

A CASE OF CRUCIVERBAL COINCIDENCE, CARELESSNESS, OR THE GREAT #GRIDGATE SCANDAL?

If you've ever done a *USA Today* crossword puzzle, it is highly likely you have come across one of Timothy Parker's creations. That is, up until last spring. In the March 4, 2016, issue of ESPN's online magazine, *FiveThirtyEight*, senior editor Oliver Roeder broke the story of a developing "plagiarism scandal" involving the replication of crossword puzzle themes (Roeder).

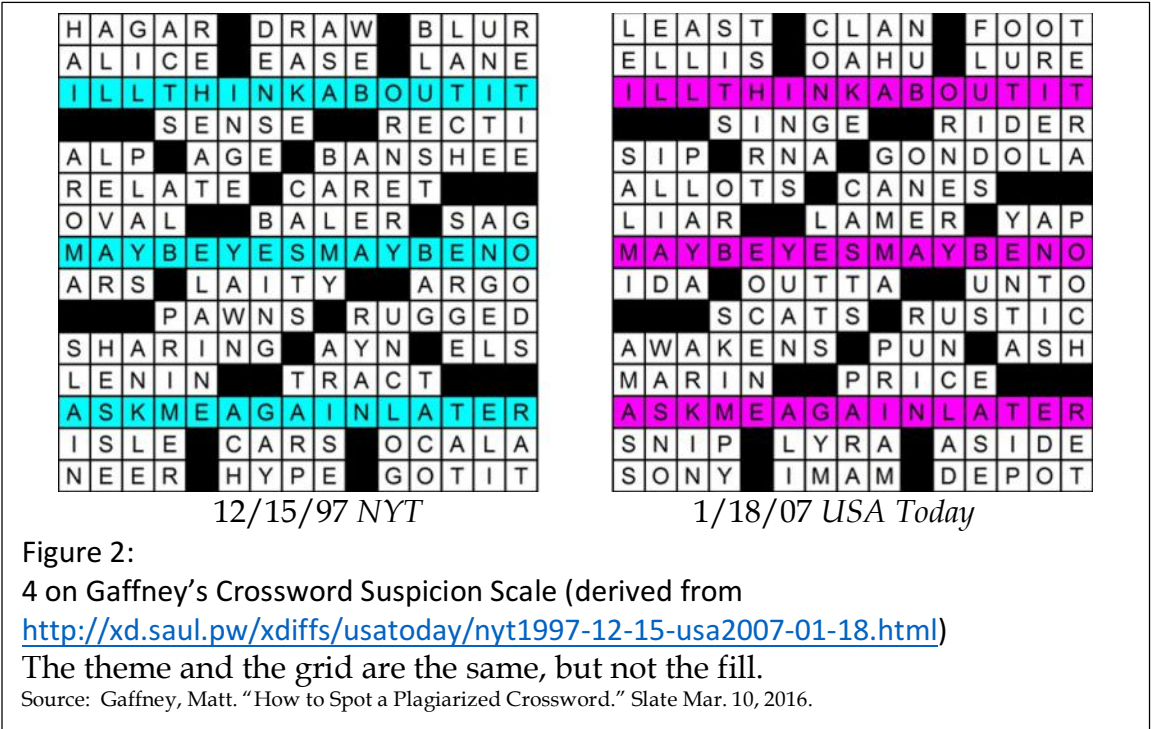
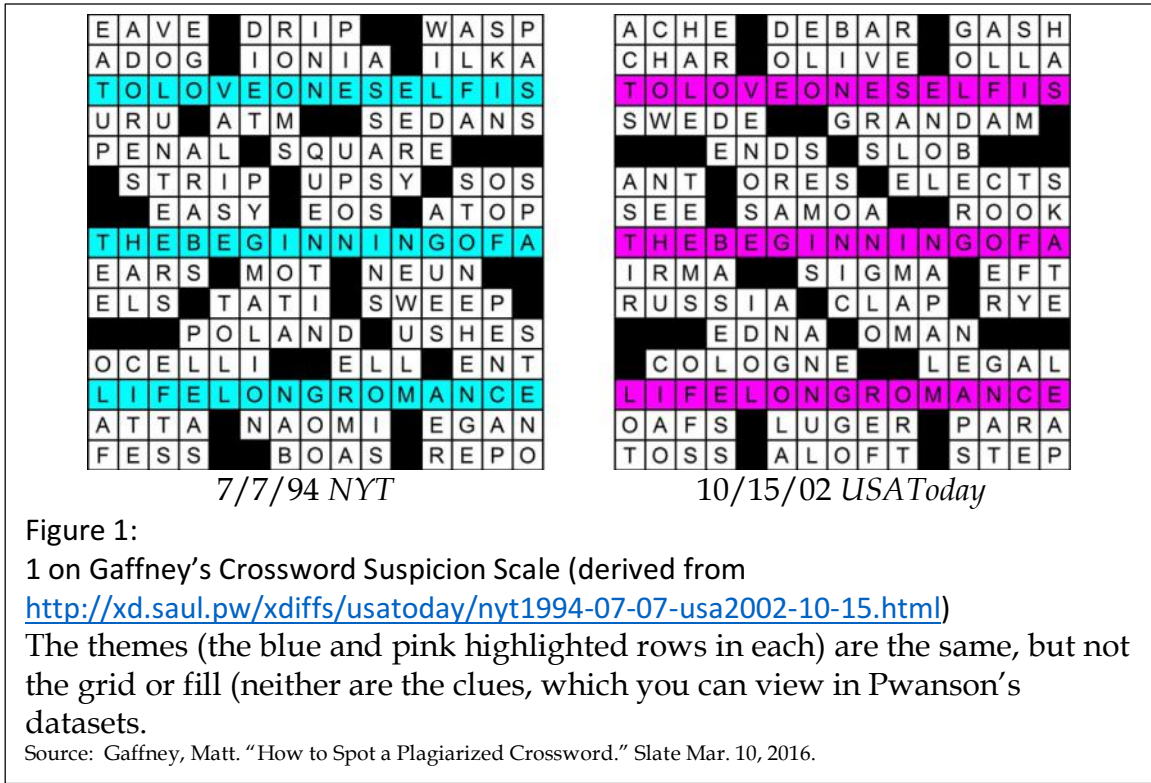
Here's what went down: Timothy Parker was the crossword puzzle editor for *USA Today* from 2003 to 2016 (13 years), and Universal uClick for 15 years. Computer coder Saul Pwanson* was assembling a huge database of about 52,000 crossword puzzles, going as far back to 1942 with *The New York Times* puzzles, and collecting ones from the *LA Times* from 1996. While collecting them, he also tasked the computer to group puzzles similar to each other. Pwanson says that "when you get the data into a nice, clean, dense form, stuff just falls out of it" (Fisher). Immediately, he connected with Will Shortz who edits *The New York Times* crosswords. Shortz's opinion: "It's an obvious case of plagiarism."

The controversy, quickly dubbed #gridgate on Twitter, spread rapidly among the crossword puzzle creator community, and after a short delay, Parker and *USA Today* parted ways. On Twitter, "#gridgate" was referred to on Twitter as a "horrible scandal," *Slate* called it "cruciverbal malfeasance" (Gaffney) at one point, "puzzle identity theft," at another. The editor of the American Values Club thought it was a "gross violation" (Tausig). However, while we generally know what plagiarism is in the context of writing, in the world of crossword puzzles we aren't dealing with just sentence structure and word choices. Oliver Roeder, whose piece on Parker's plagiarism (which is accompanied by a video interview about the case) points out the four basic parts that all crossword puzzles need to have, most of which should be original:

- The **theme** of the crossword puzzle – the common subject that all good crossword puzzles center around;
- The **grid** – the frame of the puzzle (frequently a 15 x 15 cube of rows and columns with white space for the answers and black ones where a square isn't used);
- The **clues** – brief, often clever hints to help you with the answers; and
- The **fill** – the answers that fit within the grid.

While Roeder's *FiveThirtyEight* article breaks down Parker's problematic crosswords into two categories—"shoddy" (possibly just careless) and "shady" (downright suspicious) – Matt Gaffney's analysis of the "huge scandal" goes into even more detail for the reader. Using a self-designed "Crossword Suspicion Scale" (1 being completely innocent, 10 being directly copied), he analyzes six pairs of puzzles that illustrate a similarity of Parker's puzzles appearing in *USA Today* or *Universal uClick's* (*Puzzle Nation*), and the similarity all goes one

way—from *The New York Times*' puzzles in the 1990s or later, to those edited by Parker, often nine or 10 years later.



I	C	E	S		S	M	E	L	L		E	P	I	C
S	I	N	E		T	A	B	O	O		X	E	N	A
A	V	E	R		R	A	B	B	I	T	E	A	R	S
A	I	R	F	R	A	M	E		S	E	C	R	E	T
C	L	O	S	E	T		D	A	L	E	S			
			H	A	H		R	A	N		W	E	T	
P	L	A	Z	A		E	D	E	N		J	I	V	E
H	A	R	E	B	R	A	I	N	E	D	I	D	E	A
I	V	A	N		E	R	M	A		O	M	E	N	S
L	A	B		I	Q	S		S	C	I				
			K	N	U	T	E		A	N	N	U	A	L
U	P	S	I	D	E		L	A	R	G	E	S	S	E
B	U	N	N	Y	S	L	O	P	E		R	A	T	E
E	R	I	K		T	Y	P	E	S		V	I	E	D
R	E	P	S		S	E	E	D	S		E	R	R	S

10/20/97 NYT

T	A	L	C		C	A	R	E	D		N	O	S	H
I	S	A	R		A	M	E	B	A		E	P	E	E
K	I	T	E		R	A	B	B	I	T	E	A	R	S
K	A	T	M	A	N	D	U		S	I	D	L	E	S
I	N	E	E	D	A		S	T	Y	L	I			
			L	C	D		A	M	T		A	B	S	
I	A	M	B	I		E	T	N	A		L	I	R	E
H	A	R	E	B	R	A	I	N	E	D	I	D	E	A
O	A	S	T		E	L	S	E		R	E	E	D	S
P	A	C		A	C	E		D	B	A				
			T	I	E	R	S		O	W	N	S	U	P
T	A	P	E	R	S		T	A	L	L	T	A	L	E
B	U	N	N	Y	S	L	O	P	E		E	F	T	S
A	D	O	S		E	E	N	S	Y		S	E	R	T
R	I	M	E		S	T	E	E	N		T	R	A	S

2/5/07 Universal

Figure 3:

6 on Gaffney's Crossword Suspicion Scale (derived from

<http://xd.saul.pw/xdiffs/universal/nyt1997-10-20-up2007-02-05.html>).

The theme and the grid are the same, and the first theme phrase is set off flush right, which is unusual, according to Gaffney.

Source: Gaffney, Matt. "How to Spot a Plagiarized Crossword." Slate Mar. 10, 2016.

M	M	A		R	O	T	O	R		P	A	L		
O	I	N	S		E	V	A	D	E		E	L	I	
U	T	T	H	E	C	A	R	D	S		R	O	E	
N	T	E	R	V	A	L			E	A	S	E	D	
D	S		O	I	L		S	P	A	C	E			
			P	U	L	L	T	H	E	L	E	V	E	R
C	A	L	D		H	E	R	S		E	M	U		
A	S	Y		C	A	R	A	T		A	R	I	D	
M	S		S	O	L	E		P	I	E	T	Y		
P	I	N	T	H	E	W	H	E	E	L				
	S	E	I	N	E		U	T	E		N	A	T	
I	T	E	R		I	N	C	R	E	A	S	E		
D	A		R	O	L	L	T	H	E	D	I	C	E	
E	N		E	R	A	S	E		D	E	V	O	N	
A	T		D	E	B	A	R		N	E	T	S		

2/7/05 NYT

C	P	A	S		U	S	A	G	E	S		R	I	B
O	R	C	A		S	O	L	I	D	S		E	V	E
C	U	T	T	H	E	C	A	R	D	S		S	A	T
A	D	I	E	U		I	N	T	O		H	E	N	S
S	E	N		M	B	A			S	U	R	L	Y	
			P	U	L	L	T	H	E	L	E	V	E	R
C	H	A	I	S	E		H	O	L	Y		O	N	O
R	A	N	G		A	O	R	T	A		A	I	D	S
A	R	T		A	C	N	E		T	W	I	R	L	S
S	P	I	N	T	H	E	W	H	E	E	L			
H	O	P	U	P			U	S	A		S	P	A	
L	O	O	N		T	S	A	R		V	I	P	E	R
A	N	D		R	O	L	L	T	H	E	D	I	C	E
N	E	E		O	R	I	O	L	E		L	E	A	N
D	D	S		B	E	T	T	E	R		E	D	N	A

4/10/09 Universal

Figure 4:

8 on Gaffney's Crossword Suspicion Scale (derived from

<http://xd.saul.pw/diffs/nyt20050207-fcx20090410.html>

The theme and the theme fill words are the same, but not the grid. Only one of the clues to the theme phrases is the same.

Source: Gaffney, Matt. "How to Spot a Plagiarized Crossword." Slate Mar. 10, 2016.

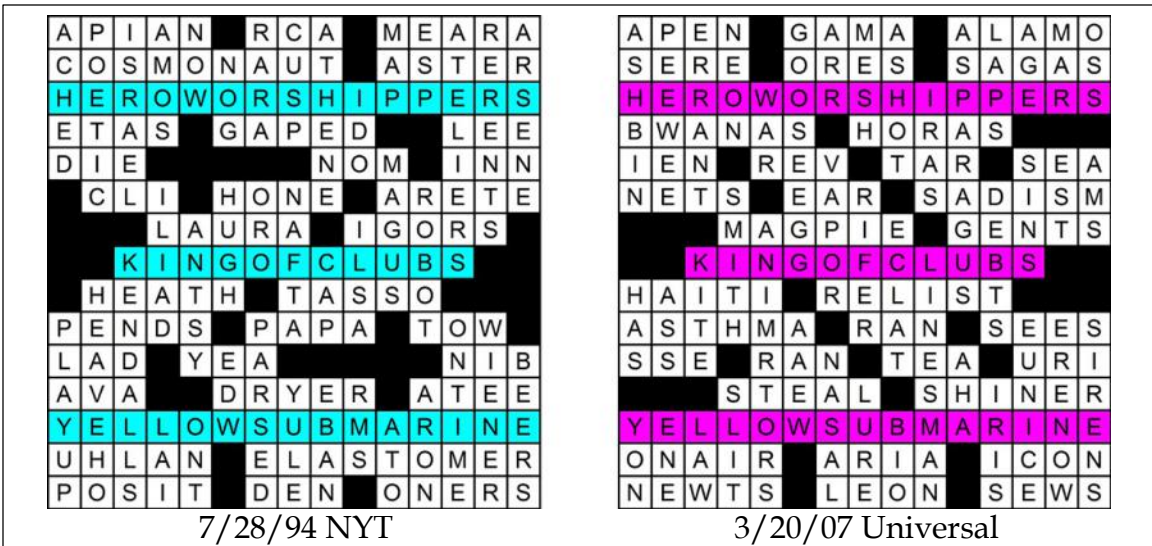


Figure 5:

Bonus 8 on Gaffney’s Crossword Suspicion Scale (derived from

<http://xd.saul.pw/diffs/nyt19940728-fcx20070320.html>

The theme and the fill are the same, as well as where they are placed on the grid, although the grid itself is not the same. In the earlier NYT crossword, the clue for KING OF CLUBS is related to the theme (“Sandwich fit for royalty?”) while in the later crossword, the clue doesn’t quite fit the theme, “Card fit for royalty?,” but is only one word different.

Source: Gaffney, Matt. “How to Spot a Plagiarized Crossword.” Slate Mar. 10, 2016.

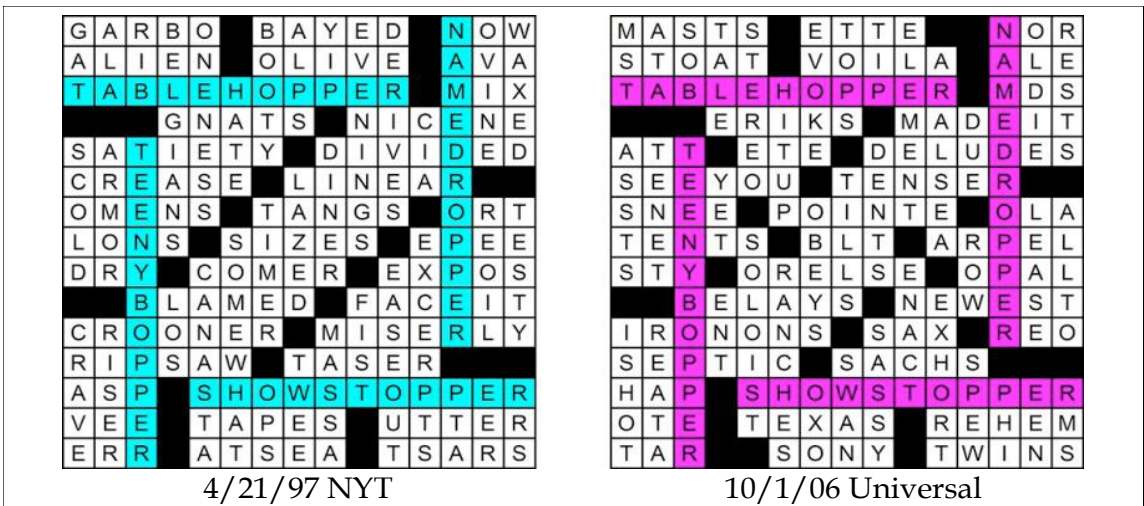


Figure 6:

10 on Gaffney’s Crossword Suspicion Scale (derived from

<http://xd.saul.pw/diffs/nyt19970421-fcx20061001.html>)

The themes and the placement of the theme phrases are the same, and the clues to three of the four theme fill words are exactly the same. The fourth clue—to TEENYBOPPER is “Adolescent rock fan?” in the NYT puzzle, while it’s “Idol Worshipper?” in the Universal puzzle.

Source: Gaffney, Matt. “How to Spot a Plagiarized Crossword.” Slate Mar. 10, 2016.

Gaffney's analysis in *Slate* is quite convincing, as he progresses from explaining a 1 on the Crossword Suspicion Scale with a pair of puzzles (see Figure 1) that he illustrates with links back to Pwanson's datasets for details. Then, through five more pairs of puzzles (Figures 2 through 6 show the various levels of increasing similarity between the pairs), he points out the similarities, rating the last set of puzzles a 10 on his Crossword Suspicion Scale. A crossword puzzle constructor himself, Gaffney analyzes the differences between the puzzle pairs in a conversational and balanced manner, allowing for coincidences and accidents. The two sets are usually published 9 or 10 years apart, but the most damning evidence is that the borrowing only goes one way: from *The New York Times* to *USA Today* or Universal. In each case the editor for the latter crossword in the pairs is Timothy Parker.

The last puzzle in the set offered by Gaffney that serves as a surefire 10 on his Crossword Plagiarism Scale uses three of the four theme words with only one of the theme clues different, but the grid is not exactly the same in both, nor are the rest of the fill words. No one has ever established how much of a similarity two written products need to be before we deem it as plagiarized, just as no one has established how much two crossword puzzles need to be different to be original. But, given that the crossword puzzle creator community is rather small and tight-knit, comprising about 300 people overall, Sharon Fisher points out, it is enough of a similarity to warrant concern to that community.

Jeanne Fromer and Mark A. Lemley in their law review article, "The Audience in Intellectual Property Infringement" opine that the goal of copyright law is similar to patent law, in that sometimes a test of infringement lies with how *an expert* sees a likeness in two products, other times, with how *a consumer* sees it, while at other times, considers how *an ordinary reasonable person* would see the similarity. Crossword creators can easily be considered *experts*, but *consumers* did not seem to notice the likenesses, or we would have heard complaints. However, *ordinary reasonable people* could probably see the similarities between the pairs that Gaffney presents, at least when they are presented side by side. But, just as plagiarism is not a legal violation, one could only turn to copyright infringement for a resolution to this civil violation. Yet how much monetary loss might occur if two crossword puzzles are quite similar eight or ten years apart from each other?

A crossword puzzle is not a piece of academic writing. It is not a newspaper article, it is not a painting, nor is it computer code. Crossword puzzle constructors and many others probably see it as an artistic creation, but it is also a puzzle, a game, i. e., a product with many parts to it, and just as another game company were to copy the the game Stratego, creating a look-alike called Stratega, its creator could be sued for copyright violation.

Scholars in a wide variety of fields, such as psychology (Marsh and Bower; Weidler, Multhaup, and Faust), ethics (Helgesson), and journalism ((Lewis) are investigating the causes of plagiarism and reconsidering what defines plagiarism and what causes it. In the field of cognitive psychology in particular, two research studies dealing with inadvertent plagiarism (Preston and Wegner) and cryptomnesia (unconscious plagiarism) (Marsh and Bower) use word puzzles to investigate the extent to which mental exertion, distraction, and accountability affect inadvertent or unconscious plagiarism. Is it possible that, after a certain number of years and editing more than a few crossword puzzles, Timothy Parker began to overlook the similarities to previous puzzles he had done or glanced at, and simply repeated too many themes and clues? He is still billing himself as a Guinness World Records Puzzle

Master, has launched Timothy Parker Crosswords, “a line of elite daily and Sunday crosswords all constructed and edited by Parker,” and has authored *The Official Bible Brilliant Trivia Book* and app (<http://biblebrilliant.com>).

When the scandal first erupted, *USA Today* put Parker on a three-month leave while they investigated the accusations. Then after confirming the similarities, they let Parker go, although Universal has kept him on. Meanwhile, most people are none the wiser, unless they are a little better educated about what goes into crossword puzzle.

*Apparently, Saul legally changed his last name from Swanson to Pwanson (Roeder). I don't know whether his first name was originally “Paul,” but it seems a little quirky if he went from Paul Swanson to Saul Pwanson.

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