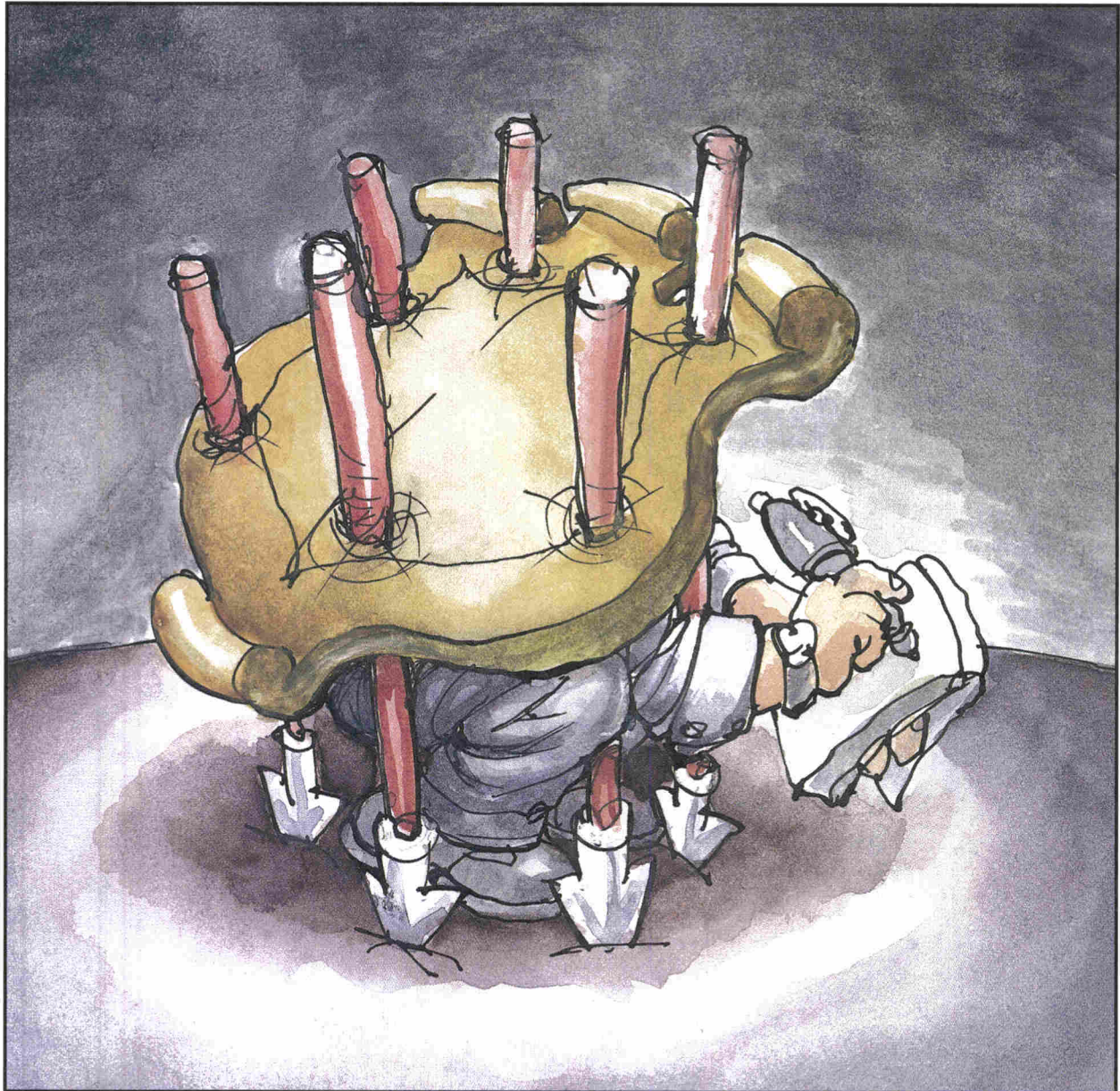


AUTHORS GUILD

Winter 2005 **BULLETIN**



The Valerie Plame Affair:
Martin Garbus on the Press Shield Doctrine
The Paperback Counter-Revolution of 1996
Post-Publication Blues
Writers and the Patriot Act
Foundation Symposium: The Art of the Story

LETTERS TO THE EDITOR

Ronald Kessler expresses dismay (Fall, 2004) at the Authors Guild's opposition to USA Patriot Act Section 215, which allows the Government to secretly access citizens' reading lists, and assures us that "the FBI first has to obtain the approval from a judge of the FISA court after presenting evidence that the target of the search is relevant." A little knowledge of FISA will challenge that assurance.

FISA (Foreign Intelligence Surveillance Act), passed in 1978, established a panel of seven (now 11) district court judges appointed by the Chief Justice of the U.S. Supreme Court to hear government wiretap requests in foreign intelligence investigations.

The panel meets in secret, does not permit lawyers to speak in opposition to warrant requests, and provides for no appeal to the U.S. Supreme Court. It is widely believed (since no exact records are available) that, to date, no government warrant request has ever been denied.

For 25 years, FISA was devoted solely to gathering foreign intelligence, although presidents from Jimmy

The Guild encourages members to write to the Bulletin. Letters should be sent to "Letters to the Editor," The Authors Guild, 31 East 28th Street, New York, NY 10016. They can also be faxed to (212) 564-5363, or sent via e-mail to staff@authorsguild.org (type "Letters to the Editor" in the subject line). Letters may be edited for length, grammar and clarity.

Carter through Bill Clinton steadily renewed and expanded its power. In October of 2001, however, Attorney General John Ashcroft indicated his intent to use FISA in tandem with Section 215 of the USA Patriot Act to pursue domestic law enforcement, an agenda almost certain to be continued by his successor. This is what concerns civil libertarians.

Mr. Kessler's credentials as author of *The Bureau: The Secret History of the FBI* notwithstanding, his notation that the FBI "has not had to use the Section 215 provision to search library records" gives scant comfort because one of the provisions of Section 215 is that it's illegal for

anyone to say whether it *has* been used.

I envy Mr. Kessler for seeing the glass of freedom as being half full. With the confirmation of the Bush presidency, most of us would say the tumbler has become a dribble glass.

—Nat Segaloff
Los Angeles, CA

ALONG PUBLISHERS ROW

BY CAMPBELL GEESLIN

Is romance dying?

Three straight quarters of declining sales and profits has led Harlequin, the largest North American publisher of romance paperbacks, to overhaul its business, shaking up editors, halting three lines and cutting back on two others.

Harlequin executives told the Times that their difficulties have been caused by readers' strong appetite for hardcover bestsellers—novels like *The Da Vinci Code* and a flood of political nonfiction books.

Harlequin published 1,113 romance novels in 2002, more than half of the 2,169 romance titles published that year. The second most prolific publisher of romance, Kensington, issued only 219 titles.

Last year Harlequin sold \$585 million worth of books for gross profits of \$124 million. The profit margin was 21 percent. In the first half of this year, profits fell to 18 percent. Most are sold at WalMart, Target and Waldenbooks in malls.

The Times entitled its article: "Sorry, Harlequin, She Sighed Tenderly, I'm Reading Something Else."

BUMP: Bill Clinton's memoir, *My Life*, and Dan Brown's *The Da Vinci Code* helped Borders' second-quarter earnings rise 89 percent. The New York Times said sales rose 2.4 percent, to \$847.1 million. Borders is opening 20 more stores this year.

TEACHERS' CHOICE: In an essay for The New York Times Book Review, Laura Miller observed, "Problem novels represent just a fraction of the Y.A. market, but one particularly esteemed by educators and prize committees. (Newbery Medal winners are notoriously glum.)"

Left on their own, most youngsters prefer the Harry Potter books and stories with an element of fantasy.

OOH-LA-LA: "A strange melancholy pervades me to which I hesitate to give the grave and beautiful name of sorrow. . . . I have known boredom, regret, and occasionally remorse, but never sorrow." Those sen-

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