

“Yale Literary Magazine v. Yale University”

Obituaries and football scores graced its pages in the 1800s, and during the sixties, photographs of nude women appeared on its cover. And at the height of the *Yale Literary Magazine*'s most unexpected incarnation, Russian themes and ideas filled the publication. During this era, the magazine (established in 1836 and bearing distinction as the oldest existing publication at Yale and as the oldest literary review in North America) almost lost its very name.

Most students part with the undergraduate activities that have been close to their hearts when they graduate from Yale, but this was not the case for one former editor of the *Yale Literary Magazine*, Andrei Navrozov '78. After graduating, this Russian immigrant began to publish a magazine he called the *Yale Literary Magazine*. Though Navrozov and the magazine remained in New Haven, Navrozov no longer had any official affiliation with the University, and publication occurred entirely outside of Yale. The *Yale Literary Magazine* was no longer an undergraduate organization.

The most noticeable new feature of the magazine (aside from its carefully-crafted professional appearance) was the fact that the vast majority of the articles and other works in the magazine had a Russian focus or were written by people of Russian origin-- including Navrozov's own translations of poems by two Russian Nobel laureates, Joseph Brodsky and Boris Pasternak.

Navrozov managed to fall into a \$70,000 debt by 1980. He desperately searched for support and lighted upon the American Literary Society in 1981. With their underwriting, the circulation of the magazine rose to 11,000 and gained an international

readership. In 1982, the editorial board of Navrozov's magazine claimed "the *Yale Literary Magazine* is in its Golden Age." Indeed, the magazine enticed contributors such as Ezra Pound and William F. Buckley '50, though it was Buckley himself who noted, in an article published in Navrozov's magazine: "The *Yale Literary Magazine* has wandered as far away from the direct concerns of Yale University as Yale University has wandered from the concerns of the Congregationalist Church."

Buckley was not the only one to notice the separation of the *Yale Literary Magazine* from Yale University. Yale re-wrote its Undergraduate Regulations that same year; the new version of the Regulations explicitly stated that all University organizations using Yale's name had to be registered and controlled by currently enrolled undergraduate students.

Navrozov then took his most dramatic step. He and the American Literary Society sued Yale for creating the new policy, claiming that the University had acted illegally and fraudulently by revising the Regulations. The American Literary Society complained that the "rule-change had been brought about by a handful of jealous professors," according to the *New Haven Journal Courier*.

"Hell no . . . We're bloody, but unbowed at this point," responded Navrozov's lawyer when The *New Haven Register* asked him if he felt frustrated after Navrozov, ever stubborn, decided to appeal the conclusive ruling of the Connecticut Superior Court which had granted Yale the right to exercise complete control over the use of the Yale name for any purpose. Navrozov's grounds for appeal? He alleged that the revised rule in the Undergraduate regulations violated anti-trust laws.

Vehemently claiming that he had bought the rights to the name of the *Yale Literary Magazine* for \$1.00 from the undergraduate organization that once controlled the magazine, Navrozov argued that he deserved complete control over the name. And meanwhile, the American Literary Society filed an application with the U.S. Patent and Trademark Office to register the trademark “Yale Literary Magazine.” The application was denied.

“Their claim of sham litigation is wholly unsubstantiated by anything in the record,” stated the fed-up federal judge in 1987 after the case had dragged on for four years. He chastised the techniques that Navrozov and the Society used in court: “(their) complaint is rife with references to the University’s history, its economic structure, the ‘secret societies at Yale,’ and a multitude of other allegations patently irrelevant to this action.” He could not contain his amazement at Navrozov’s persistence: “It is at best curious and at worst bizarre that plaintiffs fail to acknowledge the fact that the University prevailed in each of these proceedings.”

“Unbowed” by the outcome of the trial Andrei Navrozov continued in a literary career as a translator and journalist. In a recent review he wrote on Thomas Harris’ *Cannibal*, he stated that he and his Russian friends, after years of discussions, have come to agree that “every man alive has more enemies than he has friends.”

The Russians would not take over the Yale Literary Magazine—but another unexpected group would attempt to jump in and do so. The magazine had lain dormant during most of the trial, since 1984. In 1989, The Party of the Right leapt into heavy competition with a board of students who wanted to publish a traditional literary magazine of poetry, fiction, and art. (Dean Philip Greene speculates that perhaps the

Party of the Right was interested in the publication so that the liberal literary magazine would not gain an important position on campus.) When the board that had formed with the intention of recreating a traditional literary magazine neglected to re-register as an Undergraduate organization, the Party of the Right registered its own board under the name of the *Yale Literary Magazine*. Both groups demanded to be recognized as the editors of the new Lit.

During deliberations, the Party of the Right pulled out a surprising document; it was a letter from Andrei Navrozov, which declared that he had sold the name of the *Yale Literary Magazine* to the Party of the Right for \$1.00 (indeed; the very name which the federal court had definitively established as belonging to the University.) After a bureaucratic scramble, the Party of the Right lost its claim to the name and the literary board was allowed to re-register as an undergraduate organization in September 1989. Yet to this day, the Party of the Right has a quote from Andrei Navrozov prominently posted on their web page: “The Party of the Right is a group of people who prefer a bad paradox to a good cliché.”

\$130.67: that was the amount the new board of the Lit requested from the Undergraduate Organizations Funding Committee to support the Literary Magazine’s challenge of rebuilding itself. The Committee gave the board \$21.88. Perhaps Yale felt that it had already invested enough time, energy, and money in the magazine that was bought and sold by Andrei Navrozov for a dollar.

The Yale Literary Magazine may be guaranteed its name and its freedom from the Party of the Right, but problems continue to plague it. One of its largest donors, Paul Mellon, died recently, causing the Lit lost an important source of funding. According to

current editors-in-chief Emily Weiss and Zach Weinman, the magazine fell into debt after last spring's issue. Four college masters donated \$500.00 each to pay the debt. If the magazine goes over-budget again, the cost will be bursar billed to the accounts of the editors-in-chief, who will not be permitted to register for classes or graduate until the bill is paid. Perhaps it is the fate of this ever-changing publication to maintain no constancy aside from its name—but at least it is assured that it will always have the right to be called the *Yale Literary Magazine*.