, where she rented a house next door to the Lee sisters. She proceeded to record long interviews with Alice Lee, who was still practicing law and handling her sister's business then. Harper Lee seemed to prefer to talk to Mills less formally, at exercise classes and over diner breakfasts. Most of what Mills appears to have learned is on the order of knowing that Harper Lee is a Christopher Guest fan (!) or that she believed that Truman Capote, her childhood friend and the model for Dill in *Mockingbird*, was a "psychopath." It is revealing but not particularly scandalous stuff.

And all along, Mills claims, Lee knew what was happening. Mills says she took notes either during the conversations or later on, and that she had extensive discussions with Lee about which anecdotes she could and could not use in the future book. To be fair, she also records moments when Lee (whom she calls by her first name, "Nelle," here) was clearly ambivalent about the project:

Maybe, I thought, Nelle will allow me to take notes while we spoke about this. The sisters had agreed that a book on their lives and stories was a worthwhile project for some time now. But I never knew if Nelle would be in the right mood. I was apprehensive but I set down my coffee mug and pulled the slim reporter's notebook out of my purse. I picked up a pen and tried to give her a casual "This is okay, right?" look.

"Oh, here we go," she said, making it clear this was not okay.

But any biographer or journalist expects to encounter equivocations from a source over the course of a long reporting relationship. Lots of people regret talking to journalists after the fact; some change their mind continuously. It's a natural hazard of this kind of work.

That's especially true if you're reporting a project as long as Mills was, about 18 months in Monroeville proper. She continued to visit the Lee sisters casually for years after after she returned to Chicago in 2006.

In 2007, Harper Lee suffered the stroke that would put her in the assisted living facility where she now resides. Reached by phone yesterday, Mills told me she continued to visit Lee there until 2010, and that all the while they continued to discuss the book. "She was able, for a time, to keep up with some reading, to hold the kind of conversations she used to with friends, to get out a fair amount," Mills writes of Lee in the nursing home. "She had good days and bad days."

What happened between those last meetings between the Lees and Mills and the present dispute is very complicated, as captured in a ream of conflicting letters and statements.

Things formally went sour in 2011. It was a transition year for the aging sisters, for one thing. Alice Lee, who had practiced law past her 100th birthday, finally retired in December and went into a nursing home herself after a bout of pneumonia. It seems clear that over the course of the year she'd been handing off the reins of her law firm to a younger partner, Tonja Carter.

Earlier that year, in April, Mills had finally sold her book. When the sale was announced, Penguin Press (an imprint at Penguin Random House) described the book as having been written with the participation of both Lee sisters. But shortly thereafter, that same month, a statement bearing Harper Lee's name reached the press:

Contrary to recent news reports, I have not willingly participated in any book written or to be written by Marja Mills. Neither have I authorized such a book. Any claims otherwise are false.

Mills seems to have been caught off guard by this. She already had in hand a statement from Alice Lee dated more than a month earlier, in which Alice confirmed both her participation in the project and her sister's. The statement takes the form of a letter from Marja Mills to Alice Lee:

This is to confirm, should anyone want such a confirmation, that you and Nelle cooperated with me and, I would add, were invaluable guides in the effort to learn about your remarkable lives, past and present, in the context of your friendships and family, your work, your recollections and personal reflections, your ancestors and the history of the area.

By signing below, you confirm this participation and cooperation, and that I moved into the house next door to yours only after I had the blessing of both of you.

Penguin Press provided me with a scanned copy of the letter, and it does appear to have been signed by Alice Lee.

The publisher also provided me with a copy of a second statement signed by Alice later in May 2011. This was after Harper Lee's declaration had hit the press, and so the new statement explained there had been some mistake:

In light of recent events, I am writing to reaffirm my and my sister Harper Lee's support of, and cooperation with, Marja Mills's forthcoming memoir, *The Mockingbird Next Door*.

The letter signed by Harper Lee and sent on April 27 via the Barnett, Bugg, Lee & Carter email address was sent without my knowledge and does not represent my feelings or those of my sister.

I hope this letter puts the whole matter to rest.

Mills also requested a retraction from Tonja Carter personally, but that never seems to have happened. And it became clear this week, it seems, that Alice's letter did not achieve its intended effect.

The proof of that came with a new statement in Harper Lee's name that appeared this past Monday, the night before Mills' memoir was to be published:

Normally, I would not respond to questions about books written on my life. Miss Mills befriended my elderly sister, Alice. It did not take long to discover Marja's true mission; another book about Harper Lee. I was hurt, angry and saddened, but not surprised. I immediately cut off all contact with Miss Mills, leaving town whenever she headed this way.

I understand that Ms. Mills has a statement signed by my elderly sister claiming I cooperated with this book. My sister would have been 100 years old at the time.

One hundred years old, yes, but apparently still practicing law.

Penguin Press, for their part, says it still "proud to publish" the book. Mills herself wrote in a statement:

I can only speak to the truth, that Nelle Harper Lee and Alice F. Lee were aware I was writing this book and my friendship with both of them continued during and after my time in Monroeville. The stories they shared with me that I recount in the book speak for themselves.

Confusion, in this context, feels kind of forgivable. It seems clear that Alice Lee, at least, was a very strong supporter of Mills' book. Mills told me in a brief phone conversation yesterday, she visited Alice at her nursing home this past January. Only Harper Lee seems to still harbor objections.

Another 2011 letter from Alice, which Mills provided with her own statement this week, seems to provide some clue as to what is actually going on. In it, Alice explains the precise circumstances under which Harper Lee originally denounced Mills' book, and they are rather shady-sounding:

Imagine my shock when I began to read and get clear about the statement sent from BBL & Carter's office. I had made no statement and could not [see] how that would get started. When I questioned Tonja I learned that without my knowledge she had typed out the statement, carried it to The Meadows and had Nelle Harper sign it. She brought it back to the office and emailed it to Mary Murphy and Hugh Van Dusen. Poor Nelle Harper can't see and can't hear and will sign anything put before her by any one in whom she has confidence. Now she has no memory of the incident.

I was talking to Tonja about the matter this morning, and she said to me: "How are we going to get this corrected?" I replied: "I had no idea and it was her problem not mine, she created it." I don't know what she has done. Sam advised me to sign nothing in connection with the incident, that he has been put in an uncomfortable position. I will follow his advice:

I am humiliated, embarrassed and upset about the suggestion of lack of integrity at my office.

I am waiting for the other shoe to fall...

Tonja here is Tonja Carter, the partner in Alice Lee's firm to whom Alice seems to have now left the reins. I emailed Carter to see if she had any response to this note. Carter responded simply, "It would seem that Miss Alice's best interests fall short of Miss Mill's [sic] publication of her book. "

Carter is obviously a key figure in all of this but it's difficult to say much about her. Like the Lees, she seems wary of journalists; she's declined comment or ignored most who have recently tried to get in touch. When I wrote her for comment on this piece, she did reply, a little, at first. I asked if she was now in charge of Harper Lee's affairs and she answered, simply, "I am one of Miss Harper Lee's attorneys." A 2013 federal court filing states that Carter has held a "durable power of attorney" over Lee since January 2012. I followed up with more specific questions about the nature of her role, but that email went unanswered.

So what we know about Carter's management of Lee's affairs has to be constructed by inference, from court pleadings and newspaper reports. Some of what you'll find there seems off. There was, for example, the matter of the suit against the agent Samuel Pinkus, filed on Lee's behalf in May 2013.

The dispute was complicated, but boils down to this: in 2007, Pinkus (who inherited Lee as a client) had Lee sign a document which assigned the copyright in her books to him. Lee, according to the complaint her lawyers filed, did not mean to sign it. Lee had to sue to recover her copyright and seek damages.

Mark Seal, who wrote about the case for Vanity Fair last year, outlined a theory by Lee's friends of how that happened: Lee's eyesight had deteriorated, but she trusted her representatives enough to sign what they put in front of her. They say Pinkus was well aware of that.

Carter seems to have been aware that her client sometimes signed things she did not understand, too. Seal points out, for example, that Carter was present in 2011, when Pinkus had Harper Lee sign a form affirming her earlier transfer of copyright to him:

According to Lee's lawsuit, on April 11, 2011... Pinkus met with Harper Lee and Tonja Carter, who was a legal protégée of Alice Lee's, and the agent presented them with a document to confirm that Lee had signed over her

Mockingbird copyright to him. "Harper Lee signed the document ... Ms. Carter notarized her signature. ... Until that moment, neither Harper Lee or Harper Lee's estate lawyer or Ms. Carter was aware of the 2007 Purported Assignment."

I wanted to know why they would sign such a document, but Carter wouldn't say when I e-mailed her. She replied, "I have no time available."

The upshot is that Lee has a history of signing whatever's put in front of her, apparently sometimes with Carter's advice.

In any event: a couple of months after the Vanity Fair article, the lawsuit settled. The terms do not seem to have been disclosed publicly.

Tonja Carter has remained involved in Lee's affairs. Late last year, another lawsuit was filed in Lee's name, this time against a Monroeville museum that capitalizes on the town's association with *To Kill a Mockingbird*. The complaint demanded that the museum stop using Lee's name and the book title, on several theories of trademark and unfair competition laws. In the middle it paused to discuss Harper Lee's current state of health:

In the past, when Ms. Lee's health was better, the Defendant responded grudgingly but compliantly with demands to cease and desist from infringing activity...

Now, though, things are different. Ms. Lee suffered a stroke and is in ill health. The Defendant apparently believes that she lacks the desire to police her trademarks, and therefore seeks to take advantage of Ms. Lee's condition and property. The Defendant is mistaken.

The museum case also eventually settled, again on undisclosed terms.

But not before Lee's incapacities, and Carter's role in her life, became a bit of a focus of the reporting on the dispute. Monroeville residents told a reporter for the Guardian that Lee would not have wanted to sue the museum herself. Others complained to a reporter for Reuters that Carter had now barred them from visiting Lee:

Old friends described getting notes from [Carter] saying they could no longer visit Miss Nelle because of her infirmities. "It hurt," said Therrell. "I took her and Miss Alice my potato soup every Thursday for years."

... A friend who still visits Lee defends Carter's move, saying Lee is forced to live in a smaller world: she is nearly blind, has suffered a stroke and "can't hear thunder."

These articles also turn up the kind of plot seasoning only a small Southern town can provide: Carter is reportedly Truman Capote's cousin by marriage.

All of that amounts to not much more than small-town gossip and a couple of errors of professional judgment. And because Carter ignored requests for comment it remains hard to sort out the truths from the half-ones here. There is something inarguably admirable in Carter's refusal to fill in the blanks here. It could, after all, just be Carter's own fierce loyalty to the way that, in better health, Harper Lee never wanted to have her private affairs trotted over by the press.

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