Symposium: Which Way to the Reader?  
Navigating the Digital Marketplace

The Authors Guild Announces Its Fair Contract Initiative

Paul Aiken: Twenty Years in the Thick of Things

Authors Guild Foundation Honors Joan Didion
Toni Morrison, who turned 84 in February, has written a new novel, God Help the Child. In an article in The New York Times Magazine, she said she keeps getting phone calls from journalists all over the world. “They are just calling to see when I’m going to die. So I’ll play it up a bit and say, ‘Oh, today my arms hurt, my chest is sore.’ Because, me? I’m not going anywhere 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 & Collected Essays.

BORN ON TV: Bratva, a crime novel by Christopher Golden, was “lifted wholesale” from the cable TV series Sons of Anarchy. A Page One article in The New York Times reported “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 the sci-fi series Fringe. "More titles are coming soon," the Times promised.

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 9 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.”

LOST AND FOUND: “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.”

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 six thousand books a month at $4.00 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 $0.99. 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 twelve thousand 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.”

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 W. 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.”

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SHORT TAKES

Reading and E-reading
PlayCollective and Digital Book World have released their fourth annual survey of e-reading habits among children ages 2 to 13, The ABCs of Kids and E-Reading: Volume 4. The findings, as reported by Digital Book World, suggest that children and their parents are increasingly engaging with electronic books, with children “playing more active roles in choosing what e-books they read” and parents “willing to spend more on children’s digital content” compared to just a few years ago. Nearly all children who read e-books “do so at least once a week.” The study found not only an increase in the number of children who read electronically, but a rising preference for doing so.

Scholastic also performed its fifth study on readers between the ages of 6 and 17. The survey looked at attitudes of both parents and children toward reading skills, the importance of reading for fun, at classroom and at-home practices and at what children are reading for fun. The company found that half of all children in that age group were “currently reading a book for fun” and that 20 percent had “just finished one.” Regarding e-reading, Scholastic found that “while the percentage of children who have read an e-book has increased across all age groups since 2010 (25 percent vs. 61 percent), the majority of children who have read an e-book say that most of the books they read are in print (77 percent).” In addition, 65 percent of kids surveyed “agree that they’ll always want to read books in print even though there are e-books available.”

Ghost Busted
Musician and actress Courtney Love is being sued by Anthony Bozza, a writer she hired in 2010 to ghost-write her memoir. The book was initially set for publication in 2012 by William Morrow (HarperCollins) but has been delayed indefinitely.

Bozza sent Love a full draft of the book in January 2014. Three months later, Love told The Telegraph that she had rejected it and spoke negatively about the content. Privately, she told Bozza, via text, that she planned to “fix the book” with another writer, but she never formally terminated their agreement.

Bozza claims that he was promised payment of $200,000 plus a share of royalties; he has been paid $100,000 and, with his suit, he is seeking an additional $200,000. According to the lawsuit, Love has been paid $400,000 of her $1.2 million advance. (When contacted by The New York Times in April, HarperCollins did not respond with a comment.)

The Goebbels Effect
A biography of Joseph Goebbels is at the heart of a copyright debate that may have long-term ramifications for historians and publishers. Goebbels, by Peter Longerich, was originally published in 2010, in German, by a Random House Germany imprint. It was released in English in May 2015 by Random House UK. One month prior to the UK release, Cordula Schacht, a lawyer representing Goebbels’s heirs (whose father, Hjalmar Schacht, was minister of economics under Hitler) launched a lawsuit against the German publisher, claiming that the estate is owed €6,300, or $6,925, for the use of extensive quotations from Goebbels’s diaries.

Historians have generally assumed that written documents attributed to Hitler, Goebbels and others in the Nazi party belong to the German state and do not require permission for use in scholarship.

Random House Germany’s general counsel, Rainer Dresen, is standing firm. When Schacht first approached the publisher, Dresen agreed to pay her 1 percent of the book’s net sales out of fear that the estate might try to prevent the book from being published. After further consideration, Dresen rescinded the offer, and Schacht filed suit. The case is now making its way through the German court system. The court had earlier asked Random House Germany to disclose its earnings, but the publisher refused, citing legal, moral and copyright grounds.

Royalty Shortfall
Hesperus Press, a small, independent publisher, released the UK edition of Swedish writer Jonas Jonasson’s 2012 bestseller, The 100-Year-Old Man Who Climbed Out the Window and Disappeared.

According to Nielsen BookScan, sales of the novel reached almost 550,000 print books in the UK and more than 700,000 e-books. The success of the book made it possible for Hesperus to create two new imprints, but Jonasson says that he received only a fraction of the royalties owed him in the fall of 2012, and the company is now the target of legal proceedings by Jonasson and Hachette Book Group USA, which owns the English-language rights to the book around the world.

The Bookseller reports that Hesperus appears to be going through a serious crisis, with all four of its employees and one director resigning. (The Bookseller also reported that while Hesperus had a booth at the London Book Fair in April, no staff members were in attendance.) Two directors and the chief financial officer remain; they have not publicly addressed Jonasson’s situation beyond saying that they will do so “soon.”

Twain at Twenty-Something
Scholars from the Mark Twain Project at the University of California, Berkeley, have discovered more than one hundred early newspaper items
written by Twain that were believed to have been lost. In 1865 and 1866, when Twain was in his twenties, he wrote a daily two thousand-word “letter” for the Territorial Enterprise newspaper, whose archives suffered losses from more than one fire.

The Twain Project’s editor, Bob Hirst, found the letters while searching the newly digitized archives of a number of western newspapers that had reprinted the letters. While not all the letters were signed, they were authenticated based on Twain’s characteristic writing style. Hirst told The Guardian that finding the letters was like “opening up a big box of candy.”

Elevated Tastes

Rhapsody, the in-flight magazine for United Airlines’ first-class travelers, has been getting great press a year and a half after its founding. United launched the magazine—which is run out of Brooklyn—with the aim of providing more substantial entertainment to its passengers, including “ruminative first-person travel accounts, cultural dispatches and probing essays about flight” from top-flight authors, according to The New York Times.

Contributors have included Joyce Carol Oates, Rick Moody, Amy Bloom, Karen Russell and others, “lured by the promise of free airfare and luxury accommodations provided by United, as well as exposure to an elite audience of some two million first-class and business-class travelers.”

This may be a part of a larger trend, the Times pointed out: companies such as Chipotle, Warby Parker, JetBlue, American Airlines and Amtrak now provide literary offerings to customers, with the airlines and Amtrak forging agreements with a number of publishers to provide free e-books to travelers. The arrangements allow publishers and writers to reach a large number of well-heeled readers, and immediate income. “I would love it if I could read it,” Rhapsody contributor Elissa Schappell said of the magazine. “But I never fly first class.”

Sure Beats a Plastic Whistle

Cheerios and Simon & Schuster have been surprising young breakfasters since 2003, when they began putting free copies of children’s books inside Cheerios boxes. In 2013 alone, the program gave away 11 million books, 8 million of them in bilingual editions.

Now, instead of a book inside the box, there’s a unique code on the back of it. In partnership with e-book distributor BookShout, the program “Cheer on Reading” has gone digital; the code will let young readers access one of nine children’s e-books. Codes, redeemable through May 2016, will be printed on over 8 million boxes.

Do keep the milk away from that e-reader. ♦

Fresh Prose

The Authors Guild cosponsored the literary magazine One Story’s 2015 Literary Debutante Ball on May 15 at Roulette, a performance venue in Brooklyn, New York. Authors Guild staff who attended report that it was a smashing success. The event, held annually since 2010, celebrates One Story contributors who have published a debut book in the past year. This year’s ball honored ten first-time authors, each escorted by a mentor. The Guild was delighted to offer each of the authors a complimentary one-year Authors Guild membership.

Here are our newest members:
From the President

Writing for Free

By Roxana Robinson

We’ve all heard that it’s smart to write for free. Your publisher encourages it because it gets your name out there, raises your profile and creates a reading audience. We’ve heard that all this activity will translate into big sales when your next book comes out.

I wonder if it’s true. Writing an essay for HuffPo may generate thousands of hits, but does all those people who click on the link then take the next step and buy your book? Is there any evidence that they do?

The two best essays I’ve read in the last year were by people I’ve never heard of, and I still don’t know who they are. I remember what they wrote, but I can’t remember their names. If I wanted to reread the essays, I’d do it by googling some words from the titles, which I sort of remember. I’ve done this twice, called up the essays again, and each time I’ve forgotten the name of the author. This is despite the fact that the essays are very good, and interest me quite a lot. But they are written by people I’ve never heard of, so the articles don’t add to my knowledge of that writer. The writers are merely the authors of those interesting stories: they have become identified with their subjects, which is not the same as being identified with their books. The reason for this odd disconnect is that, for me, reading things through social media is like drifting across the ocean on a raft. I haven’t set any course or direction, and so when I bump up against something, it has no context in the world, and no connection to anything else. This aimless clicking is not the same as browsing in a bookstore, or reading articles in a familiar magazine. The latter require making deliberate choices, but clicking on a link on social media seems barely a decision at all. I won’t remember where the article came from, or how I got there, or who wrote it.

So I wonder how much writers actually gain by writing essays for nothing. We all assume it might do us some good. We all presume that it won’t do any damage.

Though it might.

All writers have to offer the world are our ideas, which we set down in our words. Those are our currency, our prime assets. We may like to think that we’re inexhaustible sources, but we’re not. We have only so many ideas and only so much time. Should we give our work away? Where does it get us? And who is the real beneficiary?

Most Internet posts don’t go viral. Most are read by more people than would read them if you tacked them onto a telephone pole, but maybe not many more. And these readers may not even remember your name, let alone buy your book. So you may not benefit much.

Someone else does benefit, of course: the big Internet companies that depend on free content. Huffington Post, Goodreads and Medium.com make millions because you’re willing to write for nothing. They can count clicks and sell ads and give big bonuses because of your brilliant phrases, your dazzling ideas and thought-provoking comments, all of which you’ve given them for nothing.

If the Internet had been a commercial enterprise from the beginning, like television, content providers would always have been paid. On television, as on the Internet, advertisements are the real source of revenue. The content—the show, or series—is what draws the audience. The content providers—writers and actors—are paid for their contributions, and the advertisers pay to reach the audience. On the Internet, we have the same system, minus one thing: the “free” Internet has somehow eliminated the step in which content providers get paid. It seems as though nearly everyone makes money on the Internet, except writers.

Writing for free may just be what you want to do. But it’s also just what the big online companies want you to do, and no one in those companies works for free. Even writing for not-for-profit sites, where everyone works for free, may not help you in the long run, because they, too, support the idea that writers shouldn’t be paid, and that’s not a sustainable notion in the long term.

Literary Hub, a new online site started by Morgan Entrekin, of Grove Press, commendably pays all its writers, just as print publications do, though the fees are lower. And, like print publications, it supports itself through ad revenues. Might that be a new business model?

The thing is, the more we write for nothing, the more people will think that’s just what we deserve.
From the Home Office

Dear Authors Guild Members,

It’s been more than half a year since I began work as your executive director, and it’s been exhilarating to be part of such a thriving and multifaceted organization. The rapidly changing publishing landscape creates many new challenges and opportunities for authors. Thankfully, we have a talented and dedicated staff that keeps abreast of the industry and is ready to respond to new developments as they arise. Here’s some of what we’ve been up to.

Most notably, in April we conducted our first major member survey since 2009. The survey went out to all Guild members and to 1,300 non-member writers. The response, thanks to you, was tremendous. We collected a good deal of data on authors’ incomes in recent years, as well as on our services to help us assess how better to serve our members. Our findings on income suggest that full-time and part-time U.S. authors have experienced a significant decrease in writing income over the last five years. Median writing-related income decreased 24 percent in that time frame—to only $8,000, with full-time authors’ median income down 30 percent, from $25,000 to $17,500. Authors who have been writing between 25 and 40 years have seen the greatest drop in income, from a median of $28,750 to just $9,500. While there are many reasons for this decline in income, unfair terms in publishing agreements don’t help. Notably, during the same period, publishers’ revenue has seen steady annual growth. There’s something very wrong about that disparity, and we believe the detailed survey results will help us explain the economics of being a professional writer to Congress, potential donors and others, so that we can more effectively advocate for working authors.

Preliminary results of the survey were presented on April 28 at a panel discussion that explored authors’ earning trends in the US, the UK and Canada, and was moderated by AG Council member T. J. Stiles. A transcript of the panel and a summary of the survey results will appear in the Fall Bulletin.

The panel event came right on the heels of our annual fund-raiser, the Authors Guild Benefit Dinner, which raised money for the Authors League Fund and the Authors Guild Foundation. This year we honored Joan Didion with the Award for Distinguished Service to the Literary Community. [See pages 11–12.]

As part of our core advocacy work, we’ve been hard at work fighting for authors’ rights in Washington, DC, where Congress is undertaking a major review of copyright law. To put it bluntly, we’re making sure authors’ voices aren’t drowned out by the fire hose aimed at copyright by Internet giants like Google. General Counsel Jan Constantine and I recently met with several members of Congress and staffers involved in the copyright review process and meet regularly with other interest groups on these issues.

The pivotal copyright issue of the moment—which looks as if it might be addressed before the hard work on reforming the law begins in earnest—is Copyright Office modernization. Briefly, the Office needs better funding, updated technology and the autonomy to issue its own regulations or guidance on increasingly complex aspects of the law that, frankly, often leave courts at sea when it comes to making a ruling. Register of Copyrights Maria Pallante has testified before Congress twice, laying out the case for autonomy and better funding. I’ve spoken on the issue before the Copyright Society of the USA, and the Guild has submitted two separate papers making the argument for modernization to Congress.

Happily, we saw some progress when in the first week of June, Reps. Tom Marino and Judy Chu released a discussion draft of a bill that would give the Copyright Office the autonomy it needs to serve U.S. copyright holders in the digital age. We’ll be sending Congress a formal letter of support for their proposals.

In addition, we are actively supporting the creation of a small claims tribunal, where authors and other individuals would be able to pursue infringement claims in cases where the potential award damages were too small to justify the cost of the lawsuit. We feel that such a small claims adjudicatory process is essential to give any meaning to the copyright law. After
all, if you can’t afford to enforce your rights, you have no rights at all. Similarly, we are fighting to change the notice-and-takedown law to provide for notice and “stay down.” As anyone who has tried to use the notice-and-takedown procedures to remove pirated material from an online service knows, sending take-down notices can be fruitless—because the same material goes right back up and the service provider has no obligation to remove it or other pirated copies from the server, unless you send another notice specifying the new URL. This makes it pretty much impossible for any individual copyright owner to stay on top of piracy, or make the tiniest dent in it.

We’re still waiting for a decision from the Second Circuit Court of Appeals in our copyright infringement case, Authors Guild v. Google, and will alert members as soon as it is announced.

In other legal news, in late May our legal department launched the Authors Guild Fair Contract Initiative to educate authors about contractual terms in publishing agreements and to start a public conversation on the fairness of certain standard provisions that are often harmful to writers. [See the following article.] Our guiding principle for the new initiative is to restore contractual balance to the author-publisher relationship and help authors achieve a fair return for their efforts. The first issue we are tackling is one of the most egregious: the standard e-book royalty rate of 25 percent of the publisher’s net receipts. We are mindful of publishers’ need to stay afloat in an era of deflated book prices, but want to ensure that it does not come at the expense of authors. When authors cannot afford to write anymore, the entire literary ecosystem suffers.

We will soon be sending out a series of petitions and letters to Congress for Guild members to sign onto if they choose. We’d love to see members get more actively engaged in our advocacy efforts. One way to do that is by adding your name to targeted appeals. Members of Congress need to hear from you, not just your representatives.

Spring is always a busy time of year, especially for conferences. We attended the Association of Writers & Writing Programs Conference (AWP) in Minneapolis, where we hosted a blast of a cocktail party for our members—thanks to all those who stopped by the party and our booth! We surveyed and spoke to writing students and faculty at AWP about the needs of emerging writers today, and we left with a clearer sense of what we need to be doing to serve the next generation of working writers. The last week of May, we set up a booth at BookExpo in New York, and hosted an afternoon meet and greet for members on May 28, with cookies and prosecco and an opportunity to chat with Roxana, the staff and me.

Finally, I hope you’ve been able to visit our redesigned website, authorsguild.org, and to participate in the member forum, where traffic is picking up. There are more changes to come, including a redesigned home page that will let us post a greater variety of content, with dedicated areas for selected initiatives and issues, such as independent or self-publishing, the contract campaign, Guild event updates, the Google lawsuit and more. We are currently posting several new articles a week on advocacy and industry goings-on, with more to come, including guest columnists, once the new design is complete. To stay informed, we urge you to check out the site regularly and to visit the forums to engage with your fellow members.

Enjoy this Spring/Summer 2015 issue of the Bulletin, and as always, feel free to get in touch with us at staff@authorsguild.org.

Onwards,

Mary Rasenberger
Executive Director
The Authors Guild Fair Contract Initiative
Taking a Fresh Look at the “Standard” Contract

On May 28 we announced the Authors Guild Fair Contract Initiative. Its goal is to shine a bright light on the one-sided contract terms that publishers typically offer authors and to spur publishers to offer more equitable deals. This is not an abstract issue: today’s contracts directly affect authors’ livelihoods and the degree of control they have over their works. As standard terms have become less favorable to authors in recent years, their ability to make a living has become more precarious.

Authors are among our more vulnerable classes of workers. Book authors receive no benefits, no retirement income or pension, and there are no unions to protect them. They live or die by copyright—their ability to license rights to publishers in exchange for advances and royalties. While copyright is meant to give authors control of how and on what terms others can use their works, publishing agreements tend to be negotiable only around the edges, and even then only by well-represented authors.

The traditional publishing enterprise was conceived as a joint venture, with authors and publishers working as partners to produce and distribute books. In the pre-digital climate, this meant that publishers split their profits more or less equally with authors. Publishers earned an equal split of profits as compensation for their efforts in shepherding a book through the publishing process, from creation to distribution to sublicensing. But that is far from today’s reality.

Many publishers are doing less than ever for their authors. In many cases the companies provide less editing, little to no marketing and no promotional budget. Instead, they ask authors to do their own marketing by engaging in time-consuming social media campaigns. Rather than compensate authors for this additional work, publishers usually insist on keeping a whopping 75 percent of income from e-book sales. That’s just one of many unacceptable policies.

“Standard” contracts—the boilerplate offered to un-agented (or under-agented) authors—are far worse than those that most authors with agents or lawyers sign. That’s because agented agreements tradition-
ally start off with the many changes that the agent or lawyer has previously negotiated with a particular publisher. One agented contract we’ve seen includes at least 96 changes from the original “standard” language, plus seven additional clauses and two additional riders. Every one of those changes is a point that the agent has negotiated in the author’s favor.

Why do publishers insist on offering their newest partners more than a hundred conditions so dubious that they’ll quickly back down on them if asked? It largely boils down to unequal bargaining power and historic lethargy. Anxious to get their works published, authors may wrongly believe that the contract their editors assure them is “standard” is the only deal available, take it or leave it. And much of that “standard” language has been around for years thanks to institutional inertia; as long as somebody signs an unfair clause that favors the publisher, the firm has no interest in modifying it. But even contracts negotiated by agents and lawyers often include longstanding traditional “gotchas” that live on only because “it’s always been that way.”

It’s time for that to change. We’ll be highlighting particular clauses in the weeks to come. Here are some of the issues we’ll be looking into:

Fair Book Contracts: What Authors Need
• Half of net proceeds is the fair royalty rate for e-books
Royalties on e-books should be 50% of net proceeds. Traditional royalty rates reflected the concept that publishing is a joint venture between author and publisher. But despite the lower production and distribution costs associated with e-books, publishers typically offer only 25% of net. That’s half as much as it should be.

• A publishing contract should not be forever
We think contracts should expire after a fixed amount of time. Publishers may pretend to consider this an
unreasonable request—yet it’s precisely what they demand when they license paperback rights to others. Today’s contracts are generally for the life of copyright (meaning they essentially last at least 35 years, at which point copyright law gives the author the right to terminate the agreement). That’s too long.

Thanks to clever contractual language, it has become increasingly difficult for authors to get their rights back if the book goes out of print. “Out-of-print” clauses may be easily manipulated in this day of e-books and print-on-demand technology. At the same time, it’s more important than ever for authors to reacquire their rights so they can make e-book and print-on-demand titles available from their backlist. Unfortunately, we have heard too many stories of publishers refusing to revert rights or to make their authors’ books meaningfully available. Publishers should not be allowed to hold a book hostage; their contracts should provide clear contractual language stating that if a specific royalty minimum is not paid within a certain period of time, then the book is defined as “out of print.”

• A manuscript’s acceptability should not be a matter of whim
In standard contracts, whether a manuscript is acceptable or satisfactory is often in the “publisher’s sole judgment”; that means a new editor or management can reject a book on a whim and refuse to let the author publish it elsewhere until the entire advance is refunded. This can happen after an author has invested several years of work in the book, foregoing other opportunities in the meantime. Under some contracts, the publisher can even have the book rewritten at the author’s expense, decide whether or not to credit the new author, and maintain its own copyright to the additions and revisions. This is patently unfair. A publishing agreement based on a proposal is not an option, it is a contract to publish and pay, assuming the author delivers.

• Advances must remain advances
Once upon a time, advances were typically split into two payments: one on signing of the contract, and one on acceptance of the manuscript. In recent years, we’ve seen three-part payment schedules: one-third on signing, on acceptance, and on publication. Now we’re seeing four-part payments: signing, acceptance, publication, and paperback publication. Slower payments shift risk from publisher to author. They also defeat the whole purpose of advances: to enable authors to devote themselves to completing their books without having to take on other work to make ends meet.

• Publishers should share legal risk
No author can afford to put his or her entire net worth on the line, but that’s what many authors do when they sign publishing contracts. Authors are asked to assume the risk of suits for infringement or libel. This is true even where the publisher has lawyers who have vetted the book. Investigative journalists are most at risk. Forcing authors to assume the risk of a lawsuit can amount to a restraint on their speech. Publishers’ liability insurance should also cover authors. The author’s share of the risk, if any, should never exceed the total amount of the author’s advance.

• Non-compete clauses must let the authors write
Authors must be free to write. The non-compete clause—an attempt to restrict the author from publishing work elsewhere that might cut into the current title’s sales—is no longer reasonable in the era of instant publishing. The clause should be simple: only the publisher can publish the current title, long excerpts from it, or a substantially similar work. Anything more is an unfair restriction on the author’s livelihood.

• Options must be fair and paid for
Anything that keeps writers from publishing is simply unacceptable. That means option clauses should disappear. If a publisher wants an option on a future book, it should offer a separate payment for it and a quick decision on whether or not to offer a contract on it. Today’s standard option clauses often let the publisher delay the option decision until the current work is published. That can keep the author in limbo for years; it’s deplorable.

• The author must have final say
When it comes to the text of the book, the author should have the final cut—that is, no changes in the text should be made without the author’s approval. The publisher should submit jacket flap and advertising copy to the author for approval. And the author should have the chance to approve any biographical material used in the book and/or publicity produced by or for the publisher.

• Payments must move into the 21st century
Publishers’ methods of accounting have inevitably favored the publisher. Royalty statements and payments to authors typically appear only twice a year on income the publisher received between three and ten months previously. And the publisher can delay payment further by invoking what is inevitably called a “reasonable reserve for returns”—that is, an estimate

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Joan Didion Honored by the Authors Guild Foundation

The Authors Guild held its 23rd annual celebration of writing and writers at the Edison Ballroom in New York City on April 27, honoring the author Joan Didion with its Award for Distinguished Service to the Literary Community.

The black-tie event is held in support of the Authors Guild Foundation and the Authors League Fund, which was founded in 1917. The Foundation educates authors about their rights and promotes the importance of writing, publishing, free speech and copyright; the Fund helps professional writers in dire financial need, often due to medical emergencies.

In remarks delivered before presenting the award—which was accepted on Ms. Didion’s behalf by her agent, Lynn Nesbit—Guild president Roxana Robinson praised the “unwavering gaze” of Didion, “one of the great American writers.” [see page 12 for full text.]

In many ways writing is the act of saying I, of imposing oneself upon other people, of saying listen to me, see it my way, change your mind. It’s an aggressive, even a hostile act. You can disguise its qualifiers and tentative subjunctives, with ellipses and evasions—with the whole manner of intimating rather than claiming, of alluding rather than stating—but there’s no getting around the fact that setting words on paper is the tactic of a secret bully, an invasion, an imposition of the writer’s sensibility on the reader’s most private space.

Host Hannah Tinti, editor-in-chief of One Story with authors Kathryn Harrison, Alexander Chee and Delia Ephron.

Benefit donors and guests during dinner at the Edison Ballroom.
There are certain moments that brand themselves into our consciousness, moments that stand as intersections between our public and private lives. These create a tremor that runs through the entire country. Joan Didion’s writing is like this. So electrifying, so powerful, that for writers it’s like a national event. Just as people remember exactly where they were when men landed on the moon, writers remember the first time they read The White Album. Or the great essay “Why I Write.” Or entered the bare, beautiful and lunar landscape of her novel Play It as It Lays. Passages in Didion’s work have become burned into our consciousness.

Some of these moments are odd and personal: the image of someone waiting in an airport, or sitting on the floor at a party, smoking a cigarette, navigating a difficult lane shift on a California highway, seeing a minor actress cross the lobby at a hotel in Las Vegas. Often the moments are quiet, without drama, but they have a troubling and breathtaking clarity. Even if we can’t quite articulate the message, we understand that they encapsulate something central about life in the twentieth century. Didion was curious about that subject, the American twentieth century, which seemed to her to reveal the stately march into oblivion of the American dream. She turned her own level gaze upon that image, the end of the dream. In many ways she has been our collective conscience, raising the issues of covert wars, racism, political opportunism, and examining them with an unwavering gaze.

One interviewer mentioned Didion’s “harsh Protestant ethic,” and it’s an essential part of her point of view. This harshness is revealed in this sentence from Play It as It Lays: “Maria did not particularly believe in rewards, only in punishments, swift and personal.” There is the bleak puritanical world, one that offers no solace or comfort, only the danger of the dark blade.

In some ways Didion is pitiless, but she is pitiless first toward herself. In her famous essay “On Self-Respect,” she writes about a Puritan virtue, a grounding that arises from honesty and responsibility, courage, a sense of duty. Those old-fashioned Yankee character traits are essential to this writer from California, who wears sunglasses and drives a Corvette and writes about alcoholism and drugs and adultery. She writes about those things, but she does not embrace them.

She said, famously, that writing was a hostile act, that in it you challenged the reader’s beliefs and assumptions. It’s true that we may find our comfort-beliefs shaken, or mocked. But her gaze holds more than criticism; it also holds compassion.

In her writing there is always a struggle between the two visions of the dream. There is the brave sunrise and the fresh wind moving over the long green fields, and there is also the woman sitting alone at the bus station, a silk scarf tied over her dirty blond hair. Didion saw both parts of that vision. It was her deep feelings for the dream itself, with its golden radiance, as well as for the sad details of its ending, that makes her writing so irresistible, so profoundly moving.

“As it happened,” she writes in “John Wayne; A Love Song,” “I did not grow up to become the kind of woman who is the heroine in a Western, and although the men I have known have had many virtues, and have taken me to live in many places I have come to love, they have never been John Wayne, and they have never taken me to that bend in the river where the cottonwoods grow. Deep in that part of my heart where the artificial rain falls forever, that is still the line I wait to hear.”

It is impossible to imagine Joan Didion as the heroine of a John Wayne Western, but she is able to persuade us of some magical appeal in it. Though she reminds us that the rain in those movies is artificial, at the same time she invokes a deep yearning for that bend in the river, and the cottonwoods. It’s her ability to hold these two notions in her head at once, and to make them so vivid for us, that makes her one the great American writers.

Joan Didion, you are the heroine in our Western. You are the bend in the river, you are the cabin and the cottonwoods. And you are far, far greater than John Wayne. Thank you for that vision. Thank you for being our heroine.
Confessions of a (self-published) Fool

By Larry Duberstein

It is a Brave New World in publishing, right? Self-publishing is no longer a way of conveying that no self-respecting publisher would have wanted your book. It’s okay now! The Internet has leveled the playing field, connecting you to a billion readers. Quality will out in the marketplace.

Exactly how is the question, I suppose, in any marketplace. You may grow the very best cabbages, but how do you get anyone to know your wonderful cabbages exist? How do you get grocery stores to display them in their bins? If you stood by the roadside under a colorful umbrella, your produce might lure the odd motorist in for a look. Business would be conducted on a painfully small scale, though. One can only imagine how much smaller and more painful it would be if, instead of advertising fresh vegetables, you stood there crying, “Novels, novels, alive-alive-O.”

Invisibility is a serious problem where sales are concerned. Cabbages at least start out neutral, equal to all other cabbages. If they look good (and, yes, if someone sees them), they might have a fighting chance. Whereas your novel, however good it may look, and whether or not someone sees it, will likely be dismissed out of hand. Why? Because you self-published it, you fool.

Or me fool. I had a publisher. I stuck with that house (and this house stuck with me!) through nine titles, partly because I liked the individuals there so much as people and partly out of laziness. After putting in a few years writing a novel, I had no stomach for spending a few more trying to rouse a sleeping agent. If you have published books in the past, publishers and agents look at one thing, and it is not your book—it’s your sales figures. Low numbers delete you from their screen. And from their point of view, this makes perfect sense. They are about commerce, after all, not Art. You might stumble onto that rare agent who harbors nobler goals, or you might know someone who knows someone, but otherwise it is bound to be a real slog.

Anyway, this new book was important to me, it was personal, a family matter. Buying into the Brave New World notion, I decided it would be fun to put the book out under my own imprint. Come up with a catchy-but-dignified name for the press and a nifty logo and let the Internet deliver books to the waiting masses. I had contemplated creating such an imprint for years, with an eye toward publishing the work of talented friends who have struggled to get into print. I thought that would be fun.

But what made me such a fool? Beyond a wet finger in the wind of cultural shift, what made me imagine I could vault over any negative fences and get this book into the public eye? The answer is probably good old hubris, because, you see, those nine previous titles were not ignored altogether. While we were never knocked back by waves of royalties, strong reviews and bracing honors did come ashore regularly. A New York Times

Photograph by May Street Design

Cabbages at least start out neutral, equal to all other cabbages. If they look good (and, yes, if someone sees them), they might have a fighting chance. Whereas your novel, however good it may look, and whether or not someone sees it, will likely be dismissed out of hand. Why? Because you self-published it, you fool.

Larry Duberstein’s novel Five Bullets is published by Brimstone Corner Press. Among his previous works of fiction, all from the Permanent Press, perhaps the best known are The Marriage Hearse and The Handsome Sailor. He lives in New Hampshire.

“New & Noteworthy,” a New York Times Notable Book, a Publishers Weekly starred notice, a glowing treatment on NPR, a BookSense Notable Book—each novel found its way to such encouraging responses. Wouldn’t this track record stand in for the say-so of salespeople and publicists? Wouldn’t the novel, therefore, be given some baseline consideration?

I trusted the story to take over from there. If someone even began to read it, I believed, he or she would have a difficult time dismissing it out of hand as the
The world ended on November 30; as if there did not lie on the road ahead many months not named November. Curious or not, this was clearly enough code for No. Given the track record with this store, there was no rhyme or reason to the No, but we found there was firmness. I can only guess that behind the spoken answer lay the unspoken: the book is self-published, you perfect fool. We would have had the Pope call them, POTUS and FLOTUS, had we not seen how resolutely they would cling to their sense of the calendar. That sort of thing can be discouraging, but reviews are the real problem. Not the reviews the book got; the reviews the book didn’t get. True, I have no friends in high places; I don’t “know someone who knows someone,” but I did know someone who reviews books for the website of a large bookstore chain. So there was that—until there wasn’t. Their hands were tied, I was told; they were not permitted to take on any self-published titles.

I also knew someone who had a books-and-authors show on public radio. In fact, we had discussed my coming on the show to talk about this very book—but that was prior to my fateful decision to self-publish. Now there was a firewall: we only do the books that publicists bring us. More code.

On to Harvard Magazine, which had treated my books handsomely in the past and would know what they were looking at with this one. Except that no one would. They could not consider the novel, alas, because there was a policy against covering self-published books. No code there!

One editor felt bad enough about this ban to take the trouble of calling me—kind and even courageous on her part—to deliver this news and, in truth, I found the policy perfectly understandable. The magazine is received by 250,000 Harvards and ex-Harvards, and probably 249,000 of them have just written a book. This could create quite a logjam for a quarterly that showcases a dozen new books per issue, so sure, why not eliminate the chaff early on?

But then, what about the bona fides? This was not chaff here, this was some of the wheat, no? “Had I given this book to my publisher and let them print it,” I pointed out, “you would be holding the exact same object in your hands.”

The kind lady could not disagree. My plaint had the ring of truth—it was what Mark Twain might have
Kindle’s Pauper Royalties

Kindle Unlimited is a subscription service for which readers pay a monthly fee to have unlimited access to over 700,000 e-books. Most of KU’s repertoire consists of books published through the Kindle Direct Select Program, a self-publishing platform where, in exchange for making their books exclusive to the Kindle platform, KDP Select, indie authors can earn a higher royalty rate for sales to certain countries. All indie authors who are members of Amazon’s KDP Select books are automatically enrolled in Kindle Unlimited for 90-day periods, although authors can opt out by choosing not to have their enrollment automatically renew, forgoing the higher royalty rate in the process.

In many subscription programs, when a reader “borrows” a book and reads past a certain threshold, authors are paid at their regular e-book royalty rate, as if the book had been sold. For Kindle Unlimited, however, KDP Select authors’ compensation comes by way of a pro-rated share of a monthly royalty pool. How the pool is divided up among authors is determined by Amazon, which has not made its criteria public. Since July 2014, however, Amazon has announced monthly totals for its KDP Select author pool.

In March, the royalty pool reached a record high of $9.3 million. At the same time, the number of subscribers in that period jumped, and the number of books that subscribers read (or read a significant portion of) also increased, according to Publishers Lunch, resulting in the second-lowest payment per read since KU started: $1.34. Things got slightly better in April, when the pool was increased to $9.8 million, and the payment per read crept to $1.36.

The royalty pool model often results in lower payments to the indie authors who participate in KU. While traditionally-published authors whose books are part of KU are paid for an e-book sale as soon as a reader has accessed more than 10 percent of a book, the indie authors in the Select program are paid out of a royalty pool that is split among all self-published authors. This ignores the fact that indie authors aren’t just writers, they’re publishers too. Why should indies get less per book than traditional publishers?

Also troubling is the fact that KU pays indie authors the same rate per read whether a book is short or long, which can unfairly penalize writers of longer works. Some authors have wisely retaliated by breaking up their works into smaller and smaller units—chapters rather than books (and strangely reminiscent of the days of serialization).

While $1.36 a read might seem a pittance, the fact is that it actually doesn’t lag that far behind what many Big Five authors are earning per e-book sale. An e-book sold under the agency model at $10.99 would yield the author a royalty of about $1.92, thanks to the publishing establishment’s entrenched—and inequitable—commitment to paying authors a mere 25 percent of net e-book receipts.

In other words, there are two battles to be fought, reason enough for indies and traditionally published writers to make common cause.

A New Turn for Indies?

So if Kindle Unlimited doesn’t pay off for indie writers, can new brick-and-mortar models provide better opportunities? Gulf Coast Bookstore in Fort Myers, Florida may be previewing the future. The shop, opened by two self-published authors, will exclusively sell books by fellow indie writers, PW recently reported. One of the proprietors told PW that a major motivation for opening the shop was the difficulty indie writers face when competing for mega-store shelf space with bestselling authors.

In addition to featuring self-published authors, Gulf Coast will operate on an unconventional business model: the store will rent shelf space to local authors (three months for $60, plus a $15 set-up fee). In return, authors get to keep—wait for it—100 percent of every sale. Gulf Coast is in the unique position of being able to afford to give authors the full share of proceeds because it’s part of a group of shops whose proprietor takes care of sales reports and credit card processing. The shop also features its authors on its website and provides the space for book signings. It’s even considering whether
to offer authors an e-commerce platform.

While Gulf Coast’s model isn’t replicable by many other brick-and-mortars, small bookshops across the country are finding their own ways to partner with indie authors. “Many independent bookstores are working with self-published authors every day,” said Joy Dellanegra-Sanger, Senior Program Officer of the American Booksellers Association, “and many are experimenting with different business models,” such as selling indie authors’ books on consignment. As indies continue to partner with indies, we hope to see more business models facilitating small-scale author-to-reader engagement. After all, it’s one of the things brick-and-mortars do best.

Worthy Move, Details Still To Come

In early May, the White House announced that, as part of the President’s plan to expand access to education, book publishers will make over $250 million worth of free e-books available to students from low-income families. At the same time, The New York Public Library is partnering with nonprofits to develop an app that can be used to read e-books on any sort of device. The app will be used to deliver the e-books in the program, as well as material from the public domain, to students across the country. In a related effort, over 30 communities have committed “to put a library card in every student’s hand,” according to the White House.

The Authors Guild supports literacy programs—especially programs like this, aimed at encouraging kids to become lifelong readers—and we particularly applaud the President’s intention to benefit underserved communities, whose access to books is key to maintaining a vibrant and diverse literary ecosystem.

The White House and the publishers have advised us that many of the details are still being worked out. But we do have some questions about the program. How will children access the books, and who will provide the hardware? Apple has pledged $100 million to the project, but how will that be allocated? And how will the e-books be kept secure?

The Authors Guild was not a participant in the planning process. As the program develops, we hope that authors will receive recognition for their significant contributions to this initiative, as it is authors’ as well as publishers’ generosity that makes this program possible.

Many publishing agreements do not allow for royalty-free donations for charitable purposes, although some do. In any event, all of the publishers we have spoken with are either asking authors’ permission or allowing authors to opt out.

Many authors have contacted their publishers asking their books to be included in the program. Others have had questions about the program. Authors who wish their books to be kept out of the program are encouraged to contact their publishers. Based on preliminary conversations with publishers, we have every reason to believe they will be cooperative in carrying out their authors’ wishes.

Google Cozies Up to D.C.

We weren’t particularly surprised by the news that a previously undisclosed report by officials in the Federal Trade Commission’s Bureau of Competition found evidence that Google skewed its search results by boosting its own services, “scraping” content from other sites, and demoting its rivals.

We were disturbed, however, by the Wall Street Journal’s finding that, despite the scathing evidence, the FTC’s commissioners decided to cut short the investigation. We weren’t the only ones: “It is unusual for the commissioners to not take staff recommendations,” noted the Journal. The FTC report, which was mistakenly made public, concluded that Google’s conduct “has resulted—and will result—in real harm to consumers and to innovation in the online search and advertising markets.”

A follow-up report by the Journal explored Google’s growing spending on lobbying in recent years, and its close ties to the White House. A number of Google veterans have been swelling the ranks of the highest levels of government. Former Google execs have held posts such as Chief Technology Officer, Deputy CTO, Director of Citizen Participation, and more. Much of that information comes from an August 2014 report by Jeanne Kim of Quartz.

But that’s nothing compared to the money Google is spending in the Capitol. The numbers alone show that in just a decade Google has gone from a relative outsider in Washington to a top dog among the corporate behemoths. The tech giant, it turns out, spent $16.8 million on lobbying in 2014, more than any company except for Comcast. The 2014 number tops even the $16.5 it spent in 2012, the year it was under FTC investigation, when it nearly doubled its spending from the previous year. That spending has resulted in over 230 meetings with senior White House officials since 2009—or roughly one meeting a week. The Journal report revealed that Google even met with the chairman of the Council of Economic Advisors to speak about . . . copyright issues.

Given its unquenchable thirst for free content—which we’ve been challenging in the courts for most of the last decade—when it comes to Google, we have some copyright issues of our own. ✪
Two years ago, Congress announced an initiative to review the copyright law—last refashioned in the decades leading up to 1976—to bring the Copyright Act into the digital age. Twenty hearings later, on April 29, 2015, the House Judiciary Committee called this series to a close with testimony from Register of Copyrights Maria Pallante, who shared her perspective on the review process, including her recommendations for next steps to take.

The first topic Register Pallante discussed at length was modernization of the Copyright Office, a threshold issue to meaningful reform. Pallante explained the Office’s need for an improved, updated and independent technical infrastructure and for the regulatory autonomy necessary to serve the twenty-first century copyright community. As we outlined in our November 2014 statement to Congress on Copyright Office modernization, that will entail independence from the Library of Congress, where the Copyright Office is currently located, along with increased funding.

Congress, it appears, heard the call. A little over a month after Register Pallante’s testimony, Reps Tom Marino and Judy Chu introduced draft legislation to modernize the Office—a swift step towards making a twenty-first century Copyright Office a reality.

In addition to discussing the Copyright Office, Pallante made a number of specific recommendations. She identified eight issues “ripen for legislation.” Two were issues we identified on our own list of legislative priorities for 2015: creating a small copyright claims court and updating the copyright exceptions for libraries. Pallante described two other top priorities for the Guild as warranting “near-term study and analysis”: mass digitization and the Digital Millennium Copyright Act (DMCA) “safe harbor” provisions.

Here’s a brief rundown of where those four issues stand.

• **Small Copyright Claims:** Small copyright claims is an issue Congress has been batting around since at least 2006, when the Guild testified to the need for a small claims court. The problem is quite simple. Individuals and smaller copyright owners simply cannot afford to file a federal lawsuit to protect their copyrights; lawyers and court fees cost more than their claim is worth. A small claims court—which seems to be one of the most broadly supported issues on the table—would provide those having relatively small claims (often individual creators and small rights holders) with a realistic venue to enforce their rights. It would be a voluntary alternative to federal litigation for cases valued under $30,000, which could be adjudicated via e-mail and phone, with no need for the parties to travel. The Copyright Office issued a 2013 report recommending that Congress establish a small claims court within the Copyright Office, and the content of its proposal hasn’t changed much since.

• **Library Exceptions:** Section 108 of the Copyright Act outlines the circumstances under which libraries can do the sort of copying that would otherwise be considered infringement. But the explanation is outdated, confusing and full of references to the analog world. We’d like to see it updated for the digital age. Librarians’ complaints led the Copyright Office to convene a special Section 108 Study Group to report on the problem. But the library community changed its tune when courts began interpreting fair use to potentially permit some of the activities that Section 108 was devised to prevent. The Copyright Office agrees that Section 108 needs to be updated. In Pallante’s oral testimony, she noted in no uncertain terms that “while some have opposed amending them because they would prefer to rely upon fair use, there is virtually no dispute that these sections are outdated to the point of being obsolete. . . . The provisions do not serve the public interest, and it is our view that it is untenable to leave them in their current state.”

• **Mass Digitization:** The wholesale copying and digital reformattting of analog material has posed a major challenge to copyright law in the last decade. That’s because its proponents seek legal justification for their projects under the guise of fair use. But fair use was developed to analyze copying on a case-by-case basis; it’s simply not suited to consider millions of instances of copying in one fell swoop. “While fair use may provide some support for limited mass digitization projects—up to a point,” Pallante wrote in her statement, “the complexity of the issue and the variety of factual circumstances that may arise compel a legislative solution.” Pallante’s statement quoted our April 2014 congressional testimony, which asked Congress to establish a collective licensing system that could provide “access to . . . books at every college, university, community college, pub-
lic school, and public library in the country so those institutions could provide access to the vital communities they serve” while at the same time ensuring that authors and publishers would be paid for those uses.

Now it looks like the wheels are beginning to turn. The Copyright Office is completing its report on mass digitization, and Pallante revealed it will recommend that Congress set up a voluntary collective licensing pilot program so that stakeholders can begin to work out the market implications of a licensing solution for mass digitization projects.

• DMCA Safe Harbor: It’s been incredibly difficult for creators, corporations and legislators to develop a comprehensive solution to Internet piracy. An ideal legislative solution would protect the creative marketplace without standing in the way of technical innovation. Congress sought to strike such a balance when it passed the DMCA in 1998. But, as Pallante pointed out in her statement, “the current online environment is vastly changed from the bulletin-board era in which Congress enacted the DMCA.”

Our main concern with the DMCA is that its “safe harbors” allow sites that host or otherwise support pirated content—such as YouTube or Google’s digital distribution platform, Google Play—to claim immunity, even if they have knowledge of infringement. To remedy this, we’d like to see the safe harbor clarified, making these sites and Web hosts more accountable for their role in the proliferation of online piracy. Under the current system, known as “notice and takedown,” to receive immunity, service providers are required to take down an infringing copy only if they have knowledge of the actual location and identity of it. As a result, when an infringing copy is taken down, another often pops back up. We’re asking Congress for a “notice and stay-down” system: once a Web host is on notice that a work is being infringed, it should not have continued safe harbor protection unless it takes reasonable measures to take down all infringing copies of that work on the site, and especially any copies of the same work re-posted by the same user. Pallante’s statement acknowledged the many stakeholders involved and expressed the Copyright Office’s belief that “a formal and comprehensive study . . . is advisable to assess the Section 512 system and ensure that it is properly calibrated for the Internet as we know it today.”

What’s Next?

Summing up the last two years of work, Pallante said the copyright hearings have constituted “the most comprehensive focus on copyright issues in over four decades.” No doubt they have, but it’s also worth noting that the 1976 Copyright Act was the result of nearly two decades’ worth of deliberation. So what’s next for this Congress? “Over the next several months,” said said Bob Goodlatte, chairman of the House Judiciary Committee, “the Committee will be reaching out to all stakeholders to invite them to share their views on the copyright issues we have examined over the course of our review.”

Notwithstanding the difficulties ahead, we’re confident that both the Copyright Office and many members of the Judiciary Committee understand that authorship is more important than ever to both the economic and cultural health of this country. “A connected and intelligent world,” Pallante wrote, “depends heavily upon authors and their creative disciplines.”

—Ryan Fox

What’s New?

For regular updates on the publishing industry, check out Industry & Advocacy News at www.authorsguild.org/category/industry-advocacy/
Wrestling the Law

Steve Ray v. ESPN, Inc.; ESPN Classic, Inc.; ESPN Classic Europe, Inc.
U.S. Court of Appeals for the Eighth Circuit

Steve “Wild Thing” Ray was a professional wrestler with the Universal Wrestling Federation from 1990 to 1994. Pursuant to his agreement with the UWF, the Federation held the copyright to his matches and was entitled to record them and resell the films to third parties without further compensation to Ray. Since his retirement in 1994, Ray has been paid directly by third parties to promote health-care products and weightlifting supplements. But when films of Ray’s matches were rebroadcast by ESPN throughout North America and Europe, Ray brought suit against ESPN, alleging that it did not first obtain his “consent to use (his) identity, likeness, name, nickname [sic], or personality to depict him in any way.” Ray did not allege that ESPN obtained the film unlawfully; rather, he filed suit alleging four claims under Missouri state law: (1) invasion of privacy, (2) misappropriation of name, (3) infringement of right of publicity, and (4) interference with prospective economic advantage. After successfully getting the case moved to federal court, ESPN moved to dismiss the case on the grounds that the Copyright Act preempted Ray’s state law claims.

The district court held that Ray’s first two claims, invasion of privacy and misappropriation of name, were based on the same tort under Missouri law, which essentially amounted to a single claim. The court further noted that Ray did not challenge ESPN’s allegation that the Copyright Act preempted his claims for invasion of privacy and interference with prospective advantage; as such, the court considered those two claims waived. Ultimately, the court concluded that the Copyright Act preempted all of Ray’s claims, noting that Ray’s “wrestling performances were part of the copyrighted material, and his likeness could not be detached from the copyrighted performances that were contained in the films . . . .”

In a legal wrestling match that pitted ESPN against “Wild Thing,” Copyright wins the day.

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In a legal wrestling match that pitted ESPN against “Wild Thing,” Copyright wins the day.
been photoshopped to show him applying a brand-name deodorant during a break in a wrestling match, he would have had a case.)

In regard to the second factor, focusing on whether the state law-created right is equivalent to any of the exclusive rights within the general scope of copyright, the court noted that the “Copyright Act gives copyright owners the ‘exclusive rights to do and to authorize’ . . . the reproduction reproduction of ‘copyrighted work in copies or phonorecords’; the preparation of ‘derivative works based upon the copyrighted work’; the distribution of ‘copies or phonorecords of the copyrighted work to the public by sale or other transfer of ownership, or by rental, lease, or lending’; and the display of certain ‘copyrighted work publicly.’”

In the case at hand, the court of appeals found that Ray’s case was contingent on the fact that ESPN retelecasted Ray’s filmed performances, which were uncontestably protected by the Copyright Act. As such, the court rejected Ray’s allegation that his state law rights were “infringed by the mere act of reproduction, performance, distribution or display of his performances,” since his state law rights were equivalent to the exclusive rights the UWF had “within the general scope of copyright.” As such, the Copyright Act nullified Ray’s state law claims. With both factors satisfied, the court of appeals affirmed the district court decision and dismissed all of Ray’s state law claims.

— Michael Gross
Staff Attorney

The court further noted that works of authorship include “motion pictures and other audiovisual works,” and that under the Copyright Act, “a work is ‘fixed’ in a tangible medium of expression when its embodiment in a copy or phonorecord . . . is sufficiently permanent or stable to permit it to be perceived, reproduced or otherwise communicated for a period of more than transitory duration.” In the case at hand, the court of appeals determined that ESPN’s filming of Ray’s performances did in fact constitute “an original work of authorship,” “fixed in a tangible medium,” and that it could be “perceived, reproduced or otherwise communicated” by way of the television broadcasts seen by ESPN’s many viewers. The films, therefore, were covered under copyright law and fulfilled the first requirement.

Notably, the court rejected Ray’s allegations that ESPN’s alleged use of his “likeness” was the true “focal point of the case” and that his claims did not fall within the ambit of the Copyright Act. The court pointed out that the case law cited by Ray’s attorney had been inappropriately applied, and had no bearing. Unlike the plaintiffs in the many cases cited by Ray’s attorney, Ray did not claim that the defendant, ESPN, had made use of his individual likeness or name to promote specific commercial products without his permission. As noted by the district court and affirmed by the court of appeals, “Ray’s likeness could not be detached from the copyrighted performances that were contained in the films.” (If footage of Ray had

GIVE & GET $25

Refer friends to the Guild and get $25 off the price of membership for you and your friends.

There’s strength in numbers, which is why we’re pleased to report that your Guild is stronger than ever. But we’d like to be stronger still. So this summer we’re running a special promotion: If you refer a writer friend who joins the Guild, we’ll knock $25 off your next year’s dues and $25 off your friend’s first-year dues.

Here’s how it works: Recently we sent you an e-mail about the promotion with a referral link. Just forward your referral link by e-mail, Facebook, Twitter, or any other means to your writer friends. If you didn’t receive your link via e-mail, please contact us at staff@authorsguild.org or (212) 563-5904.

The link’s been encoded to identify you as the referrer, so when your friends join, you’ll receive credit. The link will automatically reduce your friend’s first year’s dues from $125 to $100.

There’s no limit to how many new members you can receive credit for. Refer three writers who qualify and join, and we’ll slice $75 off your next year’s dues; refer five, and we’ll cut your dues by $125. Remember that not only traditionally published authors qualify for membership; self-published and freelance authors earning at least $500 in writing income can become members of the Guild. Learn more about eligibility criteria by visiting www.authorsguild.org/join/eligibility-criteria.

So, please, do what you can to spread the word, help build your Guild and get $25 or more off during our special summer promotion. It ends September 30.

Thanks in advance for pitching in.
will have to adapt as well. If you’re going to make a living in this new ecosystem and you aren’t already a bestselling author, you’re going to have to be very strategic about how you position yourself.

The written word and the desire to read are not going anywhere. If anything, we write and read more than ever. Think about how much the average person writes in a day, in e-mails and texts. What we used to do by phone is now done in writing. And books are still the primary format for storytelling—look at how many recent blockbuster films and TV shows have been based on books. So while the book of the future might look different—and I’m interested to hear from the panelists how they think it might change—they are not going away.

In this new world, the challenge is for authors to be strategic, to find ways to thrive in the new ecosystem. Many authors may need to do more than just write. A lot of authors are telling us they have to do their own marketing, and that means more than just hiring a publicist. You have to know who your audience is, what they want to read, how they discover books, how they buy them and how they read them. You may have to create a “brand” either for yourself or for your books—a word that makes many authors shudder.

I want to give you a statistic to elucidate this point. In the sixteen thousand New York Times bestseller fiction lists since 2008, only six hundred authors have appeared in all. That’s really astounding. That means
the same authors come up again and again, and that’s because they have a brand. Once you’re on those lists, you tend to stay, but getting there is not easy. Depressing but true. It’s the age we live in.

But there is a flip side to this. Everyone and anyone can make themselves discoverable, and find an audience, through the Internet. This brings opportunity. There are all kinds of new ways to get your book out there that didn’t exist before. Our panelists will talk about some of those ways today.

At the Authors Guild, we’re doing everything in our power to ensure that writing remains a viable profession, and we’re positioning ourselves so that we can help you navigate this new world. This is the first in what we hope will be a series of panels on negotiating the new business models in publishing and making them work to your advantage.

Tonight, we have an amazing group of industry insiders who are working on the cutting edge of new digital business models:

Chantal Restivo-Alessi is the chief digital officer at HarperCollins and leads the company’s overall global digital strategy. She manages commercial relationships with existing and new digital partners and grows digital revenue worldwide. Chantal has held numerous senior strategy positions in more than twenty years in international media management. She joined HarperCollins in 2012 from ING Bank in London, where she was head of media corporate finance. She’s also worked at the Aegis Group PLC in senior strategy and in operational roles at EMI Music and Booz and Company.

Joe Regal is the CEO of Zola Books. He has spent more than two decades in publishing. He started as a literary agent at Russell & Volkening and founded his own agency, Regal Literary, in 2002, where he represented a diverse group of authors, including many bestsellers. He cofounded Zola Books in 2011 as the first truly integrated social e-book retailer. I’m going to let Joe explain exactly what that means.

Kevin Nguyen is the editorial director at Oyster. He came to Oyster from Amazon last summer, where he was at various times site merchandiser, merchandising specialist, and books editor, overseeing the Best Books of the Month feature. Kevin writes about books regularly for Grantland.com and has been published online in The Paris Review, The Atlantic and The Millions. He is also a founding editor at the Bygone Bureau.

CJ Lyons was supposed to be on the panel tonight, but her flight from Savannah, GA, was canceled. Jan Constantine, our general counsel, has very kindly stepped in for her. CJ sent us e-mails responding to questions, so Jan is going to channel CJ. I can tell you she’s pretty good at that.

Let me tell you a little bit about CJ. She is a New York Times and USA Today bestselling author. She’s a former pediatric ER doctor, and she has lived the life that she writes about in her cutting-edge thrillers. She’s won numerous awards for her novels and has worked across different types of publishing. She’s worked with major New York publishers, small presses and, most recently, she has been self-publishing, selling over two million books. She is also a member of our Council.

We’re going to start with each panelist giving a short description of the digital business model that they’ve been focusing on recently. Chantal?

CHANTAL RESTIVO-ALESSI: Well, I’ve kind of tried to focus on all of them, but the one that I’m going to talk to you about today is B2C. The definition of B2C is quite broad for Harper. It’s really any way we can create direct relationships with consumers, whether it’s commerce or marketing. The way we’re trying to build that out is in partnership with authors, which I think may be slightly different from the old approach. Given my background in music and in advertising, the way I see it is, we’re here to provide a service to authors—which is no different than it’s always been. We’re here to create tools and service. The only way these tools and services are going to resonate with consumers is if we’re in partnership with authors. Because anything that we create has to get through a lot of noise. And the noise is only cut through by authenticity, and authenticity is created by having the author’s voice.

What we’re trying to do is empower authors to do more, not less. I’m not totally in agreement that an author should be good at branding and marketing and doing everything on their own. I think we should be good at that, and that we should be helping you do it better and better. I think that’s our job. In the same

In this new world, the challenge is for authors to be strategic, to find ways to thrive in the new ecosystem. You have to know who your audience is, what they want to read, how they discover books, how they buy them and how they read them.

—Mary Rasenberger, AG Executive Director
way that a marketing agency provides a service to a brand or a company, we’re here to provide a service to you. So I think that the range of services that we need to provide has to increase and is ever changing, and B2C is a piece of that.

Basically, B2C is direct-to-consumers, meaning the ability to market and sell direct to consumers. It all started with the C. S. Lewis estate. The estate came to us and said: “Look, we’re very unhappy. You’re not moving enough books. You’re not helping us enough. We’d like you to help us build an e-commerce site.” We thought: “Wow, that’s a good idea. Let’s do it.” Basically, we built a site for them, but in thinking about e-commerce and what engine should power the site, we thought: “Why not create something that we can replicate over time for others?” So now we have the ability for the C. S. Lewis estate to sell e-books wherever we have the rights, worldwide. We also have the ability to sell print books directly from the site. We created a UK and a US site because that’s where we have direct, physical operations, and we can sell directly to consumers from there on the estate’s behalf. So we work in partnership with them. We design campaigns together. We promote books together. We set price promotions together. We manage the site on their behalf, but critical decisions are made together.

We have the same capability for the entire HarperCollins catalog. We are selling from the Harpercollins.com site right now, but the idea was not to just sell from our site. I really don’t believe in publisher “destination sites.” I don’t think that a consumer, unless she or he wants to become a publisher, goes to Harpercollins.com to purchase a book. They’ll go to Amazon. But I think they will look for a title or a book or an author, and so basically what we’ve built is the ability to create shopping carts, or if you have your own site or a social page, to give you the ability to link back to our site and we can fulfill that purchase.

It’s pretty complicated. It took months and months to build, working in partnership with specialists who do e-commerce and websites. We work with a variety of fulfillment partners, and I think for an author to have to do that on their own would be very difficult. Any HC author is free to go the do-it-yourself route, of course.

What I’m saying more broadly is, I think our job is to create as many platforms and as many services as we can. E-commerce is just one of them. Some of the authors we reached out to when we were building this thing, to ask them what they wanted, said, “What’s in this for us?” We said, “Well, we’re giving you a service.” And they said, “That’s not enough.” And we said, “Okay then. We’ll put some skin in the game.” We basically increased the royalties. We give an additional 10 percent royalty for any purchase of your book made through our platform. The consumer may come to HarperCollins because of something the author does or not. It doesn’t matter. As long as the purchase is done through our platform, we give an extra 10 percent royalty on that purchase. It can be an e-book or a print copy.

RASENBERGER: How many of your authors do you provide this service for, and how has it been working so far? I know it’s a very new service.

RESTIVO-ALESSI: It is very new. It’s an opt-in service, so you have to agree to it. We don’t force anyone to agree to it, but quite a large percentage of our authors have signed on. We’re still in the early days for reaping benefits. The key lesson so far is you really need author engagement to have significant sales. If we agree to do a promotion together, there’s value to consumers, and if consumers find out about the option through the author, then we have meaningful sales.

—Chantal Restivo-Alessi, HarperCollins
The other area is a little bit more niche. We have what we call “verticals,” for example, our Christian publishing imprint. Because we represent so many authors in specific areas where people recognize themselves as part of a community, it’s easier to create destination sites. In that case, we’re building out more of a store experience for people who are like-minded and trust certain brands to deliver for them. So those are two completely different examples of how we’re trying to create more channels to market that we can control directly.

In the case of the C. S. Lewis estate, for example, the benefit is that, although we won’t have the mass data that someone in retail has, even little amounts of data are really useful, and we share those with the estate and with the authors. We can market to them directly, we can get their names, we can ask them specific questions. That’s pretty special, I think, and we’ll continue to build that.

RASENBERGER: Thank you, Chantal. We’re going to move on to Joe Regal and his relatively new venture. Can you start by describing what Zola Books does and how it works for authors?

JOE REGAL: Sure. I was actually a member of the Authors Guild. I was an agent for more than twenty years. I loved it. I represented books that I myself wanted to read—books that, in general, no one else wanted to represent, which was a fantastic strategy because I was the only agent to say “yes” to The Time Traveler’s Wife, or to Big Fish, or to Warm Bodies and a through the author, then we have meaningful sales. It works for both sides when we work together.

When people ask me, “What’s the future?” I say it’s what I call “distributed commerce.” Basically, if people are looking for your book, they’re already engaging with you. Why not sell to them there and then? Often they’re already sampling the product. The future is being where the consumer is, not competing. Our job is to make sure that your content is available in as many channels as possible. Whether it’s e-commerce or a new subscription, for me, it’s making sure that you get value for the content you spent so much hard time creating, and maximizing the value of that content for you. If we do that well, there will be a great future. I think if good content is discovered, people will want it and pay for it.

RASENBERGER: This is a great segue into my last question for you, and then we’ll move on to the other panelists. I know you’re exploring, or have launched, other digital services and direct-to-consumer sales. Can you talk a bit about those?

RESTIVO-ALESSI: Yes. We’re trying to bring books to consumers in as many ways as we can. One of those is social. Because people spend a lot of time in social environments, we are working with small start-ups to test letting consumers sample books through those social environments. Brands are doing that; video companies are doing that. There are a lot of examples now of people creating opportunities for transactions in places where it was previously only about discovery.

From left, Guild general counsel Jan Constantine, Joe Regal and Chantal Restivo-Alessi.
lot of other books that went on to sell a lot of copies. It was a thrill because advocating for authors is always deeply satisfying. I compared it to being a midwife as opposed to being a mother, where the pain isn’t as great, the reward isn’t as great, but you can do it pretty often and feel pretty good about it.

So I really loved it, but about five or six years ago, it became apparent that digital books were on the rise, spurred by Amazon, a company that has always been farsighted and very aggressive—in this case, problematically so, because they were undercutting the print price by so much that they cornered the market. When they had 93 percent of all e-book sales, that alarmed me. You never want a monopoly. You never want one player to have that much control in the market, because inevitably it does not go well. On the flip side, I was also fairly irritated with publishers, who I thought were handing down the pain to the authors by insisting on a 25 percent of net e-book royalty. Forgive me, Chantal, but I never felt that was fair. I still don’t. It’s not equitable. It made me see the partnership between writers and their publishers as not so much of a partnership.

So with these two issues—Amazon looking like it wanted to eliminate publishers, publishers responding by treating authors not the way I felt they ought to be treated—it seemed apparent that the world that I loved, lived in and had put so much passion into for twenty years was going to disappear. I couldn’t imagine that I’d have a career that I would enjoy in ten or twenty years. My big writers would continue to make lots of money, but all the weird little books that I took on that were hard to sell, but then went on to sell millions of copies, were going to be impossible to sell. Even worse, the writers I represented who would sell ten to fifteen thousand copies of each book were no longer going to get published, and that was not a happy prospect.

I was lucky in that I met the digital lead at Sotheby’s, my cofounder Michael Strong, who wanted to “get out of helping rich people find stuff and get back into books”—which is where he had spent his youth. I wanted to find out how this Internet thing worked and how to take advantage of it for my authors. I did not expect that I would be stepping back from agenting in the course of doing that, but ultimately, there was only so much that we could do as an agency. We did Internet marketing, we developed e-mail lists for our authors, we organized different contests and we built all kinds of programs. It was fairly successful in helping different writers find their audience, but I realized that the bigger problem, when you have an apex predator, is that everybody else had better look out.

So I took a break from agenting to found Zola Books. The initial idea was to take advantage of all of the connections that people make in and around a book. As much as people might say, “I’m not a social reader,” the reality is that you read The New York Times Book Review or hear about a book from a friend or you see a book at a bookstore and so forth. We’re always discovering books through other people. I did not feel that that was happening in any beautiful, intuitive way anywhere online. I thought if we could build a site that took advantage of all this social connection, we could create something that had a lot of power and was great for writers and readers at the same time.

Anybody who is a book buyer or a writer or has
worked in the industry knows that people buy a lot of books on impulse. You wander into a bookstore; you might be looking for something particular, but then you see something else and then something else. And then there’s, oh yes, that book you heard about. This other book’s kinda good. The next thing you know, you walk out of the store with three or four books.

The online equivalent of that is enabling people to discover a book and buy it wherever they find it. That’s what’s called contextual commerce, direct-to-consumer or D2C. The idea is, rather than build a destination website, let’s take advantage of the kind of partners we can work with today and build something we’re calling the Everywhere Store, which is just some code that you can drop on any website anywhere, enabling that site to sell books to anyone who comes to the site. It doesn’t have to be an author, a publisher or a bookseller site; it can be a travel site, a book review, a blog. If there’s any reason to mention a book, make that book buyable right where the visitor sees it. Don’t send them off to another site, because if a customer sees a book on a website and has a choice between your destination or Amazon, I think it’s pretty clear where they’re going to go.

On the other hand, if they see a button that says “Buy Now” and they click it, and a little pop-up happens, and they see that they can buy it right there on the site, and it has the same colors and look and feel of the site they’re visiting, they’re much more likely to say, “Oh, cool. Here’s that book and I want to buy it.” Boom. They’ve bought the book. So that’s how we shifted our business model toward becoming a service provider, and we won’t worry this year about being a destination site.

RASENBERGER: Can you explain how authors might interact with your service? Is there any way, for instance, for authors to reach out directly to readers?

REGAL: I think the words that are sort of anathema are “you have to think of yourself as a brand.” No writer I know wants to think of him- or herself as a brand. The really canny ones have been working it for years. Neil Gaiman is a Harper author who is extremely smart about working himself as a brand and is a generous and kind person to boot, so it works very well for him. But the reality is that most writers would prefer you to “please just send the check; I will struggle with the book. That’s our arrangement, thanks very much.”

It’s going to be very difficult to do that in the coming years, I think. While the opportunities for writers are going to be phenomenal, you have to look at this moment as being as significant as Gutenberg. The mode of communication is changing. It’s an incredibly thrilling moment, and I think there is reason for optimism. This is a revolution in the communication of thought, idea and story.

It’s not what you wanted. You want, ideally, to be represented: somebody else handles all the business; you write the book. It’s going to be really tough to maintain that approach. On the other hand, the power to reach your audience, to connect with readers, to bring them on board and create a relationship is extraordinary.

It’s easy for authors to use Zola’s service to build that connection. It’s just a short bit of code you drop on your website that makes every book you want to sell—your own, books you love, whatever—available in all formats for whoever wants to buy them. You do need some sort of platform. Whether that’s a social media presence on Twitter or Facebook, whether that’s a website or blog, you need to somehow make yourself available to people online. If you are, then Zola’s little bit of code does all the work of making your reader your customer, too.

We’re going to go live with this soon with some very big partners, and when our Everywhere Store widget launches, it should be very visible. After that, we’re going to open it up to anyone who wants to use it, for free. Obviously, in this room, it’s about authors, but our whole idea is that diversity is essential for the survival of the ecosystem and rather than look at Zola as becoming another Amazon, I’d rather empower several thousand different kinds of players to take some piece of the market themselves. Even if that’s an author selling one hundred books a month from their own website. That’s more money for you, because you share in the retailer revenue; that’s a connection with your reader, because you have their e-mail address. It’s more power for you, because you now have the ability to say, “I know how to reach my readers and do something with them.” You need a web platform—that’s the essential part—and then we provide the tools to reach your readers.

RASENBERGER: I want to go back to the word “diversity.” Both you and Chantal have talked about the need for diverse platforms for selling books in the future. Amazon has been very helpful to self-published and independently published writers. At the same time, it’s harder and harder for a lot of authors to get published by traditional publishers. So what should writers think about the Hachette struggle with Amazon? Whose side should writers be on, if any?

REGAL: I think there’s a false dichotomy between quote unquote “self-published writers” and “tradi-

1 As we went to press in June, the launch date for the Everywhere Store widget was imminent.
tionally published writers.” You’re writers. You’re struggling with text. You’re trying to make good sentences, good stories, create realistic characters. You’re trying to do something that’s compelling enough for somebody to stay engaged and keep turning pages. We all love physical books but whether those pages are electronic or paper doesn’t really make a difference.

I have tremendous respect for Amazon. They’re incredibly farsighted. They’re willing to play the long game. They are single-handedly responsible for the digital revolution in books, which ultimately will be good for writers, if all goes well. At the same time, Amazon is interested in Amazon. They’re not interested in doing some kind of social good for writers who couldn’t get published through HarperCollins. That’s reasonable. They’re a corporation. They’re doing what they want to do for themselves. I’m told that books make up 3 percent of their income—at this point, I think books are important to Amazon only as a means of capturing consumers; they want everybody in Prime, everybody on the Kindle. They want to lock you in, so you buy everything from Amazon, because there is a lot more money in televisions than there is in books.

The thing that’s depressing to me is that self-published authors sometimes defend Amazon as this champion of the author. And I think, well, Amazon is the champion of itself. As people have seen in recent months, whether it’s changing the royalty rates on indie-published Audible audio, or changing the terms for authors going through Kindle publishing, Amazon has enough clout to do what it wants to do, and that’s not going to be in the interest of the thousands of authors who are using them. I think diversity is absolutely core, because whether you are published by HarperCollins or are self-published and sell most of your books through Amazon, you have to look at the long game the way Amazon does. Right now, they may be helping you, but you should be thinking about what will protect your interests in the years to come, as opposed to what puts money in your pocket right now.

RASENBERGER: For a while, the growth of e-books was unstoppable. Recently, there are indications that it is leveling off. What does this mean for writers?

REGAL: I think that if writers want to reach a wide audience they’re going to have to be in as many places as they can, and that’s not only digital and that’s not only in one environment. “Connection,” to me, is the core word. You’re going to need to be somewhere where people can discover your work and assess who you are and what you publish. And ideally, somewhere people can buy your book if it looks interesting to them. I don’t think print is going away anytime soon. If the book’s a front-list bestseller, the proportion is anywhere from 60 percent down to 30 percent depending on the kind of book. We’re going to see a five-year, maybe ten-year, period of a really heterogeneous market and you’re going to want to be everywhere you can be, so the idea of going digital only is probably not the best. And if you are going digital only, you have to play the discovery game with your pricing strategies, where you can be free for a while, get some traction and appear on some lists, then start charging money and so forth. That’s getting harder and harder to do.

When we built the Everywhere Store, we deliberately incorporated not just e-books, which is where Zola started, and not just print, which is still a big piece of the market, but also digital audio. I’m shocked to say that not a single company provides the digital audiobook and the e-book in the same app, but we’re about to launch that option. As for print, we started by partnering with all the independent booksellers we could, the Strand, Word, McNally Jackson, Politics and Prose, Book Passage, BookPeople and so forth. We believe that a healthy ecosystem is a diverse ecosystem and there are ways to get all those indie stores that sell print and haven’t been able to crack “e” with Kobo involved. There are ways to make them more money. When we built the Everywhere Store, we said if we could partner with the indies for physical fulfillment, we could actually provide better service than Amazon or Barnes & Noble, because somebody could order a book from a local indie and get it delivered the same day. That’s pretty tough to do with any other company.

I think that if writers want to reach a wide audience they’re going to have to be in as many places as they can, and that’s not only digital and that’s not only in one environment. “Connection,” to me, is the core word. You’re going to need to be somewhere where people can discover your work and assess who you are and what you publish.

—Joe Regal
That kind of diverse environment is something that we would like to create.

RASENBERGER: Thanks, Joe. We’re going to move on to Kevin Nguyen, who is at Oyster, a subscription service. Kevin, we won’t ask you to talk about Amazon since you’re a former employee.

KEVIN NGUYEN: It’s okay. My girlfriend works at Hachette, so anything you could throw at me, I’ve already debated with her. [laughter]

RASENBERGER: I would love to have heard some of those debates—must have been fun. Can you start with a description of what Oyster does?

NGUYEN: Oyster is a streaming service for books, so for just shy of $10.00 a month, you can read as many e-books in our subscription category as you want on your digital device, start to finish. You can also browse titles for sale at length before deciding to buy, just as you would in a brick-and-mortar bookstore. We’re dedicated to creating a sustainable business model for publishers, readers, authors and us.  

You guys are authors, so you want to know what that means in terms of getting paid. We are often compared to Netflix or Spotify because we are a subscription model, and on the surface, it does seem like that to the reader. But on the business end, what’s going on behind the scenes is pretty different. I can’t speak to every single contract, but by and large, whenever a reader reads past a certain percentage of a book, it’s treated as a transaction. So if somebody reads past X percentage of a non-subscription title, we treat it as an e-book sale. So it’s really simple, and I think it’s very beneficial for authors.

What’s different about us as a company is that our priority is to get the best books into people’s hands, and the way we do that is a combination of editorial and data science and everything in between. Everything in our app is editorially curated. I run a team that does a lot of the curation. So if you guys use Oyster and you get a book you don’t like, that’s my fault, so you can e-mail me.

RASENBERGER: I’m going to remember that.

NGUYEN: Yeah, just e-mail me. I’ll probably debate you on why you didn’t like the book. We know that a lot of people like algorithmic recommendations so we’re working on that as well. I think that’s the way we want to differentiate ourselves, in addition to the subscription model, which is very cool because it takes a book’s price out of the equation when someone is deciding what to read. So if you’re the user and you’re on the Oyster subscription app, you’re not thinking, “Oh, this book costs $12.00. This book costs $6.00.” All books in subscription are equal. You’re going to read what you’re most interested in.

—Kevin Nguyen, Oyster

2 In early April, Oyster launched its e-bookstore, which includes books from a broad range of publishers including the big five: Hachette, HarperCollins, Macmillan, Penguin Random and Simon & Schuster. The new store allows both subscribers and nonsubscribers, to purchase and read virtually any book from these publishers on Oyster, new releases and pre-orders included.
NGUYEN: The way the service shakes out now is that there are books in subscription (unlimited) and in retail. Anything in subscription operates the same way as, say, watching something on Netflix. You pay $10.00 a month, you get to read as many books as you want at no additional cost—there’s no running up a tab of any sort. On the back end, invisible to the reader, is the way payments work from Oyster to the publisher. Once a reader gets through X percent of a subscription book, we just pay the publisher for that book. The reader doesn’t know when that happens because it doesn’t affect him/her.

RESTIVO-ALESSI: From our point of view, it’s a sale, so basically, the structure of the deal is a wholesale deal, at least in our case. I can’t speak for others. To us, it’s an e-book deal, and it’s a normal sale. There is no differentiation between subscription and not, because to us, it’s a traditional sale.

The next question is normally, “How do they manage their costs?” The biggest analogy is probably the gym subscription, right? You have many people sign up. Some people go and lots of people don’t . . . I’ll stop there because it’s his business not mine.

RASENBERGER: So it’s very different than the music business?

NGUYEN: Yes, and I can clarify a little more. The gym analogy is a good one. The only reason we don’t like saying it is because books are great and the gym is boring. That’s just my opinion. I can’t speak with too much confidence about how Spotify works, for instance, but they work on something like a pool.

RESTIVO-ALESSI: They have a royalty pool.

NGUYEN: Yes, a royalty pool that gets paid out according to a certain percentage. We don’t do that, and what I should have said earlier is that we have mostly backlist titles. We work with three of the big five—Harper, S&S and Macmillan—as well as with a large number of independent publishers and medium-sized publishers. We’re pushing a lot of books that aren’t getting shelf space in Barnes & Noble anymore, and aren’t getting marketing dollars anymore. We’re creating incremental value for the publisher, the author and the reader.

RESTIVO-ALESSI: We agree. We’ve done deals with Oyster. We were the first big publisher, I guess since I’m a kamikaze. What surprised us is the amount of product that gets touched by consumers. A big part of our catalog is available through those services. Originally, we thought people would go for the big brands, big authors and big titles. In reality, that’s not the case. A lot of the books that get touched and read by consumers are not necessarily the most popular books that you would think of.

NGUYEN: We’ve gotten great feedback from publishers big and small. Recently, Dennis Johnson of Melville House had some very nice things to say about us. At first they were worried the service would prevent people from buying their front list, but they now see that Oyster has become a really great bookselling partner.

RASENBERGER: Are you finding that your subscribers are mainly reading books from subscription, or are there statistics showing that they still buy books, too?

NGUYEN: We don’t have too much insight into customers’ buying behavior outside of our own ecosystem, but we do have a lot of anecdotal evidence that people are both buying and subscribing. Oyster is an app that’s supplemental to customers’ other reading. I think of it as being like Netflix. Just because you have a Netflix subscription doesn’t mean you’re not going to the movie theater. It’s there for you when you want to stay at home and it’s rainy out.

Oyster is an app that’s supplemental to customers’ other reading. I think of it as being like Netflix. Just because you have a Netflix subscription doesn’t mean you’re not going to the movie theater. It’s there for you when you want to stay at home and it’s rainy out.

—Kevin Nguyen

RESTIVO-ALESSI: We agree. We’ve done deals with Oyster. We were the first big publisher, I guess since I’m a kamikaze. What surprised us is the amount of product that gets touched by consumers. A big part of our catalog is available through those services. Originally, we thought people would go for the big

NGUYEN: Open Road is actually a great partner for us. We got in touch with them recently. They’re thrilled with how we’ve been doing with their books.

AUDIENCE MEMBER: I have a question about small publishers, specifically e-book publishers. Let’s say Open Road. Would they be willing to use a subscription service?

NGUYEN: Yes, and I can clarify a little more. The gym analogy is a good one. The only reason we don’t like saying it is because books are great and the gym is boring. That’s just my opinion. I can’t speak with too much confidence about how Spotify works, for instance, but they work on something like a pool.

RESTIVO-ALESSI: They have a royalty pool.

NGUYEN: Yes, a royalty pool that gets paid out according to a certain percentage. We don’t do that, and what I should have said earlier is that we have mostly backlist titles. We work with three of the big five—Harper, S&S and Macmillan—as well as with a large number of independent publishers and medium-sized publishers. We’re pushing a lot of books that aren’t getting shelf space in Barnes & Noble anymore, and aren’t getting marketing dollars anymore. We’re creating incremental value for the publisher, the author and the reader.

RESTIVO-ALESSI: We agree. We’ve done deals with Oyster. We were the first big publisher, I guess since I’m a kamikaze. What surprised us is the amount of product that gets touched by consumers. A big part of our catalog is available through those services. Originally, we thought people would go for the big brands, big authors and big titles. In reality, that’s not the case. A lot of the books that get touched and read by consumers are not necessarily the most popular books that you would think of.

NGUYEN: We’ve gotten great feedback from publishers big and small. Recently, Dennis Johnson of Melville House had some very nice things to say about us. At first they were worried the service would prevent people from buying their front list, but they now see that Oyster has become a really great bookselling partner.

RASENBERGER: Are you finding that your subscribers are mainly reading books from subscription, or are there statistics showing that they still buy books, too?

NGUYEN: We don’t have too much insight into customers’ buying behavior outside of our own ecosystem, but we do have a lot of anecdotal evidence that people are both buying and subscribing. Oyster is an app that’s supplemental to customers’ other reading. I think of it as being like Netflix. Just because you have a Netflix subscription doesn’t mean you’re not going to the movie theater. It’s there for you when you want to stay at home and it’s rainy out.

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AUDIENCE MEMBER: I have a question about small publishers, specifically e-book publishers. Let’s say Open Road. Would they be willing to use a subscription service?

NGUYEN: Open Road is actually a great partner for us. We got in touch with them recently. They’re thrilled with how we’ve been doing with their books.

AUDIENCE MEMBER: I’m hearing 50 percent here, 5 percent there. By the time you get the trickle-down effect, the author’s getting very little.
NGUYEN: We believe that would be the case using that kind of pool model, but Oyster doesn’t use it. We want to make a business that’s sustainable for us, for publishers, for readers and definitely for authors.

RASENBERGER: Can you tell us on average what percentage of a book read triggers a sale? How much does a person have to read for it to be treated as a sale?

NGUYEN: I can’t comment on that specific percentage. It’s not very much. I will say that. And we find we create kind of a sampling culture that’s very interesting. For every book that a user on Oyster finished, they start about five.

Anecdotally, when I go to Greenlight [a Brooklyn bookstore], I usually pick up and skim through about five books before I buy one.

RASENBERGER: Is it meant to be like going into a bookstore where you might pick up a book and skim through it, or do people end up reading a whole chapter or two before they switch to a new book?

NGUYEN: We see more of the skimming. If somebody compared the design of Oyster and the experience to something like Greenlight Bookstore, I think that would be the highest compliment you could give us for a digital app.

AUDIENCE MEMBER: How much do you have to read through to count as a sale?

NGUYEN: We can’t comment on that specifically because it varies by publisher, but it’s not very much of a book.

RASENBERGER: We’re going to finish up with CJ, or I should say Jan, and then I’m going to ask the panel some broad questions.

JAN CONSTANTINE, reading statement from CJ Lyons: CJ says, “No one who is making a career as a writer can simply be a writer. You may be someone who writes and then delegates all your business to someone else, but it’s still your career. I think this is the one thing the digital revolution has brought to the forefront: The fact that authors who expect to get paid and to make a living can no longer hide behind the fallacy of ‘I just want to create.’

“Even the most coddled authors who have the luxury of allowing others to make every decision not involved in the actual writing are realizing that if they want to keep making a living then they have to take ownership of the fact that they are indeed CEOs of their own global media empires, which means deciding who to partner with. You might cede total control of your business to an agent or manager and lock yourself in your writing garret, but that’s still your choice. Ignorance of the industry is no longer an excuse, thanks to the many blogs and new feeds out there. No matter which publishing route you take for any individual project, you need to understand why that’s the best choice for you, for that title and for your audience, which is why I hate labels like ‘traditionally published’ versus ‘self-published’ or the odious lab experiment gone awry ‘hybrid author.’ It’s not important how you publish any given work, what’s important is how well you publish.”

RASENBERGER: There are a lot of non-writing aspects to the business of indie authorship. As you’ve heard, a lot of authors don’t want to do that. They want to write; they don’t want to be out there marketing. What are some of these non-writing elements? Is it a time-consuming part of your life?

Do you use others to help you with that, and if so, how do you go about finding trustworthy sources to help you with things that publishers have traditionally provided, like editing and marketing?
CONSTANTINE: Good question, Mary. CJ says, “All career authors are small business owners. It’s not a role we play; it’s who we are. As soon as we sign that first contract, that’s who we are. I actually end up investing much more of my time and money when I have a title released by a corporate publisher than I do with titles published via my own label.

“This is because there is such a narrow window of opportunity with traditional releases that it requires a lot more time and financial investment to launch them. With my indie books, I have the advantage of time and can focus my attention when I know my readers are ready to respond.

“By the way, the main reason why I hate to call my indie work self-publishing is that I work with the same editors, copy editors and graphic designers as I do with major New York City corporate publishing. It’s anything but self-publishing. There’s a whole team, just as with any traditional book, but the timeline is compressed because my production schedule is more agile.

“One of the most rewarding things of publishing this way is not only can I respond more quickly to my readers’ interest, but they cannot tell the difference between my indie titles and the ones coming from major publishers. If authors are going to take control of the production aspects of their publishing experience, they should educate themselves on the pitfalls and logistics, including how to work with excellent freelance editors and artists who are specialists in their genre. This education is free and easy to obtain, thanks to organizations like the Alliance of Independent Authors (ALLi for short), an international group of authors and publishing professionals; a variety of online bloggers; podcasts such as The Creative Penn or The Self-Publishing Podcast; and a plethora of how-to books.”

RASENBERGER: Let’s talk about Amazon again. The Kindle Direct Select publishing program is Amazon’s program for independent authors; it’s how you get your book discovered and sold, so you need to be part of it. Amazon now automatically enrolls those authors in its Kindle Direct Select publishing program into Kindle Unlimited, its subscription service, and these Select authors must offer their e-books exclusively through Kindle. I gather with Kindle Unlimited your royalties are greatly reduced. If I’m right, it’s based on a percentage of the pool rather than how many books were read. That doesn’t sound ideal. Can you talk about the pros and cons of Kindle Unlimited for self-published authors? If you don’t like it, can you opt out?

CONSTANTINE: CJ says, “Writers and small presses who use Amazon’s Kindle Direct Publishing platform opt in to Select when they decide that ninety days of exclusivity is worth the variety of promotional tools available to them. Kindle Direct is simply one of those tools. Others include the availability of free days, countdown deals that are promoted on the Amazon site and a self-service advertising platform. Since it’s an opt-in program, if it’s not for you, you simply do not renew your Select participation after the ninety days.

“Kindle Unlimited may be a very helpful tool for unknown writers or for those who write shorter pieces, where the amount you receive for books that are loaned out is more than the regular KDP royalty you’d receive if you stayed out of the Kindle Select program. But for many authors, myself included, I found that it cannibalized my sales and I lost a significant amount of my KDP income, so like any promotional tool, it’s important for each author to examine their goals, understand their audience and their genre before deciding if it’s right for them.”

CONSTANTINE: CJ has told me that she took herself out of that program because it wasn’t right for her.)

RASENBERGER: CJ, you have been very successful as an independently published author. What advice would you give other authors looking to go independent?

CONSTANTINE: CJ says, “The same advice I give any author, whether he or she is looking for a traditional contract or interested in indie publishing. Have one guiding principle to keep you focused and every decision becomes easier. Simon Sinek calls this starting with the ‘why.’ My personal guiding principle is: How can I delight and excite my readers so they’ll tell their friends about my books? It’s been quite successful for me and is based on advice Jeffery Deaver gave me when I had my first novel published. He told me, ‘Never forget, the reader is God.’”

RASENBERGER: Thank you, and Jan, thank you for sitting in as CJ.

CONSTANTINE: It’s great to be here. I came across town; she’s in Savannah, so . . .

RASENBERGER: I’m going to pose some general questions to the panel about the future of publishing. We’ve talked about some new business models in publishing. Can you talk about others you’ve seen, or see coming down the pike? How can authors be proactive in engaging with these services?

RESTIVO-ALESSI: A couple of things. I see a lot of movement in audio. Basically, I think audio is coming of age, or I’m hopeful it’s coming of age. I think there are more companies asking for unlimited subscription models and entering that space and they can bring in a lot of different players. Some players are coming from
the radio business. There are lots and lots of different people with interest in audio, so I think audio is an interesting area.

The other one—similar to what you mentioned before—is the combination of audio and text. I think that combination, which has been in existence in some areas for a while—particularly for kids—is going to be increasing. The ability to switch back and forth between reading and listening will become more seamless. There are already some offers out there—Amazon’s Whispersync is one example—and the ability to access content and seamlessly move from one form to another to continue the story is a clear trend for consumers independent of the entertainment content you’re talking about.

RASENBERGER: Do you see video or other types of visual content interacting with books at all in the future?

RESTIVO-ALESSI: I can only speak for Harper. We’ve experimented a lot and, to be honest, quite unsuccessfully, with the exception of American Sniper, which is now doing fantastically well in enhanced e-book. I think it takes a special kind of content to be able to combine video with text. I’m not the biggest expert, but I think the lesson learned is that most people, when they buy books, really want to immerse themselves in reading. That’s what they’re buying the book for. Reading. The add-ons have turned out to be a distraction. That doesn’t mean for everything. As I said, American Sniper, where we had unique content, was an exception. It’s a combination of different things. Obviously, there’s a movie out right now; the author is dead; this is unique footage. There are a lot of reasons why, and the retailer, Apple in this case, is doing a great job exposing the content.

REGAL: I think American Sniper is a huge anomaly. As an agent, I did some experimenting with those kinds of enhanced books, and in general, you can’t beat a text-only book as an experience. It’s a joint artistic creation between the author and the reader, and the movie that the reader makes in their heads is going to be better than the movie that anybody makes of it. A company that wants to put a soundtrack to a book . . . I’m speechless. I think that the trick is writing an amazing book and that the rest happens in such a deep and indelible way. Movies kind of wash over you most of the time. Books can get inside you and stay there.

NGUYEN: At Oyster, we think a lot about this in the design of the app. It’s interesting, because reading in itself is an extremely intimate and isolated act and wonderful. But everything around it—all the social stuff before and after you read the book—is great. So how can you do all of those things as well as possible, so that when it comes down to actually reading, the reader is as undistracted as possible? That’s something we’ve tried to do and that a lot of people haven’t done successfully yet.

RASENBERGER: Does anyone else have anything to add about the future of the book, what it’s going to look like or what other business models for distribution might look like?

REGAL: We’ve been trying a lot of interesting things. The Everywhere Store is a pretty simple idea—have all books from all publishers, make it possible to sell them wherever the book is seen. Pretty basic. What happens in digital books is a totally different conversation. While I don’t imagine that there are going to be a lot of soundtracks succeeding or videos that are embedded in the book, turning each individual book into a social network, whether that’s a book club of eight people or several hundred thousand people who experience the book together, that is a really interesting idea. We’ve experimented with it. We haven’t yet found the magic way of doing it, but we’re going to launch some programs later this year that will at least prove it out on a grand scale whether or not it can succeed.

RASENBERGER: Will there be a way for authors to interact with these kinds of reader groups?

REGAL: Yes, that’s the key. You’ve got two essential people: the writer and the reader. Every one of us in between—HarperCollins, Zola, Oyster—we’re just
looking for a place where we can advocate for the author and help readers find that book. In that space, I think there are a lot of opportunities. I think social is underestimated partially because no one has figured it out yet, partially because a lot of writers and readers don’t see themselves as social creatures. You know, I want to be by myself. I want to read this book. It’s my experience.

But it’s so fundamentally a social activity. Even if it’s just you and your reader, that’s an intimate connection, as Kevin said. The tools that we’re building are focused on how writers can connect with their readers, how writers can make the digital experience special. I know that HarperCollins—which is far and away the most experimental, farsighted publisher of the Big Five—uses this thing called Autography, which we have now incorporated into the Everywhere Store to allow writers to sign digital books for their readers. You can buy an e-book for a friend and inscribe it for them. It’s a personal thing. Those kinds of tools will change the experience of engaging around digital content. Again, that’s only going to be half the market maybe, but those are tools that are going to be useful to every writer and every reader.

CONSTANTINE: Can I speak as myself for a minute? You may recall that several years ago we worked on the Google settlement document and part of that 135-page monstrosity was a section that provided that there could be a book club of as many as twenty-five people—we limited it to that number—and as part of the settlement, Google would provide each member of the group, with an e-book and they would be able to comment in the margins and share those comments with each other. It never happened because the settlement never happened, but seven years ago, people were thinking about that kind of technology. I think it’s a good technology, and perhaps someone will make it happen.

REGAL: One of my favorite stories is how Oprah annotated the e-book of The Invention of Wings by Sue Monk Kidd, and looking at the comments on Amazon is hilarious, because all these people are saying, “I can’t get rid of these highlights in my book. What do I need to do? I finally just gave up and bought the print book.”

CONSTANTINE: That might be good, too.

REGAL: I think the idea is that when we use the word “tools,” you can use a tool or not use a tool, but insisting that someone have a certain kind of experience is more or less the opposite of what needs to be happening.


You’ve got two essential people: the writer and the reader. Every one of us in between—HarperCollins, Zola, Oyster—we’re just looking for a place where we can advocate for the author and help readers find that book. In that space, I think there are a lot of opportunities.

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You might want to look into this for the writers who are struggling to make a living. It’s such an important part of the culture. We’re not just talking about money here. We’re talking about the human experience. If we can’t make books available to everyone, then we’re not doing our job. We’re not living up to our mission as advocates for the author and the reader.

CONSTANTINE: It was heavily negotiated, believe it or not. There were some people who didn’t want more than ten. People felt that the average book club in a room, a living room, could fit somewhere in the neighborhood of twenty-five, depending on who was sitting around the table at that particular time.

NGUYEN: That’s a lot of wine.

RASENBERGER: I’d like to get to another question. Central to the Authors Guild’s mission is ensuring that authors can earn a living wage. There was an article in Salon recently by Ann Bauer, in which she called for writers to be more transparent about how they make ends meet. She admitted that one of the reasons why she can afford to write is that she has a spouse who makes a nice salary. Many of our members, even those who have lived off writing for decades, are having a hard time making ends meet now. I’d like to ask the panel to comment on why it’s harder for talented midlist authors to make a living today. And, more importantly, what can they do to turn the situation around? How can the industry as a whole help ensure a healthy book environment so authors can afford to write books? If well-established and talented midlist authors can’t make a living writing books, that’s going to affect the health of the industry as a whole.

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something like eight thousand to ten thousand copies in hardcover and eight thousand to ten thousand copies in paperback. This was about five years ago, when “e” was just happening. His editor was fired in one of the mergers that tend to happen in publishing, and the writer had to find a new home. This editor said to me, “I love the book. I would love to publish him. I just don’t think that we could make it work.” And I said, “You know, this is not a situation where we’re looking for a million dollars. This is a literary writer who has a stable career who should be able to publish this book and make a lot of money. Give him $35,000. He’ll sell his eight thousand or ten thousand in hardcover and eight thousand to ten thousand in paperback, and everybody wins.” And she said, “I can’t buy a book unless it’s for $250,000. Basically, the house isn’t going to pay any attention to the books that I spend $35,000 for. We can make a nice profit on it, but what’s the point?”

*NGUYEN:* And then they gave you the $250,000!

*REGAL:* I said, “Who is going to stop you from giving me $250,000 for my writer?” That didn’t happen, but to her credit, she did buy the book. It was also a book published by an imprint of Simon & Schuster when they were in a battle with Barnes & Noble, so as much as we’ve touched on Amazon several times, the reality is it’s not about Amazon per se. When you have two entities that more or less control publishing, you’ve got a bad situation. That book was published when Barnes & Noble wasn’t taking copies from S&S or S&S imprints. That was a hard thing to hear and sort of terrifying for any writer who thinks, “Look, I write a book every couple years and it sells fine. Why can’t I keep doing this? Everyone makes a little money, I get royalties.”

I think that story illustrates the challenge. Twenty-five years ago, when I came into the business, a book by Stephen King or John Grisham selling three million copies was enormous. It’s still enormous, but then you have Dan Brown sell twelve million copies or you have *Purpose Driven Life* sell twenty million copies. Publishers start to look at it and say, you know, we’d really like to have that business rather than all of these little novels that make us $10,000 or $15,000. They have an infrastructure to support. That’s why I think every writer does have to think of himself or herself as a business. You as CEO of the corporation of you. I’m not saying you should like it. I’m not saying you should smile. I’m saying it’s probably the reality for most writers. Even most really big writers feel that they’ve got to get out there and tour and shake hands and sign books and make friends with everybody they have to make friends with. It’s just what it takes.

The phrase that made me laugh earlier—“How is it going to be possible for writing to continue as a viable profession?” I thought, “Has it ever been a viable profession?” It’s tough, but people make it work any number of ways, whether through a marriage . . . No, if you can write because your spouse is the breadwinner, that’s okay.

I worked with Jim Lehrer at Russell & Volkening. Jim Lehrer had a day job, you know, the *MacNeil/Lehrer NewsHour*. That guy wrote a book a year; he got up at four in the morning and he wrote from five or four something like eight thousand to ten thousand copies in hardcover and eight thousand to ten thousand copies in paperback. This was about five years ago, when “e” was just happening. His editor was fired in one of the mergers that tend to happen in publishing, and the writer had to find a new home. This editor said to me, “I love the book. I would love to publish him. I just don’t think that we could make it work.” And I said, “You know, this is not a situation where we’re looking for a million dollars. This is a literary writer who has a stable career who should be able to publish this book and make a lot of money. Give him $35,000. He’ll sell his eight thousand or ten thousand in hardcover and eight thousand to ten thousand in paperback, and everybody wins.” And she said, “I can’t buy a book unless it’s for $250,000. Basically, the house isn’t going to pay any attention to the books that I spend $35,000 for. We can make a nice profit on it, but what’s the point?”

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thirty to eight thirty and did this other career that was pretty notable. You know, if you want it, you make it happen. He made it work because he really wanted to be a writer. So I think the idea of it as a viable profession is laudable, but the reality is that writers write because they have to write. If you don’t have to write, there are a lot of easier ways to spend your time.

CONSTANTINE: I think CJ agrees with you. She would say, “The math doesn’t work in favor of the midlisters. Now more than ever, with advances dropping and royalty rates staying the same. It’s extremely frustrating and part of the reason why every author needs to treat their business as . . . well, a business.

“For example, I chose to partner with a traditional publisher for my YA thrillers because I had no name recognition or following in the YA audience. The fact that it was a lower advance than I usually earn was secondary to them helping me develop and reach a new readership. It was a business decision that paid off in many ways. Broken, my first YA thriller, is an exquisitely crafted book. I’m talking about the physical book, which, from a gorgeous cover to an actual embossed hardcover binding, was an editorial partnership that was both challenging in a good way—every author loves getting their butt kicked into gear editorially—and rewarding and has won several awards. Even though it was technically a midlist type of project, it had huge payoffs beyond the financial rewards.

“Contrast that with the partnership for adult thrillers with a major NYC publisher where I was paid six figures and yet had to hire my own editor, because the acquiring editor read my rough draft and declared it good enough and refused to give me revisions. For her, a busy overworked editor juggling authors missing deadlines and needing extensive revisions, having me turn in a polished, professional draft that was good enough was probably a godsend. She could potentially cross my book off her to-do list and throw it into production with all the others, but to me, that was the kiss of death. That particular publishing partnership could have ended in disaster—translation: disappointed readers—if I hadn’t stepped in and taken ownership by hiring my own editor.

NGUYEN: I want to jump in on that. I think we’re seeing a lot of publishers move toward the tent pole strategy . . . you know, Fifty Shades of Grey sold one hundred million copies. That is unprecedented in the history of publishing. So you’re seeing a lot of midlist get lost out there.

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**Oyster Books**

- Monthly $9.95 subscription fee for unlimited access to over one million e-books.
- Oyster pays the publisher once a reader has read a certain percentage of a book.
- The publisher then pays the author a royalty on the “sale.”
- Oyster also runs an e-book store, which sells titles from all five of the major publishers.

**Scribd**

- Monthly $8.99 fee for unlimited access to over 500,000 e-books.
- Scribd pays the publisher once a reader has read a certain percentage of a book.
- The publisher then pays the author a royalty on the “sale.”
- Scribd users may also upload documents to the service and make them available for free.

**Kindle Unlimited**

- Monthly $9.99 fee for unlimited access to over 800,000 e-books, most of them from self-published authors who are part of Amazon’s “KDP Select” program and small presses.
- “KDP Select” authors are compensated from a monthly “pool” based on the numbers of reads received; the amount of the pool is determined by Amazon.
- The April pool, for example, was $9.8 million, meaning for each book borrowed, authors received $1.36.

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My personal guiding principle is, How can I delight and excite my readers so they’ll tell their friends about my books.

—CJ Lyons
REGAL: One more beat on that. I heard a few months ago, they actually ran out of paper to print *Fifty Shades of Grey*. There was no more paper to meet the demand.

NGUYEN: So you’re seeing a lot of these opportunities to promote midlist disappearing and what we’re trying to do at Oyster is become one of many new venues that can promote backlist books. The reality is, we all live and breathe on the publishing cycle, so we’re thinking about front list all the time. For a reader, a new book is probably a book published in the last five years. For a lot of people, the distinction between what came out last week and what came out a couple years ago doesn’t really exist. It didn’t exist for me before I worked in publishing. I’m hoping we’ll see new things. I think we’re doing a good job of it at Oyster and other places out there, like Zola Books. I’m hoping to see more of those places promote things that aren’t necessarily the front list.

RESTIVO-ALESSI: I totally agree. There are two areas of huge growth. One is the catalog or the backlist. In comparison to music, where I worked for ten years, there’s nothing that publishers do in comparison. I think I repackaged Frank Sinatra and Dean Martin and the Beatles hundreds of times, and we managed to sell millions every single time. So that’s the first area where there is huge potential. Whether it’s new channels or new ways of bringing a product to life.

The second one is actually global. Again, I think music was much more global. Even with a subscription company, some of which are more international than others, we see product being discovered in countries we were never able to get to with print, or not easily. I think there are big growth opportunities in both of those areas.

REGAL: Joking aside, one of the reasons that we did the Everywhere Store was because if you’re only making a couple of extra bucks by selling the book directly, a couple of bucks times a thousand books is a nice little bit of money to be adding to your bottom line. We bought a company called Bookish that some publishers had started. It came with a thing they had built, which is actually very good and useful—a recommendation engine. When we bought it, it had I think three hundred thousand books and twenty million recommendations and now we’re up to five hundred thousand books and two billion recommendations.

The next step is to connect indie-published books to traditionally published books, because discoverability is the big issue. As Kevin is underlining, how do you help the writers who need to make a living? A book is new to a reader when they see it. It may have been published ten years ago, but it’s new if they discover it. If you can take all those books that are essentially being forgotten because shelf space in the dwindling number of bookstores lasts for six weeks to three months and then those books are gone if they aren’t selling . . . but, digital is forever, and if you can build the highways for connecting socially and powering recommendation engines, you’re going to be selling more copies.

NGUYEN: A recommendation system is important. I think there’s a lot of opportunity here for places like Oyster and Zola to create a recommendation engine that can look deeper into a book and not treat it like it’s a pair of socks.

RASENBERGER: We’re going to close up shortly, but I have one last lightning-round question. I started out

We all live and breathe on the publishing cycle, so we’re thinking about front list all the time. For a reader, a new book is probably a book published in the last five years. . . . The distinction between what came out last week and what came out a couple years ago doesn’t really exist.

—Kevin Nguyen
with the proposition that this is a time for optimism for authors. Is this a time for optimism? Do you see things as likely to get better or worse for authors ten years from now? Let’s start with Kevin.

NGUYEN: Yes, I’m very optimistic. I think authors feel more empowered and more knowledgeable than they did three, four, five years ago. I feel that authors feel in control of their own destiny. That’s a great reason to be optimistic.

RESTIVO-ALESSI: I say yes, and I think the reality is there are more options for authors, whether they choose to go on their own or choose a publishing house, or choose to do both, depending on what suits them best. There are many more avenues and many more options.

REGAL: Absolutely. I’m very optimistic, especially having been an agent and knowing that a hundred thousand books are being written but aren’t getting through. The ability to reach the audience directly today is fantastic. Some of the tools that companies like ours are trying to build to help those books be discovered will work and be great for authors. And as much as you may not want to be the captain of your own ship, it’s a lot better than being down in steerage.

CONSTANTINE: CJ says, “Thanks to e-books’ revitalization of backlists, readers will be able to find any book they want. Authors will be able to take control of their careers and find selective publishing partnerships as they create their own individual global media empires, and will have a wealth of opportunities to choose from for print, audio, translation and e-book licensing. But,” she says, “I’m more worried about the futures of corporate publishers in the next several years. Publishers who continue to treat books and authors like easily exchangeable widgets on an assembly line and who have no concern or appreciation for readers.”

RASENBERGER: I want to thank our panelists. For those in the audience who are not Authors Guild members, I want to make the pitch that it’s a wonderful organization. In addition to providing advocacy and events like this, we provide free legal services and Web services—we help you build your website, and we host it at very low cost. And we have a great new website, which has interactive forums and a lot of information for writers on it. Again, thank you.

The Authors Guild Fair Contract Initiative

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of how many books it will get back—without ever defining what “reasonable” means. The result is that it can be up to two years before an author is paid royalties for a sale. We think it’s time for royalties to be paid at least every three months with a limited delay and that every contract should clearly define “reasonable.”

• “Special” book sales must not be at the author’s expense

Book contracts include a variety of royalty rates for different types of sales. Contracts routinely allow high-discount deals (such as selling a bulk load of books to a big-box store or a book club) to reduce the basis of the author’s royalty from the list price of the book to the much smaller net amount the publisher receives. Crossing the discount threshold from “normal” to “high” can magically reduce the author’s cut by more than fifty percent, giving the publisher a strong incentive to take that step. Why should an author accept this?
Along Publishers Row

Continued from page 2

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 you to retire. I don’t want to retire, and I’m very happy and very lucky that I’m working.”

QUILT: Leslie Jamison is an essayist and the author of The Gin Closet (2011). She was asked, “Why do we hate cliche?” 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.”

LEGACY: James Laughlin died in 1997. He was a unique figure in literature. He published Paul Bowles, Henry Miller, Tennessee Williams, Dylan Thomas, Boris Pasternak and many others. The jackets, by top designers like Alvin Lustig, are works of art.

Dwight Garner reviewed two books about Laughlin in The New York Times: Literchoor Is My Beat: A Life of James Laughlin by Ian S. MacNiven and The Collected Poems of James Laughlin edited by Peter Glassgold. Garner wrote that “Laughlin was a hard man to know, his charming public face eating into his private one.” Gertrude Stein told Laughlin his poetry was inferior, also that he suffered from a bipolar disorder that he inherited along with his fortune. Garner ended the review with: “If there’s a literary heaven I hope Laughlin the publisher is in it. ‘I fear death,’ he wrote a friend, ‘because I can’t recall that Dante mentions any book in hell.’”

BIG HOUSE: “A remarkable thing about the novel is that it can incorporate almost anything,” wrote Thad Ziolkowski in The New York Times Book Review. Ziolkowski 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.”

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 books. . . . When a man makes a poem, makes it mind you, he takes words as he finds them interrelated.”

DEFINITION: Poet Randall Jarrell wrote an introduction to William Carlos Williams’s 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.

“Progress doesn’t always mean going forward.”

NEW: A couple of new machines with keyboards like typewriters are on their way. The Hemingwrite “is a bare-bones device with a single purpose: to enable writing without being distracted by the draw of the Internet,” The Wall Street Journal reported. “With a four-week battery life, the aluminum-bodied four-pounder continuously saves your work to Evernote, Google Drive, iCloud and other services via Wi-Fi.”

Another device, Querkywriter, resembles a typewriter too. But it connects to computers, smartphones or tablets.

NONFICTION: Anthony Trollope’s An Autobiography and Other Writings has been reissued by Oxford University Press. In a review in The Wall Street Journal, Gertrude Himmelfarb, author of The People of the Book: Philos- semitism in England, From Cromwell to Churchill, quoted 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.”

On the web, the Hemingwrite “is a novel: a living, evolving form. 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.”
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 intensity of perception that it
lies with an intrinsic movement of
its own to verify its authenticity.”

USING A PEN: Robert Stone,
who died earlier this month, 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 longhand in or-
der to be precise. On a typewriter or
he said, “I write in longhand in or-
der to be precise. On a typewriter or

LEGEND: In an essay for The
Guardian, Val McDermid wrote:
“Four writers of [P. D. James’s] gen-
eration reshaped the way we experi-
ence 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 re-
called, ‘I shouted, ‘Make way, leg-
end coming through.’ They parted
like the Red Sea for Phyllis, in a
way they would have done for few
others.”

FIRST NOVELS: Lauren Groff is the
author of a novel, Arcadia. She wrote
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
run at the proper time, the palpable
sense of relief in performer and
audience alike when it’s all over.”

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 experi-
ences can improve mood disorders,
help reduce symptoms among can-
cer patients, improve a person’s
health after a heart attack, reduce
doctort visits and even boost mem-
ory.

Now researchers are studying
whether the power of writing—and
then rewriting—your personal story
can lead to 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, a book
editor and now a first-time novel-
ist. As an editor, The New York Times
said, she “spent more than a decade
helping writers publish their fic-
tion.”

Her historical novel, released in
the U.S. in April, 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 ac-
tor 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?’”

OFF COURT: Kareem Abdul-
Jabbar, the seven-foot, two-inch
retired basketball star, was in New
York to attend the annual meeting of
the Baker Street Irregulars in Janu-
ary. His first novel, Mycroft Holmes,
a thriller about Sherlock Holmes’s
older brother, is due out in the fall.

Abdul-Jabbar told The New
Yorker that he began reading Sir
Arthur Conan Doyle when he was a
rookie with the Milwaukee Bucks
in 1969. He said Holmes’s methods
helped him figure out an opponent’s
weaknesses on the basketball court.

He heard the ball boys saying that
opponent Bob Lanier sneaked ciga-
rettes during halftime. Abdul-Jabbar
then knew that if he made Lanier
run, “he would be in pain. These are
the little clues I pick up.”

Abdul-Jabbar said, “I make de-
ductions. That’s what I do. Hey, I
read Sherlock Holmes.”

NOW A NOVEL: Bill Clegg, a first-
time novelist, was described by The
New York Times as a superagent.

Clegg founded his own agency
last August. He has closed more
than 20 deals in the last year, includ-
ing a $3 million, 3-book deal for the
debut novelist Emma Cline with
Random House.

JUST FOOLING AROUND: Actor
David Duchovny, of The X-Files
and Californication, was the sub-
ject of an interview in The New York
Times Magazine. He is the author of a
novel, Holy Cow.

Asked if he thought his writ-
ing was in the tradition of Samuel
Beckett, Duchovny, who has a BA
in English Literature from Princeton
and an MA in the same from Yale,
said, “No, I still like language a little
too much to call myself Beckettian.
He is very austere, and I like fool-
ing around with words. I guess
I’m more Joycean, although that’ll
sound really pretentious.”

IMMORTAL: A real bear caused theeal Christopher Robin (Milne)
to fixate on his stuffed toy. The live
bear, which young Milne visited at the zoo during World War II, was tame enough to be patted, and was the inspiration for Milne’s father’s Winnie the Pooh series. Now the real bear is the subject of a children’s picture book, Winnie, by Sally M. Walker.

In a Wall Street Journal review, Meghan Cox Gurdon wrote, “There is a snapshot here of Christopher Robin in his knee socks and patent leather shoes, stroking the fur of the bear on which his father would bestow literary immortality.”

LISBETH TO RETURN: The sequel to Stieg Larsson’s Dragon Tattoo trilogy was completed last November by journalist David Lagercrantz. The title is That Which Does Not Kill. Larsson died of a heart attack in 2004. He was 50 years old.

The Guardian said publication is set for August in 35 countries. Lisbeth Salander, the fictional tattooed lady, is the superhero.

EVENTS: Poet Theodore Rilke wrote that the events of the human body—pain, orgasm, taste, smell—are experiences for which language offers no solution.

Richard Selzer, retired professor of surgery at Yale and author of Taking the World in for Repairs, wrote in The New York Times in 1987: “These are events and experiences for which language offers no solution. They cannot be conveyed. The writer falls back from his assault upon these citadels of sensation and contents himself with encircling the body with an array of sentences, besieging it with paragraphs in the hope that he will awaken a connection, however dim, between what his character is feeling and what the reader has felt in his own lifetime. The writer must try to awaken the buried past of the reader.”

RETURN HABIT: Bestselling Scotsman Ian Rankin, 54, has had his fictional Inspector Rebus come back three times since his first “final” case, Exit Music, in 2007.

A Rankin tweet was quoted in The Guardian. He said that he was keeping the next Rebus title “under wraps” but was “beginning to wish [he] hadn’t named it after a song with such a catchy chorus.” Due date wasn’t mentioned.

ON A JAG: Stewart O’Nan’s new novel is West of Sunset. It’s about F. Scott Fitzgerald. O’Nan was asked by The Boston Globe about his favorite surrealist writers.

O’Nan said, “André Breton and Max Ernst, who was an artist and writer. I consider a guy like William Burroughs absurdist or surrealist, too. I discovered the surrealists in my early 20s when I was reading a lot of French authors. I read Flaubert, Camus, Sartre, and then I latched onto the surrealists. That’s how it is with reading for me. I go on a jag.”

In an interview about Sunset with the Los Angeles Times, O’Nan said, “I had this fear that this was the haunted or bad-luck book and that I would die before I finished it. It would be an unfinished novel about the guy who wrote the unfinished novel.”

KINS’ PAPERS: Fifty-two letters, poems and other items written by members of Jane Austen’s family have been acquired by the Huntington Library in California. The collection contains materials from the Leigh family. Austen’s mother was Cassandra Leigh.

Huntington’s curator, Vanessa Wilkie, said the letters are “deeply personal” and “will help people develop a more vivid understanding of Austen’s immediate world.” The Guardian quoted from a letter by “A. Nonymous,” who warned against falling in love with “Miss Fortune.”

BIG JOB: Anne Enright has been named Ireland’s first laureate for fiction. During the next three years she will deliver lectures, hold university residences and promote Ireland’s literary culture. She will be paid $170,000. One of her teaching duties will be at New York University, which supports the award.

Her first novel was The Wig My Father Wore (1995). She won the Man Booker Prize in 2007 for The Gathering. Her most recent novel, The Green Road, was published in May.

THE PATRON: Robert Louis Stevenson wrote Travels with a Donkey in the Cevennes (1879). On an opening page, he said: “Every book is, in an intimate sense, a circular letter to the friends of him who writes it. They alone take his meaning, they find private messages, assurances of love, and expressions of gratitude, dropped for them in every corner. The public is but a generous patron who defrays the passage.”

FUNNY GIRL: Katherine Heiny, 47, lives in Bethesda, MD. She and her husband, a retired CIA agent, have two sons. Her collection of stories, Single, Carefree, Mellow, came out in February.

The New Yorker published one of her stories when she was 25. Then she spent years churning out 25 YA novels under the name Katherine Applegate.

Jennifer Jackson is Heiny’s editor. She said, “The thing that struck me first was how funny she is. It looks so easy, but to be flat-out funny and write jokes is incredibly difficult.”

Heiny is noted for her “zingy one-liners.” In a story, “Cranberry Relish” about a woman who has a disappointing affair with a man she met on Facebook, Heiny wrote: “The only thing worse than the first time they had sex was the second time they had sex.”

The New York Times said the stories have autobiographical footprints and quoted a character from one: “Josie thinks that the problem with being a writer is that you miss
a lot in your life wondering if the things that happen to you are good enough to use in a story, and most of the time they’re not.”

THE BEST THING: Anna Holmes, an editor at Fusion, wrote an essay for The New York Times Book Review about the responsibility of a reviewer. She said: “I am all for expressing one’s personality in prose, but when it comes to book reviews, critics should remember that the best thing they can do for readers is to be straightforward, unselfish, and to remember to get out of the way.”

REBOOT: Judith Regan is back in the book business with a new imprint: Regan Arts. Earlier in her career, she published and promoted bestselling books with sexy titles. She made money, created controversy, was fired by the News Corporation, sued and won a reported $10 million settlement.

She has a staff of 17, sharing office space with Phaidon. The New York Times said “she has a slew of new authors to play with, many producing books that are in one way or another personal to her.”

The major problem Regan sees at the moment is Amazon. She told the Times, “I think their agenda is total world domination. They want to kill you. The end. And you have to take on the mind-set that you’re going to kill them first. Didn’t you see The Godfather?”

HOW TO START: Several writers were asked about how to start the writing process, and their suggestions appeared in Penguin Random House’s online newsletter.

Charles Baxter, author of There’s Something I Want You to Do (2015), said to “leave the big violence to the movies. It’s better to start with a small mystery and build up to a bigger one. The truth about a situation is always big enough to sustain someone’s attention.”

Brad Taylor, author of No Fortunate Son (2014), wrote: “In the first couple of paragraphs, the reader isn’t asking questions about the characters or plot. He’s asking one simple thing: ‘Why should I keep reading?’ And that’s what I try to answer in the first two paragraphs.”

Brock Clarke, author of Exley (2010), said to “write the kind of story that is the exact opposite of the kind of story you hate.”

AN EASIER WAY: Richard Ford’s new book is Let Me Be Frank with You. The novelist has been teaching writing at Columbia University since 2012 and was interviewed in the alumni magazine. Ford said that he had always envisioned the new book as four novellas. He said, “I didn’t want to undertake a great behemoth of a novel, having just finished one [Canada, which came out in 2012] and worn myself out trying to get all its words into their right places. In other words, I guess you could say novellas seemed easier and more pleasurable. You do have to enjoy yourself sometimes. Everything that’s good doesn’t have to be hard.”

SHY: Kim Gordon is the author of Girl in a Band, a memoir. Gordon told The New York Times that she had thought of putting in a disclaimer at the beginning that said, “No sex, drugs or rock ’n’ roll. I’m a read-between-the-lines kind of person.”

An “antifrontwoman,” she said she didn’t want the book “to become a Sonic Youth book,” about the band she spent 30 years with. Recently divorced, she said, “For a while, I was concerned about being alone. Now I’m really enjoying my freedom.”

BUSY EDITOR: Interviewed for The Paris Review in 1957, humorist James Thurber was asked about what kind of editor The New Yorker’s Harold Ross was.

Thurber said, “As Andy White mentioned in his obituary, Ross approached the English sentence as though it was an enemy, something that was going to throw him. He used to fuss for an hour over a comma. He’d call me in for lengthy discussions about the Thurber comma. And as for poetic license, he’d say, ‘Damn any license to get things wrong.’ In fact, Ross read so carefully that often he didn’t get the sense of your story. I once said, ‘I wish you’d read my stories for pleasure, Ross.’ He replied he hadn’t time for that.”

PS: Ross once said, “Editing is the same thing as quarreling with writers—same thing exactly.”

IT’S POLITICS: Mohsin Hamid’s new book is Discontent and Its Civilizations. In an essay for The New York Times Book Review, he answered the question: “Does fiction have the power to sway politics?”

All fiction is political, he wrote. “Fiction writers who claim their writing is not political are simply writers who seek to dissociate themselves from the politics furthe
their writing. Making up stories is an inherently political act. Like voting is. And like choosing not to vote is, too.”

MIRROR: H. L. Mencken died in 1956. His columns were collected in a book, Prejudices: A Selection, in 1958. The title of one essay is “Criticism of Criticism of Criticism.” Mencken wrote that it is the critic’s “business to provoke the reaction between the work of art and the spectator. The spectator, untutored, stands unmoved; he sees the work of art, but it fails to make any intelligible impression on him; if he were spontaneously sensitive to it, there would be no need for criticism. But now comes the critic with his catalysis. He makes the work of art live for the spectator; he makes the spectator live for the work of art. Out of the process comes understanding, appreciation, intelligent enjoyment—and that is precisely what the artist tried to produce.”

WARNING: Anne Tyler’s new novel is A Spool of Blue Thread. She is cited in The Writer’s Quotation Book (1980). The editor was James Charlton.

Tyler had this to say about writers who talk about their writing: “It makes me uncomfortable for them. If they’re talking about a plot idea, I feel the idea is probably going to evaporate. I want to almost physically reach over and cover their mouths and say, ‘You’ll lose it if you’re not careful.’”

In a recent interview in the Daily Mail, Tyler said, “I began writing with the idea that I wanted to know what it would be like to be somebody else, and that’s never changed. Every time I start a book I’m thinking, ‘This is going to be completely different.’ Later I think, ‘Oh darn, I seem to have written the same book over again.’”

TWO RULES: In 1974 Richard Holmes wrote an eight-hundred-page biography, Shelley: The Pursuit. The experience led him to conclude that there are two rules about biography writing that are not taught in school.

The first, he wrote in The New York Review of Books, is “that the serious biographer must physically pursue his subject through the past. He must go to all the places where the subject had ever lived or worked, or traveled or dreamed.”

The second is the importance of “keeping a double-entry record of all research as it progressed (or as frequently, digressed).” On the right-hand page, Holmes wrote, “I would record the objective facts of my subject’s life, as minutely and accurately as possible. . . .” On the left, “my personal responses, my feelings and speculations, my questions and conundrums, my difficulties and challenges. Irritation, embarrassment, puzzlement, or grief could prove as valuable as excitement, astonishment, or enthusiasm.”

ON THE WALL: Claudia Roth Pierpont wrote in Roth Unbound that on the wall of Philip Roth’s studio was a chart of the alphabet “to remind myself that it’s only the alphabet, stupid—it’s just the letters that you know and they make words.” Still, he said, “I have to fight for my fluency, every paragraph, every sentence.”

AFRAID: Lynsey Addario, a photojournalist and war photographer, is author of a memoir, It’s What I Do. She was quoted in The New York Times Book Review: “I feel fear the entire time I’m on the ground usually, because the proximity to the possibility of dying is so obvious. And when there are bullets flying everywhere, of course it’s terrifying. When I’m actually in that situation, and I initially feel the fear, I forget to photograph, because I’m trying to figure out how to stay alive.”

Steven Spielberg is working on a movie adaptation of the book.

WORD MAN: Fintan O’Toole is the author of A History of Ireland in 100 Objects and a lecturer at Princeton. He opened an essay in The New York Review of Books with a quote from the late critic Kenneth Tynan: “The English hoard words like misers; the Irish spend them like sailors.” He cited Seamus Heaney on the Irish struggle to “govern the tongue.”

“Volubility, garrulousness, lumpiness and lyricism,” O’Toole wrote, are “the clear and present dangers against which the writers have to arm themselves. What can they do with the drunken sailor of Irish speech, heady with elaborations, exaggerations, and evasions? They must lock it in the hold. . . . Their quest is not so much articulation as disarticulation, the wrenching of overly easy words into some kind of hard syntax.”

The book being reviewed was A Girl Is a Half-Formed Thing by Eimear McBride. It won the Kerry Group Irish Novel of the Year Award and the Goldsmiths prize for “boldly original fiction.”


The book is already a bestseller in Italy, and foreign rights have been sold in 34 countries.

HISTORICAL MYSTERY: The latest book by Erik Larson, 62, is Dead Wake, which came out in March. His six previous books have sold 5.5 million copies. The most popular, Devil in the White City, sold more than 3.3 million. Dead Wake was the number
one bestseller on Amazon several days before publication. Larson then went on a 25-city tour.

He decided to write about the sinking of the Lusitania, per The New York Times’ account, after he came across the journal of the German submarine captain who fired a torpedo into the ship’s hull. He wasn’t sure whether there was a book in it until an archivist brought him a plank from the ship’s lifeboat. “He took it as encouragement to keep digging.”

“I’m always looking for a sign,” Larson said. “Not in a spooky supernatural way, but in a neurotic writer kind of way.”

MAJOR LOSS: Historians and biographers were upset when Hillary Rodham Clinton said that she had destroyed more than 30,000 e-mails about personal matters. She told reporters, “No one wants their personal e-mails made public, and I think most people understand that and respect that privacy.”

Doris Kearns Goodwin, the author of biographies of Abraham Lincoln, Theodore Roosevelt and Franklin D. Roosevelt, told The New York Times that politicians “have marriages and children and rich private lives that are all mixed up with their public lives. As a biographer, that’s what you want.”

CULLING: Louise Erdrich is the author of many novels, including Love Medicine and The Round House. She will receive the Library of Congress Prize for American Fiction on September 5. The award goes to writers with “unique, enduring voices” whose work deals with the American experience.

The librarian of Congress, James H. Billington, was quoted in The New York Times: “Louise Erdrich has portrayed her fellow Native Americans as no contemporary American novelist ever has. Her prose manages to be at once lyrical and gritty, magical yet unsentimental, connecting a dream world of Ojibwe legend to stark realities of the modern day.”

Erdrich said, “Maybe I owe it all to my first job—hoeing sugar beets. I stare at lines of words all day and chop out the ones that suck life from the rest of the sentence. Eventually all those rows add up.”

NEW TRIO: Robyn Carr is the author of more than 50 novels. Her latest romance is the bestselling One Wish. Carr and her husband live in Las Vegas and have two children.

Carr said on the Internet that the fictional towns she writes about, Thunder Point and Virgin River, are appealing because they have a sense of community—“the people are never afraid because they have each other.”

Carr has written one book of nonfiction: Practical Tips for Writing Popular Fiction (1993). Another novel, A New Hope, will be out on June 30 and her third for this year will be Wildest Dreams, due out August 15.

TOUGH: A quote from William Faulkner: “If a writer has to rob his mother, he will not hesitate; the ‘Ode on a Grecian Urn’ is worth any number of old ladies.”

BECOMING AN AUTHOR: Joseph Kanon’s Leaving Berlin is his seventh historical thriller and a bestseller. Before he began writing in the mid-1990s, he was an editor and publisher.

He was quoted in The New York Times Book Review saying he never told anyone when he was writing his first novel. “I didn’t even tell my wife. I didn’t know if I could do it. What could be more embarrassing than a publisher who couldn’t write?” His first novel was Los Alamos (1997), and it turned out to be a megaseller.

MORE BARRY: Another collection of columns by Dave Barry is titled Live Right and Find Happiness (Although Beer Is Much Faster). It’s a bestseller.

Barry told Steve Cochran on WGN Radio in Chicago, “I’ve always said that the title of all my books should be Another Dave Barry Book by Dave Barry, because it’s entirely random. I end up writing a foreword where I pretend that there’s actually some connection between the essays in the book, when there really clearly is not. Fortunately, I was an English major. I was trained to do exactly this kind of thing, Steve, where I could take, as an English major, any book written by any author in any language anywhere in the world, and write about twenty or thirty pages about it without having a clue what was in that book.”

ON DIARIES: Eula Biss is the author of On Immunity: An Inoculation. Reviewing The Folded Clock: A Diary by Heidi Julavits in The New York Times Book Review, she played with the notion of invented and real selves: “Losing oneself is . . . one of the rewards of reading. The opportunity to inhabit another self . . . is perhaps the most profound trespass a work of literature can allow.”

In The Folded Clock, Julavits describes the experience of reading her own childhood diaries: “They reveal me to possess the mind, not of a future writer, but of a future paranoid tax auditor. I exhibited no imagination, no trace of a style, no wit, no personality.” The adult Julavits, says Biss, has produced “an exquisite diary.”

MORE THAN GENRE: T. C. Boyle’s most recent novel is The Harder They Come. Interviewed in The New York Times Book Review, he said, “I have never been a fan of genre writing of any kind because generally speaking it provides only one element I look for when I open a book of fiction: story. All right. Fine. Story
is primary. But what I want—the richness of language, beauty that sweeps you away—is often missing in genre writing. For me a thrilling read is Faulkner’s Light in August or Coetzee’s Disgrace.”

PLEASURE: Anthony Burgess said that he believed, “Reading about imaginary characters and their adventures is the greatest pleasure in the world. Or the second greatest.”

ANOTHER BESTSELLER: C. J. Box’s 15th novel about game warden Joe Pickett is Endangered, is a bestseller. Box lives with his wife and three daughters outside Cheyenne, WY. He has worked as a ranch hand, surveyor, fishing guide, newspaper reporter and editor. How many gruesome mysteries have charming small children? In the first Joe Pickett novel (2001), the fictional game warden’s two small daughters prove to be important and highly original characters.

Box has a long list of quotes from his books on the Web including: “He sometimes wished that every human was allotted a certain number of words to use for their lifetime. When the allotment ran out, that person would be forced into silence.”

PUSH-PULL: The late mystery writer Raymond Chandler said, “The faster I write the better my output. If I’m going slow I’m in trouble. It means I’m pushing the words instead of being pulled by them.”

LOOKING AHEAD: David Mitchell’s latest novel is The Bone Clocks. He was interviewed for The Guardian by Steven Poole. In Clocks, ordinary mortals are offered a bargain: they will stop growing old forever if they provide the bad guys with a child for decanting every three years. A character in the book who is a literary agent says, “A book can’t be a half-fantasy any more than a woman can be half-pregnant.” But Poole says that a half-fantasy is what Mitchell has written.

Mitchell, 45, said “I’ve taken to calling this my midlife-crisis novel.”

Near the end of the interview, Mitchell, who wrote the bestselling The Thousand Autumns of Jacob de Zoet, said, “I’ve got my next five books planned out. That’s probably going to take me till I’m 60.”

GENRE SHIFT: Louis Begley’s new novel is Killer, Come Hither. It’s the 81-year-old Manhattan lawyer’s first thriller after a string of bestselling tales about scandals in high society.

He was asked about the shift and told The Wall Street Journal, “I’ve led a rather turbulent life, so mayhem is not a new thing to me. The notion of blood flowing and people being beaten up and so forth has never been far from my mind.”

Later in the interview he said, “The notion of writing has always seemed to me a very high calling.” Today, writing appears to be “what keeps me sort of sane and in good spirits.”

TIPS: Ann Packer is a bestselling author. Her new novel is The Children’s Crusade. Packer wrote “5 Writing Tips” for PW. The tips were: “Write what you want to write.”; “Let yourself explore silly ideas.”; “Find some people you trust, and ask for their help.”; “Revise, revise, revise.”; and “Allow yourself to not work.”

With respect to the last tip, she wrote “There are days when you’re better off taking a step away from your work—allowing for an unplanned break.”

SELECTIVE READING: Jon Ronson, author of So You’ve Been Publicly Shamed, was interviewed in The New York Times Book Review. Asked what genres he enjoys reading, he said, “I avoid anything that includes long descriptions of the countryside, or books with jacket images that include a barn door partially opened, in the distance.”

 Asked what book hasn’t been written that he would like to read, he said: “My next book, in which I solve beyond doubt the most extraordinary mystery that I haven’t thought of yet.”

OLD MANUSCRIPT: A book for children written 185 years ago is finally being published. The author was the future Queen Victoria and the title is The Adventures of Alice Laselles, by Alexandrina Victoria, Age 10¾.

The Telegraph said that the illustrations were created with the paper dolls that the author had played with as a child.

PAST TIME: Former model Brad Gooch, 63, is the author of a memoir, Smash Cut, about the 1970s and ’80s. He told The New York Times, “I started with, ‘Oh, that was such a cool, great time,’ and then I discovered, as in writing novels, it’s about the characters.” It turned out that the main character was filmmaker Howard Brookner, who died of AIDS in 1989.

The Times said, “Smash Cut, which traces their evolution as a lib- erline couple, is a portrait of a city that no longer exists.”

Gooch’s first novel, Scary Kisses (1988), was a “polysexual roman à clef of Gooch’s modeling days.” The author said, “I saw it as an experimental novel written in film format.” Of the new book, he said, “Writing it was very special. I got to be back in a relationship with Howard and in a period that had a certain feeling and smell to it, almost.”

MEMOIR: Actress Taraji P. Henson plays Cookie on the hit TV show Empire. Now she has written a memoir that will be published next year by Simon & Schuster’s 37 INK imprint.

OVERDUE: Bill O’Reilly and Martin Dugard write books about the death of famous people. Their current bestsellers are Killing Patton and Killing Jesus.
Talking about getting deep into writing a novel, in an interview in Mercies, the subject of an independent first novel, Small Lions, the author of the bestselling trilogy, is scheduled for Michigan with their five children. They live in northern Michigan with their five children.

LIVING A BOOK: Sara Gruen is the author of the bestselling At the Water’s Edge. Talking about getting deep into writing a novel, in an interview with her hometown paper, the Asheville (NC) Citizen-Times, she said, “I sleep the book, I live the book, I don’t get my hair cut, I wear pajamas all day, I become agoraphobic.” She said she went six weeks without leaving her house.

Her 2006 novel, Water for Elephants, spent three years on bestseller lists.

TRILOGY: Jasinda Wilder, an independent bestselling author, has signed a seven-figure deal with Berkley Books to write a romance trilogy. The first book will be Madame X, out in October.

Wilder and her husband, Jack Wilder, have published more than 40 titles under the Jasinda Wilder name and sold more than 2 million e-books. They live in northern Michigan with their five children.

PW said the second and third novels in the trilogy are scheduled for 2016.

LOCALE: Eddie Joyce, a lawyer and the author of a first novel, Small Mercies, was the subject of an interview in The New York Times. The book is set in Staten Island, where he grew up. He said, “I’m almost defiantly proud to be from Staten Island.”

The book’s characters are like his parents and other island natives. He told the Times, “I always knew that the place was going to be an extremely important part of the book, that in some ways it would almost define the book.”

A reviewer said that Mercies is about the “people who work hard and don’t ask for much and aren’t given much.” Staten Island is “exquisitely rendered.”


JOB DESCRIPTION: The late humorist (and poet) Ogden Nash said he’d “rather be a great bad poet than a good bad poet.”

UNENDING WAR: Terry Alford is the author of Fortune’s Fool, a biography of John Wilkes Booth, the actor who shot Abraham Lincoln. His research, said The New York Times, included nearly 25 years in libraries and archives and “immersion in the world of the Boothies, as the amateur researchers, buffs and obsessives bent on tracking down every last detail and relic relating to the assassination proudly call themselves.”

Alford, a professor at Northern Virginia Community College, said, “They have dug up wonderful material over the years... They have found lots of things historians have missed.”

Alford said that visitors to the Booth family grave in Baltimore put Lincoln pennies face up to “lock the assassin in the ground.” Others, however, pick up those pennies and place them face down in the alley behind Ford’s Theater “to lock the president in the ground.”

“The Civil War,” Alford said, “is still going on.”

WRITER’S WRITER: Thomas Kunkel is the author of Man in Profile: Joseph Mitchell of “The New Yorker.”

The book was reviewed in The New Yorker by Charles McGrath. He said: “Mitchell practiced what he called a ‘wild exactitude’ and his style is hard to describe except by extensive quotation. His writing is at once spare and leisurely, lyrical and precise, funny and a little mournful.”

McGrath also wrote, “You can still see unmistakable signs of his influence—blocks of foursquare declarative sentences, a patient layering of detail, passages of precisely rendered dialogue, a tone of quiet amusement—in current New Yorker writers like Alec Wilkinson, Mark Singer, and Ian Frazier.”

LISTEN IN: Robert Frost’s voice had the roughness of a walk through one of his woods. To mark National Poetry Month in April, the Library of Congress posted online 50 recordings by poets such as Frost, Elizabeth Bishop, Gwendolyn Brooks and Paul Muldoon.

Additional material is being posted each month.

THE VOICE: Actor Reese Witherspoon recorded the audio version of Harper Lee’s novel Go Set a Watchman.

Witherspoon was quoted in The Guardian: “As a Southerner, it is an honor and a privilege to give voice to the Southern characters who inspired my childhood love of reading, Scout and Atticus Finch.”

FINDING PAPER: Nick Cave’s new book is The Sick Bag Song, an epic narrative poem about his travels across North America. He explained
to *The New York Times*, “I think we all do it, don’t we? You’re on a plane and you need a piece of paper and you reach for a sick bag.” Cave, 57, was born in Australia and lives in Brighton, England.

The *Sick Bag Song* is “a mash-up of prose, poetry, song lyrics and autobiography,” the *Times* said. It’s not available at Amazon or in bookstores. It’s being sold online through theSickBagSong.com to Cave’s fans.

CLEAR VOICE: Gregory Pardlo, whose poetry book *Digest* had sold only one thousand copies before he won the 2015 Pulitzer for Poetry, was the subject of an article in *The New York Times*. “He has cobbled together a living through a string of teaching positions,” the paper said. He is getting his PhD in English at City University of New York.

Raised in New Jersey, he now lives in Bedford-Stuyvesant, Brooklyn. Of Bed-Stuy, the poet, who is African-American, said, “We like to think, we’re people of color and this is our neighborhood, but the truth is we’re the gentrifiers. . . .

“My neighborhood now is schizophrenic. The community I describe in the book no longer exists.”

CHANGES: Steve Berry, 60, is an author, professor and former attorney who lives in St. Augustine, FL. His new bestseller is *The Patriot Threat*. His website says that he writes thrillers with “history at the heart of every novel.” More than 18 million of his books are in print in 51 countries.

Ten of his novels have had Cotton Malone as the hero. In an interview with Bookreporter.com, Berry said of the fictional Malone, “There are definitely some changes coming for him. I think that’s important; characters need to change. Just as in life, in fiction nothing ever stays the same.”

FOUND: A new book by the late Dr. Seuss, *What Pet Should I Get?*, will have a first printing of one million copies. PW said the manuscript was discovered in 2013 by the author’s wife and his secretary, Claudia Prescott. It is due in stores July 28.

SPY MAN: Olen Steinhauer is an author of spy stories. His latest is *All the Old Knives*. In an interview in *The New York Times Book Review*, he was asked, “What makes a good spy novel?”

Steinhauer replied, “For me, it’s the moral madness of the ends/means equation that comes up more often in spy fiction than in, say, murder mysteries. The best espionage stories not only ask questions about how spying is performed, but they also question the value of the job itself. And when the profession becomes a metaphor for living, the spy novel can delve into the very questions of existence, while thrilling the reader with a convoluted plot. Do all that well, and you’ve got a potential classic on your hands.”

HER OWN CRITIC: Perhaps what the world needs now is the late Dorothy Parker. She explained why she gave up writing poetry in *The Paris Review*:

“Like everybody then, I was following in the exquisite footsteps of Miss Millay, unhappily in my own horrible sneakers. My verses are no damn good. Let’s face it, honey, my verse is terribly dated—as anything once fashionable is dreadful now. I gave it up knowing it wasn’t getting any better, but nobody seemed to notice my magnificent gesture.”

WORD-BIRDS: Diane Ackerman is the author of *The Human Age: The World Shaped by Us*. In an essay for *The New York Times*, she wrote: “Many of us write in a solitary mania, in a small room, while staring at blank sheets of paper or a blank screen. For years, we collect and preen a flock of fine-feathered thoughts. Then, through brain-numbing labor and a tiny dose of magic, the pages fill with meaningful words and phrases (until eye glaze sets in, and they become little more than word-birds, perching on invisible wires).”

DEATHS

M. H. Abrams, 102, died April 21 in Ithaca, NY. The retired Cornell professor was the author of *The Mirror and the Lamp* (1954) and *Natural Supernaturalism: Tradition and Revolution in Romantic Literature* (1971). He was editor of the first seven editions of *The Norton Anthology of English Literature*.

Barbara Bergmann, 87, died April 5 in Bethesda, MD. She was the author of *The Economic Emergence of Women* (1986, reissued in 2005) and cofounder of the International Association for Feminist Economics.

Michael Blake, 69, died May 2 in Tucson. A prolific screenwriter, he was the author of the novel *Dances with Wolves* (1988), which sold 3.5 million copies and was made into a movie starring Kevin Costner. He also wrote *Airman Mortensen* (1991) and *The Holy Road* (2001).


M. Stanton Evans, 80, died March 3 in Leesburg, VA. He was a newspaper editor, a conservative radio and TV commentator, a journalism teacher and author. His works included *Revolt on the Campus* (1961) and *Stalin’s Secret Agents: The Subversion of Roosevelt’s Government* (2012).


Don Mankiewicz, 93, died April 25 in Monrovia, CA. A screenwriter of classic films and such popular TV series as Ironside and Marcus Welby, M.D., he was also the author of a novel, Trial (1954).


William Pfaff, 86, died April 30 in London. The newspaper columnist and New Yorker essayist was the author of eight books. These included Barbarian Sentiments: America in the New Century (1989), The Bullet’s Song; Romantic Violence and Utopia (2004) and The Irony of Manifest Destiny: The Tragedy of America’s Foreign Policy (2010).

Terry Pratchett, 66, died March 12 in Salisbury, England. The bestselling fantasy novelist and New Yorker essayist was the author of more than 70 books, including a series, Discworld. Titles include The Colour of Magic (1983) and Raising Steam (2013).

Elizabeth Brown Pryor, 64, died April 13 in Richmond, VA. She was the author of Clara Barton: Professional Angel (1987) and Reading the Man: A Portrait of Robert E. Lee Through His Private Letters (2007).

Ruth Rendell, 85, died May 2 in London. She also wrote as Barbara Vine. For many years she produced a new novel about every nine months. Her first was From Doon with Death (1964), starring Chief Inspector Wexford. Other titles include: Master of the Moor (1982), A Dark-Adapted Eye (1986) and Not in the Flesh (2007). Her final novel, Dark Corners, will be out in December.

Bertrice Small, 77, died February 24 in Southold, NY, before completing her 57th novel. The romance writer was called “Lust’s Leading Lady.” Titles include The Kadin (1978) and Betrayed (1998).


T. H. Tsien, 105, died April 9 in Chicago. Professor emeritus at the University of Chicago, he was the author of scores of books, including A History of Writing and Writing Materials in Ancient China (1975) and Written on Bamboo and Silk: The Beginnings of Chinese Books and Inscriptions (1962; 2nd Edition, 2004).

John E. Walsh, 87, died March 19 in Monroe, WI. He and his team of editors at Reader’s Digest condensed the Bible, and he was the author of more than two dozen books. Titles include Into My Own: The English Years of Robert Frost (1988) and Unraveling Piltdown: The Science Fraud of the Century and Its Solution (1996).
BOOKS BY MEMBERS

David A. Adler (and Sam Ricks, Illus.): Don’t Throw It to Mol!; David A. Adler (and Edward Miller, Illus.): Prices! Prices! Prices!: Why They Go Up and Down; David A. Adler (and Anna Raff, Illus.): Simple Machines: Wheels, Levers, and Pulleys; Arlene Alda: Just Kids from the Bronx: Telling It the Way It Was; Heather Alexander (and Diane Le Feyler, Illus.): Be A Star!; Gigi Amateau: Dante of the Maury River; Paul Amber: The Corpse in Cuylor’s Alley: A Mystery of Old New York; Keisha-Gaye Anderson: Gathering the Waters; Kathi Appelt (and Rob Dunlavy, Illus.): Counting Crosses; Jerry Apps: Whispers and Shadows: A Naturalist’s Memoir; Avi: Catch You Later, Traitor;


Meg Cabot: From the Notebooks of a Middle School Princess; Chris Cander: Whisper Hollow; Jaime Clarke: World Gone Wild; Vincent Crapanzano: Recapitulations; Shutta Crum (and Patrice Barton, Illus.): Uh-Oh!;

Julie Dannenberg (and Jamie Hogan, Illus.): John Muir Wrestles a Waterfall; Camille DeAngelis: Bones & All; William deBuys: The Last Unicorn: A Search for One of Earth’s Rarest Creatures; Matt de la Peña: The Hunted; Sally Derby (and Shadra Strickland, Illus.): Sunday Shopping; Karim Dimechkie: Lifted by the Great Nothing; Elaine Dimopoulos: Material Girls; Liza Donnelly: The End of the Rainbow; Merle Drown: Lighting the World; Stephen J. Dubner (and Steven D. Levitt): When to Rob a Bank: . . . And 131 More Warped Suggestions and Well-Intended Rants; Olivier Dunrea: Gemma & Gus; Gus; Patrick A. Durantou: Parménide;

Dina Elenbogen: Drawn from Water: An American Poet, an Ethiopian Family, an Israeli Story; Katherine Ellison (and Tom Little): Loving Learning: How Progressive Education Can Save America’s Schools; Allan J. Emerson: Death of a Bride and Groom; Hallie Ephron: Night Night, Sleep Tight; Allison Estes (and Dan Stark; Tracy Dockray, Illus.): Izzy & Oscar; Elizabeth Evans: As Good As Dead;


Jeanne Gassman: Blood of a Stone; David Gessner: All the Wild That Remains: Edward Abbey, Wallace Stegner, and the American West; Timothy Glass: Sleepytown Beagles: Panda Meets Ms. Daisy Bloom; Richard Goldstein: Another Little Piece of My Heart: My Life of Rock and Revolution in the ’60s; Brad Gooch: Smash Cut: A Memoir of Howard & Art & the ’70s & the ’80s; Nathan Gorenstein: Tommy Gun Winter; Beatrice Gormley: Nelson Mandela: South African Revolutionary; Chris Grabenstein: The Island of Dr. Libris; Rita Gray (and Kenard Pak, Illus.): Flowers Are Calling; Nikki Grimes (and Elizabeth Zunon, Illus.): Poems in the Attic; Sara Gruen: At the Water’s Edge;

James Hannaham: Delicious Foods; Faith Harkey: Genuine Sweet; Robie H. Harris (and Tor Freeman, Illus.): Turtle and Me; Scott Alexander Hess: The Butcher’s Sons; Bruce J. Hillman: The Man Who Stalked Einstein: How Nazi Scientist Philipp Lenard Changed the Course of History; Alice Hoffman: Nightbird; Joan Holub (and James Burks, Illus.): Itty Bitty Kitty; Stephanie Hoover: Kelayres Massacre: The Politics & Murder in Pennsylvania’s Anthracite Coal Country; Lynne Hugo: A Matter of Mercy; Nan Hunt: The Map and the Perfection of Distance: A Montage of Memory, Adventure, Dreams and Reflections;

Ed Ifkovic: Café Europa; Lynn Isenberg: Author Power: Profit Before You Publish;

Eloisa James: Four Nights with the Duke; Joan Johnston: Sinful;

Elin Kelsey (and Soyeon Kim, Illus.): Wild Ideas; Michelle Knudsen (and Matt Phelan, Illus.): Marilyn’s Monster; Uma Krishnaswami (and Aimée Sicuro, Illus.): Bright Sky, Starry City;

Erik Larson: Dead Wake: The Last Crossing of the Lusitania; Loreen Leedy (and Andrew Schuerger): Amazing Plant Powers: How Plants Fly, Fight, Hide, Hunt, and Change the
World; Michal Lemberger: After Abel and Other Stories; Heather Lende: Find the Good: Unexpected Life Lessons from a Small-Town Obituary Writer; John Lescroart: The Fall; Anna Levine (and Ksenia Topaz, Illus.): Jodie's Shabbat Surprise; Gail Carson Levine: Stolen Magic; Marianne E. Lindberg: The End of the Rainy Season: Discovering My Family's Hidden Past in Brazil; Moira Linehan: Incarnate Grace; Sarah Darer Littman: Backlash; Susan Lurie: Seymour Strange: How to Trick a One-Eyed Ghost; Lisa Lutz: How to Start a Fire; Cynthia Lynn: Are You Empowered???: The Basics;


Theresa Nelson: The Year We Sailed the Sun; Andrea M. Nelson-Royes: PURR! A Children's Book About Cats; Why Tutoring? A Way to Achieve Success; Leslea Newman (and Laura Cornell, Illus.): Heather Has Two Mommies; Valerie Nieman: Hotel Worthy; Trinka Hakes Noble and Kris Aro McLeod, Illus.: Lizzie and the Last Day of School;


Male Seeking Soul Mate; Anita Belles Porterfield (and John Porterfield): Death on Base: The Fort Hood Massacre; Laurence Pringle (and Meryl Henderson, Illus.): Octopuses!: Strange and Wonderful; Karen Rakoski and Barbara DeYoung: Chain Mail & Wire Reimagined; Patricia Raybon: Undivided: A Muslim Daughter, Her Christian Mother, Their Path to Peace; Kathleen Reardon: They Don't Get It, Do They?: Closing the Communication Gap Between Women and Men; Kit Reed: Where: D. C. Reep (and E. A. Allen): The Dangerous Summer of Jesse Turner; Dian Curtis Regan: Space Boy and His Dog; Margaret Regan: Detained and Deported: Stories of Immigrant Families Under Fire; James Reston Jr.: Luther's Fortress: Martin Luther and His Reformation Under Siege; Jennifer Ridha: Criminal That I Am; Joanne Rocklin (and Monika Filipina, Illus.): I Say Shehechiyanu; Mary Doria Russell: Epitaph: Marisabina Russo: Little Bird Takes a Bath; William Russo: Haunting Near Virtuous Spring; Oliver Sacks: On the Move: A Life;


called a real home shot. It’s just that home shots lack the caliber to pierce the armor of policy.

The most critical organs are the prepub standards, the handful of review services librarians rely upon for recommendations. The Big Four. We all know their names: *Kirkus Reviews*, *Publishers Weekly*, *Booklist*, *Library Journal*. Each of these outfits had reviewed my earlier work, and most of their judgments were laudatory. Looking back, I discovered that PW had reviewed all nine of my previous books, and to my surprise, all nine reviews were distinctly positive. Many were lavishly so. But PW did not choose to review this book. Neither did *Library Journal* or *Booklist*. Neither did newspapers (*The New York Times*, *The Boston Globe*) that had praised earlier titles. To give credit where credit is due, I should say that *Kirkus* did, to my astonishment, find space to consider the book and, to my further astonishment (because *Kirkus*, as we all know, can be thorny), celebrated its virtues without reservation. I bow to *Kirkus*, even if I suspect the book may have slipped through by accident.

Neither did *Library Journal* or *Booklist*. Neither did newspapers (*The New York Times*, *The Boston Globe*) that had praised earlier titles. To give credit where credit is due, I should say that *Kirkus* did, to my astonishment, find space to consider the book and, to my further astonishment (because *Kirkus*, as we all know, can be thorny), celebrated its virtues without reservation. I bow to *Kirkus*, even if I suspect the book may have slipped through by accident.

So we are back to the problem of invisibility. Those prepublication reviewers are there to let the world know your book is coming out. Librarians will not order copies unless the book comes recommended; it’s even safer to say that they won’t order a copy if they have no idea the book exists. In the days after a solid PW notice you might expect a thousand library orders, even for a work of lowly literary fiction. Absent any notice at all, expect sales to fall a tad short of that number.

Meanwhile, there really is a brave new world (lowercase) of online bloggers and webzines trying to fill the void by giving consideration to independent presses as well as the more qualified self-published books. Some of these enterprises have grown to noticeable proportions. Most, though, have 37 followers, or maybe 178, though I hasten to say those are 178 people for whose interest you will be thankful. My new book may not be an NYT Notable, but there is some consolation knowing that it is a *Shelf Unbound* Notable Book. If the more talented blogger-reviewers are not quite the wave of the present, they may yet become the wave of the future. All revolutions start small. How many went with Castro to the Sierra Maestra?

This particular revolution has not gone as far as advertised—that’s all I seek to convey. I am not telling you that good things can’t happen; many have happened for me and my novel. What I am saying is that you may have to put most of the brave into this brave new world. Brace yourself. A lot of the doors you approach will be closed; many will be locked.

Genre comes into it, no doubt; genre could solve the equation. If you issue forth *Six Quick Ways to a Better Butt*, your chances of prospering are surely brighter. Butts go viral more readily than cabbages and kings and literary fiction. And if you must write fiction, try *Fifty Shades of Purple Prose* and you might find a runway open. If you are an Internet wizard capable of throwing your whole soul into these new interactive sites and sounds, you might even achieve pushback and liftoff. You might get airborne.

Otherwise, do not expect to see your lovingly and skillfully self-published book displayed on a spinning carousel at the airport (to continue with our air travel metaphor), even if you do it up with one of those debossed, 3-D covers. At the same time, if you should happen to see a badly dressed fellow running across the tarmac waving his bona fides at you like a madman, do feel free to stop and say hello. Buy a copy! My doors are always open.

**Story of Courage and Survival in WWII; Peter C. Whybrow:** *The Well-Tuned Brain: Neuroscience and the Life Well Lived; Robert Charles Wilson:** *The Affinities; Diane Wolff:* *Gourmet Puree: The A to Z Guidebook; Stuart Woods:* *Hot Pursuit; Rafael Yglesias:* *The Wisdom of Perversity; Eve Yohalem:* *Cast Off: The Strange Adventures of Petra de Winter and Bram Broen*
The Beatles and Me on Tour by Ivor Davis was awarded the Independent Publisher Book Awards’ gold medal in the Autobiography and Memoir category. Lisa Doan’s Jack the Castaway was awarded the gold medal in the Juvenile Fiction category.

The Mystery Writers of America announced the Edgar Award winners at their Annual Gala Banquet on April 29 in New York City. Stephen King won for Mr. Mercedes in the Best Novel category. Wiley Cash was nominated in that same category for This Dark Road to Mercy. Ben H. Winters was nominated in the Best Paperback Original category for World of Trouble. “Red Eye,” cowritten by Michael Connelly and Dennis Lehane, was nominated for Best Short Story.

The 2015 PEN Literary Awards were announced May 13. Sheri Fink won the PEN/John Kenneth Galbraith Award for Nonfiction for Five Days at Memorial: Life and Death at a Storm-Ravaged Hospital. Several other Authors Guild members were nominated: An Unnecessary Woman by Rabih Alameddine made the short list for the PEN Open Book Award. All Fishermen Are Liars by John Gierach was nominated for the PEN/ESPN Award for Literary Sports Writing. John Quincy Adams by Fred Kaplan was nominated for the PEN/Jacqueline Bograd Weld Award for Biography. The Age of Radiance by Craig Nelson was nominated for the PEN/E. O. Wilson Literary Science Writing Award. You Feel So Mortal by Peggy Shinner was nominated for the PEN/Diamonstein-Spielvogel Award for the Art of the Essay, and Time of the Locust by Morowa Yejidé was nominated for the PEN/RoBERT W. Bingham Prize for Debut Fiction. Winners received their prizes at the PEN Literary Awards Ceremony on June 8.

Winners and finalists for the Society of Midland Authors 2015 Awards for Books Published in 2014 were announced in April. Margaret Willey’s Beetle Boy was a finalist in the Children’s Fiction category. Lin Enger’s The High Divide was a finalist in the Adult Fiction category. Don Mitchell’s The Freedom Summer Murders was a finalist in the Children’s Nonfiction category.

The 2015 Thriller Awards finalists were announced on April 9. Rick Mofina’s Whirlwind was nominated for Best Paperback Original Novel and CJ Lyons’s Hard Fall was nominated for Best E-book Original Novel. The winners will be announced at the ThrillerFest banquet in New York City on July 11.

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.


Thomas Bender received the 2015 Roy Rosenzweig Distinguished Service Award from the Organization of American Historians (OAH) for his contributions to our understanding of American history. The award was presented in April at the group’s annual meeting in St. Louis.

F. Clifton Berry Jr. received the 2014 Lauren D. Lyman Award for outstanding achievement in aerospace communications, recognizing his work as a journalist, author and public relations professional in the aerospace and defense field.

Win Blevins has been chosen as the 2015 recipient of the Owen Wister Award for Lifetime Contributions to Western Literature. The award is the Western Writers of America highest honor and was presented during the organization’s annual convention in June in Lubbock, Texas.

Amy Bloom will be cohosting The New York Times Magazine’s new weekly podcast Ethicists. The podcast is a reimagining of the popular column “The Ethicist.”

Hal Bodner’s “Hot Tub” was nominated for the Bram Stoker Award in the category of Superior Achievement in Short Fiction.

We Are Here: Memories of the Lithuanian Holocaust by Ellen Cassedy was short-listed for the 2014 William Saroyan International Prize for Writing in the Nonfiction category.

Selene Castrovilla’s Melt received the 2014 SCBWI Award in the Book for Older Readers category.

Fearful Symmetries, edited by Ellen Datlow, has been nominated for the 2014 Shirley Jackson Award for Edited Anthology.

Louise Erdrich will receive the 2015 Library of Congress Prize for American Fiction. The award honors “an American literary writer whose body of work is distinguished not only for its mastery of the art but also for its originality of thought and imagination.” The prize will be awarded during the National Book Festival on September 5.

The 2015 Pulitzer Prize in Journalism for International Reporting was awarded to The New York Times staff for their coverage of Ebola. Sheri Fink’s articles “Cuts at
W.H.O. Hurt Response to Ebola Crisis,” “Ebola’s Mystery: One Boy Lives, Another Dies” and “How Ebola Roared Back” (cowritten with Kevin Sack, Pam Belluck and Adam Nossiter) were among those recognized.

Howard Gardner was recently named the 2015 Brock International Prize in Education Laureate for his groundbreaking work in the field of psychology. He was formally honored at the annual Brock Prize Symposium, held at the University of Tulsa on March 24, 2015, where he was the featured speaker and received a certificate of honor, a bust of legendary Native American educator Sequoyah and an award of $40,000 from the Brock Family Community Foundation endowment.

Amitav Ghosh was named a finalist for the 2015 Man Booker International Prize, which recognizes one writer for his or her achievement in fiction.

The Jewish Book Council named Kathryn Hellerstein recipient of the 2014 Barbara Dobkin Award for Women’s Studies for *A Question of Tradition: Women Poets in Yiddish, 1586–1987*.

Stephanie Hoover’s new magazine, *Prose ‘n Cons*, a national publication for fans of mystery, crime and suspense, debuted in October 2014.

Belea T. Keeney’s debut novel, *The Tiger Whisperer*, won the Cat Writers’ Association’s World’s Best Cat Litter-ary Award and received a Certificate of Excellence for Best Book of the Year. The awards were presented at the CWA’s annual conference.

X. J. Kennedy is the winner of the ninth annual Jackson Poetry Prize, which is awarded to an American poet of “exceptional talent who deserves wider recognition.”

Lily King’s *Euphoria* was short-listed for the 2015 Chautauqua Prize, which “celebrates a book of fiction or narrative nonfiction that provides a richly rewarding reading experience and honors the author for a significant contribution to the literary arts.”

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 Young Adult Readers.

Jonathan LaPoma’s script *The Way Back Home* was the Grand Jury Prize winner of the 2014 Las Vegas Screenplay Contest. His script *La Tierra Que Yo Amo* (Land That I Love), cowritten with Natalia Porras Sivolobova, also placed in the contest, winning first in the Drama category. *La Tierra Que Yo Amo* also made the finals in the 2015 Women in Cinema International Screenplay Competition, and *Sofi’s Journey* was a 2015 River Bend Film Festival top-three finalist in the Independent Screenplay category.

The Secret History of Wonder Woman by Jill Lepore has been awarded the New York Historical Society’s 2015 American History Book Prize. The award was presented on April 17.

Mary Moreno’s short story, “Lullaby of Broadway,” was a finalist for the Table 4 Writers Foundation Grant. The awards were presented at the Annual Awards Gala on April 30 at the Metropolitan Club in New York.

Bonnie J. Morris won the 2014 BLOOM Chapbook Prize for Nonfiction for her 25-page narrative “Sixes and Sevens.”

**A Matter of Souls** by Denise Patrick was selected as one of Kirkus’s Best Young Adult Books of 2014.

Death on Base: The Fort Hood Massacre by Anita Porterfield and John Porterfield received third place for the 2014 Mayborn Prize for Literary Nonfiction.

Roxana Robinson’s *Sparta* was short-listed for the 2015 IMPAC DUBLIN Literary Award.

Elizabeth Spencer is the recipient of the Mississippi Institute of Arts & Letters’ Fiction Award for her book *Starting Over*. The awards ceremony was held on June 6 at the Lake Terrace Convention Center in Hattiesburg, Mississippi.

Cheryl Strayed received the 2015 VIDA Vanguard Award. The award was presented on April 9 at the VIDA Awards at AWP in Minneapolis.

The 2015 IBPA Benjamin Franklin Awards have been announced. *SEALs: Naval Special Warfare in Action* by S. F. Tomajczyk is the Gold Winner of the Bill Fisher Award for Best First Book: Nonfiction.

Russell Working won the 2014 Hackney Literary Award for Best Novel for his unpublished manuscript *The Red Corner*.

Thomas Zigal’s *Many Rivers to Cross* received the 2014 Philosophical Society of Texas Award of Merit for Fiction.
Paul Aiken
Twenty Years in the Thick of Things

Paul Aiken came to the Authors Guild as a young lawyer in early 1993, at the invitation of the Guild’s then new executive director, Robin Davis Miller, a former colleague at Kornstein, Veisz and Wexler, and a former mentee.

The publishing world had not yet heard of Jeff Bezos (who had not yet advertised for employees for his new venture “Cadabra”), and none of us had yet learned to google our way through the universe. The era of electronic publishing was well launched, nevertheless, and Robin and Paul understood it better than most.

“Robin said she had this great, marvelous friend,” recalls Mary Pope Osborne, who was Guild president at the time. “He doesn’t want to be a lawyer anymore and is working on a baseball calendar for Random House. We can put him in a back room on a per diem basis.”

Into the “back room” he went at the Guild’s old office, a warren of cubicles and zigzagging corridors in the McGraw Hill building on 42nd Street, and immediately began churning out ideas, speeches, analyses and attention-grabbing press releases.

“The first press release I wrote was in 1993 or 1994,” Paul recalls, “and it was about a new Random House contract that included digital rights for the first time. Random House was offering to pay a measly 5 percent of proceeds for digital rights. We called it ‘A Land Grab on the Electronic Frontier.’ That line got picked up. There was a huge battle after that . . .

“The second press release I wrote was about a page-turning photocopy machine that a Japanese company had come out with. We pointed out that it ‘took the drudgery out of copyright infringement.’ We calculated how long it would take for the machine to scan David McCullough’s *Truman*, a big book (in both senses). The ‘drudgery’ thing got picked up, too.

“What’s funny is that these two press releases brought up the topics that we would revisit again and again over the next 20 years: publishers being cheap and unfair in paying for digital rights, and technology, particularly scanning technology, threatening to undermine the entire book market.”

In 1995, when Robin Davis Miller stepped down as executive director, Paul was the Council’s first choice to replace her. He brought many talents to the job: a debater’s skill for analysis and a litigator’s talent for setting the scene, a passion for copyright, a sense of humor, a fascination with technology and a wonk’s understanding of where it was taking authors, for better or worse. “He could dance rings around the rest of us on the technology front,” says Nick Taylor, the fifth of seven Guild presidents Paul would work with over the years. “It was such a difficult knowledge base and skill set. People who had been in this business for a long time were at sea, but Paul constantly kept himself up-to-date. Nobody was outpacing him, which was a really great thing for the Guild, and we all ought to be grateful.”

He had a matching gift for parsing subjects that gave headaches to most people, and for laying them out in clear and engaging English, sometimes with tongue in cheek. “He was the soul of patience,” recalls Letty Cottin Pogrebin (Guild president from 2001 to 2005), “taking the time to deconstruct an arcane piece of legislation or a strategy that the Guild was taking on. He took calls with equanimity. His voice didn’t express impatience or exhaustion; he was always willing to bring clarity to whoever needed it.”
“I'd like to talk about baseball for a moment,” is how he began a 1994 presentation to the White House Working Group on Intellectual Property Rights, playing off the controversial exemption from antitrust regulations the major leagues had long enjoyed and which Internet absolutists seemed to think should apply to their online borrowings of other people’s labors.

“It seems so harmless,” he continued. “A few taps on a keyboard and up pops a book. A quick scroll through a few pages and there it is. The information you seek. Read it, maybe take some notes on it or clip it for a term paper, and you no longer need that book. A few more taps on the keyboard and it disappears. The original copy . . . still resides on some file server, perfect, untainted. Shouldn’t that simple acquisition be free? Who is harmed?”

In his first three years as executive director, Paul somehow found time to write a column for the Bulletin called “Guild Matters.” It touched on any and everything of conceivable professional interest to writers: “monumentally impenetrable” royalty statements, whose true message was that “the author should not expect a royalty check anytime soon”; a proposed hike in Copyright Office registration fees under which “freelance journalists in the habit of registering their articles stand to lose the most”; and distance learning, which depended on material produced by writers, but “Here's the catch: the education lobby would prefer to have these materials—in the form of your copyrighted works—for free.”

When he wasn't working out legal strategy or crafting winning analogies between the art of writing and the manufacture of a Buick chassis, he was dreaming up innovative programs that would pay off for authors in the here and now. In 1994, a full decade before Google began appropriating “orphaned works,” Paul came up with the idea of an “ASCAP” for writers: a comprehensive authors directory that would make it easier for magazine publishers, movie producers, electronic media publishers and editors of serious collections and oddments to locate authors whose work they wanted to develop, reprint, quote or reissue—and an accounting system to go with it. The result was the Authors Registry, now in its 20th year of operation, still providing a steady stream of payments to authors. Authorsguild.org launched in 1998, Back in Print in 1999 and Sitebuilder in 2002.

Paul’s two decades as executive director overlapped a period of unprecedented change in the publishing business: serial mergers of once independent publishing houses, high-speed scanners, digitization, the devaluing effect of e-book pricing on books overall, widespread book piracy, the decline of independent bookstores, the rise of Amazon and Google. His response to each new development was: What does it mean for authors?

“Paul’s laser focus on issues that affect authors has always been absolutely clear,” says Nick Taylor, president of the Guild from 2002 to 2008. “We really got pilloried as ‘Luddites’ for not embracing the new paradigms without reservation, for not wanting ‘information to be free.’ But as hard as it was to make the case, Paul had utterly clear vision. He always had the constitutional implications in mind: no matter how books are copied or conveyed, it’s still intellectual property. The notion that information wants to be free doesn’t convey the right to say what authors’ or musicians’ or photographers’ work is worth.”
In the Google case, now entering its 10th year, and in HathiTrust, the issue was clear: the wholesale appropriation of authors’ work without permission or compensation had to be challenged. A $125 million settlement agreed to by all parties to the Google suit in 2008 came close to resolving the case, but was overruled in 2011 by U.S. Circuit Court judge Denny Chin.

“Even though the Google settlement didn’t work out,” Paul reflected last fall, “it should have. I’m proudest of that, because it set a template that’s likely to be followed for digital libraries, at least in this country. . . . [Google and the universities] acted out of good intentions, I’m convinced of that. But there’s a proper way to do things, taking into account all of the stakeholders, including, especially, the authors. Copyright is built around authorship. Copyright is authors’ and artists’ ticket to play in the free market system, and it must be protected.”

“Paul is just an absolutely first-rate intellectual property rights lawyer,” says Scott Turow. “He always had the enormous intellectual capacity to understand what was going on. As years went on, he was more able to express his passion on the variety of authors’ causes for which the Guild stands up. At times we had to try to persuade him that he couldn’t do everyone’s job; there were no boundaries on his commitment to the Guild, the hours he kept or his zeal. He is a complete mensch, a remarkably decent human being.”

For more than 20 years, authors were Paul’s constituency, protecting authors was his mission, and he saw it as an honor. “Authors are often considered very complicated people,” he said at a Google-related press conference in 2008. “We don’t agree with that. In fact, I can tell you what all authors like: they like their books to be read, and except for the most financially perverse of authors, they like a good royalty check.”
Membership Application

Mr./Ms. __________________________________________ Pseudonym(s) _____________________________________
Address __________________________________________ City ____________________ State ____ Zip ____________
Phone (  ) __________________ Fax (  ) ____________________ E-mail ___________________________________
Agent name __________________________ Agency ______________________ Agent phone (  ) _______________

How did you become interested in joining the Guild? (check one)

 Invitation
 Writing journal _____________________

 Referred by _________________________________________

 Other _______________________________________________

What is your primary reason for joining? □ Support and advocacy efforts □ Legal services □ Health insurance

□ Site-builder and other Web services □ Other

Qualifying writers include book authors and freelance journalists. **Book authors** published by an established American publisher and self-published **writers** who earned at least $5,000 in writing income as a book author or freelance writer in the 18 months prior to applying for membership are eligible. Writers earning at least $500 in writing income in the 18 months prior to applying for membership may qualify for acceptance as Associate members of the Authors Guild. **Freelance journalists** must have published three works, fiction or nonfiction, in a periodical of general circulation within the last 18 months.

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