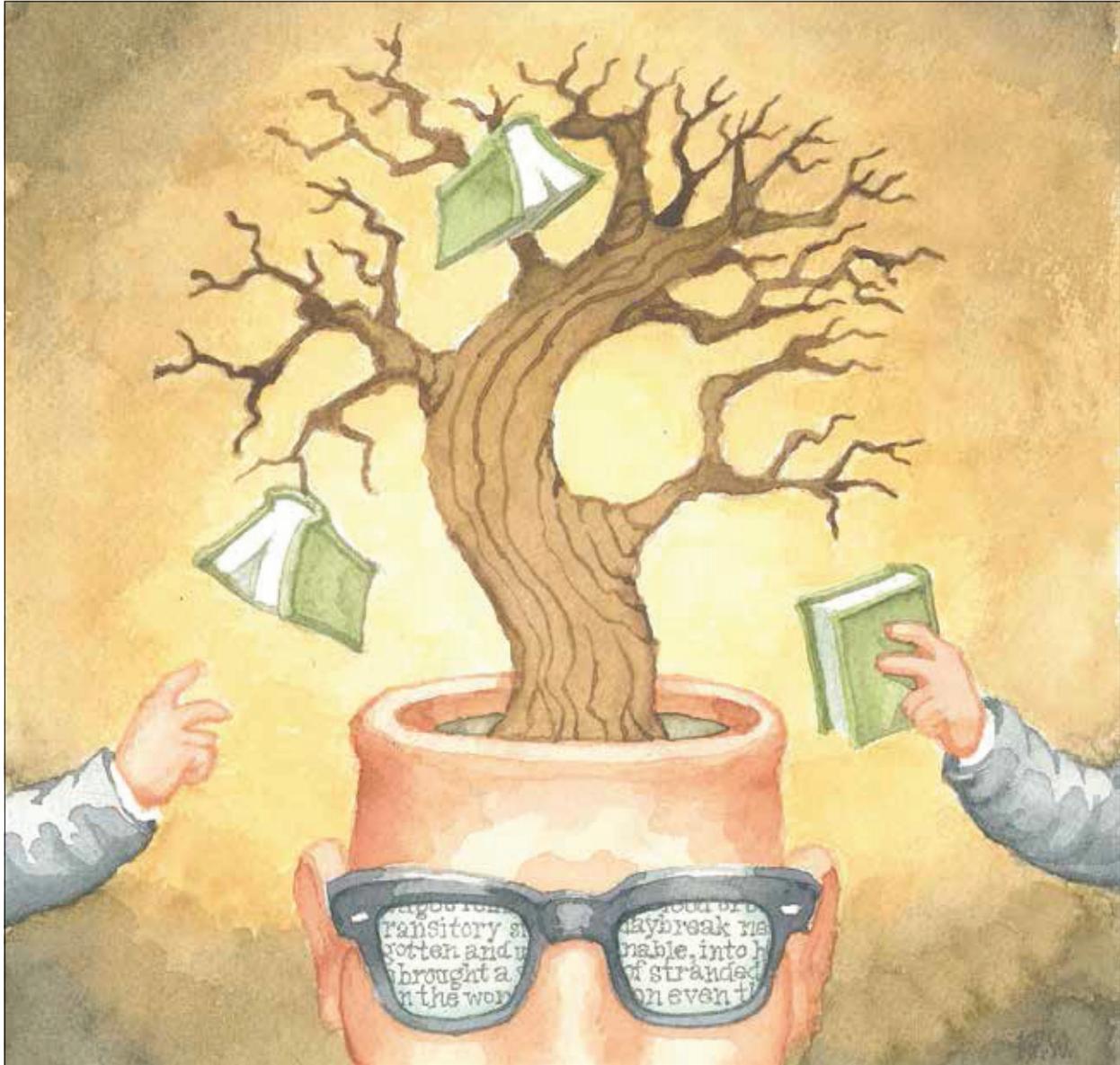


AUTHORS GUILD

Winter 2015 **BULLETIN**



**The Big Grab: T. J. Stiles On How Publishing's New Math
Devalues Writers' Work**

Q&A with Executive Director Mary Rasenberger

Roxana Robinson on Compassion's Place in Prose

Annual Meeting Report

LETTER TO THE EDITOR

Your timely Q&A with author CJ Lyons was uplifting and inspiring (Summer, 2014). Clearly, Lyons's success as an author is due to her winning mindset. That's what authors need most from the Authors Guild. Less doom and gloom. More daring hope and enthusiasm. With how-to's.

Sure, industry news is often depressing. Every

Bulletin, however, should feature an author who is beating the odds with guts, grit and innovation. Somebody saying Yes, you can! (Not go hide under the bed.) Lyons did that and it was a refreshing change. Now give us more. Thanks for your consideration. Onward!

—Patricia Raybon,
Aurora, CO

ALONG PUBLISHERS ROW

BY CAMPBELL GEESLIN

"A remarkable thing about the novel is that it can incorporate almost anything," wrote **Thad Ziolkowski** in Sunday's *New York Times Book Review*. He directs the writing program at Pratt Institute and is the author of a novel, *Wichita*.

The novel, he said, "can contain essays, short stories, mock memoirs, screenplays, e-mails—and remain a novel. This elasticity is also a sign that unlike, say, the epic or the ode, the novel is a living, evolving form. But if its outer limits are virtually nonexistent, the minimum requirement is generally that there be a narrator telling us something. In this way, any manner of book can find a way to justify calling itself a novel, but the label should not be worn lightly since it invites scrutiny of the highest and most exacting kind."

FIRST NOVELS: **Lauren Groff** is the author of a novel, *Arcadia*. She wrote in *The New York Times Book Review*: "I feel deeply for first novels because they often manifest so much anxiety they make me think uncomfortably of children's bell-choirs, hands in soft cotton gloves, the proper notes rung at the proper time, the palpable sense of relief in performer and audience alike when it's all over."

USING A PEN: **Robert Stone**, who died in January, was a Pulitzer Prize-winning author of several novels including *Dog Soldiers* and *A Flag for Sunrise*. In a 1985 interview for *The Paris Review*, he said, "I write in long-hand in order to be precise. On a typewriter or word processor you can rush something that shouldn't be rushed—you can lose nuance, richness, lucidity. The pen compels lucidity."

PROLIFIC: Bestselling author **Neal Stephenson** lives with his family in Seattle. He has a new two-book deal

with Harper Collins. The first book will be *Seveneves*, due out in May. The novel, *PW* said, is about "the survivors of a global disaster which nearly caused the extinction of life on the planet."

The second book, to be written with **Nicole Galland**, is set for 2017.

Stephenson has written more than a dozen novels, several of them prize winners, and a dozen books of nonfiction. Wikipedia said his novels are "categorized as science fiction, historical fiction, cyberpunk, and 'postcyberpunk.' Other labels, such as 'baroque' often appear."

The many photos on the Internet show that he is skilled in growing facial hair.

LEGEND: In an essay for *The Guardian*, **Val McDermid** wrote: "Four writers of [P. D. James's] generation reshaped the way we experience the English crime novel—P. D. James, **Ruth Rendell**, **Reginald Hill** and **Colin Dexter**." Once, after a book event, McDermid ushered James to the signing table. He recalled, "I shouted, 'Make way, legend coming through.' They parted like the Red Sea for Phyllis, in a way they would have done for few others."

GET HAPPY: **Tara Parker-Pope** writes a column in *The New York Times Science* section. She said: "Studies have shown that writing about oneself and personal experiences can improve mood disorders, help reduce symptoms among cancer patients, improve a person's health after a heart attack, reduce doctor visits and even boost memory.

"Now researchers are studying whether the power of writing—and then rewriting—your personal story

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**THE AUTHORS
GUILD BULLETIN**

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OVERHEARD

"When I finished this book, I was contemplating going to get what work I could in the mines . . . because things had come to such a pass with my writing. I had spent so long on this book. There's nothing unusual about that for writers."

—Richard Flanagan, who won the 2014 Man Booker Prize for his sixth novel, *The Narrow Road to the Deep North*, quoted in the *UK Telegraph*, October 15, 2014

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SHORT TAKES

Amazon Has Books on the Ground

Amazon is expanding its campus bookselling business, entering a five-year deal with the University of Massachusetts-Amherst, to launch a virtual store for students beginning in May. A 3,000-square-foot “staffed customer pick-up and drop-off center” in the Campus Center is scheduled to open in June according to UMass’s website. It replaces the bookstore formerly run by Follet, which retains its campus franchise for clothing, computers and other items, just not books. UMass will receive a 2.5 percent commission on sales; minimum payments for the first three years have been set at \$375,000, \$465,000 and \$610,000. Amazon is offering free one-day delivery to campus addresses and nearby residences as well as in-store pick-ups of textbooks ordered online.

Over the past year Amazon has entered bookselling arrangements with the University of California-Davis and Purdue University, and is reportedly negotiating with other institutions, but those ventures are online-only. The UC-Davis and Purdue collaborations encourage students to shop at co-branded Amazon sites—davis.amazon.com and purdue.amazon.com—in order to access special discounts. The schools receive a commission on sales, as at UMass. Purdue has announced plans to open campus pick-up locations later this year.

Subscription Services Update

Subscription services continue to expand their offerings as readers become accustomed to this relatively new method for accessing e-books. Oyster has added 1,000 Bloomsbury titles to its inventory of 500,000 backlist titles, all available to sub-

scribers for \$9.99 a month. Oyster as well as Scribd will soon have 1,000 Macmillan titles on offer, a development reported by the AP as “another major publisher . . . testing the subscription market.” HarperCollins and Simon & Schuster are also among those testing the waters, while Penguin Random House is holding off for the foreseeable future. The primary concern for most publishers is maintaining the value of e-books.

Audiobooks are also an area of interest: Audible—purchased by Amazon in 2008—had been the primary provider of subscription audiobooks until recently; in November Scribd announced that it would add more than 30,000 audiobooks to its library, formerly limited to e-books.

Publishers Warming to Direct Sales

Direct sales to consumers is a area of growing interest in the book publishing industry, and over the past year many companies have been enhancing their marketing tactics and making it easier for readers to purchase books on their websites. HarperCollins launched a new website last summer that featured a scrolling front page advertising new books, with prominently placed “Buy Now” buttons and notices about sales. Simon & Schuster and Houghton Mifflin Harcourt have made similar changes, as have many smaller independent publishers. According to *Publishers Weekly*, the only Big Five publisher that does not offer direct sales in any form is Hachette Book Group.

None of these publishers believes that direct sales should or will replace selling through Amazon and other booksellers. As Houghton Mifflin Harcourt’s VP of Web Strategy, Sarah Battles, told *PW*, “We’re not the first choice for consumers, but our website can tie all our audiences together—

educational and trade.” Battles noted that direct sale has been a feature of operations for years, “but now [direct] selling has become an elevated priority.” The subject was also discussed at a Digital Book World panel discussion in January, with participants Dominique Raccach, Publisher and CEO of Sourcebooks, HarperCollins Chief Digital Officer Chantal Restivo-Alessi, and David Wilk of Booktrix.

PW also spoke to Jack McKeown, a former publishing executive who is now president of Books and Books, an independent bookstore in New York State, and was disappointed by reports of increased direct selling. “I’m sure HarperCollins is well-intentioned,” he said. “Publishers do need to engage consumers and offer buy buttons for their convenience. But an aggressive pursuit of direct sales, I think, is misguided and a misallocation of resources.” He explained that “Consumers are not looking for publishers, they’re looking to retailers to aggregate and recommend titles.”

Digital Book World 2015: Nielsen Data

The sixth Digital Book World Conference + Expo was held in New York City from January 13–15. The conference, attended by professionals from the media, publishing, and technology fields, featured numerous panels and events on a range of subjects, with a particular focus on “the challenges and opportunities facing publishers and content providers of all sizes and business models, with key emphases on the digital transformation.” The conference also sponsors an awards program recognizing the best in digital publishing, with categories for e-books, enhanced e-books, and apps.

Among the highlights of the conference was a presentation by Jonathan Nowell of Nielsen Book on how the rise of e-books has affected

print sales. While many assume hardcover sales to be most susceptible to low-priced e-book editions, the Nielsen numbers show that trade paperback sales have actually decreased more than hardcover sales since 2009.

Travel and references books have taken the hardest hit since the arrival of e-books; their print sales are down 50 percent and 37 percent, respectively. Some types of books have seen rising print sales in the digital age, particularly cookbooks, religious books and children's books. Juvenile sales are enjoying a particularly strong run, commanding 37 percent of the total market, up from 23 percent in 2004.

But the most significant bit of data suggests that e-books' market share may have stabilized, as quarterly e-book sales have been level since 2012.

2014 Print Book Sales Report: Will the Children Save Us?

The numbers are in, and 2014's print book sales exceeded those of 2013 at outlets reporting to Nielsen BookScan, *Publishers Weekly* reported.

Adult fiction print sales were down 8 percent from last year, with romance slipping a notable 11 percent. (The drop in romance print sales may be a reflection of the genre's healthy digital performance, or possibly bedtime reading habits.) The only adult fiction categories to grow in print were graphic novels and westerns. Adult nonfiction sales were steady, with major gains in self-help, religion and biography offsetting declines of over 10 percent in the history, humor and computer segments.

While adult print sales sputtered, the youngsters' print market was bullish. Kids' nonfiction rose 16 percent, and kids' fiction jumped 12 percent. The biggest winner—by both percentage increase and units

AG Website: New Look, Fresh Content

If you haven't yet had the pleasure, we urge you to visit the new Authors Guild website. It's been completely redesigned, and includes two separate portals: one provides information about the Guild to anyone seeking information about the organization's history, advocacy, goals and services, supplemented by industry news, blogs and other information.

The second is a password-access room for members only, offering a members' Forum, for ongoing conversations on issues relevant to the profession of writing, links to legal and web services, including Sitebuilder, and searchable electronic editions of *The Writer's Legal Guide* and *The Model Trade Book Contract and Commentary*. The Event Calendar lets members list their upcoming readings, media appearances and other events and highlights contest submission deadlines, festivals, and conferences of general interest. The members-only area also allows members to create a profile in the Member Directory, listing book titles, areas of interest, and more. The directory itself is public and searchable by literary agents, bookstores, and anyone else looking for writers. You can also join and renew your membership online. Welcome.

moved—was the juvenile sci-fi and fantasy category, up 38 percent, a spike *PW* attributed to “the *Divergent* trilogy, the *Frozen* franchise, and the novels of James Dashner and Rick Riordan.”

Taking a Cue from Authors

With fewer people visiting brick-and-mortar bookshops, and print papers devoting less space to book reviews, enterprising authors have been searching out—or inventing—new ways to reach readers online. Looking to tap into new revenue streams themselves, publishers are catching on. A new Simon & Schuster imprint, called North Star Way, will “offer authors an expanded suite of profile-building, ancillary services that extend beyond the boundaries of traditional publishing.” Translation: in addition to publishing print and e-books, the imprint will provide authors with fresh platforms for attracting readers, including online courses, workshops, videos, podcasts and mobile apps. Such a multi-pronged approach may not serve all authors

equally. In a press statement, North Star Way said that its initial efforts will focus on self-improvement, motivation, and business inspiration.

The North Star announcement follows hard on a related S&S initiative, Simon Says, in which authors in fields like health and personal finance will be featured in online courses that expand on their published work. “Today's consumers have made it plain that they want and expect more from authors,” said Carolyn Reidy, president and CEO of S&S, “and in offering these up-close, off-the-page experiences we are partnering with our authors to satisfy that demand.” According to *Digital Book World*, authors featured in S&S's online courses will be compensated for their promotional efforts. On-screen authors, reports *The New York Times*, even get to set the per viewer price for their courses. Dr. David B. Argus, author of the bestseller *The End of Illness*, is going with verisimilitude: \$25, the price of a standard co-pay—or a spanking new hardcover. ♦

From the President

The Writer's Life

BY ROXANA ROBINSON

I teach a course in the MFA Creative Writing Program at Hunter College in New York. It's called "Introduction to the Modern." The title was given to me, but I've added a qualifier: *The Role of Compassion*.

It's a wonderful class to teach. We read the canon: Flaubert, Chekhov, Tolstoy, Woolf, Wharton, Updike. We discuss voice, structure, cultural context—things you'd expect. But I also teach that one of the components of great literature is compassion. Homer, Sophocles, Shakespeare, Tolstoy, Woolf all demand that we use our hearts as well as our minds.

This should be obvious, but somehow it's not: the idea of compassion has become unfashionable. It's gotten confused with sentimentality, though you English majors know the difference: sentimentality is emotion without responsibility; compassion is the recognition of shared humanity. Chalk and cheese. Sentimentality is superficial, easy listening that does nothing to expand our understanding. Compassion is quite different. Risky and exigent, it puts you inside someone else. This is one of literature's greatest strengths. Even science has noticed: studies show that people who read literary novels have more empathy than those who don't; this won't surprise anyone who's read *Anna Karenina*.

Great literature introduces us to other times and other cultures, to other races and other genders. It offers a broad range of knowledge, but also a broad range of feeling. It expands our emotional comprehension. When you realize that you are just like the 19th-century Russian character in Chekhov's story—just as flawed, just as struggling, just as doomed, just as helpless, just as absurd and just as yearning—you expand your understanding of the world. Your feeling of judgment begins to crumble and fall away, and you stand exposed and humble. As you recognize yourself in others, you deepen your own humanity.

In my class we begin with *Madame Bovary*. Flaubert famously claimed to feel contemptuous of these petit bourgeois characters, and certainly Emma Bovary is a shallow, opportunistic creature. And yet. Flaubert was also famous for saying, "*Madame Bovary, c'est moi.*"

When Emma runs at dawn through the dewy fields to meet Rodolphe, and arrives at his chateau, exuberant and happy and out of breath, "smelling like a spring morning, coming into his bedroom," it's hard not to sympathize with her, or to feel that Flaubert didn't. It's hard to think that Flaubert didn't sympathize with

**Sentimentality is superficial, easy
listening . . . Compassion is quite different.
Risky and exigent, it puts you
inside someone else.**

Emma's father as he remembers his own wedding trip, his little wife seated behind him on his horse, her arm tucked around his waist.

We discuss the sources of empathy, what first evokes it for a character. One of our earliest views of Anna Karenina is at the train station, when she meets her brother: she puts her left arm around his neck and kisses him. That confident, tender and physical intimacy creates a brilliant image of the warmth and vitality of Anna, the woman we will come to know so well.

My students are smart and thoughtful, and they say things I haven't thought of. Discussing tragedy one evening, I explained that historically it concerned monarchs and rulers, because their fates would reverberate throughout a whole country. We discussed the traditional definition of tragedy, how it derived from a tragic flaw, and moved toward self-knowledge. I asked

Continued on page 28

I'd like to welcome our new Executive Director, Mary Rasenberger. Mary's record is a distinguished one: she has worked at the U.S. Copyright Office, the Library of Congress, and several prestigious law firms. She brings energy, enthusiasm and a formidable intellect to the job, and we're extremely lucky to have her leading our team. She succeeds Paul Aiken, who stepped down last year for medical reasons. Paul led the Guild for 20 years, and we owe him an enormous debt of gratitude for his courage, inventiveness, determination, intelligence and good humor. Paul continues to be a consultant for the Guild, and we value his advice and friendship.

—R.R.



Q and A with Mary Rasenberger

By ISABEL HOWE

Can you tell us about your professional background and how your experience will affect your leadership of the Guild?

When I read the job description for this position, I thought, “Wow, a job that makes complete sense of my career!” I mean, how many jobs could take all the pieces of my career and knit them together like that? And, since I had worked with the Guild as an outside attorney and already loved the organization, it felt all the more like a good fit.

I’ve had a diverse mix of work and life experience. When I was young and impressionable, I read an interview with JFK, where he quoted Benjamin Disraeli saying: “The secret of success in life is for a man to be ready for his opportunity when it comes.” Other than the gender reference, I took the saying perhaps too much to heart! I have always followed my heart in my career, taking on interesting opportunities as they arose. Along the way, I developed deep expertise in copyright policy and advocacy, with an emphasis on authors’ rights, publishing, media and technology law. At the same time, atypically for a lawyer, I acquired a good deal of experience managing major programs related to copyright and books.

In 2002, after years of working in large New York law firms, focusing on intellectual property, mainly copyright and technology (and with a stint at a record company), I heard about an opening at the Copyright Office in Washington, D.C. The job would entail working on copyright legislation, advising Congress and executive agencies on copyright, and working on international copyright agreements. I jumped at it. After a short time there, I was asked to launch and run the Library of Congress’s National Digital Preservation Program. In just a couple of years, we grew the program from nothing to more than 130 partnerships throughout the country, working together to figure out how to create a network to preserve the nation’s growing digital resources. At the same time, I managed the Section 108 Study Group, a group of publishing and library experts we convened to review and provide recommendations on revising copyright exceptions for libraries and archives.

In 2008 I moved back to New York for family reasons, and rejoined the law firm of Skadden, Arps, Slate, Meagher & Flom, working primarily on copyright litigation and in publishing. It was a good platform for



Mary Rasenberger, the Guild’s new Executive Director.

me, as the firm gave me freedom to continue doing policy work. But when Maria Pallante, the Register of Copyrights, asked me to oversee rewriting the Copyright Office’s Compendium of Practices (a manual of all of the Office’s rules, practices, and policies for registration and recordation)—probably because I had complained the loudest about it—how could I say no? Around the same time, my friends at the entertainment and media law boutique, Cowan, DeBaets, Abrahams & Sheppard, invited me to join them. My clients there included authors and other creators, publishers, filmmakers and digital content creators and distributors.

How has your policy work in D.C. informed your approach to directing the Authors Guild?

My copyright and policy background and general knowledge of the publishing landscape are crucial to this position; so much of our advocacy work relates to authors’ rights and the evolving publishing landscape. Running the initiatives at the Library of Congress and Copyright Office also turned out to be great experience for this job. Those positions involved managing complex programs and keeping a lot of balls in the air at once—much as the Guild’s mandate does. They

also included a good deal of collaboration, which is something we'll be doing more of in the near future—working with other organizations to help move the conversation forward on copyright and publishing issues in the digital world, notwithstanding the controversy that surrounds many of the issues.

Thanks to my policy work, I'm very familiar with the legislative and regulatory issues relating to copyright, and I know most of the players involved. I've traveled to D.C. a few times on Guild business already. In November I spoke to the Creative Rights Caucus on the collaborative aspects of the author-publisher relationship. I returned for a hearing and to speak at an ALA (American Library Association) meeting. In December I headed back down to participate in a U.S. Patent and Trademark Office roundtable with the USPTO's attachés to foreign governments regarding piracy and its enforcement abroad. On each trip, I've also met with members of Congress, staffers and other copyright advocates.

Washington will be an important venue for the Guild in the next couple of years, as the House Judiciary Committee continues its review of the Copyright Act. This will be a multi-year process, and I plan to continue the work Paul Aiken and Jan Constantine began, ensuring that the Guild is front and center in the discussions leading up to any copyright law revision.

What role do you envision the Guild playing in the national conversation about copyright? How do you see this role changing in the coming years?

We should and will be at the forefront of the conversation, as we have been historically. The Guild was founded in 1912 to serve as the collective voice of American authors, and it has remained an integral part of the copyright conversation ever since.

With new technologies, the means by which books are disseminated and read may change over time, and publishers may come and go, but you can't have books without authors. The collective voice of authors will be crucial in setting the agenda for copyright in the 21st century.

You mentioned that you oversaw the 1,200-page revision of the Compendium of U.S. Copyright Office Practices, Third Edition, which went into effect in December. Can you tell us what this means for writers?

That was some project. Getting that done was like climbing Everest with an elephant on my back. But we did it! The new edition of the Compendium, in contrast to the earlier version, was specifically drafted to be user-friendly, so that any individual who wants

to make use of the services of the Copyright Office—namely, authors and other creators—can do so without having to hire a lawyer. Anyone who wants to register or record a copyright, or anyone who wants to find and understand a registration or record, should be able to find all the information they need to in the Compendium. At the same time, it's a useful document for copyright experts because it tries to answer all the nuanced registration-related questions that even the most experienced copyright lawyers need to double check.

The Compendium is highly organized and fully searchable online document, with a detailed table of contents for each chapter, links to definitions and references to related sections. If we did our job right, an author should be able to find all of the information he

With new technologies, the means by which books are disseminated and read may change over time, and publishers may come and go, but you can't have books without authors.

or she needs to submit an application, correct a registration or record or locate a document. It's also a great way to learn the basic principles of copyright. I expect that the Compendium will be a valuable tool for writers and other individual copyright owners who register or record on their own or, for instance, want to file a statutory termination notice to get their rights back after 35 years. I believe we will see more and more authors registering on their own in coming years, as indie publishing and other alternatives to the traditional publishing model (where the publisher often registers for you) grow. While I advise authors with traditional publishers to make sure the publisher registers for them in their name, they still need to manage their registrations if rights revert or publishing agreements are terminated. I look forward to the day, in the not-too-distant future, when authors no longer automatically surrender their rights to publishers for the life of the copyright.

The current Register of Copyrights, Maria Pallante, is a strong advocate of copyright reform, especially where it concerns digital works. Do you foresee significant changes in copyright under her tenure?

Yes, I do. The Copyright Office is working with the House Judiciary Committee on its review of the copyright law. The Intellectual Property Subcommittee has held a series of hearings on various issues that may be ready for reform. The Copyright Office and Committee Chairman Bob Goodlatte (R-VA), who spearheaded the review, are committed to seeing the process through to the end, including amending the Copyright Act where appropriate. At the same time, the Copyright Office is undergoing a review of its technological and other capabilities and is committed to upgrading its services for the 21st century.

The Authors Guild recently submitted a paper to Congress proposing to make the Copyright Office an independent agency, with more regulatory authority, so that it is better able to provide guidance on how the law should be interpreted. Congress simply can't legislate fast enough to keep up with technological changes and with the particularity necessary in some areas of copyright law, such as fair use. The Copyright Office, if given more authority, would be in a good position to address these issues through guidelines or regulations. Copyright law works that way in many other countries: the statutory law sets out the basic framework and regulations fill in the details.

What do you see as the primary obstacles to earning a living as a writer today? What gives you cause for optimism?

The publishing ecosystem has experienced some serious disruption in the last decade. Amazon has decreased the amount people are willing to pay for books. That has hurt authors and publishers alike. Independent booksellers have also been affected; they can't afford to match Amazon's low prices. So fewer books are being bought by traditional publishers and advances are generally lower, especially for midlist books.

It has gotten a lot harder in recent years to earn a living as an author. A recent study by the Authors' Licensing and Collecting Society found that in the U.K., 40 percent of professional authors earned a living solely from writing in the year 2005, but by 2013 that figure was down to 11.5 percent. In the U.S. it has been estimated that about 20 percent of authors earn a living from writing alone. We'll be surveying our members soon to see, among other things, whether similar trends are occurring in the U.S. We expect it is the case.

At the same time, people like to read and, even with all the competing media, they will continue to read. Enough people will demand good books—regardless of format—that the need for professional writers isn't going to disappear. Self-publishing has already be-

come a truly viable option for some authors, especially genre fiction writers. Ways to effectively self-publish or to publish through non-traditional means will grow and new forms of "books" will emerge. We will work creatively with publishers and booksellers to ensure that authorship remains a viable profession in the U.S. Whatever a book looks like in the future, the Authors Guild's work will focus on ensuring that authors continue to be valued and paid.

What can we expect from the Guild in the coming year?

In addition to continuing our important work on copyright legislation and our litigation, namely the Google suit—which we may have to take to the Supreme Court—we will be very busy on the membership services front. We'll be conducting the member survey I mentioned, to see how our members are faring professionally, and how we can improve our services. First

People like to read and, even with all the competing media, they will continue to read. . . . Regardless of format . . . the need for professional writers isn't going to disappear.

up will be our revamped website, to be launched in February, which will include more information on topics relevant to the writing life, as well as forums for members to converse with one another on the issues authors face today. We're also planning a number of events. Our February panel on new business models in publishing was the first in a series of events focused on how authors can best navigate the digital landscape. In addition, we will be expanding our national reach by hosting events and creating regional Authors Guild chapters throughout the country. Last, we'll be reviewing certain standard contract provisions in publishing agreements and publicly addressing whether they remain appropriate in the twenty-first century—or whether it's time to dust off the cobwebs. If it's the latter, we won't shy away from applying pressure to get publishers—both traditional and indie—to update their boilerplate terms. It's going to be a busy year, to say the least. ♦

Amazon Is Not the Reader's Friend, Says Debate Audience

By RYAN FOX

A spirited audience gathered January 15 at New York City's Kaufman Center to hear a panel of four authors hash out the contentious proposition that "Amazon is the reader's friend."

The Oxford-style debate, hosted by Intelligence Squared (IQ2) and moderated by author and ABC commentator John Donovan, featured two writers arguing for the motion and two against it. In the Amazon corner were self-publishing guru Joe Konrath and Matthew Yglesias, Executive Editor of Vox. Pitted against them were former Authors Guild President Scott Turow and Franklin Foer, former Editor of *The New Republic*, who contended that Amazon is not, by a long shot, the reader's friend.

The IQ2 debates declare a winner by polling the audience at both the beginning and the end of the arguments, and comparing the results. The team that sways more people takes the cake. Before the debate, 41 percent of the audience voted for the proposition that "Amazon is the reader's friend," 28 percent voted against it, and 31 percent were undecided. At evening's end, there was a clear victor: the Amazon apologists managed to increase their backers by a mere one percentage point, while Turow and Foer earned a 22

percent spike, overwhelmingly capturing the undecided vote.

Throughout the evening, Yglesias and Konrath largely stuck with the appealing argument that Amazon's low prices for readers and higher royalty rates for its self-published authors are benefits without downsides. But Turow's and Foer's effectiveness lay in taking a position that honored the diversity of the literary ecosystem. Left unchecked, they suggested, we may end up with a book world controlled by Amazon. The better option by far is a competitive plurality of publishers and distributors.

Turow agreed that self-publishing works very well for some authors in some publishing sectors. He was clearly encouraged, for instance, that self-publishing gives voice—and a second chance—to authors overlooked by traditional publishers. "I am not against self-publishing," said Turow, before homing in on Amazon's deliberate attempt to eliminate publishing houses, "but if we do away with traditional publishers, there will be a great loss to literary culture."

Another reason Amazon can't be trusted, said Turow, is that the company hasn't stood by even the self-published authors who defend it so vociferously. Turow illustrated this with a point his opponents couldn't counter: even as many self-published authors rallied to defend Amazon during the Hachette dispute, in early 2015 the earnings of self-published authors enrolled in its Kindle Unlimited program were dramatically reduced.

Foer also pointed out that a loss of publishers could mean a loss of the kind of nonfiction works that require "deep reporting," work which is time-consuming and



Above, left to right, moderator John Donovan, debaters Joe Konrath and Matthew Yglesias (for the proposition) and Scott Turow and Franklin Foer (against), and IQ2's program for the evening.

expensive, and that can be sustained only by an advance from a publisher. It would also mean the loss of the committed editorial investments provided by publishers. “Writers are the people in the world who are least able to see the flaws in their own work,” said Foer, himself an editor and an author.

“Scott and Franklin did a terrific job of articulating exactly what we’ve stood for throughout our many disagreements with Amazon,” said Authors Guild

“Anyone who believes Amazon will wield its market power kindly has not read Lord Acton or Machiavelli.”

—Scott Turow

President Roxana Robinson. “Namely, that a diverse literary marketplace is a healthy literary marketplace. And I’m personally encouraged—though not surprised—that so many readers in the audience agreed.”

Much of the argument focused on Amazon’s place within the publishing industry at large. Yglesias opened by proposing that Amazon’s massive share of the publishing markets—it sells 41 percent of all books sold in the U.S., and 67 percent of digital books—is the result of its superior product. Turow countered that such market power is a danger in and of itself. A friend is someone you can rely on to treat your interests as equal to his own, he said. But Amazon has “habitually turned on its allies when it suited its needs. Anyone who believes Amazon will wield its market power kindly has not read Lord Acton or Machiavelli,” he continued, characterizing Amazon’s history of browbeating as “a mugging sponsored by Wall Street.”

Reflecting on the evening afterward, Turow offered the following summation. “I regard the question of Amazon’s role in American literary culture as truly important, and I was glad Frank and I were able to make many in the audience understand that Amazon is a Trojan Horse, offering low prices today—while Wall Street is willing to float a company that doesn’t make a profit—at the cost of destroying the publishing ecosystem that is indispensable to authors who can’t write several books every year, as many self-published authors do.”

“You never make all the points you want to,”

said Turow. “But I wish I had made more of the fact that Amazon actually prevents competition by locking its customers in through devices like Prime and DRM, which means Amazon customers can’t read books sold by Apple or Google Play on their Kindles.”

As the event came to an end, the writers’ closing arguments tended to encapsulate their styles. Konrath offered free books for votes, making the salient point that, as a self-published author selling on Amazon, he is able to set the price of his books and even to give them away for free, and doing do, he has sold—and given away—millions of books.

Turow spoke of how, like Konrath, he struggled to find a publisher for his first novel, and agreed that Amazon was good for readers and authors in some ways. The problem with Amazon, he explained, is the threat it poses to literary culture at large, and ultimately to the reader. “I don’t judge these things on the basis of what’s good for me,” he said, adding that while Amazon has been very good to him, “I care about what’s good for all writers.”

Yglesias maintained that his opponents were painting an unrealistic doomsday scenario, but that for now, Amazon’s low prices and great service make it a friend to readers.

Foer had the last word. Alluding to the arrogance of the tech industry’s self-styled “disrupters,” he noted that Americans have made “disruption . . . our secular religion.” This particular brand of optimism might well lead us to a future “that could be wonderful, or it could be a dystopian hell.” In closing, he encouraged the audience to speak directly to Amazon with their votes. Tell Amazon, he said, “You’re dealing with precious cargo. Don’t abuse your power. Be good stewards of word and thought.”

The audience, apparently, was listening. Let’s hope Amazon was too. ♦



Winners Foer and Turow.

Among the Digital Luddites

BY T. J. STILES

Adapted from an address Stiles gave at a conference on copyright at the Kernochan Center for Law, Media and the Arts at Columbia University on October 10, 2014. The title of the conference was "Creation Is Not Its Own Reward: Making Copyright Work for Authors and Performers."

I'm here to throw empirical salt on theory's slug. In discussions of copyright or the literary marketplace, there is too much generalization. We often see the experience of one author with one book presented as a template for everyone, but book publishing doesn't work that way. Each book is a unique product. One can take ten years to write, another ten weeks. It might be filled with photos and maps, or with none. What is true for one author will not be true for another.

I am a self-employed author of serious nonfiction in the commercial marketplace. My world is summed up by an episode of *The Simpsons*, titled "The Front." Bart and Lisa take Grandpa Simpson to visit the studio that makes "Itchy and Scratchy" cartoons; they've been submitting freelance scripts in Grandpa's name. The studio chief says to Grandpa, "Are you *sure* you're a writer? You're so old!" Grandpa replies, "Where's my check!" The studio chief says, "Oh, you're a writer all right." Self-employed writers can't spend five minutes together without discussing money. If you think it's because we're greedy, let me quote *The Aviator*: "The only reason you don't care about money is that you've always had it." Like all of you, we want to make a living doing what we do best. We know we might fail, but we want to be able to try.

But we face a structural problem. We are disaggregated individuals in a global economy dominated by large institutions that feel free to take advantage of us: huge corporations and sometimes, sadly, even universities. But our shared culture depends upon individual voices. Dissent comes from outside institutional thinking; creativity comes from the individual, often in opposition to majority opinion.

T. J. Stiles is the author of *The First Tycoon: The Epic Life of Cornelius Vanderbilt* (Knopf, 2009), which won the 2009 National Book Award for Nonfiction and the 2010 Pulitzer Prize for Biography. In October 2015 Knopf will publish *Custer's Trials: A Life on the Frontier of a New America*. He has been a member of the Authors Guild board of directors since 2010.



Photo by Michael Lionstar

T. J. Stiles: Writers "write to be valued, and to derive the rewards of being valued."

Some think us unnecessary. Because, you know—fan fiction. Academic monographs. But writers of serious nonfiction for the commercial market do what no one else can do: devote years of our lives to creating a work of knowledge *and art*, combining literary and scholarly virtues. Have any of you read Richard Rhodes's *The Making of the Atomic Bomb*? Probably no one in this room will ever contribute to the public good as much as he did with that one book. My academic friends, all your journal articles will not be so important a body of scholarship. My fellow writers, we will probably never equal it in artistry. *And he did it for money*. Who can argue that we would be better off without Joan Didion, Michael Lewis, Robert Caro, Rebecca Solnit or Taylor Branch? Whatever you think of my last book, *The First Tycoon*—and some people hate it—there had not been a serious biography of Cornelius Vanderbilt, one of the central figures in the making of the modern corporate economy, since 1942. The academy and hobbyists had nearly seventy years to produce a study, and didn't.

There are those who say they want to promote the public good by supporting authors who write to be read. First of all, the basic premise of the market economy is that the public good is served by people creating things that other people wish to buy. Second, the "author who writes to be read" formula confuses a part of the process for its end purpose. You might as well say humans live in order to breathe. No: authors write *to be valued*. I'll prove it with a thought experiment. Professor X publishes an academic study for

free, giving up all rights. But reviewers scorn her book. Scholarly journals denounce it as a career-destroying pile of gibberish. Reviewers in newspapers mock it; *The New York Times* suggests that she should be legally barred from writing again. Now, does Professor X declare, "Hooray! They read my book! *That's all I wanted!* I'm so happy!" Of course not.

We write to be valued, and to *derive the rewards of being valued*. We are all embedded in reward systems—though they are not all the same. I want a direct financial return from book sales. Not so in the academy. It has a prestige economy. Academic authors advance in their professions by acquiring prestige from their colleagues through their publications. That incentive directs their writing toward a closed professional audience; it puts a premium on questions of narrow disciplinary interest, on the use of jargon. I have heard more than one anecdotal account of a professor denied tenure because she wrote too well—and it's not surprising, and not necessarily wrong. I think a protected space for academic studies and discourse is *very* important for society. But our culture needs more than just academic writing.

Let's not forget that the market economy is merely masked for academics. The business model of universities is to *deny access to information*. They select a small percentage of student applicants, and grant them direct access to instructors. If you think the personal transmission of ideas from teachers to students doesn't have extremely high value, I had a much better college experience than you did. The more students denied admission—the greater the exclusivity—the higher the market price of that education.

But here I am generalizing. Back to me. I'm going to slightly fictionalize my personal story, so I don't broadcast my finances to the world. Let's say I have an idea for a book: the definitive biography of Hamilton Fish, the nineteenth-century secretary of state. Is self-publishing an option? No. Experience shows it works best for well-defined, voracious, built-in audiences, such as for romance and science fiction, or for professional audiences seeking technical information. Most of my sales are still in print, as they are across the industry. Also I need the financial support of an advance, due to the labor-intensive process of researching and writing a biography. I looked into the advances in self-publishing. They suck. When my book comes out, I will need the publisher's institutional expertise and contacts with vendors to produce maps, photographs, indexes, and other supplementary material.

So I get a contract with Lemming Cerf House with a very, *very* good advance: \$200,000. But the publisher usually breaks the advance into four equal parts: 25 percent on signing, on delivery and acceptance of the

manuscript, on hardcover publication, and on paperback publication. That's \$50,000 each—minus \$7,500 to the agent, who takes 15 percent of everything. Why have an agent? Commercial publishers take proposals only from agents. And, were it possible to do without one, I would get a lot less than \$200,000.

So I have \$42,500 with which to write the book. Remember, this is *not extra money* on top of a salary. This is everything. I've never taken less than four years to finish a book. Let's say, for argument's sake, that I go into a frenzy to finish in two years. My wife and children have no needs. I never move, or have to travel. I have no health issues. No crises with my children. No car trouble. (I dealt with all those things repeatedly over the last decade, by the way.) I have \$21,250 for each year. But I will have to pay self-employment tax, which is double the payroll tax. I have to buy my own health insurance. My last policy for myself alone cost \$200 per month; my current policy costs about \$1,000, after the ACA subsidy, and also not counting

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the weeks I have spent on the phone fighting over that subsidy and with my insurance carrier, in part because I have to estimate my income for the coming year, in part because my income changes unexpectedly. I provide my own retirement benefits. I get no sick days, no paid vacation. Every moment not working is a financial loss. Talking to you people, right now, is costing me money.

One copyright denier loftily suggested to authors, "Let them have patrons!" *Patrons*. I guess that means grants. These are few and paltry, for the most part. Most are solely for academics, requiring a doctorate. Of those that are not so constrained, many are residential. I can't move my family of four across the country for a single year for \$30,000 or \$40,000—or even \$60,000—nor would I abandon them. When I do find a suitable grant, I do not have the network of colleagues that academics have to offer recommendations. Years

ago, I was overjoyed when George Plimpton agreed to write a recommendation for me. As I sat holding his letter, promising his help, I heard on the radio that he had died. It's like that. Let me tell you, independent authors hate to apply for grants. It's demoralizing, it's

**I like to say my last book is so big
because it's a tombstone to the 401k that
gave its life so the book could live.**

usually futile, and even when you get one they don't solve your problems. It's no substitute for commercial income from our work.

I have supplemented my income with secondary activities. I teach now and then on a freelance basis. I have done some freelance commercial writing. But two years ago I lost my big freelance client, and my income has dropped by 20 to 40 percent a year. In the past, I have resorted to desperate measures. I like to say my last book is so big because it's a tombstone to the 401k that gave its life so the book could live. After the Pulitzer, I got paid speaking engagements for the first time. For a while. Believe me, it helped. But all of this was a distraction. Rather than prove royalty income is unnecessary, it proves the opposite. I estimate the necessity of making extra money has probably cut my productivity in half.

When I finish a book, I have to provide photographs out of pocket. For example, the Bancroft Library of UC Berkeley charges \$17 for each digital reproduction of an image in its collection, plus a \$12 service fee, and \$100 for reproduction rights. That fee applies even if the item was created 150 years ago. I have to assume the Berkeley Libraries are a big supporter of copyright protections. Just ten photographs like that takes a big bite out of the second advance payment. Then there are maps and indexing, which I pay for as a charge against royalties; at least they're not up-front costs, another argument against self-publishing. A year later, the book is finally published. If I'm lucky, the publisher sends me on tour. With other publicity work from home, that takes up a month of working time, at least.

Something like 70 percent of commercially published books lose money. That's important to remember when we hear some claim that publishers should all die. Those authors are being subsidized; they are still getting advances, still getting at least some sort of attention and market presence, still building their

careers. Self-publishing is awash in books that go nowhere, too, but the authors are getting a lot less for their efforts. Traditional publishing is hardly perfect, nor should it be the only path to releasing a book, but authors very much need access to business partners with capital to invest in their careers.

Let's say I get lucky, and I earn back my advance. Royalties are on a six-month cycle. A royalty check can take several months *after* the end of that six-month period to arrive. If I'm lucky, I'll have some subsidiary rights sales. On my last book, we sold the audio rights, I think, for \$2,000. That's two months of health-insurance premiums. That's a surprise auto repair for our 15-year-old car. Even such small income streams matter immensely to me. Despite the Pulitzer, I have never hit *The New York Times* bestseller list.

I am not owed a living by the world. I may screw up, or get unlucky, and fail. And no human institution is perfect. But the copyright regime gives me hope of building my career, of accumulating income streams that make my work viable. But now authors like myself face the Digital Luddite Culture: the bizarre return of a 19th-century belief system. Like the Jacksonians of the early steam age, who believed money could only be gold coin, Digital Luddites believe that only tangible stuff has worth—that the value of a creative work lies in its physical medium. If you're not buying paper or plastic, the tech world tells us, you're not getting anything worth paying for.

This assault on the value of our work is driven in part by the new robber barons, Amazon and Google. Amazon is convincing readers that all digital books, from joke books to serious biographies, are all worth the same: \$9.99. Or less. But reproduction has *never* been a large part of the cost of a book; we have always paid for the creation, not the printing. As Motoko Rich of *The New York Times* pointed out in 2010, out of the list price of a \$26 hardcover, the publisher might spend \$3.25 on printing, warehousing, distribution and returns. Amazon has been telling readers dishonestly that this \$3.25 is actually \$16, justifying an e-book price of \$9.99. It is coercing authors and their business partners, publishers, to conform, which can only mean a severe loss of income for authors. The classic robber barons had monopoly control over how farmers got their grain to market—but at least they didn't try to control grain prices, to force farmers to charge less. Amazon is actually undermining the free market. It is not allowing the market to find the equilibrium of e-book prices; it is imposing an artificial price based on its corporate strategy.

When authors want to add value to their works in digital form, to transform their *own works*, they find Google is squatting on their digital space. I understand

that academics who write narrow scholarly studies might like people to find their work through Google. So, if Google had asked to digitize their works in their entirety, they could have said yes. I don't see, though, why Google didn't ask, and why I should be forced to say yes because someone else might have. And if Google can appropriate our work, so can any other company. Remember, Google is legally obliged to try to make a profit, not promote the public good. If it didn't create its book-scanning program for profit, its shareholders could sue. It is monetizing my work *in its entirety* without my permission and without sharing a dime. That's not only unfair, it pushes me away from possible digital exploitation of my creation.

And then, of course, there is flat-out piracy. It is left to individual authors to combat it. We, the isolated individuals, struggling to survive, have to enforce the laws ourselves—with toothless takedown notices. One of the pirates of my work uses Google Docs, generating revenue for Google through its piracy. Not surprisingly, Google is not particularly interested in helping me to stop it, law or no law. This infuriates us. People ask, but do you really think pirates would buy an equivalent amount if you stopped them? Please name one area of the economy in which we demand that kind of justification before we act against theft. We ban stealing to maintain the social compact under which you pay for something that was created for sale. No police officer refuses to arrest a shoplifter unless the shopkeeper presents an analysis of the financial loss.

I have heard the theory that so-called “artificial scarcity” of digital goods is unsustainable. First of all, intellectual property exists only because of government intervention in the economy. It isn't a natural substance. Second, we hear nothing about that theory when it comes to money or securities, which exist almost entirely in digital form. Why not pirate some dollars, and double your bank account? They are just electrons, limited only by “artificial scarcity.” Because the FBI will arrest you, that's why. Enforcement creates the norm, not some natural law.

Because there is no serious enforcement of intellectual property rights, an entire generation has come of age believing that physical stuff has value, but digital creations are literally worth nothing. Professors who would never steal a five-dollar stapler for a class steal hundreds of dollars of pirated chapters for digital course packets. Such income has dropped off dramatically. Like their students, they don't believe digital works have value. I must stress that I am not arguing for the prosecution of millions of individuals. We should *not* throw individual consumers in jail, but we should target the Kim Dotcoms, the big digital carriers who profit from wholesale piracy.

I close by noting the consequences. In the nineteenth century, American magazines printed pirated British prose rather than pay American writers; the practice stunted the emergence of a national literary culture. We could read Dickens without paying him; was that worth sending Melville to work in the Customs House? Who knows what he might have produced with greater financial security? In my case, I planned a really expansive digital edition of my next book, with dynamic interactive maps, embedded videos, and ways for readers to explore the intertextual-

An entire generation has come of age believing that physical stuff has value, but digital creations are literally worth nothing. Professors who would never steal a five-dollar stapler for a class steal hundreds of dollars of pirated chapters for digital course packets.

ity of this book with my previous two. But why send readers to an edition that will earn me less than the hardcover, that will be pirated immediately, and that Google might appropriate? I'm not running a charity. That is a digital work that will not come to be, because of piracy and the attacks on the value of digital creations.

Beware, my friends: If piracy reigns unchecked, if the attack on the value of digital work continues, you will see attempts at technical solutions that you won't like. You'll see e-books issued in multiple volumes to maintain the price. Even worse, you'll see book streaming, in which *no one* can possess the digital edition, but only pay to access it—for as long as the publisher keeps it on the server, of course. I don't want these solutions, but I see them coming. Government, the academy, libraries, and the reading public should be the allies of individual authors, not of corporate behemoths that promote Digital Luddite ideology out of cynical self-interest. Scorn the market economy if you wish, but don't try to get rid of it by starting with its most vulnerable players. The point of copyright is to foster new art and knowledge, to create new riches, not to loot the tombs. The business of writing has never been more precarious, and that means copyright has never been more important. ♦

The American Publishing Landscape in the Digital Age

Amazon, E-books and New Business Models

BY JAN CONSTANTINE,
AUTHORS GUILD COUNSEL

Our European colleagues recognize a time period—we wouldn't quite call it a holiday—known as the "copyright event season." This according to Myriam Diocaretz, Secretary-General of the European Writers' Council, who invited Authors Guild General Counsel Jan Constantine to help ring in that season with a speech before an assembly of the European Parliament in Brussels, Belgium on November 3, 2014.

The talk, presented here in edited form, was delivered as part of a panel, "The Value of Writers' Works," to educate newly elected Members of the European Parliament on the challenges European authors face in the digital publishing environment.

The speech sketches the current U.S. publishing landscape for European eyes. As such, it's a clear distillation of the complexities of our book business, one that we hope will be equally edifying to American authors.

What do I mean by the phrase "the digital age" in American publishing? About 20 years ago, when I was Associate General Counsel at News Corporation, I attended a company-wide newspaper industry conference in Aspen, Colorado. This would have been around 1992, when the Internet was just starting to catch on in a big way, and the print media were really up in arms. To a person, they decried the death of print, predicting that, "Fifteen years from now, there will be no print papers!" They were sounding the alarms like Chicken Little. But look around

today, over twenty years later: there are still print papers. A lot fewer, yes, but digital media wasn't the asteroid that wiped out the dinosaurs as so many people feared it would be.

I bring this up now because I think we've seen a similar, albeit less extreme, alarmism in the publishing industry about digital media's effect on print sales, but the statistics show that these fears are probably overblown. Sure, e-books cut into the print book market, but the numbers seem to be gradually leveling off.

Bear with me while I offer some statistics. In 2013 publisher revenues from trade e-books actually *fell* about 1 percent, according to the Association of American Publishers. During that same period, total trade sales rose by the same amount. And while paperback and mass market sales slipped, adult hardcover sales rose 9.7 percent compared with 2012. Consumer surveys show a similar cooling-off of e-book growth. According to Bowker Market Research, in the first half of 2013 e-book sales accounted for 14 percent of consumer spending on books, up just 1 percent from the previous year. This is significantly slower growth than the 4 percent increase in 2012. Bottom line? The sky hasn't fallen . . . yet.

So when we talk about the "digital age" in the publishing industry, I think we're talking about a period that begins in the early 1990s, when serious electronic

rights clauses began to appear in publishing contracts. I know because I drafted them myself. In the past I represented as in-house counsel two of the largest American publishers, Macmillan and HarperCollins. This is proof of an international phenomenon: attorneys can change allegiances in the blink of an eye, without looking backward. Interestingly, this period coincides almost exactly with the rise of one of the major threats to the publishing industry today, Amazon. So while e-books haven't completely cannibalized the market for print books, what they *have* done is alter the balance of power between authors, publishers and distributors—in favor of distributors. And by distributors, I mean—you guessed it—Amazon.



Photo by Michael Lionstar

"Digital media wasn't the asteroid that wiped out the dinosaurs [as] so many people feared it would be."

Amazon's Rise to Dominance

It's important to remember that American publishers initially *embraced* Amazon's entrance into the publishing marketplace. While Amazon was starting its ascent in the 1990s, publishers had their attention trained on a different adversary: chain bookstores, Barnes & Noble chief among them. As the journalist George Packer reported in a recent article in *The New Yorker*, "when Amazon emerged, publishers in New York suddenly had a new buyer that paid quickly, sold their backlist as well as new titles, and, unlike traditional bookstores, made very few returns."

Compare those views with where we stand today, when Amazon sells nearly half of all books sold, both print and electronic. Their market share allows them to strong-arm publishers. I'm sure many of you are paying attention to what Amazon has been doing to the U.S. subsidiary of the France-based publisher Hachette—and many of you have horror stories from your own countries. Amazon has been suppressing the sale of books by Hachette authors. It slows delivery of Hachette titles, makes sure that some titles don't surface in search results, and points the reader to similar (and often less expensive) books. But it's Hachette authors who are really feeling the sting: as a result of these tactics, they are suffering royalty losses of 50–90 percent, according to an informal survey conducted

While e-books haven't completely cannibalized the market for print books, what they *have* done is alter the balance of power between authors, publishers and distributors—in favor of distributors.

by one of our Council Members, the thriller novelist Douglas Preston, who has been very active in rounding up support among writers (most of whom are not Hachette authors) to unite against Amazon's tactics. His group is called Authors United, and it includes international bestselling authors such as Milan Kundera, Salman Rushdie, V. S. Naipaul, Orhan Pamuk, Philip Roth, and others. As of this month, Authors United's head count totals 1,500. I'll talk more about this group later.

The author uprising led by Authors United and the

Authors Guild has received a lot of press, and most of that press has placed the blame on Amazon for unfairly targeting authors in a dispute they're not even part of. In fact, it's even been suggested in the American media that all the negative attention Amazon has received throughout the Hachette dispute has led it to painlessly and quietly strike a deal with Simon & Schuster—without holding hostage any authors.

The Authors Guild has spoken out against Amazon's tactics in the Hachette dispute since it was made public in May—and for that, we've been criticized by some as being "pro-publisher," which, as you can imagine, does not sit well with an authors' rights organization. Authors and publishers, you see, are not natural allies. In fact, they are far from it. Publishers have not been giving authors a fair split of e-book profits for a long time; this has allowed e-books to become enormously profitable for publishers, which in turn played directly into Amazon's hand, allowing the online retailer to capture the enormous e-book market share that now allows it to throw its weight around against the very same publishers. But I want to take a break from Amazon-bashing now and talk about the 25 percent e-book royalty rate major U.S. publishers offer, and why it's unfair to authors.

The Rise of E-books and Publishers' Inequitable Split of Royalties

Authors' e-book royalty rates from major U.S. trade publishers settled at 25 percent of the publisher's net receipts back in 2011—and for frontlist books, for the most part, they haven't budged since then, although some smaller publishing houses have begun giving e-book royalties as high as 35 percent, and we've even heard of a major romance publisher offering 50 percent royalties—but only once a book sells 10,000 electronic copies, which is quite a feat for *any* author in the current digital climate. But the bottom line is that the 25 percent royalty for frontlist e-books is contrary to longstanding tradition in trade book publishing, in which authors and publishers effectively split the net proceeds of book sales (that's how the industry arrived at the standard hardcover royalty rate of 15 percent of list price). Among the harms of this radical pay cut is the distorting effect it has on publishers' incentives: publishers generally do significantly better on e-book sales than they do on hardcover sales. Authors, on the other hand, always do worse.

So, everything else being equal, publishers will naturally have a strong bias toward e-book sales. And this was another component to the publishers' initial embrace of Amazon: it was Amazon's development

of the Kindle that effectively brought e-books to the mass market. It certainly does wonders for cash flow: not only does the publisher net more, but the reduced royalty means that every time an e-book purchase displaces a hardcover purchase, the odds that the author's advance will earn out—and the publisher will have to cut a check for royalties—diminish. In more ways than one, the author's e-loss is the publisher's e-gain.

In more bad news for authors, the likelihood of major publishers budging from the 25 percent rate doesn't look good—for now, at least. Inertia, unfortunately, is embedded in the contractual landscape. If the publisher were to offer more equitable e-royalties in new contracts, it would ripple through much of the publisher's catalog: most major trade publishers have thousands of contracts that require an automatic adjustment or renegotiation of e-book royalties if the publisher starts offering better terms. These requirements result from contractual terms sometimes referred to as

The 25 percent royalty for frontlist e-books is contrary to longstanding tradition in trade book publishing, in which authors and publishers effectively split the net proceeds of book sales.

most-favored nation clauses, or MFNs. (Some publishers finesse this issue when they amend older contracts for backlist titles, many of which allow e-royalty rates to quickly escalate to 40 percent of the publisher's receipts. Amending old contracts to grant the publisher digital rights doesn't trigger the automatic adjustment, in the publisher's view.) Given these substantial collateral costs, publishers will continue to strongly resist changes to their e-book royalties for new books. The burden falls overwhelmingly on midlist and debut authors; some bestselling authors with leverage, on the other hand, are offered higher advances or bonuses for achieving high sales milestones in order to make up for the low royalty share.

We have always had hope that the publishers' resistance, in the long run, would prove futile. Some new publishers have shown a willingness to share fairly with their authors. Once one of those publishers has the capital to pay even a handful of authors meaningful advances, or a major trade publisher decides to take the plunge, the tipping point could be at hand,

and major publishers could be forced to reconsider their parsimonious profit split.

Now let's pick up where we left off with Amazon, which, if you remember, was getting too big for its britches. Here comes the part where the people start crying "monopoly!"

DOJ Suit and Amazon's Antitrust Problems

In the U.S., Amazon commands a share of over 40 percent of new book sales across all platforms, a meteoric rise from five years ago, when its share stood at 12 percent. The retailer claims 64 percent of the online sales of physical books and 65 percent of the e-book market. That share has steadily increased in the wake of the U.S. government's ill-advised prosecution of Apple and five large New York-based publishers for allegedly colluding to establish a pricing model for e-books where publishers, rather than Amazon, would have set retail prices for their own titles.

The call for antitrust scrutiny of Amazon first arose in 2012, when the DOJ brought the lawsuit against Apple and the five publishers based, in part, on a paper submitted to the Department of Justice by Amazon itself. The publishers chose to cut their losses and entered into settlement agreements with the government in 2013: only Apple has continued to litigate with the DOJ, and its case is currently on appeal. Regardless of the outcome of the appeal, it was highly regrettable for the government to bring the case in the first place, especially in view of Amazon's continuing decimation of the bookselling markets.

Amazon's predatory pricing strategy has been (and still is) the following: to set a low price for e-books, thereby altering consumer expectations of the value of e-books (and, indeed, of books in general); to be willing to lose money on bestsellers in order to squeeze retail stores; and to jack up the price to the reader of "long tail" books to make up for the losses.

Sparked by Amazon's strong-armed tactics in its negotiations with Hachette this year, the Authors Guild started its own initiative to invite governmental scrutiny of Amazon's outsize market share and anti-competitive practices in the publishing industry. This past summer, we prepared a White Paper on Amazon's anticompetitive conduct, circulating it to the United States Department of Justice and other government entities. As a result of our request, we hosted a meeting with the DOJ in our offices on August 1 so that a group of authors could make their case directly to the government.

The Guild has also been working closely with the

Continued on page 51

Authors Guild Opposes Google's Fair Use Claim in Federal Appeals Court

Reporters, observers and lawyers began lining up shortly after noon on December 3, 2014 to guarantee themselves a seat in Courtroom 1703 of the Thurgood Marshall U.S. Courthouse in lower Manhattan. The case of the day was the oral argument in the Authors Guild's copyright infringement case against Google. The Guild is appealing a November 2013 district court ruling that Google's unauthorized copying of millions of copyrighted books was a fair use of those works.

The arguments had been scheduled to last 30 minutes, but the three-judge panel of the U.S. Court of Appeals for the Second Circuit, recognizing the significance of the case, spent over an hour and a half hearing the lawyers' arguments and peppering them with questions.

Paul Smith, of Jenner & Block, argued for the Guild. Smith, who has appeared before the Supreme Court 15 times and in scores of appellate courts over three decades, will also help the Guild position the case for a final push to the Supreme Court, if that becomes necessary. Smith is perhaps best known for successfully arguing the landmark gay rights case *Lawrence v. Texas*.

The issue before the court was whether Google's scanning and snippet display of millions of books from the collections of leading research libraries—without regard to copyright status and without authorization or compensation—was fair use. Fair use is a defense to an accusation of copyright infringement; it permits a work to be used in ways that otherwise would be considered infringing, in order to enable socially beneficial activities such as commentary, parody, reporting and teaching. In November 2013, the lower court found that Google's use was fair, and that Google therefore owed authors nothing.

The Authors Guild took the podium first. Smith described how Google's digitization of books is hardly the charitable enterprise its court papers suggest. On the contrary, he argued, the books program is "quintessentially commercial in nature." He said that he would not quibble with the lower court's decision that Google's use of the books for inclusion in the search-

able database was "transformative," since the appeals court had already found that a similar use was transformative in the *HathiTrust* case. [See page 21.] Rather, Smith argued that Google's uses were different from the libraries' uses in *HathiTrust*, because of the highly commercial nature of Google's enterprise, and because Google also displays text in response to search queries. "Transformativeness," it is worth noting, has in recent years become a determining factor in whether or not a court finds a particular use to be fair.

Anchoring the three-judge panel was Judge Pierre Leval, who wrote the book on transformative use—or rather, the article. A law review paper in which he coined the term was heavily cited by the Supreme Court in its leading fair use case, 1994's *Campbell v.*

The Guild argued that Google's uses were different from the libraries' uses in *HathiTrust*, because of the highly commercial nature of Google's enterprise, and because Google also displays text in response to search queries.

Acuff-Rose. Judge Leval, accordingly, took the lead, while Judges José Cabranes and Barrington Parker focused on more technical details. "Let Judge Leval go for the jugular," Judge Cabranes joked. "I'll go for the capillaries."

In response to Judge Leval's questions, Smith discussed security concerns, including the possibility that hackers might gain full access to copyrighted works displayed online. The potential for a security breach was an argument the Authors Guild and its co-plaintiffs have used since the beginning of the litigation, but one that many observers feel has repeatedly fallen on deaf ears. Judge Leval's questioning, then, was somewhat of a surprise. Equally unexpected was his focus on "hot new books" being most vulnerable to theft. Judge Leval seemed drawn to the idea that nobody would go to the trouble to steal these hot new books when they are so widely available. In response, Smith argued that the real security danger was not the theft of bestsellers, but the possibility of an Aaron Swartz-type security breach: a large-scale "liberation" of copyrighted material.

Additionally, Smith pointed out that the court should not assume that the display of snippets—the arbitrary short excerpts displayed in response to a search—are harmless: many nonfiction books acces-

What's Really at Stake in *Authors Guild v. Google*? (Hint: It's not about the more than 16 million books Google displays in full text.)

Nine years on, after dozens of court hearings and thousands of pages of court papers filed, it's easy to lose sight of what this case is about. Even some who have followed the case closely have lost the thread. So what exactly is it that the Guild is asking for?

We're *not* asking that the entire Google Books program be shut down. We were never asking for that. Of the roughly 20 million books that are part of Google's program, approximately 16 million are no longer protected by copyright: anyone is free to make use of them—even a corporation. These are the books Google displays fully in the Books program, and they were never a part of the lawsuit to begin with. Let them stay, we say.

Nor are we concerned with copyrighted books that are included with the publisher's permission.

These tend to be recent titles whose sales the publisher or author decided would improve if potential readers could see full-page views of a limited number of pages. The lawsuit has never been about these books either.

What it is about is the fate of copyright-protected books that Google has scanned—and displayed “snippets” of—in response to users' search queries. The authors of these books were not consulted or compensated by Google, which we believe is required by law. For these uses we seek compensation for past infringement and payment of royalties in the future. Further, we are asking the court to stipulate that any books be added to the program only pursuant to the payment of a reasonable licensing fee.

sible through Google Books are used primarily for research, and a simple Google Books search could substitute for the purchase of a book. Someone conducting research on World War I's Battle of the Somme, Smith suggested by way of example, could enter search terms on Google Books, find a suitable description or a colorful quotation, and use that expression without the book that contains it registering a sale.

When asked what exactly the authors want from the court, Smith had a ready response. The Authors Guild is not asking for Google Books to be taken down, he said. In the Guild's view, a legislative solution—as opposed to a court decision—would be the more effective approach to mass digitization. Given the fact that it is not practical for the court to wait for Congress to weigh in, however, Smith asked the judges for a three-pronged solution: (1) compensation for past infringement, (2) establishment of a royalty stream for the four million copyrighted books already in the database, and (3) a licensing scheme for any copyrighted books added to Google's database in the future. On the other hand, if the court were to rule for Google, Smith explained, “the cows would be out of the barn door forever,” with Congress playing the role of the farmer belatedly chasing them through the field.

Google's lawyer, former Solicitor General of the United States Seth Waxman, then made his case to the judges. Waxman conceded that the specifications of Google Books could change at any time—Google could unilaterally choose to display larger “snippets,” for instance, or increase the numbers of pages

shown per book—but he insisted that the court ought to “evaluate the service as it exists now” and not consider possible evolutions, even if this means authors would have to sue *again* if Google were to change the program's parameters. He described Google's scanning program as a “joint venture” between Google and participating libraries to create a search tool. He urged the court to focus on the purpose of the joint enterprise and not on the process behind the program.

Judge Cabranes, who participated in the hearing via closed circuit television, pressed Waxman on the issue of Google's purportedly charitable motivations for the Books program. Judge Cabranes feigned bafflement at Google's implication that profit wasn't the overwhelming motivation for the program, going so far as to joke that if profit wasn't the firm's main concern, it has probably welcomed a lawsuit from its shareholders. Waxman wound up conceding this point, arguing instead that Google's motives, even if focused on the bottom line, should be assessed in light of the public benefits Google Books provides, and its “transformativeness.”

The Second Circuit's decision is highly anticipated by all who follow the creative industries, but the wait may be a long one. And whatever the outcome of the case at the Appeals Court level, a Supreme Court petition is very likely. This case has the potential to reset the fair use balance between copyright holders and users of their works for the next generation, and it won't be given up easily by either side.

—Ryan Fox

Legal Roundup

Anticipating Supreme Court Run, Guild Launches Legal Defense Fund

It's no secret to readers of the *Bulletin* that for the last 10 years the Guild has devoted much effort to defending authors' rights through the country's legal system, most notably in our two major copyright infringement actions, against Google and HathiTrust.

To help defray the legal costs associated with these cases, the Authors Guild has launched a new fundraising entity under the umbrella of the Authors Guild Foundation. The Copyright and Free Speech Fund, which went live in September, is a 501(c)(3) nonprofit, and all contributions to it are tax-deductible.

Though theoretically the funds will be available for all litigation-related expenses, General Counsel Jan Constantine is not shy about what most of the money raised will be earmarked for. "We're rebuilding our war chest so we can take the *Google* case to the Supreme Court, if necessary," she said. "Whichever way our current appeal comes out, it's very likely the party holding the short end of the stick will appeal the ruling to the high court." The parties argued their cases before the appeals court on December 3 in New York City (see page 19).

Getting a case to the Supreme Court isn't a sure thing. The Justices decide to hear only about one percent of the cases presented to them. A party hoping to place a case before the Court must first file what's called a petition for writ of certiorari. The Justices use the petition to help decide whether to hear the case. Notwithstanding those meager odds, we think this case has a good chance of being granted Supreme Court review.

If the high court does agree to take the case, Constantine anticipates that the cost of the appeal could approach \$1 million. The cost of the petition alone will hover near \$250,000.

In addition to the appeal letter that has been sent to all active Authors Guild members—and which resulted in \$85,000 being quickly raised—the defense fund is seeking support from a broad spectrum of creators' rights organizations here and abroad. Constantine reports that the Guild's sister organizations are supportive. "Other organizations that, like us, support creators, know how important the cases we brought against Google and HathiTrust are to the global copyright community. They understand that by bringing these cases that will ultimately affect the

rights of everyone in the copyright industries, we're footing the bill on behalf of all creators."

The Guild has already received significant commitments from a handful of international rights organizations whose representatives Constantine lobbied personally at the annual meeting of IFRRO in Seoul, Korea. As we went to press, the Fund had already secured commitments of approximately \$100,000 from these groups.

Court Filing Ends AG v. HathiTrust Copyright Litigation

Court papers filed January 7 brought to an end the Guild's copyright infringement lawsuit against the group of research libraries known as the HathiTrust. The Guild had claimed the library group infringed by reproducing copyright-protected books for inclusion in its HathiTrust Digital Library, a searchable database.

The case arose in June 2011 when the HathiTrust announced its "Orphan Works Project," which would begin freely distributing digital copies of "orphan works"—books that are still under copyright, but whose rightsholders cannot be found. HathiTrust abandoned the Orphan Works Project shortly after the lawsuit was filed. The Guild had demonstrated that the copyright owners of most of the books were easily found, forcing HathiTrust to acknowledge that its search methodology was flawed.

The resolution of the case follows a June 2014 decision by the Second Circuit Court of Appeals, which approved two limited uses of the HathiTrust Digital Library—full-text search and display to the print-disabled—but sent down to the district court the question of whether the copies made by HathiTrust for "preservation" or "replacement" purposes were done in accordance with the copyright law's exceptions governing libraries, which require that, before making a copy of the original, libraries determine that the original (1) was either damaged or lost, and that (2) a copy is not obtainable at a reasonable price.

The agreement filed in the lower court should resolve that question. In it, the libraries represent that their copying complies with these requirements and will continue to do so unless and until they provide written notice to the Authors Guild. If the libraries change their copying practices, or if they unilaterally decide to distribute so-called orphan works under a new iteration of the abandoned Orphan Works Project, the Guild will have the right to bring a new lawsuit.

"Our pursuit of this claim was ultimately a success," said Authors Guild Executive Director Mary Rasenberger. "It led directly to HathiTrust's 2011 aban-

donment of the Orphan Works Project. Moreover, the stipulation filed today resolves one of our biggest concerns with the HathiTrust Digital Library—namely, that its copying wasn't done in accordance with the rules for library copying laid out in the Copyright Act."

The closely related case of *Authors Guild v. Google* remains under consideration by the Second Circuit, which heard oral argument from both parties December 3. [See page 19.]

Risen's Seven Year Battle Ends in a Win

Journalist James Risen has prevailed after a seven-year legal battle to maintain the confidentiality of a source in the face of government demands that he reveal it. According to a *New York Times* report, the Justice Department stated on January 12 that it would not call Risen to the stand in the trial of former CIA official Jeffrey Sterling. Sterling, whose trial began on January 13, is charged with leaking the details of a poorly-executed plan to sabotage Iran's nuclear program, which Risen recounted in his 2006 book *State of War*.

Risen's struggle had become a cause célèbre among journalists and free speech groups concerned that the government's crackdown on internal leaks doubled as a crackdown on the reporters receiving those leaks. After Risen refused to comply with a subpoena compelling his testimony in the Sterling trial, a federal appeals court ordered him to do so. Risen then took his case to the Supreme Court, which in June declined to hear it.

Most states have shield laws that allow reporters to honor source confidentiality, but the federal government does not. The Authors Guild and other groups were hopeful that Risen's case would boost the chances of the Free Flow of Information Act, a federal reporters' shield law considered by Congress last summer that would generally allow journalists to protect the identity of their sources, while providing clear rules for the circumstances in which they would be compelled to reveal them.

The bill faltered despite the attention Risen's case brought to it, but on January 14, 2015 the Department of Justice released new rules for government demands of testimony and materials from the media. "The news rules demonstrate a renewed commitment to freedom of the press that will protect the free flow of information to the American public," said Caroline Little, president and CEO of the Newspaper Association of America.

Marvel Settles with Creator's Estate

The five-year legal battle between Marvel and the estate of Jack Kirby regarding ownership of Marvel characters finally came to an end in September. The two parties reached a settlement only a few days before the Supreme Court was expected to announce whether it would hear the case. Marvel's attorney issued a joint statement for the parties, but did not disclose the details of the settlement. The statement reads, "Marvel and the family of Jack Kirby have amicably resolved their legal disputes, and are looking forward to advancing their shared goal of honoring Mr. Kirby's significant role in Marvel's history."

The legal battle began in 2009 when Kirby's heirs attempted to recapture the copyright to these characters by serving termination notices under Section 304(c)(2) of the Copyright Act. Kirby, who is often referred to as the "King of Comics," created or co-created many of Marvel's most recognizable characters, including the "X-Men," the "Avengers," the "Fantastic Four" and "The Hulk." As these characters have significant value, their ownership was hotly contested by Marvel.

In response to the Kirby family's notices, Marvel sought to have a federal court in New York declare that the characters were works for hire and that the termination notices were therefore invalid. The federal court agreed with Marvel's argument and issued a summary judgment, declaring that the characters were works for hire. Kirby's heirs appealed this ruling to the Appellate Division of the Second Circuit, which affirmed the lower court's ruling that the estate could not exercise its termination rights, because the characters were indeed works for hire.

Kirby's estate then petitioned the Supreme Court to hear its case. Based on the estate's brief and the supporting briefs from many other organizations, the Supreme Court ordered Marvel to respond. After Marvel wrote a brief arguing that the Supreme Court should decline to hear the case, but before the Supreme Court could come to a decision, the parties announced that they had amicably settled their dispute.

While this is good news for the parties to the litigation, it is disappointing to many in the legal community because it precludes the possibility that the underlying issue—when pre-1978 grants of copyright for commissioned works are subject to statutory termination rights—could be settled once and for all by the Supreme Court. It will likely be some time, if ever, before these issues are addressed in court again. ♦

Authors Guild Annual Meeting

The Authors Guild held its annual meeting on January 13, 2015 at the Scandinavia House in New York City. President Roxana Robinson called the meeting to order and, as the first order of business, asked for and received approval of the 2014 annual meeting minutes.

Ms. Robinson announced two measures to be voted on: first, revisions to the Constitution in order to address requirements in New York's not-for-profit law and to increase membership dues; second, the election of new Council members. Authors Guild attorneys Michael Gross and Stevie Fitzgerald served as tellers and inspectors for the balloting.

President's Report

Ms. Robinson began the President's report by recounting the major events of a year in which we saw "evidence of the importance of the work we're doing": the extended Amazon-Hachette dispute, the conclusion of the HathiTrust litigation, and *Authors Guild v. Google* reaching the Second Circuit Court of Appeals.

The year has been equally eventful internally. The Guild said goodbye to Executive Director Paul Aiken, who guided the organization brilliantly and with total conviction for 20 years. In September the Guild welcomed Mary Rasenberger as its new Executive Director. "Mary comes to us from a long list of distinguished positions, both at law firms and at the U.S. Copyright Office and Library of Congress," said Ms. Robinson. "She has focused on the subject of copyright for her entire career, and we feel very fortunate to have her at the helm."

In the coming year, Ms. Robinson said, the Guild will focus on expanding its membership and creating a stronger community among authors. "We're doing everything we can to promote a healthy, diverse publishing ecosystem, where writers can flourish and their words are valued," said Ms. Robinson. In support of that ambition, the Guild is raising annual dues for the first time in 25 years, from \$90 to \$125.

Executive Director's Report

Ms. Robinson then turned the meeting over to Executive Director Mary Rasenberger, who began her report with a discussion of the Guild's mission. "The Authors Guild is a unique organization," she said.

"No other group does what we do." After consultation with the Council and the staff, Ms. Rasenberger and Ms. Robinson drafted a new mission statement:

Our mission is to support working writers. We advocate for the rights of writers by supporting free speech, fair contracts, and copyright. We create community and we fight for a living wage.

Ms. Rasenberger introduced the members of the Authors Guild staff by name and thanked them for the many services they provide members, beginning with free legal advice—something few outside the Guild are aware of, Ms. Rasenberger noted. In the past year,

**We're doing everything we can
to promote a healthy, diverse publishing
ecosystem, where writers can flourish
and their words are valued.**

—Roxana Robinson

Web Services hosted and maintained over 2,300 member websites, including 114 newly activated ones, for a total of more than six million page views. In the same period, the Guild has registered over 3,600 Internet domain names for members, *authorsguild.org* has attracted nearly 125,000 visitors, and the Guild's Twitter feed has a respectable following of 10,000.

The Guild has also been very active in Washington, D.C., advocating on a variety of legislative and other policy initiatives of significance to the writing community, and central to the Guild's mission. Congress is currently undertaking the first major review of copyright law in decades. The House Judiciary Committee, which is overseeing the copyright review process, has held 16 hearings, and will soon begin coordinating meetings with interested stakeholders to draft proposals. The Authors Guild, Ms. Rasenberger assured the audience, will be at the table to ensure that the interests of authors are heard. "We are here to make sure authors can make a living," Ms. Rasenberger said, "and fighting for copyright—or *authors'* rights, as copyright was originally called—is key."

Last March, General Counsel Jan Constantine testified on the Hill about the mass digitization of books and the "orphan works" problem. Since starting at



From left, Guild President Roxana Robinson, Executive Director Mary Rasenberger and General Counsel Jan Constantine took questions from the audience.

the Guild in November, Ms. Rasenberger has been to Washington, D.C., several times to meet with members of Congress and their staffers, attend congressional hearings and meetings with the Patent and Trademark Office on international copyright enforcement issues. She also gave a speech to the Congressional Creative Rights caucus, a bipartisan group of lawmakers dedicated to protecting the rights of creators, who will be important allies as the process proceeds.

The Authors Guild has identified its top legislative priorities:

1: the adoption of a collective licensing scheme for the use of copyrighted works in mass digitization projects;

2: the establishment of a small copyright claims court where infringement claims worth less than \$30,000 could be litigated by e-mail and phone, without the need for an attorney, giving authors an affordable way to protect the value of their copyrights;

3: revision of the Digital Millennium Copyright Act to address the very real problem of piracy and to hold service providers and advertisers that profit from it responsible;

4: modernization of the U.S. Copyright Office to (i) ensure that it has the technological infrastructure and funding to address the needs of authors in the digital age, and (ii) give it independent regulatory authority so that (a) it can provide guidance on complex copyright matters in a manner that individuals can readily understand and make use of, and (b) given the speed with which technology changes, that it be charged with defining the necessary details in the law rather than leaving the task to legislation.

One bill for which the Guild has already voiced support is the Copyright and Marriage Equality Act, which would ensure that the same-sex spouses of authors receive equal treatment under the copyright law's inheritance rules.

Ms. Rasenberger outlined the Guild's priorities for 2015, starting with the mid-February launch of its redesigned website. Our goal is to make it the go-to site and primary source of information for working authors.

The new site features both a public site and a members-only section offering a wide range of tools and services. The public pages will tell people what the Authors Guild does and what it stands for. It will feature news updates, and occasional columns on topics of interest to working authors. The site will house a digital archive of the *Bulletin* and an audio archive of recorded seminars.

The members-only portions of the site will be accessible only with a member log-in and password. (Members will receive their log-in credentials by e-mail in the final week of February.) Members will have direct access to web and legal services, including the Model Contract and *The Writer's Legal Guide*. The members' area will contain an Events Calendar where members can post their own events, a Members' Directory, where authors can list their books and their areas of interest, and an interactive Forum where members can discuss and share information of value to the writing life.

Additional features will be rolled out later in the year, including "Marketplace," where members can share information about editors, agents and publicists. The Guild is also exploring a new Contract Critique se-

ries for the public portion of the website, where particularly over-reaching clauses in a variety of publishing agreements can be spotlighted. “We want to highlight some of the more egregious standard contract provisions,” Ms. Rasenberger said, “such as the 25 percent royalty rate most publishers provide for e-books. We hope to encourage authors and their agents to start fighting back on these kinds of clauses.”

Steve Silverstein, the Authors Guild’s Director of Technology, walked the audience through a slide-show preview of the new website’s design and functionality.

Ms. Rasenberger then resumed her report. One of the Guild’s highest priorities for the year is member recruitment. The goal is trifold: to significantly increase membership, to bring in more young, and more self-published authors, and to expand the Guild’s presence beyond the New York City area.

To that end, the Guild will begin launching informal “chapters” in cities throughout the country, helping to create communities and hosting educational and networking events. The plan is to roll out AG chapters in half a dozen cities in 2015: Portland, ME; Washington, D.C.; New Orleans; Minneapolis; Chicago; and Seattle or San Francisco. In a related move, the Guild is looking to develop relationships with shared workspaces for writers and “writers’ rooms,” around the country. Guild members would receive a discount and the writers’ room would make use of our brand in some prominent way.

Recruitment efforts will also be bolstered by Board member (and VP) Rick Russo’s launch of a series called Introduction to Literature, where established authors around the country will introduce new writers whose work they admire. Additionally, the Guild will have a co-branded interview series in the online literary magazine *Rumpus*, and will continue to offer phone seminars and webinars, panel discussions and others live events in New York and throughout the country.

Internet piracy remains a major concern for many writers. In addition to working in D.C. on this front, the Guild hopes to provide members with access to a service that will track peer-to-peer piracy of their works and send takedown notices on behalf of authors who opt in to the service.

In a recent development, the Guild will be moving the Back in Print program from iUniverse to Open Road. “The contract is hot off the press,” said Ms. Rasenberger, “and we are reviewing it now.” The proposal is for Open Road to issue e-books as well as reprints. Members who are already enrolled in the program will be contacted about moving over; those who prefer to stay with iUniverse will be allowed to do so.

The final initiative to be announced was the registry of bibliographic information the Guild is under-

taking to build, working from a database licensed by the Library of Congress. The idea is to make available a robust public database of rights owners, so that potential users of members’ works can find and contact the rights owner to request a license. Such a database would help solve the “orphan works” problem, making it harder for companies and libraries to claim they can’t find a rights holder.

Given the Guild’s ambitions, Ms. Rasenberger told the audience, much of her time as Executive Director in the coming year will be spent on fundraising. “The dues increase is expected to help,” said Ms.

It’s harder than ever to make a living writing.

Now more than ever, we need a collective voice speaking out to protect the writing life.

That’s what the Authors Guild does every day.

I am excited to be part of the work.

—Mary Rasenberger, Executive Director

Rasenberger, “but it’s not enough. If the Guild had raised dues to keep pace with inflation, they would now be at \$175—and we thought that was too big an increase.” The Guild will be hiring a development professional to help with fund-raising.

“These are difficult times for authors,” said Ms. Rasenberger in conclusion. “It’s harder than ever to make a living writing. Now more than ever, we need a collective voice speaking out to protect the writing life. That’s what the Authors Guild does every day. I am excited to be part of the work, and I look forward to working with you.”

Roxana Robinson then declared the voting closed. Guild attorneys Gross and Fitzgerald inspected and tallied the ballots. Ms. Robinson then asked for a report from Authors Guild General Counsel Jan Constantine.

General Counsel’s Report

Ms. Constantine began by observing that as she approaches her 10th anniversary as General Counsel, “the Authors Guild has never been more important to the world of publishing—literally, the global publishing world—than it is at this moment.” She then summarized the developments on the litigation front during the previous ten months.

On June 10, 2014 a federal court delivered a major victory for the Guild and thousands of authors when it approved an \$18 million settlement in a class-action lawsuit over the use of literary works in electronic databases without author consent. That payout was the fruit of 14 years of litigation. Claimants need do nothing more at this point except deposit their checks when they land. Claims are expected to be paid in the third quarter of 2015.

The most recent development on the litigation front, Ms. Constantine said, is the resolution of the HathiTrust lawsuit. The case began in 2011 after a group of research libraries prepared to begin freely distributing digital copies of so-called “orphan works.” HathiTrust abandoned the Orphan Works Project shortly after the lawsuit was filed. In early January, the Authors Guild and HathiTrust filed a joint stipulation to bring the suit to an end. [See page 21]

On December 3, 2014, lawyers for both parties to *Authors Guild v. Google* argued the case before the Second Circuit Court of Appeals. Paul Smith of the law firm Jenner & Block, a recent addition to the Guild’s legal team, argued for the Authors Guild, and will be involved in the positioning of the case for a potential petition to the Supreme Court after the Appeals Court decision is announced. [See page 19]

To help defray the legal costs associated with *Authors Guild v. Google*, the Guild has launched a new fundraising entity under the umbrella of the Authors Guild Foundation. The Copyright and Free Speech Fund, which went live in September, is a 501(c)(3) non-profit, and all contributions to it are tax-deductible. “We’ve already raised thousands of dollars from our own members and from international rights organizations,” said Ms. Constantine, “and we expect more donations in the near future.”

Ms. Constantine reported that the Authors Guild has continued to work with other advocacy groups to support copyright, free speech and contract issues in the courtroom. This year the Guild joined the Text and Academic Authors Association in a filing in *Cambridge University v. Becker*, a case in which an appellate court overturned parts of a lower court’s decision that a university’s inclusion of large sections of textbooks in electronic course packs was fair use. In October, the Guild joined an amicus brief in the *Vimeo* case in order to ensure that the notice and takedown provisions of the Digital Millennium Copyright Act had enough “teeth” to protect copyrighted material from piracy.

Litigation is only one of the Guild’s legal initiatives. “One of the most important benefits of Authors Guild membership is the advice given by our legal services department,” said Ms. Constantine. In the fiscal year that ended September 30, 2014, the legal depart-

ment wrote 174 book contract reviews and 32 agency contract reviews; it responded to 67 reversion of rights inquiries and 102 inquiries on copyright law, including infringement, registration, duration and fair use; it handled 26 inquiries regarding securing permissions and privacy releases; 52 electronic rights inquiries; 14 First Amendment inquiries, and 593 additional inquiries, including questions on literary estates, contract disputes, periodical and multimedia contracts, movie

**The Authors Guild continues
to work with other advocacy groups
to support copyright, free speech
and contract issues in the courtroom.**

and television options, Internet piracy, liability insurance, finding an agent, and attorney referrals. That’s a total of 1,060 legal inquiries handled since October 1, 2013.

The legal department also published an updated version of what Ms. Constantine called “the Bible of contract negotiations,” the Authors Guild’s *Model Trade Book Contract and Commentary*. All members received a copy in the fall.

On the advocacy front, Ms. Constantine addressed the European Writers’ Council at a conference on “The Value of Writers’ Works” before the European Union in Brussels. The audience included members of Parliament, creator groups and writers. [See page 16]

During the six-month Amazon-Hachette dispute, which ended in November 2014, the Guild was an important voice for authors caught in the middle. Roxanna Robinson spoke out frequently against Amazon’s bullying tactics, appearing on the NPR program *On Point* on June 5, 2014, Bloomberg Television’s *In the Loop* on September 16, 2014, and PBS’ *NewsHour* on September 29. Council member Doug Preston launched Authors United, a letter campaign against Amazon that drew more than a thousand author signatories.

The Authors Guild’s legal department, meanwhile, worked behind the scenes, preparing a series of white papers that argued for antitrust scrutiny of Amazon’s behavior in the publishing markets. The papers were sent to the Department of Justice, among other federal and state government entities. This effort culminated

Continued on page 49

Don't Get Caught in a Web(site)

By JESSICA R. FRIEDMAN

Many authors want to set up their own websites. But most of you have heard horror stories about sites that turned out to cost way more than the initially stated price, sites that didn't turn out as the authors had hoped, and sites that just didn't work. You've probably also heard about developers that refused to take responsibility for those problems, leaving the authors out of pocket and out of touch with their fans. What can you do to ensure that this doesn't happen to you? There are no guarantees, but there are some steps you can take to protect your investment.

First, carefully read and negotiate your development agreement so that it gives you optimal protection, at least on paper.

Generally speaking, there are two kinds of author sites: (i) a completely custom site, which a developer will build for you from scratch with software code written to your specifications, and (ii) a content management system, which is a pre-existing software program into which the service provider will incorporate your content. There are some major substantive differences in the agreements for these two different kinds of services. But in each case, you should consider the following issues when you read the developer/service provider agreement:

Specifications. Does the agreement describe in plain English, in detail, what the site is going to do and look like (the "specifications"), and do those specifications include all the capabilities and features that you want? For example, will you be able to update your content by yourself, if you want to? Don't assume that your concerns are covered by some technical jargon. If you are not sure what features you should be asking for,



Jessica R. Friedman has practiced literary property, copyright and trademark law in New York City since 1989. She has been named as a Super Lawyer® for the New York Metro Region for the last five years. More information about her practice is available at literarypropertylaw.com. © 2015 Jessica R. Friedman

the service provider should be willing and able to help you figure it out, especially if it is a company dedicated to author websites. The specifications should include a development schedule, although it is very common for deadlines to change depending on how the development process goes. If you are having a site developed from scratch, your developer may use the "agile" method of programming, which means that the specifications are created at each stage of development, not all at the start of the project.

Acceptance. You should have an absolute right to test and "accept" the site, over a period of time, as different aspects are completed, and when development is complete, to make sure that it conforms to the specifications.

Fees and costs. Be wary of being asked to pay the entire development/customization fee up front. You should be able to pay at least part of the fee only if you are satisfied with the way the site looks and works after you've tested it. If the agreement covers other services, such as maintenance (bug-fixing) and hosting, make sure the fees for those services are clearly stated. If you are paying on a time and materials basis, try to be sure that there is a limit on the number of hours that the developer can spend without telling you how much of a bill you have run up.

Ownership. You should own the copyright in any code, text, illustration, or other material that the service provider is creating just for you, either from its creation (as work made for hire) or in stages as you pay for it. The service provider should be required to deliver to you any source code that it develops for you, so that if you and your developer part ways, you don't have to start from scratch with a new developer.

Warranties. The agreement should represent and warrant that (a) the finished site will substantially conform to the specifications (meaning, you are getting the site you think you are paying for), (b) it will work on all then-current browser and mobile app platforms (so that people can read it no matter which browser or mobile device they use), (c) it will not contain any "malware" (code that can damage a user's computer), and (d) no code, text or illustrations that the service provider incorporates into the site will infringe anyone else's copyrights or trademarks.

Security/privacy. If your site is going to invite users to provide personally identifying information (PII), such as names, e-mail addresses, and credit cards, the agreement should require that the site be designed to keep that information secure. (You also will need a customized privacy policy on the site that tells users,

among other things, just what PII you collect on your site, how that PII will be used and with whom it might be shared, which should be prepared by a lawyer.)

Tech support. If you are using a content management system, there should be someone available to answer questions during business hours. There also needs to be someone on call to “maintain” the site, or, to fix the site if the software malfunctions. If a key part of the site, such as your home page or your store, is not working at all, someone should have to call you back relatively quickly. If you are having a problem with a feature whose operation is not crucial, the service provider should have much more time to call you back. If you are having a site developed from scratch, ask for a 90-day warranty that requires the developer to fix any problems for free during the first 90 days that the site is up and running, because sometimes bugs don’t show up until the site is operating live. (Maintenance also may be the subject of a separate agreement.)

Hosting. If the site is going to be hosted by the service provider or a third-party hosting company that works with the service provider, so that hosting is covered in the development agreement, the agreement needs to warrant that the site will be up and running virtually 24/7, except during scheduled or emergency maintenance and during Internet outages, which no hosting company can prevent, no matter how good it is. (For that reason, any hosting agreement most likely will disclaim any warranty that your use of your site will be uninterrupted or error-free.) The agreement also needs to say that if you call to report a problem, someone will respond quickly, depending on the severity of the problem. You should have a right to terminate, or at least a right to credits against your hosting fees, if you have consistently bad service, although not all hosting companies will agree to that. If you are getting hosting services from a completely separate provider, you will need a separate hosting agreement that covers these points.

Other services. Your service provider may offer additional services, such as search engine optimization (SEO) services, which are designed to put your site at the top of any Internet search that might relate to your works, and traffic reporting, which gives you information about the users of your site. Service providers that cater specifically to authors may have additional services. Be sure that you are getting the services you want but not paying for any services that you don’t want.

Second, keep track of the development process. Be sure to provide whatever information the developer/service provider needs from you to develop the site. Exercise your right to approve of all final deliverables. Don’t accept anything that doesn’t work the way the specifications say it’s supposed to work.

Third, once the site is up and running, check it periodically. Look for anything unusual. If you usually sell a dozen books per week, and a week goes by with no sales, check whether the e-commerce part of the site is working. If you usually get 25 e-mails every day, but three days go by with no e-mail at all, ask your service provider whether there is a problem with the site’s e-mail function. If you signed up for any SEO or other marketing services, make sure that those services are being provided. (If you don’t have time, consider hiring a student.) Only by being diligent and vigilant can you ensure that the site you paid for is working the way it should. ♦

From the President

Continued from page 6

them what roused their sense of compassion in *Madame Bovary*, and if they thought it was tragedy, since it was not about a monarch, and didn’t move toward self-knowledge.

One student said that she felt most compassionate about Emma’s family, her poor cuckolded and devoted husband, her pathetic little daughter. “I feel the most strongly for them,” she said. “Because in the end, our kingdom is our family. Those are the people who depend on us the most, to whom we owe the most care and attentiveness. So to me this book is a tragedy, and Emma’s fall destroys her kingdom.”

And to me, this is why we should read great books, and teach them, and listen to our students. Because of just this kind of small revelation, evoking our own humility and admiration. I’m grateful to Gustave Flaubert for his beautiful and mysterious novel, and to all of you literature students, who read these books, turn these things over in your minds, and produce moments of compassion and brilliance for the rest of us to marvel over, and savor. ♦

CONTRACTS Q&A

BY MARK L. LEVINE

Q. Is it okay to use “e-books” in the grant of rights section of a contract without defining the term?

A. Although I recently saw a contract from an e-publisher which manages to do that with little risk to the author, it’s generally a mistake to sign a publishing contract granting e-book rights without defining the term.

The definition should make clear that the only e-book rights granted are those which result in your manuscript being published (i) verbatim, (ii) in its entirety, (iii) unaltered (as to text, illustrations and the like), (iv) unembellished (i.e., no addition of sound, music, video, interactivity or anything else) and (v) in an electronic or digital version primarily intended for reading and by only one person (per copy) at a time.

The e-publisher’s contract I saw, for publication of a book previously published in traditional print form, achieved the desired result by saying that “e-books” did not include “enhanced e-books” or apps, that the e-book would include the full text of the original book without change and that the publisher would distribute the e-book only “as a whole.” It also clearly stated that all rights not specifically granted to the publisher were reserved to the author.

Q. Can my publisher publish my book with any of its imprints?

A. The typical publisher’s contract gives it the right to determine the manner and details of publication. That will include the right to publish your book under any of its imprints unless you specify that it must be published initially by a particular imprint. When doing this, add language like “Except as stated in the other provisions of this Agreement,” before the start of the sentence giving the publisher its broad discretion on publication “details.”

Also take a look at the very first paragraph of your contract, which many people ignore. If “Publisher” (or,

E-mail questions to Q&AColumn@authorsguild.org. Questions are often edited for readability or to make them more broadly applicable.

The answers in this column are general in nature only and may not include exceptions to a general rule or take into account related facts that may result in a different answer. You should consult a lawyer for information about a particular situation. No question submitted, or answer provided, creates an attorney-client relationship with the column’s author.

sometimes, the “Company”) is defined to include the publisher and its subsidiaries, it’s possible that your book might be published by one of its subsidiaries instead of the parent company. If it’s important to you that it be published by the parent company (or by a particular subsidiary or imprint), specify that in your contract.

Q. I have sold the movie rights to my new novel but have not yet signed a book contract for it. The producer wants to make sure that there will be a movie tie-in edition published when the movie comes out. The publisher I’m negotiating with tells me, “Of course, we’ll publish a tie-in edition,” but how can I guarantee that? It’s extremely important to the movie producer.

A. The simplest solution is to include a provision in the publishing contract saying that you may have a different publisher issue the paperback and e-book tie-in editions if the publisher you’re negotiating with now (or one of its licensees) does not.

Your publisher-to-be shouldn’t have any problem with this. The arrangement should also satisfy the movie producer. For the publisher’s protection, specify in the contract how much notice you must give it about the need for the tie-ins before you can go to another publisher. For your protection, include appropriate deadlines to make sure that you have sufficient time to go elsewhere if your original publisher tells you that neither it nor any of its licensees will be publishing the tie-ins (or, having promised to publish them, fails to do so). Treat the paperback and e-book tie-ins separately so that if only one is being published by your original publisher or a licensee, you will still have the right to get another publisher to issue the other.

Be certain to contractually require the publisher to include the same provision in its paperback and (if any) e-book subsidiary rights licenses. Also state in the contract that your limited right to have another publisher print tie-in editions constitutes an exception to the exclusivity you granted to the publisher in the contract’s grant of rights section.

Q. I was surprised to find in my contract, in the sentence that says I have to return my advance if the publisher doesn’t publish my book because of libel, privacy or other legal concerns, the phrase “without limitation of any other rights or remedies that the Publisher might have.” What’s this about?

A. It means that the publisher can still sue you, even though you have returned your entire advance, if it believes it was damaged or incurred other expenses because you weren’t able to (or didn’t) fix to its lawyers’ satisfaction the legal concerns they had about your manuscript. Most publishers delete the phrase if asked before the contract is signed. ♦

Swiping in Plain Sight

James T. Richards v. Merriam-Webster, Inc.
U.S. District Court, District of Massachusetts

In 2012, James T. Richards began preparing a “textbook dictionary” he hoped would improve the reading comprehension of its readers. Richards began by converting an electronic copy of *Merriam-Webster’s Collegiate Dictionary, Eleventh Edition* into Microsoft Word. He then modified the individual dictionary entries by increasing their font size, underlining certain words for emphasis, increasing the spacing between entries, redacting some of the etymological histories, and inserting examples of how the words could be used in sentences. Richards did not make modifications to the individual definitions. Both parties agreed that he had copied about 70 percent of the original Merriam-Webster dictionary entries—after deciding that about 30 percent was outdated or otherwise of less use to readers.

In June 2013, with his project nearing completion, Richards formally asked Merriam-Webster, Inc. for permission to copy its dictionary in order to modify it for his own “textbook dictionary.” Permission was denied.

In February of 2014, Richards filed an amended complaint pursuant to the Declaratory Judgment Act

seeking a declaration from the court that the publication of his textbook dictionary would not violate Merriam-Webster’s copyright in the *Merriam-Webster’s Collegiate Dictionary, Eleventh Edition*. In it, Richards alleged 1) that at least some portions of the dictionary, specifically some of the definitions that had been used in earlier Merriam-Webster editions, had entered into the public domain, and 2) his proposed use of the dictionary should be considered a fair use under the

**All he wanted was permission to reprint
70 percent of Merriam Webster’s content,
in a different font. Was that so much to ask?**

Copyright Act, which would shield him from copyright infringement liability. Merriam-Webster made a summary judgment motion to dismiss Richards’s claims.

In evaluating Richards’s claim that portions of the dictionary were in the public domain, the U.S. District Court, District of Massachusetts, noted that Merriam-Webster’s holding of a valid copyright certificate for the work *Merriam Webster’s Collegiate Dictionary, Eleventh Edition* constituted *prima facie* evidence, requiring Richards to show that there was a material dispute as to the validity of the copyright. As Richards never directly disputed the copyright’s validity, only asserted that some portions that appeared in earlier editions were in the public domain, and since he failed to allege either a claim of copyright infringement against Merriam-Webster over any portion of its dictionary, or that its copyright certificate was invalid, the court held that it could not issue a declaratory judgment in Richards’s favor.

In regard to Richards’s fair use claim, the court noted that Section 107 of the Copyright Act relieves a party accused of copyright infringement if the court finds the use is fair after considering factors such as: 1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes; 2) the nature of the copyrighted work; 3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and 4) the effect of the use upon the potential market for or value of the copyrighted work.

Legal Services Scorecard

From July 11 through December 31, 2014, the Authors Guild Legal Services Department handled 433 legal inquiries. Included were:

- 78 book contract reviews
- 12 agency contract reviews
- 35 reversion of rights inquiries
- 36 inquiries on copyright law, including infringement, registration, duration and fair use
- 16 inquiries regarding securing permissions and privacy releases
- 10 electronic rights inquiries
- 246 other inquiries, including literary estates, contract disputes, periodical and multimedia contracts, movie and television options, Internet piracy, liability insurance, finding an agent and attorney referrals

In evaluating the nature of the work, the court was required to determine whether Merriam-Webster's dictionary was factual or creative as well as whether the work had been previously published. Here, the court found that the dictionary was factual and relatively non-creative, although Merriam-Webster asserted, and Richards did not contest, that its dictionary definitions "represent(ed) Merriam-Webster's unique perspective and opinion as to what words mean." As such, the court concluded that the definitions chosen by Merriam-Webster reflected their choices and opinions as developers of their dictionary and such creativity disfavored a finding of fair use by Richards.

The court next considered the extent of the material used. Richards's admission that he had copied 70 percent of Merriam-Webster's dictionary verbatim did not favor his fair use claim.

In regard to the market effect, the court noted that this factor was most important and accounted for 1) the degree of market harm caused by Richards's actions and 2) whether unrestricted and widespread conduct of the sort engaged in by Richards would result in a substantially adverse impact on the potential market for Merriam-Webster's dictionary. Here, the court noted that Merriam-Webster claimed it derives substantial advertising income from advertisements appearing on its online dictionary webpage and that advertisement rates are based on the number of visits to its webpage. As such, if public access to nearly the entirety of its dictionary were available on an alternative site, its advertising revenue and market share would be greatly reduced. While Richards did not dispute this claim, he asserted that increased reading comprehension of the American public was of greater importance. The court disagreed and concluded that the market effect factor also weighed against fair use: if a fair use verdict were granted and yet more copying of Webster's dictionary were to take place, Merriam-Webster's market share and profitability would be further diluted.

Finally, the court considered the purpose and character of the use. Here, the court looked at whether the work was transformative and whether its intended use by Richards was for profit. Richards alleged that his textbook dictionary would be transformative in terms of font size, formatting, insertion of words in context, and deletion of certain terms. Richards also claimed that it would be easier to use his dictionary than Merriam-Webster's and maintained that he was not trying to profit from his work or otherwise enhance his personal reputation by publishing the dictionary. Here, the court found that there could be some credibility to Richards's argument. However, as the other three factors strongly favored Merriam-Webster,

Paris, January 2015

A version of this statement appeared on authorsguild.org January 8, 2015.

On January 7, 2015, the Republic of France suffered its most deadly terrorist attack of the millennium. The target of the attack was a Parisian satirical newspaper, *Charlie Hebdo*. Twelve people were killed in the attack and its immediate aftermath, including eight magazine contributors or staffers, a former journalist, a maintenance worker and two policemen.

The Authors Guild is appalled and saddened by this morally impoverished attempt to suppress free expression and intimidate those who practice it. We support the free speech of authors around the world as part of our core mission, and we join the countless others who are speaking out to condemn this cowardly act.

Guild Backs the Copyright and Marriage Equality Act

In January the Guild announced its support for a bill that would close a loophole in the Copyright Act and ensure equal treatment for authors' same-sex spouses. Currently, if an author enters a lawful same-sex marriage but moves to and dies in a state that doesn't recognize the marriage, the spouse may lose out. Particularly, the surviving spouse would lose the statutory right to terminate book contracts after 35 years.

The Copyright and Marriage Equality Act, which was introduced by Senator Patrick Leahy of Vermont, would change the law to take into account only whether a couple is lawfully married, not whether the state an author lives in at the time of death recognizes that marriage. "We stand with Senator Leahy in his belief that the benefits of copyright law should not be affected by an author's choice of a spouse," said AG President Roxana Robinson.

the court concluded that Richards's use of Merriam-Webster's dictionary was not a fair use, and granted Merriam Webster's motion to dismiss.

—Michael Gross
Staff Attorney

Along Publishers Row

Continued from page 2

can lead in behavior changes and improve happiness.”

She quotes **Timothy D. Wilson**, University of Virginia psychology professor: “Writing forces people to reconstrue whatever is troubling them and find new meaning in it.”

AUTOBIO-FICTION: Andrea Chapin is a British actress, book editor, and now a first-time novelist. As an editor, *The New York Times* said, she “spent more than a decade helping writers publish their fiction.”

Her historical novel is *The Tutor*. It’s about a woman who guides a young protégé to produce several sonnets and his first narrative poem. He then “goes on to a career as the actor and playwright we all know as **William Shakespeare**.”

Chapin told *The Times*, “I had worked with so many authors on their first books where I was part muse, part psychiatrist, part editor, part coach, I wondered, ‘What if you created a character who did that for Shakespeare, for the first book [*Venus and Adonis*] he published?’ *The Tutor* comes out in the U.S. next month.

GOING HOME: Hector Tobar, a Los Angeles journalist, is the author of the bestselling *The Untold Stories of 33 Men Buried Alive in a Chilean Mine, and the Miracle That Set Them Free*.

Tobar interviewed the men and their families and was himself interviewed on National Public Radio. He said that the mine had been shut down and it “looks like the mouth of a monster. So it’s a very haunting, dark place.”

The author is currently at work on a novel set in Urbana, IL., and El Salvador. He said that the 33 men facing death didn’t think about money or love conquests. They thought about their families that

loved them. “So my next book,” Tobar said, “will have home at its very center.”

ADMISSION: Andy Weir is the author of a bestselling novel, *The Martian*. It is about an American astronaut stranded on the planet Mars. Weir told CNN that his hero was “smarter and braver than I am, but the core personality that most people noticed—that he’s a massive smartass—that’s basically my personality.”

HEAR THE BOOK: James Atlas is an essayist and author of *My Life in the Middle Ages: A Survivor’s Tale*.

In an essay entitled “Hearing Is Believing” in *The New York Times*, he wrote about the evolution of books. He said, “Listening to a podcast is like watching a movie, listening to music and reading a book all at once. You become attached to the characters, caught up in the story, enthralled by the writing . . . maybe we’re sick of short attention spans. Maybe we want to pay attention.”

Later, Atlas sums up: “The aural-oral revolution won’t mean the end of the book any more than the e-book did.

“‘In the history of mankind, words were heard before they were seen,’ wrote **Albert B. Lord**, the author of *The Singer of Tales*, a classic work of scholarship that traced oral literature from **Homer** through *Beowulf*.

“Progress doesn’t always mean going forward.”

NAME DROPPING: Facebook chief Mark Zuckerberg resolved to read two books a month in 2015. He is posting his choices on his Web site. His first selection last week was **Moises Naim’s** *The End of Power*. The impact was immediate.

Power was published in March 2013 and sold 20,000 copies. *The New York Times* said, “It has sold more than that number of e-books since Mr. Zuckerberg’s announce-

ment.” Booksellers ordered 10,000 more copies. The book jumped up to No. 18 on Amazon’s bestseller list.

Publishers are hoping that Zuckerberg will be the next **Oprah**. The mere mention of a book by Winfrey on TV could sell a million copies.

GONE: “Just call it the *Gone Girl* effect,” wrote **Sarah Hughes** in *The Guardian*. “Following the success of **Gillian Flynn’s** bestselling novel and the recent acclaimed **David Fincher**-directed film adaptation, fiction in 2015 is set to be dominated by unreliable women.”

Hughes has looked ahead and observed that “this year’s most compelling reads are all about lost girls, some of whom . . . turn out to have a core of steel in their soul.”

MISTAKE? An atlas destined for Middle Eastern schools that erased the state of Israel drew such immediate, heavy criticism that the publisher, a subsidiary of Harper Collins, promised to pulp the lot of them. The reason for the deletion, they explained, was that including Israel would have been “unacceptable” to their intended customers.

“Way to go, Collins!” said one letter to *The Guardian*. “While we are at it, let’s delete Sweden from the map of Europe, Venezuela from the map of South America and Russia entirely. In fact, let’s all design our own maps and leave out all the countries we don’t particularly care for.”

OBSESSION: Asked about writers’ obsession with the Great American Novel by *The New York Times Book Review*, Cheryl Strayed, the author of *Wild*, wrote that the idea is “a competitive mode that is, I suppose, as American as it gets. It’s also most likely the reason that the idea has persisted for so long. To think that one might be writing the Great American Novel, as opposed to laboring through a meandering 400-page manuscript that includes lengthy descriptions of the minutiae

of one's mildly fictionalized childhood (pushing a bicycle up a hill on a hot Minnesota day, sexual fantasies about Luke Skywalker) is awfully reassuring. I have a purpose! I am writing the Great American Novel!"

She sums up with "art isn't a footrace. No one comes in first place. . . . Our obsession with the Great American Novel is perhaps evidence of the even greater truth that it's impossible for one to exist. As Americans, we keep looking anyway."

NONFICTION: **Anthony Trollope's** *An Autobiography and Other Writings* has been reissued by Oxford University Press. A review in *The Wall Street Journal* was written by **Gertrude Himmelfarb**, author of *The People of the Book: Philo-semitism in England, From Cromwell to Churchill*.

She quotes **Henry James** who said Trollope's *Autobiography* was "one of the most curious and amazing books in all literature, for its density, blockishness and general thickness and soddenness."

Himmelfarb followed that with: "James was echoing a charge that other critics were beginning to make, that Trollope wrote too much, too quickly, about too many subjects—and for money—to be taken seriously as a novelist."

Later she wrote, "Reading and writing had brought [Trollope] his happiness, and so, he hoped, it would remain until the end."

ESSAY UP FRONT: *The New York Times Book Review* usually starts a review on the cover. This past Sunday, it had an essay by **Leon Wieseltier**, author of *Kaddish* and a contributing editor of *The Atlantic*.

He produced a "gloomy inventory of certain tendencies in contemporary American culture." A main concern was that every technology is used before it is completely understood.

"Aside from issues of life and

death," Wieseltier wrote, "there is no more urgent task for American intellectuals and writers than to think critically about . . . the tyranny of technology in individual and collective life. . . . We are still in the middle of the great transformation, but it is not too early to begin to expose the exaggerations, and to sort out the continuities from the discontinuities."

ONLINE COURSES: Simon & Schuster is offering online courses by their health, finance and self-help authors. **Carolyn Reidy**, president of S&S, told *The New York Times*, "Today's consumers have made it plain that they want and expect more from authors than just books. This initiative is also another way for us to expand what Simon & Schuster can provide to our authors, building audiences for their books and creating new revenue streams." Courses will range in price from \$25 to \$85.

Participating are **Zhena Muryka**, the author of a self-help book, *Life by the City*; **Dr. David B. Agus**, author of *The End of Illness*, and **Tosha Silver**, author of a spiritual advice book, *Outrageous Openness*. There are plans to release a dozen more courses this year.

Eventually, the *Times* said, "the online courses . . . could include videos by entertainers and experts who have not yet published books." The videos might lead to a book.

DEFINITION: Poet **Randall Jarrell** wrote an introduction to *William Carlos Williams Selected Poems* (1949) and quoted the poet.

Williams said, "A poem is a small (or large) machine made of words. . . . When a man makes a poem, makes it mind you, he takes words as he finds them interrelated about him and composes them—without distortion which would mar their exact significances It isn't what he says that counts as a work of art, it's what he makes with such inten-

sity of perception that it lies with an intrinsic movement of its own to verify its authenticity."

AN INDIE'S LIFE: Since 2012, **Kathryn Le Veque**, 50, has self-published 44 works of fiction. Most independent writers' books are on Amazon, and it has started a new borrowing service, Kindle Unlimited.

Le Veque told *The New York Times* that before Kindle Unlimited she sold about 6,000 books a month at \$4 a copy or higher. Now Kindle Unlimited pays her \$1.38 for each book that is borrowed. To get those borrowers to buy, she has dropped some of her prices to as low as 99 cents. Her revenue has gone up about 50 percent.

Le Veque told the *Times*, "I am able to drop prices and by the sheer volume of sales, increase my income. Most authors can't do that because most of them don't have fifty novels for sale." But to keep up, she now has a part-time editor and two part-time assistants. She also keeps writing, producing as many as 12,000 words a day. She said, "When I'm in the full swing of writing with a deadline, I'm writing eighteen hours. . . . It doesn't feel like work. It feels like doing something I love."

BORN ON TV: *Bratva*, a crime novel by **Christopher Golden**, was "lifted wholesale" from the cable TV series "Sons of Anarchy." In a page 1 article, *The New York Times* said, "The novel was commissioned by the show's creator . . . to keep fans engaged with the characters—and with the show's lucrative line of clothing, jewelry, action figures and other merchandise—after the finale."

Other novels have been based on "Homeland," "Broadchurch" and a sci-fi series, "Fringe." The *Times* promised that "more titles are coming soon."

ABOUT THE ESSAY: **Phillip Lopate** is the author of an essay collection, *Portrait Inside My Head*. He wrote

in *The New York Times Book Review*, "The great promise of essays is the freedom they offer to explore, digress, acknowledge uncertainty; to evade dogmatism and embrace ambivalence and contradiction; to engage in intimate conversation with one's readers and literary forebears; and to uncover some unexpected truth, preferably via a sparkling literary style."

Lopate was reviewing **Charles D'Ambrosio's** *Loitering: New and Collected Essays*.

CURSE & BLESSING: **Joyce Carol Oates** wrote an introduction for a 1988 *Writers at Work* collection of interviews that had appeared in *The Paris Review*.

Oates wrote, "**Flannery O'Connor**, attacked by critics for her 'dark' and 'pessimistic' vision of life, observed that no writer is a pessimist; the very act of writing is an act of hope. And so it is. And so do most writers perceive it, as a vocation, a privilege, a curse that nonetheless contains a blessing. **John Hersey** puts it most simply, and most honorably: 'Writing is the only real reward.'"

CHIPS: **Oliver Wendell Holmes** wrote, "Nature, when she invented, manufactured and patented her authors, contrived to make critics out of the chips that were left."

HANGOVERS: Authors and alcohol keep surfacing as a subject of interest. **Sam Kean**, author of *The Tale of the Dueling Neurosurgeons*, wrote in *The Wall Street Journal*:

"**Kingsley Amis** once distinguished between physical hangovers and metaphysical ones. Physical hangover needs no introduction: queasiness, headaches, that rundown feeling. In contrast, metaphysical hangovers are more personal and psychological: 'that ineffable compound of depression, sadness . . . anxiety, self-hatred, sense of failure, and fear for the fu-

ture' we experience while reliving a night out. It's a useful distinction. Lord knows alcohol has physical effects, but booze can carve us up mentally as well."

TRAINED: **Amy Bloom** is the author of two novels and two collections of stories and teaches at Yale. Her latest novel, *Lucky Us*, came out in July.

Before Bloom became a writer, she was a psychotherapist. She was asked what impact that had on her writing, and she told *PW*: "It's a great gift. It was the training to listen, to observe. Those skills are very much what you need as a writer. Keep your mouth shut and see what's happening around you. Don't finish people's sentences for them. Don't just hear what they say, but also how they behave while they're saying it. That was great training for writing."

CUTS: What has happened in the past when a text or illustration appeared that "might upset an unsuspecting reader"? In *The Republic*, **Plato** "argued that literature was a breeding ground for immoral behavior. The solution was to keep fiction out of the hands of children (ignorance being the sincerest form of protection)." The quotes are from *The Wall Street Journal*, where **Amanda Foreman** wrote about editing that amounted to censorship.

The English translation of Plato's works substituted "beloved" for "boyfriend" to try and avoid any suggestion of same sex goings-on.

More recently, cutting and pasting has "proven popular in some quarters." Smoking became a no-no, so Santa's pipe was removed from the poem "'T was the Night Before Christmas." An ashtray was erased from the classic *Goodnight Moon*.

VARIETY: **Dean Koontz**, author of *The City*, is a familiar name on best-seller lists. *The New York Times Book Review* said he had written horror, sci-fi, thrillers and mysteries. He

added "love stories, comic novels, and stories with a spiritual edge."

Koontz told the *Times*, "I've never felt that I write in any genre. . . . I'm only doing what all writers felt free to do before the paperback revolution, before publishers aggressively Balkanized fiction into genres for marketing purposes. We forget that **Mark Twain** wrote a time-travel story, that **John P. Marquand** won a Pulitzer for *The Late George Apley* but also wrote Mr. Moto mysteries. If I had to write the same thing time after time, I'd become a plumber."

HER TOWN: **Jan Karon** is described on the Internet as a bestselling author of 23 books. One of her series is set in a town called Mitford. Her latest book is titled *Safe with Someone Good*.

She wrote an essay for the *AARP Magazine* called "The Book That Changed My Life." She said that she was 48 when she read *Village Diary* by **Dora Saint**. It was a fictional journal of a schoolmistress in a semirural English village.

Inspired, Karon quit her job with an advertising agency and created Mitford. The author wrote, "The first Mitford novel was published twenty years ago, and I'm still writing about the same town and the same prickly issues of life."

NO, NO, NO: **Louise DeSalvo** is a professor at Hunter College. She wrote an article about rejection letters for the November issue of *Poet & Writers*.

She had plenty of sharp-edged quotes from editors but ended her article with a story about **Stephen King**, who began collecting rejection letters before he was 14. He pounded a nail into the wall of his room, and collected rejections on it until, he wrote, "the nail in my wall would no longer support the weight of the rejection slips impaled upon it. I replaced the nail with a spike and kept on writing."

In Memoriam

Lauren Bacall
Milton R. Bass
Lois Battle
Joe David Bellamy
Anthony F. Bruno
Ruby Dee
Charles Bracelon Flood
Candida Frazee
Myra Friedman
Nancy Garden
John Gerassi
Thomas P. Glynn
S. Marie Gorsline
Wayne Greenhaw
Curtis Harnack
Arthur Claude Hastings
Jeremiah F. Healy
Stanley Hochman
Stanley Kauffmann
Pat Hosley Kibbe
Galway Kinnell

A. J. Langguth
Billie Letts
Jack Lovejoy
Kenn Lowy
Mary MacCracken
Joseph D. McNamara
Lillian Morrison
Walter Dean Myers
Penelope Niven
Avodah K. Offit
Howard A. Ozmon
Curtis Bill Pepper
Mary Rodgers
Gwen M. Schultz
Marian Seldes
Zilpha K. Snyder
Shirley Camper Soman
Patricia Stubis
Charles Toth
Geraldine Youcha
Nancy Zellers

THE RIGHT LOOK: Four years ago, Pulitzer Prize poet **John Ashbery**, 87, saw four of his books of poetry turned into e-books. To his dismay, there were no line breaks so his poems did not look like poems at all. Ashbery complained to his publisher, Ecco, and the books were withdrawn immediately.

Now Open Road Media has created electronic versions of his poems that look much the way they do in printed volumes. Ashbery okayed their publication and told *The New York Times*, "It's very faithful to the original formatting."

FAT NOUNS: **Chloe Rhodes** is the author of *An Unkindness of Ravens: A Book of Collective Nouns*. She wrote about that subject for *The Guardian*. Among her favorite collective nouns were several about animals:

"A murder of crows" began in medieval folklore. Five hundred black birds were said "to gather together before suddenly setting on

one of their number and tearing it to pieces."

"A bloat of hippopotomuses" happens because they have "a layer of fat that helps them float well." They also eat grass and probably have bloated stomachs.

"A shrewdness of apes" was put into use 500 years ago when the word shrewd meant wicked.

"A parliament of owls" comes from **C. S. Lewis's** *The Chronicles of Narnia*. He borrowed from **Chaucer's** poem "The Parliament of Fowls." Dictionaries now say Lewis's collective noun is the correct term for a group of owls.

DISTINCTION: **Steven Pinker**, a Harvard psychologist and prolific writer, is the author of a new book, *The Thinking Person's Guide to Writing in the 21st Century*.

In an interview with *Scientific American*, Pinker said, "The main difference between good writing and turgid mush—academese, cor-

poratese, and so on—is that good writing is a window on the world. The writer narrates an ongoing series of events which the reader can see for himself, if only he is given an unobstructed view."

Scientific American said of *The Thinking Person's Guide* that Pinker "shows readers how to take apart a piece of fine writing to see what makes it tick."

ROSS'S WAY: Writers sometimes come up with an apt way to describe their editors. **James Thurber** said that **John McNulty**, who wrote for *The New Yorker* from the 1930s until his death in 1956, told him that their editor **Harold Ross** "has two gods, Upper Case and lower case."

The quote comes from the introduction to *The World of John McNulty* (1957), a collection of McNulty's pieces that appeared in *The New Yorker*.

EARLY CAPOTE: About 20 previously unpublished stories and a dozen poems by the young **Truman Capote** will be published in 2015. They were discovered among his papers at the New York Public Library.

David Ebershoff, the book's editor at Random House, told *The New York Times*, "Reading the manuscripts—with his corrections and edits—is fascinating. You can literally see a young genius at work. . . . these early stories show that Capote's talent and way of experiencing the world was with him from a very young age."

A female character in one of the stories says, "I was so young that I had never thought that I could grow old, that I could die." The story ends with a description of an old woman lying dead with snowflakes in her hair and flowers at her cheek.

P.S.: An older Capote once said: "I think the toughest thing in the world is to survive decades of creative work, working creatively and consistently, trying to do what you

want to do and survive. Look at me. They build me up, tear me down, build me up, tear me down, up, down, up, down.” The quote is from **Charles Ruas’s** *Conversations with American Writers* (1984).

PRE-BOND: Before **Ian Fleming** and **James Bond** there was **E. Phillips Oppenheim** and Major Martin Fawley. Oppenheim, who oversaw his family’s leather business, wrote more than 100 novels during his lifetime (1866–1946). Two of them are being reissued: *The Spy Paramount* and *The Great Impersonation*.

Michael Didra concluded his *Wall Street Journal* review of the books, first published in the 1930s, with: “If only one could still exchange a smile with a sloe-eyed countess over baccarat at Monte Carlo, shoot grouse and pheasant with cabinet ministers . . . and actually say with a straight face, as one lecherous stockbroker does to an attractive typist: ‘Come and see my French water-colours.’ Ah, those were the days—and in the clubland thrillers of E. Phillips Oppenheim, they live on.”

THE END: **William Wordsworth** said, “Great is the art of beginning but greater is the art of ending.” **Carl Sandburg** asked, “What is there more of in the world than anything? Ends.”

GOOD SETTINGS: **Sarah Moss’s** latest novel is *Bodies of Light*. The setting is a hospital.

Moss wrote in *The Guardian*: “I’m interested in writing about institutions because they are almost always in some sense utopia projects, attempts to intervene in the ways of the world. Schools, hospitals, orphanages, reformatories of all kinds, begin with ideas that an organization could make things better, redress some of the damage we do to each other. And usually, whether they succeed in the original aim or not, the institutions end

up doing damage of their own, because power corrupts and visions don’t work in practice and we are all hopeful but fallen beings.”

Later, Moss comments: “Every novelist loves a madhouse.”

LOVE STORY: **Susan Jane Gilman**, the author of three nonfiction books, has now produced her first novel, *The Ice Cream Queen of Orchard Street*. **Angela Barbuti** interviewed her for *Our Town* on the Web.

Gilman said, “If you’re going to write a novel, . . . it’s like asking it to move in with you for several years. . . . It’s like living with a lover. So you have to make sure that you’re really in love with it. So in moments where you hate it and hate yourself, it will really sustain you.”

CLASSICS: There are now 520 works of Greek and Latin literature available on a digital platform developed by the Harvard University Press.

Tom Holland, writing in *The Wall Street Journal*, said, “From **Homer** to **St. Augustine**, [the Harvard platform] provides access (for a subscription fee) to the manifold glories of classical Greek and Latin. For authority and completeness, nothing rivals it among the other online resources in the field.” Holland’s most recent book is a new translation of *The Histories* of **Herodotus**.

WRITING WHAT SHE KNEW: **Stephanie Danler**, 30, is the author of a first novel, *Sweetbitter*. She worked as a waitress, and when she finished her novel she told a regular café customer, **Peter Gethers**, an editor at large at Penguin Random House. He said the usual: Have your agent send it to me.

Gethers picked up the manuscript when it came in. He read ten pages and said, “Oh, my God, this woman is an extraordinary talent. One doesn’t see a lot of first novels like this, or any novels like this.”

Danler had worked at several

restaurants while she earned a master’s degree in creative writing at the New School. The novel is about “the glamorous, cutthroat and sometimes seedy world of elite Manhattan restaurants.”

Knopf plans to publish it in 2016.

ANOTHER GOES: Posman Books in Grand Central Station closed on December 31. The bookstore was designed for commuters in a hurry, with its many books displayed on tables rather than shelves.

The New York Times said, “Bookstores around New York City have been disappearing for years, driven out by soaring rents, and the overall gloomy economics of the publishing industry.” Posman is closing because Grand Central is undergoing major construction to connect it to the Long Island Railroad.

PINCHED: If you visit your editor in her (or his) office, you may soon find that you can no longer shout at her (or him). When she (or he) tells you to cut out those three paragraphs you spent a week on, polishing them to perfection, you must behave.

If all publishers go the Hachette way, your editor will work in a no-privacy cubicle. At Hachette, chief executive **Michael Pietsch** has given up his private suite for a six-by-seven-foot cubicle, one of 519 identical cubicles for company employees.

There *was* room, however, for **Jonathan Mahler** from *The New York Times* to sit and interview Pietsch in his new office. The top man told the reporter, “I looked into the future and thought, ‘Are profits going to be easier to come by or harder?’ I think they’re going to be harder. We need to save as much money as we can and still have a nice office.”

Pietsch admitted that he had given himself a window.

NAUGHTY WORDS: “The book that dare not speak its name gets a followup with the publication of

a sequel to the sleeper hit of 2011, *Go the F**k to Sleep*," *The Guardian* reported. It sold 1.5 million copies. The author was **Adam Mansbach**.

His sequel is *You Have To F**king Eat*, and it is read by British actor **Stephen Fry** in a video on the Internet. I checked it out and heard the F word (and the four-letter S word) lovingly emphasized too many times to count.

Mansbach, who wrote three literary novels before his big hit picture book, was interviewed in *The New York Times* shortly after publication. He said, "For a literary novel to have this kind of readership would be practically impossible, sadly. It is weird that before this, the thing I was best known for by a much smaller group of people was writing fiction that dealt with race, with whiteness, with white privilege, with hip-hop."

A DRAMA DID IT: Somali author **Nuruddin Farah** is the author of *Hiding in Plain Sight*. He teaches at Bard and was interviewed in *The New York Times Book Review* last fall. He was asked to name the book that made him what he is today, and he said, "I would say that reading **Henrik Ibsen's** *A Doll's House* just as I embarked on writing my first novel, *From a Crooked Rib*, made me the writer I am today."

Asked what he planned to read next, Farah said, "I am planning to read *Smilla's Sense of Snow*, by **Peter Hoeg**, and *The Circle of Reason*, by **Amitav Ghosh**, the two novels I'll be teaching in the coming weeks."

A SIMPLE LIFE: Literary critic **James Wood** of *The New Yorker* wrote in the November 24 issue: "Modern literature is mostly written not by aristocrats but by the middle classes. A certain class confidence, not to say imperiousness, can be heard in well-born writers like **Nabokov** and **Henry Green**; **Tolstoy's** famous line about Ivan Ilyich—Ivan Ilyich's life had been

most simple and most ordinary, and therefore most terrible—represents surely a count's hauteur as much as a religious moralist's lament."

EDITING WORDSWORTH: Book critic **Michael Dirda** wrote in *The Washington Post*: "**William Wordsworth** once described poetry's ideal diction as that of a man speaking to other men. Today we would make that 'men and women.'"

FAMILIAR VOICE: **Richard Ford's** latest novel, *Let Me Be Frank with You*, is the fourth to have fictional Frank Bascombe as the narrator. Bascombe first appeared in short fiction in *Esquire* magazine. Then in 1986, he narrated *The Sportswriter*.

The first paragraph of that novel doesn't fool around with any fancy prose. Ford began the book with, "My name is Frank Bascombe. I am a sportswriter."

FEMALE PROBLEM: **Emma Jane Unsworth** lives in Manchester, England. She is the author of a novel, *Hungry, the Stars and Everything* (2011), *Animals* (2014) and many short stories.

In a blog for *The Guardian* website, Unsworth wrote, "Monstrous men are more welcome in serious fiction, but create an unlikeable female character and you're in for trouble.

"Female writers are too often conflated with their characters, as though women aren't granted the same imaginative capacities [as men]; after all, how could a woman possibly create a monster without being one herself? There's a redactiveness here, a critical meanness. We have a way to go before female characters can head out, undefined by gender, to seek the impossible meaning of it all."

MUSIC MEN: **Martyn Waites** is the author of a dozen novels of crime fiction including *Speak No Evil* (2011). He is an amateur musicologist and

wrote about the role music can play in crime fiction in *The Guardian*.

"Like many other writers," said Waites, "I give my lead character the same tastes as [I have] so it's easy to use songs I know to create [a] kind of emotional shorthand while I'm working. The tone of the music seeps into and informs the writing. It can soundtrack a scene, create an atmosphere in a few sentences where whole paragraphs would have to be used otherwise. **Elmore Leonard** and **George Pelecanos** are the undisputed masters of this, giving a scene an immediate sense of time and place just by what they've got playing on the jukebox in the background of a scene and their character's cultural responses to it."

SPEECH: **Ursula K. LeGuin**, 85, was awarded the Medal for Distinguished Contribution to American Letters at the National Book Award ceremony in November. She has published 22 novels, more than a dozen children's books, and many volumes of poetry, translations and short stories.

The New York Times said that she "took publishers and writers to task for bowing to corporate pressures to make books more profitable."

She said, "I have had a long career and a good one, and here at the end of it, I really don't want to watch American literature get sold down the river." Could she have been referring to a certain stream in South America?

THE WAY IT WAS: **John O'Hara** wrote a Foreword for the 1934 Modern Library edition of his classic *Appointment in Samarra*. It's an account of how things were for one writer in the old days.

O'Hara worked a full-time job and wrote at night. He said: "This novel was written on a new portable typewriter with an all-black ribbon. . . ."

"After I had written the first 25,000 words I submitted the manu-

script (a word which I prefer; it's a more graceful word, and after all the hand is used in typing) to **Alfred Harcourt**, of Harcourt, Brace & Company, and he asked me only one question: 'Young man, do you know where you're going?' (Meaning did I know how the novel was going to end.) I said I did, and he thereupon subsidized me at \$50 a week until the novel was finished.

"The subsidy was just about right."

FADING FANS: **John Cleese**, a star of the comic gang Monty Python, is the author of a memoir, *So, Anyway . . .*

He complained to *The Wall Street Journal* about "the loss of broader general knowledge that had allowed for a wider variety of jokes."

Cleese said, "In my day anyone who [was] vaguely educated—in other words, they know where Pakistan [is]—or that they had a vague idea which century Henry VIII [lived in]—would give you the opportunity for all sort of humor." The audience for Monty Python is made up of "very smart fans. If we had a fan competition up against the Rolling Stones or the 49ers, I think our fans would win."

In his book, the *WSJ* said, "Cheese charts this change in comedy's range, as well as his own trajectory through the entertainment world."

BIOS: **Stacy Schiff** is the author of *Cleopatra: A Life*. In an essay for *The New York Times Book Review*, she wrote, "All biographical subjects misbehave; every biographical subject misbehaves in his own way. Among the worst offenders may be the stoic and the selfless. They are only slightly less discourteous than the diary-destroyers, though neither holds a candle to the author of the matchless (and accurate) memoir. Then there is the subject who leaves his biographer to flounder with years to go. Could there be anyone

worse than **Dashiell Hammett's** three decades of writer's block?"

Well, yes, Schiff claims: "That would be the late bloomer. The great writer who publishes her first book at 58 to become famous at 80." That's **Penelope Fitzgerald**, the subject of a new biography by **Hermione Lee**.

GENDER BIAS: Book review website Goodreads analyzed 40,000 members and found that they preferred books written by their own sex. "Of the 50 books published in 2014 that were most read by women, 45 are by women and five are by men," *The Guardian* reported. One of those "men" was Robert Galbraith, who is **J. K. Rowling**.

Women read twice as many books published in 2014 as men did.

ADVICE: **Padgett Powell**, author of *Edisto*, wrote about remembering **Donald Barthelme**. The late Barthelme was Powell's creative writing teacher at the University of Houston. The article is in a university publication.

Barthelme observed, "The main strategy is to say something new using two syllables or two words not heard in a while, perhaps never heard together, perhaps not heard before."

Barthelme instructed: "Give them a clean, perfect manuscript."

Another Barthelme observation: "A good editor will stop reading if you show her a usage error or a typo."

FAVORITES: **David Leavitt's** eighth novel is *The Two Hotel Francforts*. For an interview in *The New York Times Book Review* he was asked to name his favorite novelist of all time and a novelist writing today.

Leavitt said, "**Penelope Fitzgerald**. *The Beginning of Spring*, *The Gate of Angels* and *The Blue Flower* are novels I return to again and again, with joy and awe.

"Among writers working today, I have the greatest admiration for

Norman Rush. I also admire **John Weir**, who deserves to be far better known than he is. And I was floored by **Edward St. Aubyn's** Patrick Melrose novels."

The Blue Flower has been noted by so many writers that I got a copy from my library and read it. They were right.

ARCHIVE: **Gabriel Garcia Marquez** died last April at age 87. He was banned from entering the U.S. for several decades because he criticized American imperialism. His archive is going to the University of Texas. It contains manuscripts, notebooks, photo albums, correspondence and personal artifacts, including two typewriters and five computers.

Jose Montelongo, a Latin American literature specialist at the University of Texas, told *The New York Times*, "It's like an open window into the lab of a renowned alchemist who didn't always love the idea of having the recipes of his potions be known."

There isn't a lot of personal material. Garcia Marquez's son **Rodrigo Garcia**, a film director and screenwriter, said that his father was a "phone person" who wrote few letters to family members. "What he would say was, 'everything I've lived, everything I've thought, is in my books.'"

AT THE TOP: The top books of the year were selected by *PW's* reviewers and editors. The book on the magazine's cover was *Brief History of Seven Killings* by **Marlon James**.

Listed first among children's picture books was *My Grandfather's Coat* by **Jim Aylesworth**. The young adult book singled out was *The True Tale of the Monster Billy Dean* by **David Almond**.

HOW TO: **William Gibson's** latest novel is *The Peripheral*. He quoted **Robert Heinlein's** advice to writers in *The Guardian*.

Gibson wrote that “in order to become a writer you must write, you must complete that which you have written, you must submit it for publication and while waiting for acceptance or rejection, you must commence writing something else. It’s rinse/repeat. And [Heinlein] said if you’re unwilling to do that, it’s very unlikely to happen.”

NEW SHOP: A bookstore has opened in Greenwich Village. Its name is Bureau for General Services—Queer Division. At the “christening,” the performer and visual artist **Gio Black Peter** wore only black boxers and read a poem while standing between two beer-drinking men.

One of the owners, **Greg Newton**, told *The New York Times*, “The Bureau needs to be a very lively, active space where people come to hang out, kind of like a salon. We can’t just put books on a shelf and wait for people to buy them.”

HATE-MAIL MAILER: **Norman Mailer** hated to write letters. But he turned out 45,000 of them because he felt guilty if he let any letter to him go unanswered.

Now, 714 of his letters have been published in *Selected Letters of Norman Mailer*, edited by **J. Michael Lennon**. In one letter, quoted in *The New York Times*, Mailer wrote, “For Christ’s sake, it’s precisely because I am a professional writer that I write such bad letters. I hate the thought of losing a good phrase or turning a sentence nicely when it isn’t for keeps.”

THE SOUND OF A ZIPPER: **Jeffery Deaver**’s latest mystery is *The Starling Project*. He has published 35 novels and sold 40 million copies of them, but this new “book” is coming out as an audiobook only. In a page 1 article, *The New York Times* said, “If Mr. Deaver’s readers want the story they’ll have to listen to it.”

Deaver said, “My fans are quite loyal. If they hear I’ve done this

There’s More

For a weekly dose of publishing industry news, gossip and sound bites, check out the APR blog on the Authors Guild site every Tuesday.

and that it’s a thriller, I think they’ll come to it.” He told the *Times* that he hadn’t had a clue about how to write a sex scene for audio. “Do we have a zipper sound? Two shoes hitting the floor?” They went with swelling music.

There are no plans to have a printed version of the book. Deaver said, “There are so many time-wasting alternatives to reading out there, and authors are up against formidable competition. . . . This is an easier way for people to get access to good storytelling.”

LITERARY LETTER: **Albert Camus** and **Jean-Paul Sartre** were friends before 1952, when they became bitter rivals. A letter from Camus to Sartre has surfaced at **Nicolas Lieng**’s bookstore, Le Pas Sage, in Paris.

Lieng said, “I’ve made many great discoveries over the years, but I knew that this one would touch many people.” In it, Camus asks Sartre to hire a young actress for a play he is directing and mentions the “repulsive attitude” of **Francois Mauriac** after the death of **Andre Gide**.

LARKIN’S WAY: In a letter to *The New York Times Book Review*, **SaraKay Smullens** wrote of her puzzlement about a **Clive James** review of a biography of the poet **Philip Larkin**. She wrote, “What James does not get his head around or grasp in the slightest, is that the poetry of a genius like Larkin, combined with what no doubt (this review suggests) was dirty talk as he did whatever he did, no matter how limited, can take a lady over the moon.”

LAUGH: **Bruce Handy**, a contributing editor at *Vanity Fair*, wrote about humor books in *The New York Times Book Review*. He said, “Most art doesn’t command attention past a generation or two, because most art isn’t very good. Nonetheless, it sometimes feels as if comedy in any guise—written, visual, staged, filmed—is the most evanescent art of all, especially given the binary response it provokes, either amusing you or not. A book or painting or drama that no longer speaks to us can be shrugged off, but an unfunny joke grates—comedy might be dismissed by some as a lower art form, but in a weird way we hold it to a higher standard.”

QUOTE LIVES ON: **Oliver Herford** died in 1935. He was the author and illustrator of *Little Book of Bones* (1906) and several other books. He was called “the American **Oscar Wilde**,” and he once said that a manuscript is “something submitted in haste and returned at leisure.”

BIO OR LIT? **Dana Stevens**, a critic at *Slate* magazine, wrote an essay about publishing an author’s letters for *The New York Times Book Review*.

“A great literary love letter feels like something no one but the intended recipient should be reading,” she wrote, “yet it often shows the writer’s talents at the height of [his/her] power. And to the degree a reader believes that an author’s life and writing should be kept separate, the love letter serves as a puzzling test case. Is it a biographical artifact or a crafted literary work?”

NEW IMPRINT: The American Bar Association’s publishing division has launched a new imprint, Ankerwycke, in order to print fiction. The first book is lawyer/blogger **David Lat**’s *Supreme Ambitions*. Thirty-five titles are planned for 2015.

The New York Times explained that the Bar Association, whose

usual fare runs decidedly to tomes, “wants to broaden its appeal, focusing on legal fiction and more accessible nonfiction.”

With **John Grisham** and **Lisa Scottoline** topping the fiction best-seller lists much of the year, who wouldn't want a piece of the action?

The *Times* pointed out that the new imprint is “named for an ancient tree in England where, according to legend, Magna Carta was signed.” It is also the name of the estate where **Henry VIII** wooed **Anne Boleyn**, a much richer lode for a novelist.

A READING: It's an annual event—a marathon reading of a literary classic. This year, on January 3, the book was **Sigmund Freud's** *Civilization and Its Discontents*. The readers were writers, psychiatrists, philosophers, war veterans and others at the Judson Memorial Church in Manhattan.

The subject was intended as “a response to the beheadings, school shootings and other violence that its organizers say defined 2014,” *The New York Times* said.

HOT COPY: The news that **James Patterson's** books earned him \$90 million last year has made him a media darling. *Vanity Fair* devoted seven pages to recount the now familiar tale of Patterson's life and work habits.

The magazine's **Todd Purdum** did provide quotes. **Stephen King** said that Patterson was “a terrible writer” who is “very, very successful.” Another quote about Patterson's skill is attributed to a nameless publisher who told Purdum, “It's a little disrespectful to say it's paint by numbers, but it is a little bit paint by numbers. Does that make him bad? No. I think it makes him smart.”

Patterson himself is quoted on how his obituary would begin: “He was slowing down at 101, and had only finished four novels this year.”

HEAVY: **Henry Hitchings** is the author of *The Secret Life of Words: How English Became English*. He reviewed the year's new dictionaries for *The Wall Street Journal*.

Hitchings said, “All dictionaries are encyclopedias in disguise. But the *Dictionary of Untranslatables* . . . is one of the most remarkable discursive works of reference I have encountered. Across entries by more than 150 experts, it examines roughly 40 terms to do with literature, politics and philosophy. Though aimed chiefly at scholars, this giant tome [1,297 pages], edited by **Barbara Cassin**, is nonetheless a bonanza for anyone interested in the history of ideas—a kind of miniature Enlightenment, if not a readily portable one, as it weighs almost six pounds.”

ANSWERS: Actress and author **Anjelica Huston** was interviewed in *The New York Times Book Review*. Her two memoirs are titled *A Story Lately Told* and *Watch Me*. She was asked, “What's the one book you wished someone else would write?” and she replied, “A book that comprehensively explains men.”

Asked whom she would like to write her life story, Huston said, “Me. So I did it. Or **Laura Hillenbrand**—she'd make it exciting.”

BAD AWARD: **Jonathan Beckman** is senior editor of the London *Literary Review*. He oversees the annual Bad Sex in Fiction Award. He wrote an essay for *The Wall Street Journal* on how a writer can avoid becoming a candidate for that award.

Among his rules, the first was “Just make sense.”

Then he said one should not become “so delirious that not merely are minds shattered but planets spin out of orbit, constellations unravel in starbursts, and the very fabric of space-time is shredded by sheer euphoric energy.”

The third rule is “Don't get carried away by metaphor,” and he

quotes from the 2009 winner: “She holds him tight and squeezes her body to his, sending delightful sailing boats tacking to and fro across the ocean of his back. With her fingertips she sends foam-flecked waves scurrying over his skin.”

Beckman concludes: “The Bad Sex Award is about something more basic and universal: the virtue of precision in writing.”

MEMORY: An auction of 75 copies of **Robert A. Caro's** *The Power Broker* (1974) raised \$28,000 for PEN. All the copies were annotated and signed by the author, who wrote in *The New York Times Book Review* that he was “so glad that this year I read *The Power Broker* again, at last. The moment when I thought of its ending—and of the shape of the book—was a crucial moment in my life. And I had forgotten it.”

It was a moment when **Robert Moses**, in his old age, made a bitter speech about all the anger that he felt from a public, displaced by his “improvements.”

DISAPPEARING INTO BOOKS: **Colum McCann** is the author of six novels including *Let the Great World Spin* and *TransAtlantic*. His father was an author too. The son heard the older McCann typing his books in a shed in their Dublin backyard.

McCann wrote “The Word Shed” in *The New Yorker* of December 29. In that essay, the son remembered when he first read one of his father's books. It was about a boy who played soccer. McCann wrote that “what stunned me was that another boy could emerge from my father's ramshackle shed, as real to me as the dirt that caked on my soccer boots. This was new territory: the imagined coming to life. My father's typewriter sounded different to me now. More and more, I disappeared into books.”

SOMETHING NEW: **Gail Godwin** is known for her novels but her lat-

est book just out, is nonfiction. The title is *Publishing: A Writer's Memoir*.

A review in *PW* said that "the book succeeds at giving an eye-opening look at the reality of what it takes to publish just one novel—or in Godwin's case, 14."

P.S.: When the above news appeared, "There was an outcry in Colombia," the *Times* said. "Many in the Colombian cultural establishment questioned why the national library had let such a valuable part of its patrimony slip away."

Within hours, the Colombia library had a statement from the Gabriel Garcia Marquez family that it would receive his Nobel medal, the typewriter on which he wrote *One Hundred Years of Solitude* and some books from the author's library.

START WITH A: Professor **Patricia Crain** teaches at New York University and is the author of *The Story of A: The Alphabetization of America from The New England Primer to The Scarlet Letter*. She wrote about five new alphabet books for children in *The New York Times Book Review*.

Crain said: "A good alphabet book is like a raucous playroom for language, persuading children to internalize the ABCs by turning the letters into toys. Rhymes and rhythm, metaphor and simile, alliteration, assonance and consonance—the ABC book's verbal gymnastics match the alphabet's inherently visual nature, making the genre not just a feast for young readers but a rewarding medium for illustrators and designers too."

BOOKS AT WAR: **Molly Guphill Manning** is the author of *When Books Went to War: The Stories That Helped Us Win World War II*. It was published last fall.

In 1943, The U.S. War Department and publishers printed 120 million paperbacks for U.S. troops. The largest was thin enough to fit in the pocket of a soldier's

pants. *The Wall Street Journal* said, "Soldiers read them on transport ships, in camps and in foxholes. Wounded and waiting for medics, men turned to them on Omaha Beach, propped against the base of the cliffs. Others were buried with a book tucked in a pocket."

The paperbacks cost 35 cents in Navy stores, and one seaman read the great Russian writers while standing guard duty on docks in California. There were no pockets in my bellbottoms, but one of these books could be tucked out of sight in the waistband. The Navy blouse hid it during inspection.

The *Journal* said the most popular novels were "nostalgic books and those with sex scenes."

SHARING: **Frances Itani**, 72, is the author of *Tell*, a novel to be published in January in the U.S. It is already a bestseller in her native Canada.

In a *PW* interview, Itani talked about the inability we have to share one's deepest feelings. She said, "It's the human condition. People can be married forever and not totally understand one another."

"It's loneliness and isolation that we are always fighting against. That's why we have to communicate with each other, we have to try to live communally, to be a solid being."

BIG SHIFT: **Jeff Herman** is a literary agent in Stockbridge, Mass., and coauthor of *Write the Perfect Book Proposal*.

He wrote a "Soapbox" essay for *PW* about the impact of self-publishing. He said, "The traditional houses possess solid platforms upon which new alliances can be structured. They own valuable backlist licenses and copyrights, and exclusively provide the highest level of credibility writers can achieve. . . . But self-publishing . . . is full of authors with the energy and determination to create their own place in the publishing marketplace."

PROBLEM: The bedtime read has been the soporific of choice for centuries, but it turns out that form matters, and an e-book on the computer won't help you doze off. As reported by *The New York Times*, *The Guardian* and others, a Harvard study of 12 young adults showed that e-book readers took longer to fall asleep and were groggier the next day than those who turned real pages. One exception is the nearly extinct original Kindle.

"The light emitted by most readers is shining directly into the eyes of the reader," one of the Harvard researchers explained to the BBC, "whereas from a printed book or the original Kindle the reader is only exposed to reflected light of the book."

MURDER MAN: **Paul Doherty** is the author of *The Book of Fires*, his 14th mystery novel about Brother Athelstan, a medieval English priest.

Doherty told *PW*, "My aim is to create a true murder mystery, but I also see my stories as historical novels. . . . I do spend hours pondering how to murder someone. I admit that sounds terrible coming from a Catholic head teacher, yet it's the most relaxing exercise and so easy to focus on. I puzzle constantly."

TRIPLE THREAT: **Alexandra Monir** is the author of a new YA novel, *Suspicion*. Monir is also a recording artist and songwriter. She includes song lyrics in all her books. Earlier novels were *Timeless* (2011) and *Timekeeper* (2013).

Monir told *PW*, "Before I write my novels, I ask myself the question, 'What would I want to read?' and my stories take shape from those things I'm most passionate about."

STORIES: **Edith Pearlman**, 77, is the author of *Honeydew*, her fifth collection of short stories, published January 6 by Little, Brown.

The winner of the National Book Critics Circle Award (2011), Pearl-

man told *The New York Times* that all her work was directed toward “a single imaginary ideal reader, someone wishing to be entertained and not averse to being enlightened.”

Ben George, her editor, said that reading one of her stories made him feel understood and “somehow forgiven for being human. It may simply come down to wisdom. Like the greats, Edith has it. The irrepressible soul always shines through.”

A REAL CENSOR: In a review of **Robert Darnton’s** *Censors at Work: How States Shaped Literature*, in *The New York Review of Books*, **Timothy Garton Ash** described his own encounter with a censor in Poland in 1989.

“I knocked on the door, only to find a bored-looking woman in a floral dress, with a cigarette on her lip and a glass of tea at hand. She slowly scanned the cartoon and the article to which it related, as if to demonstrate that she could read, and then stamped her approval on the back of the cartoon.

“My taskmistress showed few obvious signs of being an intellectual, but one of the leitmotifs of Robert Darnton’s new book is how intellectually sophisticated censors have often been.”

INSIGHT? The bestselling book in Japan in 2014 was about the importance of massaging one’s legs. A rough translation of the title: *If You Want to Live Long, Rub Your Calves*. It has sold more than a million copies since it was published in June 2013.

This information was provided by *The Wall Street Journal’s* blog: *Japan Real Time*.

BEDTIME READING: **Janet Evanovich** is the author of *The Job* and many other crime novels. In an interview in the *Times Book Review* she was asked what she read at night just before bed.

She said, “When I’m writing (and I’m almost always writing) I

can’t go to sleep with someone else’s book in my head, because then I’ll wake up with someone else’s book in my head. This doesn’t make for a productive day. So I read magazines at night: *Star*, *Architectural Digest*, *People*, *Cooking Light*, *National Geographic*, *Shape*, *Food Network*, *Bon Appetit*, *Guns & Ammo*. Great pictures, snippets of info—great right before bed when I’m tapped out from writing all day.”

THE HOT ONE: **Anthony Doerr’s** *All the Light We Cannot See* was the “unexpected breakout fiction best-seller of 2014,” *The New York Times* said. There are 920,000 copies in print.

The author is now considering three ideas for his next book. *The Times* provided clues: “One story takes place during the siege of Constantinople in 1453. Another centers on the construction of the Panama Canal. The third is set on a spaceship bound for a habitable planet so distant that the only way for humanity to reach it is through a voyage that lasts for generations.”

Doerr said, “You just try to water these things like plants and see which one gets the most light and flourishes.”

SURVEY: Members of PEN around the world “consider freedom of expression to be under significant threat . . . in democratic and non-democratic countries.” In a survey of PEN members reported on in *The New York Times*, “Some 75 percent of respondents in countries classified as ‘free,’ 84 percent in ‘partly free’ countries, and 80 percent in countries that were ‘not free’ said that they were ‘very’ or ‘somewhat’ worried about government surveillance in their countries.”

THREATENED: **Kamel Daoud**, an Algerian writer, is the author of *Meursault*, *Counter-Investigation*, which retells **Albert Camus’s** *The Stranger*. Daoud’s version has

caused him to receive death threats, *The New York Times* said.

Daoud learned French when he was nine by studying at his grandparents’ house. His character in the book is quoted, “You drink a language, you speak it and one day it takes possession of you.”

Daoud said that Camus was a major influence on him. Camus’s “philosophy helped to liberate me. When I was a Muslim, all the world was explained to me. With Camus, I learned the sense that life depends on me and my acts. I learned I was responsible for my life.” Daoud, a columnist and father of two, vowed, “I won’t be exiled.”

FACT IN FICTION: **Elaine Blair** is the author of *Literary St. Petersburg*. In an article for the January 5 *New Yorker*, she wrote, “Today, writers who are trying to expand the possibilities of the novel talk about incorporating the techniques of memoir and essay, of hewing closer to the author’s subjective experience, of effacing the difference between fiction and their own personal nonfictions.” Then she asked, “Haven’t we been reading about a character called ‘**Philip Roth**’ for years?”

REASON: The late **P. D. James** wrote a nonfiction book, *Time to Be in Earnest: A Fragment of Autobiography*. The author of many murder mysteries said, “As a writer I find that the most credible motive and, perhaps, the one for which the reader can feel some sympathy, is the murderer’s wish to advantage, protect or avenge someone he or she greatly loves.”

EYE ON THE BALL: **Patricia Cornwell’s** latest mystery, starring fictional medical examiner Kay Scarpetta, is *Flesh and Blood*. It is a bestseller.

Cornwell wrote for the AARP magazine about a book that she said changed her life. In high school, she said, she cared only for tennis, and the book she read was *The Inner Game*

of *Tennis* by **Timothy Gallwey**. She said that the book “taught me how to inhabit a moment until everything is in slow motion—like a ball coming at you, closer, closer, focusing so intensely you see its seams.”

Cornwell said, “When I sit down to write, I remind myself to stay in the moment. It’s not about how anything ends.”

QUILT: **Leslie Jamison** is an essayist and the author of *The Gin Closet* (2011). She was asked, “Why do we hate cliché?” by *The New York Times Book Review*. She said, “I once knew a man who spoke almost entirely in clichés. What he said was like a patchwork quilt, phrases sewn together in jagged veers of thought. *Where there’s smoke there’s fire . . . if you play with fire, you’re bound to get burned . . . it all comes out in the wash . . . this too shall pass . . . one day at a time*. His voice tacked between these phrases as he spoke—less like a sermon, more like a song. He was offering these clichés as gifts. They had helped him survive his own life.”

WORK ON: **Michael Bond**, the 88-year-old creator of the popular Paddington bear books, told *The Guardian*, “If you’re a writer, people don’t expect to you to retire. I don’t want to retire, and I’m very happy and very lucky that I’m working.”

DEATHS

John Bayley, 89, died January 12 in the Canary Islands. The Oxford don was the author of five novels, including *In Another Country* (1986) and *The Red Hat* (1997), and many works of nonfiction and criticism, but is best remembered for the memoir he wrote about his wife, novelist **Iris Murdoch**, *Elegy for Iris* (1998).

Simin Behbahani, 87, died August 18 in Tehran. The “Voice of the Iranian People,” she was the author of more than 600 poems collected in

20 books—and a controversial critic in such poems as “Stop Throwing My Country to the Winds.”

Warren G. Bennis, 89, died August 1 in Los Angeles. The professor was the author of more than 30 books including *Leaders: Strategies for Taking Charge* (1985), *On Becoming a Leader* (1989), and *Why Leaders Can’t Lead* (1989).

Thomas Berger, 89, died July 13 in Nyack, N.Y. He was the author of *Little Big Man* (1964), *Killing Time* (1967), *Who Is Teddy Villanova?* (1973), *Adventures of the Artificial Woman* (2004), many other novels and five plays.

Charles Bowden, 69, died August 30 in Las Cruces, N.M. He was the author of *Desierto* (1991), *Down by the River: Drugs, Money, Murder and Family* (2002) and *A Shadow in the City: Confessions of an Undercover Drug Warrior* (2005).

Norman Bridwell, 86, died December 12 in Oak Bluffs, Mass. He was the author and illustrator of dozens of popular children’s books about Clifford, a big red dog with a wet nose.

James MacGregor Burns, 95, died July 15 in Williamstown, Mass. A teacher at Williams College, he was the author of more than 20 books including *The Deadlock of Democracy* (1963), *Roosevelt: The Soldier of Freedom* (1970) and *Packing the Court: The Rise of Judicial Power and the Coming Crisis of the Supreme Court* (2009).

J. California Cooper, 82, died September 19 in Seattle. She was the author of *Some Soul to Keep* (1987), *Homemade Love* (1989), *Family* (1991) and several collections of short stories.

Dorothy Salisbury Davis, 98, died August 3 in Palisades, N.Y. “A grande dame among crime writ-

ers,” she was the author of *A Gentle Murderer* (1951), *Black Sheep, White Lamb* (1963) and *A Death in the Life* (1976). She once admitted, “I am fonder of my villains.”

Richard Eder, 82, died November 21 in Boston. He was an admired writer for *The New York Times* and a book reviewer for it and *The Los Angeles Times*. His *Times* obit said his reviews were “known for their vivid, sometimes startling imagery and informed by his professional travels, for their familiarity with and advocacy of global literature.” He was awarded a Pulitzer for his criticism in 1987, when working for the *L.A. Times*.

Claudia Emerson, 57, died December 3 in Richmond, Va. The Pulitzer Prize-winning poet was the author of the collections *Pharaoh, Pharaoh* (1997), *Pinion, an Elegy* (2002) and *Late Wife* (2005).

Leonard Fein, 80, died August 14 in Manhattan. He was the author of *Where Are We? The Inner Life of American Jews* (1970), *Against the Dying of the Light: A Parent’s Story of Love, Loss and Hope* (2001) and other books.

Charles Bracelen Flood, 84, died August 15 in Richmond, Ky. He was a member of The Authors Guild Council for many years and was a past president of PEN. He was the author of *Lincoln at the Gate of History* (2007), *Grant’s Final Victory* (2011) and historical novels about Adolf Hitler, Robert E. Lee and William Sherman.

Juan Flores, 71, died December 2 in Durham, N.C. A professor at New York University, he was the author of more than a dozen books. These included *From Bomba to Hip-Hop: Puerto Rican Culture and Latino Identity* (2000) and *The Diaspora Strikes Back: Caribeño Tales of Learning and Turning* (2009).

Walter Dean Myers, 1937–2014

Walter Dean Myers, a prolific and best-selling author of books for children and young adults, a longtime member of the Authors Guild, and a member of the Authors League Fund board from 2009 to 2014, died in Manhattan on July 1, 2014, at the age of 76.

Mr. Myers was the author of the acclaimed *Fallen Angels* and *Monster*, a memoir, *Bad Boy*, and another 80 or so titles, from *Where Does the Day Go*, 1968, to his most recent work, *Juba!* He was a two-time winner of the Newbery Honor Prize, a six-time winner of the Coretta Scott King Award, and a three-time National Book Award Finalist. In 2012, he was named Library of Congress National Ambassador for Young People's Literature.

Mr. Myers was born in West Virginia, and after his mother died, was raised in Harlem by relatives whose last name, Dean, he took as his middle name. He attended New York's elite Stuyvesant High School, but left before graduation to join the Army because he didn't believe he could attend college. He published his first book at 31, casting a wide net of readers and admirers. It pained him that his adoptive father, a janitor, never commented on his writing. Years later, he discovered that that his father had never learned to read or write.

Some years back, recalls Pat Cummings, Authors Guild Council member and president of the Authors League Fund, Mr. Myers gave the keynote address at the Society of Children's Book Writers and Illustrators Summer Conference in Los Angeles. "At lunch, because the hotel was so crowded, a woman asked if she could share my table. She was a school-teacher from New Jersey who, until a month earlier,

had never heard of the Society of Children's Book Writers and Illustrators. But she had come across notice of the conference and decided to pursue her dream of writing for children. So, she said, she paid for the conference, booked the hotel, bought a plane ticket and took time off from work. She told me that if hearing Walter that morning had been the only thing she had gotten out of it, the effort and expenses would have been well worth it to her. That was the kind of impact his words had on every one of us there."

In 1988, Mr. Myers told a *Times* reporter who interviewed him about his latest book, *Scorpions*, about a Harlem gang that preyed on young people, "I write to give hope to those kids who are like the ones I knew—poor, troubled, treated indifferently by society, sometimes bolstered by family and many times not."

In March 2014, in an essay in the *Times* titled "Where are the People of Color in Children's Books?" he wrote "Books transmit values. . . . They explore our common humanity. What is the message when some children are not represented in those books? . . . Where are the future white loan officers and future white politicians going to get their knowledge of people of color? Where are black children going to get a sense of who they are and what they can be?"

Mr. Myers is survived by his wife Constance, and by his sons Michael and Christopher, a children's book author and illustrator who illustrated several of his father's books. Mr. Myers was predeceased by a daughter, Karen.

Jim Frederick, 42, died July 31 in Oakland, Calif. A journalist and onetime *Time* bureau chief in Tokyo, he was the author of *Black Hearts: One Platoon's Descent Into Madness in Iraq's Triangle of Death* (2010).

P. N. Furbank, 94, died June 27 in London. He was the author of *Italo Svevo: The Man and the Writer* (1966), *E. M. Forster: A Life* (1971) and *Diderot: A Critical Biography* (1992).

Nancy Garden, 76, died June 23 in Carlisle, Mass. She was the author of three dozen books for young people. The most notable was *Annie on My Mind* (1982), which was named

as one of 100 books that shaped the 20th century.

Allen Grossman, 82, died June 27 in Chelsea, Mass. His books of poetry included *A Harlot's Hire* (1959), *The Woman on the Bridge Over the Chicago River* (1979), *How to Do Things with Tears* (2001) and *Descartes's Loneliness* (2007). He was a MacArthur grant recipient and was awarded the Bollingen Prize in 2009.

Doris Hering, 94, died October 15 in the Bronx. She was a dance critic and editor of *25 Years of American Dance* (1951) and *Giselle & Albrecht: American Ballet Theatre's Romantic*

Lovers (1981). At her death she was working on an anthology of her own criticism.

Stanley Hochman, 89, died August 10 in Manhattan. He was an editor at several publishing houses and a translator of both Italian and French literature. These included **Vitaliano Brancati's** *Bell' Antonio* (1978) and **Simon Signoret's** *Adieu Volodya* (1986).

Michael Katz, 75, died August 23 in Philadelphia. The professor at the University of Pennsylvania was the author of *In the Shadow of the Poorhouse: A Social History of Wel-*

fare in America (1986) and *The Undeserving Poor: From the War on Poverty to the War on Welfare* (1990).

Bel Kaufman, 103, died July 25 in Manhattan. She was the author of *Up the Down Staircase* (1965), which sold more than six million copies, and *Love, Etc.* (1979).

Galway Kinnell, 87, died October 28 in Sheffield, Vt. An admirer of Walt Whitman and Poet Laureate of Vermont from 1989 to 1993, he published 19 collections of poetry, all of them still in print. In 1982, he was awarded both the Pulitzer and a National Book Award for *Selected Poems*.

Carolyn Kizer, 89, died October 9 in Sonoma, Calif. The Pulitzer Prize-winning poet was the author of *The Ungrateful Garden* (1961), *Knock Upon Silence* (1965), *Yin* (1985) and *Harping On* (1996).

A. J. Langguth, 81, died September 1 in Los Angeles. He was the author of more than a dozen books. Titles include *Macumba: White and Black Magic in Brazil* (1975), *Saki: A Life of Hector Hugh Munro* (1981) and *Our Vietnam: The War 1954–1975* (2000).

Gerald Larue, 98, died September 17 in Newport Beach, Calif. The professor was the author of scores of books including *Sex and the Bible* (1983) and *Euthanasia and Religion* (1985).

Siegfried Lenz, 88, died October 7 in Hamburg, Germany. He was the author of several dozen novels including *The German Lesson* (1968), *The Heritage* (1981) and *A Minute's Silence* (2009).

Billie Letts, 76, died August 2 in Tulsa, Okla. She was the author of *Where the Heart Is* (1995), which sold three million copies. She also wrote

The Honk and Holler Opening Soon (1998) and *Shoot the Moon* (2004).

Herbert Lottman, 87, died August 27 in Paris. He was the author of 17 books and European correspondent for *PW* for 30 years. Books included *Albert Camus: A Biography* (1979), *Flaubert* (1989) and *The French Rothschilds* (1995).

Mary MacCracken, 88, died July 23 in Hanover, N.H. A special education advocate, she was the author of *A Circle of Children* (1974), *Lovey: A Very Special Child* (1976) and a sequel, *Lovey* (1978).

Ana Maria Matute, 88, died June 25 in Barcelona, Spain. One of the pre-eminent writers in the post-Spanish Civil War period, she was the author of *Soldiers Cry by Night* (1964) and *School of the Sun* (1981).

R. A. Montgomery, 78, died November 9 in Warren, Vt. A publisher, he was the author of the *Choose Your Own Adventure* series, *Journey Under the Sea* (2006), *The Lost Jewels of Nabooti* (2006), *Prisoner of the Ant People* (2011) and *Gus vs. the Robot King* (2014).

Penelope Niven, 76, died August 28 in Winston-Salem, N.C. She was the author of *Carl Sandburg: A Biography* (1991) and biographies of **Thornton Wilder** and **Edward Steichen**.

Joseph Persico, 84, died August 2 in Albany. He was the author of 12 books including *Roosevelt's Secret War: FDR and World War II Espionage* (2001) and biographies of Edward R. Murrow, William J. Casey and his former boss, Nelson Rockefeller, for whom he was a speechwriter. That one was titled *The Imperial Rockefeller* (1982).

Billy Porterfield, 81, died June 29 in Austin, Texas. His books include

LBJ Country (1965), *A Loose Herd of Texans* (1978) and *Diddy Waw Diddy: The Passage of an American Son* (1994).

Alastair Reid, 88, died September 21 in Manhattan. *The New Yorker* essayist and poet was the author of children's books and translated works by **Jorge Luis Borges** and **Pablo Neruda**. Books of poetry were entitled *To Lighten My House* (1953), *Oddments Inklings Omens Moments* (1959) and *Weathering* (1978). He also wrote a memoir, *Whereabouts: Notes on Being a Foreigner* (1987).

Mary Rodgers, 83, died June 26 in Manhattan. She was a composer of musical theater and author of a novel, *Freaky Friday* (1972). Children's books included *The Rotten Book* (1969), *A Billion for Boris* (1974) and *Summer Switch* (1982).

Louise Shivers, 84, died July 25 in Evans, Ga. She was the author of *Here to Get My Baby Out of Jail* (1983) and *A Whistling Woman* (1993). A memoir, *My Shining Hour*, was published in 2013.

Zilpha Keatley Snyder, 87, died October 7 in San Francisco. She was the author of nearly 50 books. She wrote *The Egypt Game* (1967), *The Headless Cupid* (1971) and *The Witches of Worm* (1972). She was twice a Newbery winner.

Robert Sherrill, 89, died August 23 in Tallahassee, Fla. He was the author of *The Accidental President* (1967), *Military Justice Is to Justice as Military Music Is to Music* (1970) and *The Saturday Night Special* (1973).

Raleigh Trevelyan, 91, died October 23 in London. He was the author of *The Golden Oriole* (1987), *Sir Walter Raleigh* (2004) and two memoirs: *The Fortress: A Diary of Anzio and After* (1957) and *Rome '44: The Battle for the Eternal City* (1982). ♦

BOOKS BY MEMBERS

Carolyn Aarsen: *Her Montana Twins*; **James Abel:** *White Plague*; **Diane Ackerman:** *The Human Age: The World Shaped by Us*; **David A. Adler:** *Colonel Theodore Roosevelt; The Squirting Donuts*; **Rennie Airth:** *The Reckoning*; **Rochelle Alers:** *Naughty*; **Heather Alexander** (and Diane Le Feyer, Illus.): *Step Into the Spotlight*; **Tasha Alexander:** *The Counterfeit Heiress*; **Arthur Allen:** *The Fantastic Laboratory of Dr. Weigl: How Two Brave Scientists Battled Typhus and Sabotaged the Nazis*; **Christopher Andersen:** *The Good Son: JFK Jr. and the Mother He Loved*; **Julia E. Antoine:** *Kacie's Chicken and Dumpling; One Dance With the Stranger; Too Clever VII: Cleo's Tomato Sandwich*; **Kathi Appelt** (and Jill McElmurry, Illus.): *When Otis Courted Mama*; **Philip Appelman:** *The Labyrinth: God, Darwin, and the Meaning of Life*; **Vina Arno:** *In His Corner*; **Linda Ashman** (and You Byun, Illus.): *Little Baby Buttercup*; **Chris Atkins:** *An Honest Day's Work: True Tales of a Life in PR*; **P.M.H. Atwater:** *Dying to Know You: Proof of God in the Near-Death Experience*; **Paul Austin:** *Beautiful Eyes: A Father Transformed*;

Keith Baker: *Little Green Peas: A Book of Colors*; **Lisa M. Bakos:** *The Wrong Side of the Bed*; **Melissa Balmain:** *Walking In on People*; **Ron Barrett:** *Cats Got Talent*; **Patricia Romanowski Bashe:** *Asperger Syndrome: The OASIS Guide*; **Hester Bass:** *The Secret World of Walter Anderson*; **Hester Bass** (and E.B. Lewis, Illus.): *Seeds of Freedom: The Peaceful Integration of Huntsville, Alabama*; **Robert Bausch:** *Far as the Eye Can See*; **Bonny Becker** (and Kady MacDonald Denton, Illus.): *A Library Book for Bear*; **John Bensko:** *Visitations*; **Alex Berenson:** *Twelve Days*; **Adria Bernardi** (Transl.; Cristina Annino, Author): *Chronic Hearing: Selected Poems 1977–2012*; **David Bezmozgis:** *The Betrayers*; **Cordelia Biddle:** *Saint Katharine: The Life of Katharine Drexel*; **Lucretia Bingham:** *The Talcott House*; **Sallie Bingham:** *The Blue Box: Three Lives in Letters*; **Bridget Birdsall:** *Double Exposure*; **Betty G. Birney** (and Priscilla Burris, Illus.): *Humphrey's Really Wheely Racing Day*; **Livia Blackburne:** *Midnight Thief*; **Win Blevins** (and Meredith Blevins): *Moonlight Water*; **Amy Bloom:** *Lucky Us*; **Kyle Boelte:** *The Beautiful Unseen*; **Paulette Bogan:** *Virgil & Owen*; **Betty Bolté:** *Amy's Choice; Emily's Vow; Remnants*; **Dianna Booher:** *What More Can I Say? Why Communication Fails and What to Do About It*; **Carol Bradley:** *Last Chain on Billie: How One Extraordinary Elephant Escaped the Big Top*; **Kimberly Brubaker Bradley:** *The War That Saved My Life*; **Michael Brandow:** *A Matter of Breeding: A Biting History of Pedigree Dogs and How the Quest for Status Has Harmed Man's Best Friend*; **Carol Brendler** (and Greg Pizzoli, Illus.): *Not Very Scary*; **Jamie Brickhouse:** *Dangerous When Wet: A Memoir*; **Marlene Targ Brill:** *Speech and Language Challenges: The Ultimate Teen Guide*; **Larry Dane Brimmer:** *Strike!: The Farm Workers' Fight for Their Rights*; **John**

Brockman (Ed.): *The Idea Must Die: Scientific Theories That Are Blocking Progress*; **Barbara Rose Brooker:** *The Rise and Fall of a Jewish American Princess*; **Sandra Brown:** *Mean Streak*; **Raymond Buckland:** *Dead for a Spell*; **Rex Burns:** *Crude Carrier*; **Dori Hillstead Butler** (and Aurore Damant, Illus.): *The Haunted Library*; **Lewis Buzbee:** *Blackboard: A Personal History of the Classroom*;

Emma Champion: *A Triple Knot*; **Kathy Caple:** *A Night at the Zoo*; **Lorenzo Carcaterra:** *The Wolf*; **Mary Carter:** *Meet Me in Barcelona; Our First Christmas*; **Diane Chamberlain:** *The Silent Sister*; **Loretta Chase:** *Vixen in Velvet*; **Judy Chicurel:** *If I Knew You Were Going To Be This Beautiful, I Never Would Have Let You Go*; **Robert Christgau:** *Going Into the City: Portrait of a Critic as a Young Man*; **D. K. Christi:** *Bamboo Ring*; **Mary Higgins Clark** (and Alafair Burke): *The Cinderella Murder*; **Breena Clarke:** *Angels Make Their Hope Here*; **Linda Coleman:** *Radical Descent: The Cultivation of an American Revolutionary*; **Michael Connelly:** *The Burning Room*; **John Byrne Cooke:** *On the Road With Janis Joplin*; **Jeffrey Copeland:** *Ain't No Harm to Kill the Devil: The Life and Legend of John Fairfield, Abolitionist for Hire*; **Robin Overby Cox:** *Steel Will*; **C. Clark Criscuolo:** *Bank Robbers; Wiseguys in Love*; **Doreen Cronin** (and Betsy Lewin, Illus.): *Click, Clack, Peep!*; **Doreen Cronin** (and Juana Medina, Illus.): *Smick*; **Doreen Cronin** (and Kevin Cornell, Illus.): *The Case of the Weird Blue Chicken: The Next Misadventure*; **Sandra Cuza:** *Passion Fruit*;

Julie Danneberg (and Judy Love, Illus.): *Field-Trip Fiasco*; **Nancy Raines Day:** *Way Down Below Deep*; **Michael de Guzman:** *Searching for a Place to be*; **Melissa de la Cruz** (and Michael Johnston): *Stolen*; **Matt de la Peña:** *Last Stop on Market Street*; **Erzsi Deak** (and Doug Cushman, Illus.): *Pumpkin Time!*; **Elaine DePrince** (and Michaela DePrince): *Taking Flight: From War Orphan to Star Ballerina*; **Melanie Dickerson:** *The Princess Spy*; **Chris Dickon:** *Americans at War in Foreign Forces*; **Richard DiLello:** *The Longest Cocktail Party*; **Lisa Doan** (and Ivica Stevanovic, Illus.): *Jack and the Wild Life*; **Arthur Dorros:** *Under the Sun*; **Frances O'Roark Dowell:** *Anybody Shining*; **Frances O'Roark Dowell** (and Preston McDaniels, Illus.): *Phineas L. MacGuire . . . Gets Cooking!*; **Larry Duberstein:** *Five Bullets*; **Patrick A. Durantou:** *Apeiron; Black River*; **Elizabeth Dutton:** *Driftwood*; **Hugh Dutton:** *Supposed To Die*;

Jennifer Egan (Ed.): *The Best American Short Stories 2014*; **Sue Eisenfeld:** *Shenandoah: A Story of Conservation and Betrayal*; **Marc Eliot:** *American Titan: Searching for John Wayne*; **Jan Ellison:** *A Small Indiscretion*; **John Enright:** *Blood Jungle Ballet*; **Ju Ephraime:** *Black Magic Man*; **One Dance with A Stranger; Rhapsody in Paris**; **Kathryn Erskine:** *The Badger Night*; **Scott Ezell:** *A Far Corner*;

Michelle Falkoff: *Playlist for the Dead*; **Jules Feiffer:** *Kill My Mother*; *Rupert Can Dance*; **Nina Wolff Feld:** *Someday You Will Understand: My Father's Private World War II*; **JL Fields:** *Vegan Pressure Cooking*; **Amanda Filipacchi:** *The Unfortunate Importance of Beauty*; **Bonnie J. Fladung** (and James Alexander Currie): *When Eagles Roar: The Amazing Journey of an African Wildlife Adventurer*; **Paul Fleischman:** *Eyes Wide Open: Going Behind Environmental Headlines*; **Kate Flora:** *And Grant You Peace*; *Death Dealer: How Cops and Cadaver Dogs Brought a Killer to Justice*; *Girls' Night Out*; **Lucy Frank:** *Two Girls Staring at the Ceiling*; **Eliza Freed:** *Forgive Me*; **Russell Freedman:** *Because They Marched*; **David M. Friedman:** *Wilde in America: Oscar Wilde and the Invention of Modern Celebrity*; **Gregory Funaro:** *Alistair Grim's Odditorium*;

Joe Gannon: *Night of the Jaguar*; **Jack Gantos:** *The Key That Swallowed Joey Pigza*; **Kathlyn Gay:** *Divorce: The Ultimate Teen Guide*; **Tess Gerritsen:** *Die Again*; **Amy Gibson:** *By Day, By Night*; **Sandra M. Gilbert:** *The Culinary Imagination: From Myth to Modernity*; **Molly Gloss:** *Falling From Horses*; **Gail Godwin:** *Publishing: A Writer's Memoir*; **Wayne Everett Goins:** *Blues All Day Long: The Jimmy Rogers Story*; **Alison Leslie Gold** (and Darrin Elliott): *Elephant in the Room*; **Donna Grant:** *Hot Blooded*; **Jane Green:** *Saving Grace*; **Lisa Green:** *On Your Case: A Comprehensive, Compassionate (and Only Slightly Bossy) Legal Guide for Every Stage of a Woman's Life*; **Barbara Gregorich:** *Guide to Writing the Mystery Novel: Lots of Examples, Plus Dead Bodies*; **Amelia Grey:** *The Duke in My Bed*; **Nikki Grimes** (and Michele Wood, Illus.): *Chasing Freedom: The Life Journeys of Harriet Tubman and Susan B. Anthony, Inspired by Historical Facts*; **James Grippando:** *Cane and Abe*; **Lee Gutkind** (and Hattie Fletcher, Eds.): *True Stories, Well Told: From the First 20 Years of Creative Nonfiction Magazine*;

Jessie Haas (and Alison Friend, Illus.): *Spooky Season*; **Joe Haldeman:** *Work Done for Hire*; **Donald Hall:** *Essays After Eighty*; **Parnell Hall:** *Safari*; **William Hallstead:** *Raging Skies*; *River of Madness*; **Caer Hallundbaek:** *Inspired Relationships: 7 Saints' Real-Life Lessons on How to Live, Love and Work*; **Joan Hiatt Harlow:** *The Watcher*; **Barbara Harris:** *The Secrets of Medicinal Marijuana: A Guide for Patients and Those Who Care For Them*; **Gerald Hausman:** *Rastafarian Children of Solomon*; **Gerald Hausman:** *The Otter, The Spotted Frog & The Great Flood: A Creek Indian Story*; **Gerald Hausman** (and Loretta Hausman): *The Mythology of Cats*; **Sabine Heinlein:** *The Orphan Zoo: The Rise and Fall of The Farm at Creedmoor Psychiatric Center*; **Brian Heinz** (and Randall Enos, Illus.): *Mocha Dick: The Legend and the Fury*; **Bill Henderson** (Ed.): *The Pushcart Prize XXXIX: Best of the Small Presses 2015*; **B. G. Hennessy** (and Jody Wheeler, Illus.): *A Christmas Wish for Corduroy*; **Manu Herbstein:** *The Boy who Spat in Sargrenti's Eye*; **Vlatka Herzberg:** *Grandmother Moon and Other Mother Stories: Book One*;

David Hicks: *The Decolonization and Recolonization of East Timor*; **Tami Hoag:** *Cold Cold Heart*; **Stephanie Hoover:** *The Kelayres Massacre: Politics & Murder in Pennsylvania's Anthracite Coal Country*; **Katherine Howe:** *Conversion*; **Katherine Howe** (Ed.): *The Penguin Book of Witches*; **Alan Hruska:** *Pardon the Ravens*; **Michael Hurley:** *The Vineyard*; **Robin Hutton:** *Sgt Reckless: America's War Horse*;

Judith Illes: *Encyclopedia of Witchcraft: The Complete A-Z for the Entire Magical World*;

Rebecca Jackson and Robert Pressman (and Stephanie Donaldson-Pressman): *The Learning Habit*; **Mira Jacob:** *The Sleepwalker's Guide to Dancing*; **Chip Jacobs** (and William J. Kelly): *The People's Republic of Chemicals*; **Alan Jacobson:** *Spectrum*; **Peter James:** *Want You Dead*; **Dorothea Jensen:** *Frizzy, the S.A.D. Elf*; **Jean C. Joachim:** *Dangerous Love, Lost & Found*; *To Love or Not To Love*; **Clarissa Johal:** *Struck*; **Marilyn Johnson:** *Lives in Ruins: Archaeologists and the Seductive Lure of Human Rubble*; **Maureen Johnson** (and Cassandra Clare and Sarah Rees Brennan): *The Bane Chronicles*; **Rebecca L. Johnson:** *Chernobyl's Wild Kingdom: Life in the Dead Zone*; *When Lunch Fights Back: Wickedly Clever Animal Defenses*; **J. Sydney Jones:** *A Matter of Breeding*; **Teresa Jordan:** *The Year of Living Virtuously: Weekends Off*; **Jacqueline Jules** (and Kim Smith, Illus.): *My Family Adventure*;

Melissa Kantor: *Better Than Perfect*; **G. Brian Karas:** *As an Oak Tree Grows*; **Lin Kaymer:** *Who Is Mackie Spence?*; **Nancy B. Kennedy:** *Miracles & Moments of Grace: Inspiring Stories of Survival*; **X. J. Kennedy:** *A Hoarse Half-human Cheer*; *Fits of Concision: Collected Poems of Six Or Fewer Lines*; **Liza Ketchum:** *Out of Left Field*; **Eric A. Kimmel** (and Ivica Stevanovic, Illus.): *Scarlett and Sam Escape from Egypt*; **Laurie R. King:** *Dreaming Spies*; **Stephen King:** *Revoal*; **Michelle Knudsen:** *Evil Librarian*; **Gordan Korman:** *Masterminds*; *Memory Maze*; **Stephen Krensky** (and Pascal Campion, Illus.): *The Last Christmas Tree*; **Glenn Kurtz:** *Three Minutes in Poland: Discovering a Lost World in a 1938 Family Film*;

George Land: *Nature's Hidden Force: Joining Spirituality and Science*; **Beverly Lanzetta:** *Nine Jewels of Night: One Soul's Journey into God*; **Michael Largo:** *The Big, Bad Book of Botany: The World's Most Fascinating Flora*; **Michael Largo** (and Ron Perlman): *Easy Street (The Hard Way)*; **Kirby Larson:** *Dash*; **Peter Laufer:** *Organic: A Journalist's Quest to Discover the Truth Behind Food Labeling*; **Janet Lawler** (and Tim Laman, Photog.): *Rain Forest Colors*; **Alice Lazzarini:** *Both Sides Now A Journey From Researcher to Patient*; **Dimitry Elias Léger:** *God Loves Haiti*; **Eleanor Lerman:** *Radiomen*; **Gail Carson Levine:** *Writer to Writer: From Think to Ink*; **Charles Lewis:** *935 Lies: The Future of Truth and the Decline of America's Moral Integrity*; **Martha M. Libster:** *Science of Energy Flow: Foot Reflexology with Herbal Stress Relief*; **Ron Lieber:** *The Opposite of Spoiled: Raising*

Kids Who Are Grounded, Generous, and Smart About Money; **Laura Lippman**: *Hush Hush*; **Sophie Littlefield**: *Infected*; **Eric Liu**: *A Chinaman's Chance: One Family's Journey and the Chinese American Dream*; **Sally Lloyd-Jones** (and Jane Dyer, Illus.): *The House That's Your Home*; **Berney Lou**: *The Long and Faraway Gone*; **Sharon Lovejoy**: *Running Out of Night*; **Mike Lupica**: *The Only Game*; **Alison Lurie** (and Karen Sung, Illus.): *The Language of Houses: How Buildings Speak to Us*; **CJ Lyons**: *Watched*;

Sarah MacLean: *Never Judge a Lady by Her Cover*; **Bryon MacWilliams**: *With Light Steam: A Personal Journey through the Russian Baths*; **David Madden**: *The Last Bizarre Tale*; **Marjorie Maddox**: *Local News from Someplace Else; Perpendicular As I*; **Susan Mallery**: *Shelter in a Soldier's Arms; The Girls of Mischief Bay*; **Jo-Ann Mapson**: *Owen's Daughter*; **Susan Marsh**: *A Hunger for High Country: One Woman's Journey to the Wild in Yellowstone Country*; **Susan Marsh**: *War Creek*; **Elsa Marston** (and Claire Ewart, Illus.): *The Olive Tree*; **Ann M. Martin**: *Rain Reign*; **David Martin** (and David Walker, Illus.): *Peep and Ducky Rainy Day*; **Jacqueline Briggs Martin** (and Hayelin Choi): *Alice Waters and the Trip to Delicious*; **C. M. Mayo**: *Metaphysical Odyssey into the Mexican Revolution: Francisco I. Madero and His Secret Book, Spiritist Manual*; **Malcolm McNeill**: *Reflux*; **Emily Arnold McCully**: *Strongheart: The World's First Movie Star Dog*; **Gerald W. McFarland**: *What the Owl Saw: Second in the Buenaventura Series*; **Marilyn McVicker**: *Some Shimmer of You*; **Marja Mills**: *The Mockingbird Next Door: Life with Harper Lee*; **Elizabeth Mitchell**: *Liberty's Torch: The Great Adventure to Build the Statue of Liberty*; **Dinah L. Moche**: *Astronomy: A Self-Teaching Guide (8th Edition)*; **Mark Monmonier**: *Adventures in Academic Cartography: A Memoir*; **Elaine A. Moore**: *Advances in Graves' Disease and Other Hyperthyroid Disorders*; **Jan Moran**: *Flawless: A Hostile Beauty Novel; A Promise of Roses*; **Jill Morgenthaler**: *The Courage to Take Command: Leadership Lessons From a Military Trailblazer*; **James McGrath Morris**: *Eye on the Struggle: Ethel Payne, the First Lady of the Black Press*; **Susan Morse**: *The Dog Stays in the Picture: Life Lessons from a Rescued Greyhound*; **Paula E. Morton**: *Tortillas: A Cultural History*; **Ray Morton**: *A Quick Guide to Film Directing*; **Stew Mosberg**: *In The Shadows of Canyon Road*; **Walter Mosley**: *Inside a Silver Box; Rose Gold*; **Marissa Moss**: *Bombs Over London*; **Lucia Mouat**: *The United Nations' Top Job: A Close Look at the Work of Eight Secretaries-General*; **Shirley Rousseau Murphy** (and Pat J.J. Murphy): *The Cat, the Devil, the Last Escape*;

Donna Jo Napoli: *Hidden*; **Laurel Neme** (and Kathie Kelleher, Illus.): *Orangutan Houdini*; **Jay Neugeboren**: *Poli: A Mexican Boy in Early Texas*; **Nancy Newman**: *Raising Passionate Readers: 5 Easy Steps to Success in School and Life*; **Judith Nies**: *Unreal City: Las Vegas, Black Mesa, and the Fate of the West*; **Jennifer Niven**: *All the Bright Places*; **Michael Northrop**: *Book of the Dead*; **Peter Joffre Nye**: *The Fast Times*

of Albert Champion: From Record-Setting Racer to Dashing Tycoon, An Untold Story of Speed, Success, and Betrayal;

Richard O'Connor: *Rewire: Change Your Brain to Break Bad Habits, Overcome Addictions, Conquer Self-Destructive Behavior*; **Henry V. O'Neil**: *Glory Main*; **Mary Pope Osborne** (and Sal Murdocca, Illus.): *Danger in the Darkest Hour*;

Dennis Palumbo: *Phantom Limb*; **Marjorie Blain Parker** (and Jed Henry, Illus.): *I Love You Near and Far*; **Dorothy Hinshaw Patent** (and Jeannie Brett, Illus.): *Decorated Horses*; **Katherine Paterson**: *Stories of My Life*; **Laura Pedersen** (Penny Weber, Illus.): *Ava's Adventure*; **Eve Pell**: *Love, Again: The Wisdom of the Unexpected Romance*; **Lila Perl**: *Isabel's War*; **Gene Perret**: *Comedy Writing Self-Taught; Comedy Writing Self-Taught Workbook: More than 100 Practical Writing Exercises to Develop Your Comedy Writing Skills*; **Harry Petrakis**: *Song of My Life: A Memoir at Ninety*; **Catherine Petroski**, Photog. (and Henry Petroski): *The House with Sixteen Handmade Doors*; **Jodi Picoult**: *Leaving Time*; **Mary Pilon**: *The Monopolists: Obsession, Fury, and the Scandal Behind the World's Favorite Board Game*; **D. M. Pirrone**: *Shall We Not Revenge*; **Randall Platt**: *Incommunicado*; **David Poyer**: *The Cruiser*; **Douglas Preston** (and Lincoln Child): *Blue Labyrinth; The Lost Island*; **Mary Jo Putney**: *Not Quite a Wife*;

Chris Raschka: *Give and Take*; **Harrison Rashad**: *The Abduction of Smith and Smith*; **Deborah Reber**: *Doable: The Girls' Guide to Accomplishing Just About Anything*; **Richard Rhodes**: *Hell and Good Company: The Spanish Civil War and the World It Made*; **Jerome Richard**: *The Architect*; **Karen Robards**: *Hush*; **Rona Roberts**: *Classic Kentucky Meals: Stories, Ingredients & Recipes from the Traditional Bluegrass Kitchen*; **Betsy Robinson** (Ed.; and Edna Robinson): *The Trouble with the Truth*; **Bill Roorbach**: *The Remedy for Love*; **Roger Rosenblatt**: *The Book of Love: Improvisations on a Crazy Little Thing*; **Tom Rumer**: *A History of Westfield, Indiana: The Promise of the Land*; **Elizabeth Rusch** (and Mike Lawrence, Illus.): *Muddy Max: The Mystery of the Marsh Creek*; **Albert Russo**: *Dopo Il Gaypride a Parigi Zapinette Viene Rapita a New York*; **Moi, Hans, fils de nazis**; **Alberto Ruy-Sánchez**: *Poetics of Wonder: Passage to Mogador*;

Charles Salzberg: *Swann's Lake of Despair*; **John Sandford** (and Michelle Cook): *Uncaged*; **Sam Savage**: *It Will End With Us*; **April Pulley Sayre**: *Raindrops Roll*; **Susan Schenkel**: *An Improbable Journey: A True Story of Courage and Survival During World War II*; **Rebecca Scherm**: *Unbecoming*; **Stephen Schlesinger**: *The Letters of Arthur Schlesinger Jr.*; **E. M. Schorb**: *Resurgius, a Sixties Sex Comedy*; **Pat Schories**: *Pants for Chuck*; **Maxine Rose Schur**: *Places in Time: Reflections on a Journey (2nd Ed.)*; **Jon Scieszka** (Ed.): *Complete Nothing*; **Michael Sears**: *Long Way Down*; **Meryle Secrest**: *Elsa Schiaparelli*; **Robert Seidman**: *The All*

American Game; **Linda Gray Sexton**: *Bespotted: My Family's Love Affair with Thirty-Eight Dalmations*; **Sherry Shahan**: *Feeding Time at the Zoo*; **Aurelie Sheehan**: *Demigods on Speedway*; **Charles Sheehan-Miles**: *Ein Song für Julia*; *Girl of Vengeance*; **Gail Sheehy**: *Daring: My Passages*; **Sharma Shields**: *The Sasquatch Hunter's Almanac*; **Anne Rivers Siddons**: *The Girls of August*; **Hampton Sides**: *In the Kingdom of Ice: The Grand and Terrible Polar Voyage of the U.S.S. Jeannette*; **Daniel Silva**: *The Heist*; **Laura Silver**: *Knish: In Search of the Jewish Soul Food*; **Martha Seif Simpson** (and Durga Yael Bernhard, Illus.): *The Dreidel That Wouldn't Spin: A Toyshop Tale of Hanukkah*; **Marilyn Singer** (and Lynne Avril, Illus.): *I'm Gonna Climb a Mountain in my Patent Leather Shoes*; **Don Skiles**: *Football*; **Mike Slosberg**: *A Baby To Die For*; **Jane Smiley**: *Some Luck*; **Curt Smith**: *George H. W. Bush: Character at the Core*; **Naomi Gladish Smith**: *V as in Victor*; **David Spooner**: *They Stared at the Sun: Contemporary Developments in Evolutionary Theory*; **Solange St. Brice**: *The Englishman's Folly*; **Richard Starks**: *Money Doesn't Talk, It Kills*; **Richard Starks** and **Miriam Murcutt**: *Along the River that Flows Uphill from the Orinoco to the Amazon*; *Greenland for \$1.99*; **David Ezra Stein**: *I'm My Own Dog*; **Ellin Stein**: *That's Not Funny, That's Sick: The National Lampoon and the Comedy Insurgents Who Captured the Mainstream*; **David O. Stewart**: *Madison's Gift: Five Partnerships That Built America*; **R. L. Stine**: *Party Games*; **Robert W. Stock** (and Sanjay Saint and Sarah Krein): *Preventing Hospital Infections: Real-World Problems, Realistic Solutions*; **Gail D. Storey**: *I Promise Not to Suffer: A Fool for Love Hikes the Pacific Crest Trail*; **Susan Sussman**: *Miami Iced*;

Nancy Tafuri: *All Kinds of Kisses; Daddy Hugs*; **Leora Tanenbaum**: *I Am Not a Slut: Slut-Shaming in the Age of the Internet*; **Patrick Taylor**: *Now and in the Hour of Our Death*; **Roy A. Teel, Jr.**: *Evil and the Details; Rise of The Iron Eagle; Rome Is Burning*; **J. E. Thompson**: *Disappearance At Hangman's Bluff*; **Laurie Ann Thompson**: *Be a Change-maker: How to Start Something That Matters*; **SF Tomajczyk**: *SEALs: Naval Special Warfare in Action*; **Hayashi Tomio**: *Internal Karate: Mind Matters and the Seven Gates of Power*; **Jamie Langston Turner**: *To See the Moon Again*; **Anne Tyler**: *A Spool of Blue Thread*;

Lisa Unger: *Crazy Love You; The Burning Girl; The Three Sisters; The Whispers*;

Laura van den Berg: *Find Me*; **George Venn**: *Fred Hill: A Photographer's Life*;

Nicholas Wapshott: *The Sphinx: Franklin Roosevelt, the Isolationists, and the Road to World War II*; **Amanda Eyre Ward**: *The Same Sky*; **Jerry W. Ward**: *The China Lectures: African American Literary and Critical Issues*; **Geoffrey C. Ward** (and Ken Burns): *The Roosevelts: An Intimate History*; **Tracy Weber**: *A Killer Retreat*; **Dorothy Weil**: *Love and Terror*; **Cynthia Weil**: *I'm Glad I Did*; **William Wells**: *Ride*

Away Home; **Dianne White** (and Beth Krommes, Illus.): *Blue on Blue*; **Susan Wiggs**: *The Beekeeper's Ball*; **Kirby Williams**: *Rage in Paris*; **Ronna Wineberg**: *On Bittersweet Place*; **Ben H. Winters**: *World of Trouble*; **Sylvia Wolicki**: *Captivated by You*; **Stuart Woods**: *Cut and Thrust*;

Caryn Huberman Yacowitz: *I Know an Old Lady Who Swallowed a Dreidel*; **Ben Yagoda**: *The B Side: The Death of Tin Pan Alley and the Rebirth of the Great American Song*; **Mingmei Yip**: *Secret of a Thousand Beauties* ♦

Annual Meeting

Continued from page 26

in a meeting August 1 at which a handful of authors gave DOJ representatives firsthand accounts of the effects of Amazon's ruthless bargaining tactics. On November 19 the Guild made a pitch to the Federal Trade Commission to investigate Amazon's unfair and deceptive practices under Section 5 of the FTC Act. "Other major publishers who have renegotiated with Amazon this time around have not been subjected to the same degree of browbeating that Hachette endured," Ms. Constantine said. "The question remains whether we'll see any repetition of Amazon's strong arm tactics in the future, or whether—perhaps as a result of the public outcry—Amazon has finally learned something."

In other news, Ms. Constantine reported that 74 media liability insurance policies were written for Guild members in 2014. Since last year's annual meeting, the Guild has offered eight free dial-in phone seminars for members on book contracts, taxes, estates, termination rights, editing of Sitebuilder websites, film options, piracy, publicity and the updated Model Trade Book Contract and Guide.

Finishing up her report, Ms. Constantine gave an update on estates bequeathed to the Authors Guild, which are overseen by the legal department. The most active estate this year was that of children's book author Syd Hoff. Mr. Hoff created the "Danny and the Dinosaur" series, which is extremely popular in the U.S. and abroad, especially in China. The Guild is about to sign a contract with HarperCollins for a six-figure advance for 13 "I Can Read" Danny and the Dinosaur books to be written and illustrated in the Hoff style. The Guild also entered into a film option agreement for "Danny and the Dinosaur" and signed two three-book contracts with Dover Publications for other Hoff titles.

The Authors Guild serves as designated literary

representative for the four copyright owners who were beneficiaries of the Hoff trust. Recently, Ms. Constantine received word that the Authors Guild will be receiving about \$75,000 from the Trust. Since the last annual meeting, Ms. Constantine reported, the Guild has received royalties from authors and former members who bequeathed their copyrights to the Guild or the Foundation totaling \$123,420. She encouraged members who were interested in making a bequest to contact the Authors Guild staff.

Treasurer's Report

Authors Guild Treasurer Peter Petre followed with the Treasurer's Report. With reference to the financial statements that were made available to attendees, Mr. Petre summed up the prior fiscal year, during which the Guild took in roughly \$2 million and spent roughly \$3 million, and reviewed some of the key income sources and expenditures. Membership dues were up by \$100,000 over the previous fiscal year, but this, he said, was an artifact of a billing cycle anomaly the previous year. The Guild also received \$100,000 from the Authors Registry, which after many years of Guild investment is now paying us every year and growing—"a little venture that has been nurtured patiently and is bearing fruit."

Those revenue increases, however, were more than offset by a drop in the library lending and photocopying royalties the Guild receives from its sister organizations abroad, which were down \$300,000, enough to cause total income to dip.

Mr. Petre noted that the Guild has been operating in the red since 2012. He reminded members that the Guild is a non-profit organization, and its primary mission is not to make money, but to support writers. The services and initiatives the Guild undertakes to this end are complicated and expensive. "We don't feel this is a time to hang back and try to economize," he said. "The Guild has positioned itself to grow geographically and to grow in membership. We expect to keep spending very heavily on advocacy and on litigating, as we need to, to support the community that we serve. And we're developing a new website. All these things cost money. We believe this is a matter of policy—not just financial policy—and that to economize now would be to fall down on our responsibility. What's happening right now is what we're here for. Publishing is changing, and writers have more need than ever for our services, so we're going to work as hard as we can to do that, even if it means running in the red."

Mr. Petre went on to explain that the Authors Guild Foundation functions in part as a cushion to the

Guild and its work. In recent years steps have been taken to tighten the financial relationship between the Foundation and the Guild and to make sure the Foundation's funds are available to backstop Guild programs. Much of the money the Foundation raises can be used to support Guild activities. Certain advocacy efforts, particularly for individual members, are off limits, but when we do things to support all writers, or the public, then Foundation money can be applied.

Authors Guild Foundation president Sidney Offit was next up with a brief report. He noted that the Guild and the Foundation share Peter Petre's services

“What’s happening right now is what we’re here for. Publishing is changing, and writers have more need than ever for our services, so we’re going to work as hard as we can to do that, even if it means running in the red.”

—Peter Petre

as treasurer, that the Foundation's emergency grants to authors have rarely been more needed and that preparations are well underway for this year's benefit, which will take place on April 27 and honor Joan Didion.

Ms. Robinson opened the floor for questions. The first member to be recognized asked how the Guild had arrived at its criteria for admitting self-published authors as Guild members. Ms. Robinson explained that the decision was the result of ongoing discussion as to how the Guild might better serve the community of writers today. Increasing numbers of writers with a wide readership have not been published by a traditional publisher. To ignore this group of writers would mean ignoring the contemporary scene. She emphasized that the Guild's mission is to support working writers, and that as an organization we have never passed judgment on literary merits.

Jan Constantine added that in 2012, the Guild modified its guidelines to permit self-published authors to join the Guild as associate members if they made \$500 from their writing the previous year and as regular members if they have made \$5,000.

The second question was directed to Mary Rasenberger, asking that she clarify her earlier state-

ment that there is a potential conflict of interest in having the Copyright Office located in the Library of Congress. Ms. Rasenberger explained that there is an active anti-copyright movement within the library community. The Association of Research Libraries and the American Library Association have both taken strong positions that would weaken copyright. Currently, the Register of Copyrights reports to the Librarian of Congress and the Librarian must sign off on and issue every regulation and decision of the Copyright Office. The current Librarian has given fair deference to the Register, but given the vocal anti-copyright advocacy of the principle library trade organizations, a new Librarian could use the position to control copyright policy in a manner that is unfavorable to authors. While many Librarians would remain above the fray, keeping the Copyright Office in the Library is fodder for an inherent conflict of interest.

In response to a third question, Ms. Rasenberger addressed the issue of piracy and copyright law in

New Council Members

Amy Bloom is the author of three novels, three collections of short stories, a children's book, and a book of essays. She has been a nominee for both the National Book Award and the National Book Critics Circle Award. Her stories have appeared in *The Best American Short Stories*, *Prize Stories: The O. Henry Awards*, and numerous anthologies. She has written for *The New Yorker*, *The New York Times Magazine*, and *The Atlantic*, among many other publications, and has won a National Magazine Award for Fiction. She is currently Wesleyan University's Distinguished University Writer in Residence.

Alexander Chee is a recipient of the 2003 Whiting Writers' Award, a 2004 NEA Fellowship in Fiction, and residency fellowships from the MacDowell Colony, the VCCA, Ledig House, the Hermitage and Civitella Ranieri. His first novel, *Edinburgh*, received the Michener Copernicus Prize, the AAWW Lit Award, and the Lambda Editor's Choice Prize, and was a *Publisher's Weekly* Best Book of the Year. In 2003, *Out Magazine* honored him as one of their 100 Most Influential People of the Year. His essays and stories have appeared in *The New York Times Book Review*, *Tin House*, *Slate*, *Departures*, *The Awl*, and other publications. He has taught writing at Wesleyan, Amherst College, The Iowa Writers' Workshop, and Columbia University.

China. Print and e-book piracy—mostly in the education market—remains a significant problem, she said, but the situation is slowly improving. China has begun the process of revising its copyright law, and the U. S. has been pressuring the Chinese government to ensure that its new laws honor copyright. There remain some concerns, however, including a fair use exception, that could undercut existing copyright protections. In addition, the U.S. government and trade organizations are working with the Chinese to improve enforcement for U.S. copyright holders

A fourth questioner asked about publishers' responses to the updated Model Trade Contract. Ms. Constantine pointed out that publishers do not receive the guide, but we have had positive response from agent members who have. Although we have some final contracts at our disposal, not all author members share their final contracts with us, so it can be difficult to determine what has been successfully negotiated. The option of striking out specific clauses in contracts came up during the discussion, prompting a lawyer member of the audience to say that in her experience, many agents are unwilling to rock the boat by demanding deletions or additions that would benefit their clients, and suggested that the Guild might want to focus some energy on getting them on board.

Ms. Robinson then called for the voting results from the tellers and inspectors. The proposed slate of Council members was returned with 881 votes cast. Both amendments to the Guild Constitution were passed and two new Council members were elected: Amy Bloom and Alexander Chee.

At approximately 6:00 p.m., Ms. Robinson adjourned the meeting and invited members to join the staff for a small reception afterward. ♦

The American Publishing Landscape

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grassroots group Authors United, which has recently added its voice to the Amazon-antitrust campaign; the group will soon be joining with us in making a formal request to the Department of Justice to investigate Amazon for potential antitrust violations, among other transgressions

The Authors Guild's mission is to protect and support working writers. When an e-tailer that sells close to half the books in the country deliberately suppresses the works of certain authors, those authors are harmed, plain and simple, and we speak out. We will

continue to oppose any business tactics, from publishers or retailers, that interfere with working writers' ability to present their products in a fair marketplace and to flourish within their chosen field. Our goal is to ensure that the markets for books and ideas remain both vigorous and free.

But I don't want to paint too bleak a picture for you. There have been exciting developments in the American publishing industry in the last few years—in particular in the rise of new distribution models, which present both opportunities and challenges to everyone involved.

New Distribution Models, New Challenges

There are many ways the new distribution models that have been taking root in the American publishing industry in recent years might change the digital landscape going forward. It's hard to say definitively, because the landscape is still developing. When I say "new distribution models" I'm talking about several different methods of distribution. I'll talk about three here today. First, what we've been calling "subscription services"—that's when a company offers unlimited access to an entire repertoire of books for a monthly fee. It's a Netflix-for-e-books type of model. Second, I'll talk briefly about library lending of e-books. I'll finish up with an approach to selling books that publishers are exploring as a way to gain traction in their negotiations with Amazon: direct sale to readers via a website set up by the publisher.

In America, several things that happened in the summer of 2014 made it clear that e-book subscription models are here to stay, whether we like it or not. In late May, we received news that Simon & Schuster was to become the second of the top five U.S. publishers, after HarperCollins, to offer its backlist titles through the two major U.S. subscription services, Oyster and Scribd. Major publishers still don't offer their front-list books through subscription services, but it was a development worth noting nonetheless. In mid-July, Amazon announced it would enter the e-book subscription market, offering unlimited access to over 700,000 titles for \$9.99 a month through Kindle Unlimited.

Like other developments in digital-era publishing, there are both opportunities and risks associated with e-book subscription models. Publishers correctly argue that they give out-of-print and backlist books the chance to find a new audience; on the other hand, publishers and authors alike worry that the new model could cannibalize sales of both print books and individually packaged e-books. Notwithstanding this alignment of interest, it's likely that many contractual

disagreements will arise between authors and publishers with respect to subscription services.

We at the Authors Guild recently altered our model contract language to account for the way subscription models have changed the landscape. We used to advise our members to attempt to negotiate a clause in their agreements stipulating that the "Publisher will not offer the Work through any business model that does not designate a specific price to each copy of the work distributed." We recognize, however, that the rise of e-book subscription platforms makes inclusion of a clause like this less and less likely. Accordingly, we now counsel our members to aim for a more realistic clause, one that states that the author retains approval rights over the publisher's participation in any subscription service.

E-book lending by libraries has a longer history than subscription services, and it hasn't been as disruptive for authors, largely because the contractual arrangements that make it possible are made between the

E-book subscription models are here to stay, whether we like it or not.

individual publisher and the library. Two challenges are worth noting here. First, different publishers have different arrangements with libraries. So, for example, when the New York Public Library announced last year that it had secured e-lending contracts with all of the major publishers, one publisher offered libraries only a limited selection of books; another allowed each book to be checked out only 26 times; some publishers licensed their titles for one year only, while others sold licenses without a term but charged more per license. One thing they all had in common was that each e-book can be borrowed by only one patron at a time.

The one e-book one patron at a time arrangement is a boon to authors, for the obvious reason that it will lead to more copies sold. Likewise, libraries have been vigilant about ensuring the e-copies lent contain Digital Rights Management (DRM) systems that help secure them from piracy and infringement. But in a vicious irony, these DRM systems have been responsible for data breaches resulting in readers' privacy violations.

In another recent development, in July 2014, HarperCollins launched a website featuring a direct sales component that allows it to sell print books directly to its customers, something which it had never

done before. HarperCollins authors can use the same technology to sell directly from their own websites. Although the publisher hasn't said as much, many in the industry speculate as to whether this is a way for the publisher to protect itself from the sort of tactics Amazon has been using on Hachette during contract negotiations. HarperCollins, after all, will be up for negotiations with Amazon very soon.

Conclusion

When thinking about the recent developments in the American publishing ecosystem, no matter what particular topic we're talking about, Amazon is the elephant in the room. It wields such enormous market power, and it's clear to me that it is willing to trample anything in its path to get what it wants.

This summer Amazon revealed its true stance on e-books while purporting to clarify its objectives in the Hachette dispute. It was the latest in a series of public statements revealing just how poorly the corporation understands the literary market—even as it doubled down on its attempts to commodify the written word.

In its statement, Amazon argued that an e-book is far less valuable than a "real" book—the kind that sells in hardcover for \$15 or \$20 or \$30. "With an e-book," the statement said, "there's no printing, no over-printing . . . no warehousing costs, no transportation costs, and there is no secondary market." E-books, Amazon says, sidestep the cost of paper, printing,

truck fuel, warehousing, and so they should be as cheap as can be. After all, they're just commodities.

But that sentiment betrays a simplistic and harmful understanding of what books are made of. Behind all the dead-tree stuff are costs that cannot be eliminated without seriously compromising the quality of work being published. Reflected in the cost of a book may be five years of full-time work by a single author, the advance that allows that work to take place, plus travel and research expenses, as well as skilled editorial support from a publisher. *That* is what creates the value of the book for its reader, whatever it may be.

So why is Amazon arguing so fiercely to devalue the e-book? Because it suits its business model. No warehousing costs, no shipping costs. The weightlessness of e-books means higher profit margins for the e-tailer.

Books are books, whether they're made of bits or paper. If they have value for readers, it's because of the work and talent that go into them.

Over the past few years, there has been a mounting, global cry for an antitrust investigation of Amazon. Especially in Europe, where the German Publishers and Booksellers Association has filed an antitrust complaint against Amazon, and both France and Germany have limited book discounting in an effort to save their independent bookstores. We also know that Europe has a great tradition of legislating on behalf of artists and the arts, and we're hopeful that Europe can muster more political will to make it happen than America has been able to—so far at least. ♦

MEMBERS MAKE NEWS

Lily King's *Euphoria* received the 2014 Kirkus Prize in the Fiction category. **Bill Roorbach's** *The Remedy for Love* was nominated in that same category. **Jack Gantos's** *The Key That Swallowed Joey Pigza* was nominated in the Young Readers category. The winners were announced on October 23, 2014.

Ursula K. Le Guin received the National Book Foundation's 2014 Medal for Distinguished Contribution to American Letters in recognition of her transformative impact on American literature. Nominees for the National Book Awards were announced in September. Among them were **Nigel Hamilton's** *The Mantle of Command: FDR at War, 1941–1942* in the Nonfiction category; **Laurie Halse Anderson's** *The Impossible Knife of Memory* and **Carl Hiaasen's** *Skink—No Surrender* in the Young People's Literature category; **Rabih Alameddine's** *An Unnecessary Woman* and **Jane Smiley's** *Some*

Luck in Fiction. Alameddine's work made the shortlist for Fiction.

Where's Mommy, written by **Beverly Donofrio** and illustrated by **Barbara McClintock**, and **Sophie Blackall's** *The Baby Tree* were named *New York Times* Best Illustrated Books of 2014.

Ellery Akers's *Practicing the Truth* won the 2014 Autumn House Poetry Prize for a collection and will be published by Autumn House Press in January 2015.

Roger Angell's essay "This Old Man," which originally appeared in *The New Yorker* received the 2015 National Magazine Award in the Essays & Criticism category.

Melissa Balmain received the 2013 Able Muse Book Award for her collection of comic verse, *Walking In on People*.

Hester Bass's *Seeds of Freedom: The Peaceful Integration of Huntsville, Alabama* has been chosen as a Junior Library Guild selection for February 2015.

Alison Bechdel was named a 2014 MacArthur "Genius" Fellow. Fellows receive \$625,000 over five years from the John D. and Catherine T. MacArthur Foundation.

Kelly Bennett's *Vampire Baby*, illustrated by Paul Meisel, was named one of Bank Street College's Best Children's Books of the Year. Her *One Day I Went Rambling*, illustrated by Terri Murphy, won the Writer's League of Texas 2013 Best Picture Book Award.

John Bensko has been selected as winner of the second annual Anita Claire Scharf Award by the editors of *Tampa Review*.

The Betrayers by **David Bezmozgis** was shortlisted for the 2014 Scotiabank Giller Prize.

The Boys in the Boat by **Daniel James Brown** was a finalist in the Nonfiction category of the 2014 William Saroyan International Prize for Writing.

Dan Burns won the Best Screenplay Award at the 7th annual 2014 Naperville Independent Film Festival for his new crime drama, *A Fine Line*.

Sarah Cortez's *Cold Blue Steel* was a finalist for the Writers' League of Texas Poetry Award.

Paul DeBlassie III's *The Unholy* received the International Book Award in the Fiction: New Age category and the Pinnacle Book Achievement Award in the Metaphysical Thriller category.

The Vermont Library for the Blind and Physically Handicapped has selected **Judith Edwards's** *Invasion on the Mountain* as its first locally produced audiobook for the blind. The Library intends to locally produce the second and third installments of the trilogy as well: *Trouble on the Mountain* and *At the Top of the Mountain*.

Louise Erdrich won the PEN/Saul Bellow prize, a lifetime achievement honor for American writers. The award is given biannually and comes with a cash prize of \$25,000.

Alessandra Gelmi won Bronze Medals in the 2014 Readers' Favorite International Book Awards for *Ring of Fire* in the General Poetry category, and for *Who's Afraid of Red* in the Cultural Fiction category.

Beatrice Gormley's *Friends of Liberty* received the Carol Otis Hurst Children's Book Prize awarded by the Westfield Athenaeum.

The Otter, the Spotted Frog and the Great Flood by **Gerald Hausman** was a finalist for Midwest Book Awards in the categories of Children's Picture Books, Illustration:

Graphic, and Total Book Design. The title was also a USA Today Best Book Award finalist and received the bronze medal for the Foreword IndieFab Book of the Year in the Picture Books, Early Reader category.

Manu Herbstein received a 2014 Burt Award for African Literature in Ghana for his young adult historical novel, *The Boy Who Spat in Sargrenti's Eye*. The award is administered annually by the Canadian Organization for Development Through Education and the Ghana Book Trust. Winning titles are distributed to school libraries throughout Ghana.

Roy Huff received the 2014 Readers' Favorite Young Adult Fantasy Silver Medal for *Everville: The Rise of Mallory*, and *Everville: The City of Worms* was a 2014 Rone Awards Sci-fi/Fantasy Cover of the Year honorable mention.

Michael Hurley received the *Chanticleer Reviews's* Grand Prize for Overall Best Book for *The Prodigal*.

Dorothea Jensen's *The Riddle of Penncroft Farm* won a 1st Prize in the Historical Fiction category of the 2014 Purple Dragonfly Book Awards.

Stephen King has been nominated for the 2014 North American Hammett Prize for his novel *Mr. Mercedes*. The prize is given to a work of literary excellence in the field of crime writing. The winner will be announced at the New Atlantic Independent Booksellers Association's Fall Conference in October.

Christine Kohler's *No Surrender Soldier* received a bronze medal in the YA category by the Military Writers Society of America and was nominated by the American Library Association (ALA) as a 2014 Quick Pick for reluctant readers.

Eric Laster's children's book, *Welfy Q. Deederthoth: Meat Purveyor, World Savior* has been named a recipient of the Mom's Choice Award, bestowed on the best in family-friendly products.

Marylee MacDonald received the Jeanne M. Leiby Memorial Chapbook Award for *The Rug Bazaar*.

A Marker to Measure Drift by **Alexander Maksik** was a finalist in the Fiction category of the 2014 William Saroyan International Prize for Writing.

J. David Markham has been made a Knight of the French Academic Palms (*Chevalier de l'ordre des palmes académiques*) by the French government for his work in promoting French culture and history in the United States and throughout the world. He has written numerous books on Napoleonic history and is President of the International Napoleonic Society, a group of Napoleonic historians.

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The Authors Guild, the oldest and largest association of published authors in the United States, works to protect and promote the professional interests of its members. The Guild's forerunner, The Authors League of America, was founded in 1912.

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Gina Ogden received the 2014 AASECT Professional Book Award for *Expanding the Practice of Sex Therapy*. The award is presented to a book that makes “a significant contribution to AASECT’s vision of sexual health and to the clinical and educational standards of the field.”

Peggy Payne’s novel *Cobalt Blue* received a 2014 Independent Publisher Award for Visionary Fiction.

Harry Mark Petrakis received the Fuller Lifetime Achievement Award from the Chicago Literary Hall of Fame during a ceremony at the Hellenic Museum and Cultural Center October 4, 2014.

Penney Peirce’s *Leap of Perception* received two Visionary Awards from the Coalition of Visionary Resources for Book of the Year and Best Alternative Science Book.

Johnny Evers: A Baseball Life by **Dennis Snelling** was a finalist for the Casey Award as Best Baseball Book of 2014.

I Promise Not to Suffer: A Fool for Love Hikes the Pacific Crest Trail by **Gail D. Storey** won the National Outdoor Book Award, the Foreword IndieFab Book of the Year Award, the Colorado Book Award, the Nautilus Silver Award, and the Barbara Savage Award.

J. E. Thompson received the 2014 Southern Independent Booksellers Best Children’s Book for *The Girl from Felony Bay*.

Caryn Yacowitz’s newest picture book, *I Know an Old Lady Who Swallowed a Dreidel*, has been named a Junior Library Guild Selection and received a Starred Review in Publisher’s Weekly.

Morowa Yejidé is an NAACP Image Award Nominee for Outstanding Literary Debut Work for *Time of the Locust*. The winners will be announced in February 2015.

Thomas Zigal’s *Many Rivers to Cross* received the 2014 Philosophical Society of Texas Award of Merit for Fiction. ♦

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