The ABCs of Self Publishing and Self-Promotion: A Book, a Strategy and a Platform

Symposium: What Every Writer Needs to Know About Defamation

New Authors Guild President James Gleick Wants to Know What’s on Your Mind

Exiles and Artists, Literature and Migration
How Much Is the Backlist Worth?

by Richard Russo

Back in November, my daughter Emily and her business partner opened a bookstore called Print, in Portland, Maine, where we live. It was an enormous undertaking—finding the right location, getting a small business loan, hiring a store designer, doing a build-out, ordering fixtures, installing the custom-built shelves—all of which had to be done before we could address the business of the books themselves. But eventually they started arriving, the backlist, hundreds of boxes containing thousands of books. It was a daunting sight, inventory piled so high that we had trouble navigating the stacks. The books themselves came utterly disorganized, history mixed with science fiction mixed with children’s books mixed with cookbooks.

Immediately put in charge of unskilled labor (that is, in charge of myself), I spent whole days breaking down cardboard boxes, bagging bubble wrap and carting it all off to the dump. It took six people nearly a week to get all these books shelved properly. Allow me to repeat: this was the backlist—that is, not this season’s books. Some of them were published a year or two ago, some a decade ago, some 50 years ago, and others much, much longer ago. In other words, the very books Google and some academic writers have argued are of so little economic value that they should be made available to the public for free. If they are right, what a bunch of damned fools we were for wasting our time on what we might as well give away, like bookmarks. But of course they aren’t right, and they know it.

So do indie booksellers. According to Oren Teicher, CEO of the American Booksellers Association, “the backlist is at the heart of any indie bookstore’s success.” Store owners I’ve spoken to say that backlist titles account for anywhere from 25 to a whopping 50 percent of their sales. Moreover, the segment is growing. According to Betsy Burton of The King’s English Bookshop in Salt Lake City, “independent bookstores all over the country are putting more and more effort into deep backlist because they know these books are economically viable.”

Publishers understand, too. Many offer incentives to promote their deep backlist because they know, as Burton says, that “often all it takes is the smallest nudge for older titles to return to the market in a big way.” Even without incentives, many backlist titles unexpectedly surge in ways that can perhaps only be explained by chaos theory. “Without backlist,” says Annie Philbrick of Bank Square Books and Savoy Bookshop & Café, “our shops would look more like brick-and-mortar Amazon stores displaying only front-list titles, shelved face-out.”

Yeah, okay, but what about Amazon the e-tailer, you ask? Do they think there’s money in the backlist? Well, Amazon rarely discusses numbers (or anything else) but Jeff Bezos is a numbers guy, and if there’s little economic value in a book after a year or two, as Mr. Darnton has suggested, then why did the Amazon CEO go to such lengths to corner that particular market? Could it be that he knows what Mitch Kaplan, owner of Books & Books, a chain of indie bookstores in Florida, knows—that “without backlist the entire publishing industry would collapse”?

This article was written in response to an article in the October 27, 2016, issue of The New York Review of Books, “The New Hillary Library?” by Robert Darnton. The article appeared on medium.com February 2 and on the Authors Guild website.
OVERHEARD

“Here’s the problem of every storyteller—to make sense of the chaos, to gather all the plot strands into dramatic unity. To figure out the ending, no matter what the plot throws at you. All those shifting, jostling you’re, and all their lessons.”

—Colson Whitehead, in a commencement address at Connecticut College, May 21, 2017

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ABOUT THE COVER ARTIST

Kevin Sanchez Walsh is a freelance artist and longtime contributor to the Bulletin. He can be reached at kswradiographic@gmail.com.

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SHORT TAKES

Absence of Oxford Comma Worth $10 Million in Overtime Pay

Milk transportation made national news in March after a lawsuit filed by drivers for Maine’s Oakhurst Dairy was decided by a missing Oxford comma. The dairy drivers argued that overtime pay should apply to both driving and distributing dairy products; their employers argued that overtime applied only to driving hours.

The heart of the disagreement can be found in Maine’s labor guidelines, which state that the following activities do not count for overtime: The canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of: 1. Agricultural produce; 2. Meat and fish product; and 3. Perishable foods.

U.S. Court of Appeals for the First Circuit Judge David Barron acknowledged that the disagreement arose “for want of a comma,” specifically a serial, or Oxford, comma. As a widely shared article on Mashable explained: “If there was an Oxford comma after ‘packing for shipment’ then neither ‘packing’ nor ‘distribution’ would be covered by overtime pay. However, without it, ‘packing for shipment or distribution’ counts as one activity: packing. Distribution is not covered in the list of overtime exemptions. So they should get paid for it.”

That, in fact, was what Judge Barron found, and the drivers in Maine will receive around $10 million in overtime back pay.

Fighting E-book Piracy with Digimarc Guardian and Cengage

Online piracy of e-books is on the rise, pushing publishers to devote more resources to preventing and addressing the problem. The University of Chicago’s Journal of Law and Economics has released a study examining how this affects the bottom line: Does putting money into anti-piracy efforts yield more profit for the publisher?

As Digital Book World reports, RosettaBooks in particular has seen “double-digit growth” since “deploying Digimarc’s Guardian content protection solutions” to stop pirates from distributing their titles. Digimarc Guardian, one of the largest anti-piracy services, is also used by HarperCollins, Simon & Schuster, Penguin Random House and other publishers.

Digimarc Guardian marks e-books with “imperceptible and traceable digital watermarks,” allowing e-books to be tracked online. With the information provided by Digimarc, which constantly scans the web in search of the watermarks, publishers learn about illegal distribution when—and where—it happens. As Digital Book World points out, this also “helps publishers identify potentially unreliable distribution channels” and head off the problem before it starts.

Cengage and the Education Publisher Enforcement Group have also been studying the problem and estimate that another form of piracy, counterfeit print course materials, is costing the company between $70 million to $100 million every year.

More recent reports have Bertelsmann seeking a different arrangement: to increase its stake from 53 percent to between 70 and 75 percent and to find an investment partner to purchase the remaining portion of the company.

Employees and authors at Penguin Random were initially spooked by the news, but official statements from both Bertelsmann and Pearson suggest that the only real change with any new deal would be to behind-the-scenes financial terms. Bertelsmann has been in charge of operations since the 2012 merger.
Hachette Book Group CEO: Publishing Industry Is Alive and Well

Michael Pietsch, CEO of Hachette Book Group, penned a column for The Wall Street Journal arguing that book publishing is not on a "death watch," as has been predicted time and again in the digital age. Pietsch notes that while e-book sales are no longer increasing, they reliably represent a quarter of publishers' revenues.

"Print books have proved durable," he writes, and publishing houses still have value compared to self-publishing. "Publishers' essential work will remain the same—identifying, investing in, nurturing, and marketing great writers." The industry still needs innovation, but demand for its products will not go away.

Amazon Touches Ground

The everything-giant Amazon, which has championed online book sales for more than a decade, at considerable cost to its brick-and-mortar competitors, has gone physical, opening seven walk-in bookstores in the last year and a half, with another seven "coming soon." The newest of these opened May 25 in the Time Warner Building in Columbus Circle, home to a vast Borders bookstore until the chain went bust in 2011, and a brisk walk to the graves of another dozen or so once-flourishing bookstores in the center of Manhattan, and the publishing world.

It's a departure for Amazon, but not a drastic one, with the new stores applying the company's flat-screen practices to physical shelving in ways that customers will quickly recognize: books are displayed with their covers facing out; inventory is based on customer ratings at Amazon.com and Goodreads.com. "Dynamic" pricing rules.

In an interview with The New York Times, Amazon Books's vice president Jennifer Cast called the stores "an extension of Amazon.com" and emphasized their goal of "discovery." "We incorporate data about what people read, how they read it and why they read it."

The algorithmic message was quickly picked apart by critics. The New Republic suggested that Amazon was reinventing the wheel, but poorly: "The most obvious way Amazon Books pushes discoverability is that every book is displayed face-out, as opposed to spine-out, as you would on your bookshelf at home. Every face-out has a small placard that features the book's star review and a short customer review. These are both presented as innovations, but they're really just very, very old bookstore conventions taken to an extreme."

"Why would I go to a bookstore where all the work has been done for me?" wrote an indie bookstore employee in Amazon's hometown paper, The Seattle Times. "People are unique. We don't want to feel like another data point, another sale in the machine that tells the company how many books to buy. Indie bookstores also use sales data, but we leave ample room for experimentation and improvisation. If I remember an amazing book from my childhood that I think we should carry, I can tell my boss. We have the freedom to experiment, which means our customers do, too."

It's worth noting that Amazon is entering the brick-and-mortar realm at a time when numerous news stories are cheerfully chronicling the resurgence of independent bookstores. The American Booksellers Association has seen eight years' straight growth in its membership and individual stores are reporting modest sales increases. Print book sales are increasing, e-book sales have plateaued and new independent bookstores are opening across the U.S., often in proximity to shuttered Borders, Books-a-Million or Barnes & Noble locations.

Bookstores Take a Leaf out of the Modern Farmer's Playbook

The New Yorker reports that at least two independent bookstores have implemented a new selling model: a C.S.A. for books. Community-supported agriculture programs—or C.S.A.s or farm shares—have surged in popularity across the U.S. For a fixed price, consumers buy seasonal shares from farms or farming collectives and receive produce and other items from the farm in the season that follows. The model provides farms with an influx of operating funds, especially useful in the slower winter months, and often brings in more customers.

The New Yorker spoke to Samantha Haskell, owner of Blue Hill Books in Blue Hill, ME, who, inspired by the farms in her region, launched a "community-supported bookseller," or C.S.A. Under Haskell's model, customers purchase a full share for $1,000 (smaller shares are also available), which they draw on to purchase books through the year. Haskell deems it a "gift certificate for yourself."

Blue Hill Books is particularly well-suited for the model, situated in a town that thins out in the winter

Continued on page 12
From the President

By James Gleick

Before I became a member of the Authors Guild, which was many years ago, I remember being surprised to learn there even was such a thing. A guild—of authors? With such a medieval name! But as a new author, I was eager to join what I took to be a league or association or fellowship of scribes looking out for one another’s interests.

Which is what we are, of course.

Is that enough? Sometimes people wonder how the Authors Guild defines itself: whether we have a mission statement (we do: www.authorsguild.org/who-we-are/), or whether our mission statement is comprehensive enough, or simple enough, or assertive enough, or appealing enough, or . . . Personally, I mistrust mission statements. Authors have different needs. We are nothing if not diverse. Even the same author at different times is diverse. I don’t mind if the Authors Guild means different things to different people.

Furthermore, we are changing. If for no other reason than because everything else is changing. So rather than come any closer to saying something definitive about who we are and what we do, in this, my first letter to you as president, I would prefer to ask some questions.

What is an author nowadays? Anyone who has published a book? Does it matter whether the publisher is an international conglomerate or the selfsame author? Does it matter whether the book is printed on paper or transmitted electronically? Is a blogger an author? Would your answer be different if instead of “blogger” I said online essayist (or historian or science writer)?

Should the Authors Guild represent all of the above, without making distinctions?

You’re probably aware that from time to time we gather information from our members by conducting surveys—multiple-choice questionnaires. These are useful, but they are crude instruments. I’m inviting you to give me something outside that box. If you’re so moved, please write me directly, either by e-mail at jgleick@authorsguild.org, or the old-fashioned way at 31 East 32nd Street, New York, NY 10016.

I’m eager to know (we’ve been thinking a lot about this lately) how our members feel we should allocate our resources between advocacy—lobbying in Washington and in statehouses, championing free speech and copyright—and meat-and-potatoes services, such as member websites, contract review, seminars and other events. “All of the above” is a valid answer, but perhaps you want to see more of something in particular.

Speaking of copyright: this is surely our single most complicated and changeable issue nowadays. (Even freedom of expression is more straightforward, and there’s nothing simple about that.)

Perhaps coincidentally, two different technology writers just published essays revisiting the Google Books program and the Authors Guild’s lawsuit against it. A week after Scott Rosenberg’s article “How Google Book Search Got Lost” appeared on Backchannel, James Somers’s “Torching the Modern-Day Library of Alexandria” arrived in The Atlantic. Both writers explore a sense that Google’s project has failed to live up to its early promise.

Famously, the Authors Guild fought a 10-year legal battle, arguing that digitizing books without asking authors for permission violated their copyrights. Google argued that this kind of digitization represented a new kind of “fair use.” Ultimately, the federal appeals court in New York ruled for Google, and the Supreme Court wouldn’t hear the Guild’s appeal. Google is free to keep its copies. It is not, however, free to display more than brief snippets of the books—so if we want to see a modern-day library of Alexandria, it’s going to have to happen some other way.

We have some ideas about how that can be accomplished. You may recall that the twists and turns of the Google suit included a proposed settlement. Google agreed to pay authors millions of dollars, and the authors agreed to allow books to be made available online in their entirety—not free for everyone, but with some control over their licensing. The settlement was imperfect, a compromise, as settlements are, and the court wouldn’t allow it. Still, we believe it provides a template for how a true digital public library could work.

Which brings me to another set of questions.

Libraries lend e-books more and more, and as a rule, they do that by buying licenses from the publishers. But they also want to lend electronic versions of books that have gone out of print, and that’s not so easy. If any of your books are out of print, would you want to allow libraries to digitize them and lend them? What sort of compensation would you consider fair?

Continued on page 12
From the Home Office

Dear Authors Guild Members,

To begin with, I would like to welcome our new president, James Gleick. Jim is the author of numerous essays on technology and science and of seven important nonfiction books, including several best-sellers and three that received Pulitzer Prize and National Book Award nominations. *The Information* was awarded both the PEN/E. O. Wilson Literary Science Writing Award and the Royal Society Winton Prize for Science Books in 2012. Jim was a reporter and editor for *The New York Times* before he published his first book, *Chaos: Making a New Science*, in 1987. Joyce Carol Oates described his most recent book, *Time Travel: A History*, as “superb and unclassifiable . . . laced with lyricism, wit, and startling and convincing insights.”

Jim brings a deep intellectual curiosity and a rich understanding of technology to his Guild presidency. He has been an active member of the Council since 1995 and has been immersed in our advocacy and legal campaigns for many years. I very much look forward to working together.

I would also like to express my deep gratitude to our most recent president, Roxana Robinson, for three years of generous service to the Guild. Roxana gracefully and fearlessly led the Guild through a period of enormous transition. In the midst of the complicated, sometimes tumultuous three years of her presidency, which required a commitment of time and energy far beyond what any president is expected to contribute, Roxana somehow managed to publish one novel and write another one. Talk about energy! I cannot thank Roxana enough for her support during my early tenure at the Guild. She has been a wonderful mentor, partner and friend.

I would also like to welcome our new Authors Guild Council members—Rich Benjamin, Deirdre Blair, Sylvia Day and Jonathan Taplin—and the new members of the Board of the Authors Guild Foundation: Georges Ugeux, Buff Kavelman, Laura Pedersen and Diana Rowan Rockefeller. We are fortunate to have such a distinguished and talented group of individuals on both boards. This will be a particularly busy year for the Foundation as its board has nearly doubled—and so will its activities.

Our staff has been working hard to provide more services to you, our members. In June, we’ll launch a revamped version of Sitebuilder, our website-building software, and we’re smack in the middle of producing and hosting two different series of panels, one in partnership with the Copyright Clearance Center, focusing on authors’ legal and free speech issues, the other with the author consultant Jane Friedman, focusing on marketing and promotional tactics. Jane also helped us by lending her expertise to *The Authors Guild Guide to Self-Publishing*, which we released piecemeal this spring and is now available to members as an e-book at authorsguild.org. Lastly, in May we hosted our annual fundraiser, the Authors Guild Gala, which raised hundreds of thousands of dollars for the Authors Guild Foundation that will be used to support and protect the writing life in America.

At the same time, the maelstrom of current events has kept us quite busy on the advocacy front. In response to the detention of two foreign authors at the U.S. border in late February, we redoubled our efforts to provide visa assistance to foreign authors and to educate writers about their rights at border checkpoints. Near-constant threats to the press have led us to speak out on free speech issues and inspired us to commission a series of essays in which writers reveal what the First Amendment means to them. On Capitol Hill, we’ve lobbied for and lent our support to a bill that would greatly increase the independence of the U.S. Copyright Office, the sole government agency that serves the interests of authors (see page 11), and we’ve made our case to members of Congress that arts and library funding is essential to the cultural life of the nation.

We’ve also focused on preserving net neutrality, protecting authors’ online privacy and securing authors’ “moral” rights. You can read about these efforts in the Advocacy News section on page 9. Most recently, we’ve been standing up against Amazon’s latest grab, its decision to allow third-party discount sellers to be the featured seller on a book’s “buy” page. Rest assured this development will provide us with even more evidence as we seek in the coming months to persuade the antitrust authorities to scrutinize Amazon’s publishing industry practices.

In March, we visited the offices of several U.S. senators with our new Council member, Jonathan Taplin, whose book, *Move Fast and Break Things: How Facebook, Google, and Amazon Cornered Culture and Undermined Democracy*, was just published. We discussed our desire for antitrust reform that would focus not only on consumer price-point, but would address such issues as Amazon’s stranglehold on the publishing industry.
and its negative impact on the free trade of ideas, as well as the ability of Internet platform giants to profit from piracy, at great cost to the creative sector. There seems to be a growing understanding of the havoc these monopolies are causing to the creative industries, thanks in part to books like Jonathan’s. That is just some of what we’ve been working on.

Many of you have heard me say this before: We are doing so much with so little right now. The Guild staff has been heroic in their efforts to keep up with everything. Here is a rundown of who’s who in the office:

- Sandy Long is our heart and soul—officially our COO. Sandy works quietly behind the scenes to make sure everything gets done. She handles staffing, HR, the day-to-day budget, all of our communications and also oversees our primary tech vendor and the Bulletin. We could not function without her!
- Irina Bor, our finance manager, keeps the coffers in order.
- Andrea Bronson nurtures our partnerships and public outreach as senior marketing manager. She is also invaluable to the gala.
- John Carroll, receptionist, mans the front desk and routes your calls and emails to the right people; he is also my executive assistant.
- Ryan Fox, policy and advocacy director, helps me with our advocacy work and drafts much of our prose.
- Luis Garcia, director of information technology, literally keeps this office running. He is our go-to guy for just about everything.
- Francesco Grisanzio, digital service coordinator, runs our back-in-print programs and is our eagle-eyed proofer. Frank sees almost everything that leaves our office in print.
- Michael Gross, director of legal services, has seen more publishing contracts than any lawyer in the country. He is your guy if you have any question about contracts.
- Umair Kazi, legal consultant, helps Michael review your contracts and answers your legal queries. Like Ryan, he is a joint MFA/JD and helps with writing.
- Terry King manages the Authors Registry and cuts your checks for overseas royalties. He also advises on our licensing-related projects.
- Hector Lugo, web services coordinator, helps you build and manage your websites.
- Abigail Montague, web services manager, is our tech guru; she oversees our web services, including the rollout of our new Sitebuilder software.
- Paul Morris, vice president, programs and outreach, is our literary ambassador. He is focusing now on recruitment and partnerships.
- Jennifer Simms manages our website and keeps us all on task. She is a wizard project manager and an expert in social media and website metrics.
- Waddy Thompson, managing director of the Authors Guild Foundation, oversees Foundation activities. He runs the gala, raises money and gets us grants; he also works on the strategy for Foundation programs.
- Nicole Vazquez, assistant Bulletin editor and membership coordinator, makes sure you’re getting everything you need from your Guild. She processes all new members—so if you have recently joined, you have interacted with her. She also manages our Bulletin content and is our tweeter par excellence. If you see our tweets, you have read Nicole.

We always have a number of interns and temp employees too, so you may occasionally hear from others! Last but certainly not least, I’d like to thank everyone who responded to our queries on moral rights and on the Amazon “buy box” shakeup. It’s helpful to hear from you because we are much better informed and can advocate on your behalf that much better with your input. The comments and insights we received were incredibly smart and well considered. Please keep sending us your thoughts.

Best wishes, in life and in writing. I hope you enjoy this issue of the Bulletin.

Onwards,

Mary Rasenberger
Executive Director
Arts Funding Is Safe for Now, but the Fight’s Not Over

In mid-March, when President Trump proposed a budget for the remainder of fiscal year 2017, it called for the elimination of the National Endowments for the Arts and Humanities (NEA and NEH), as well as the Institute of Museum and Library Services (IMLS). Now that Congress has officially funded the government through FY2017, we know that arts funding was preserved, but the budget debate will soon resume, because the FY2018 proposal once again suggests eliminating these important agencies.

Here’s some of the advocacy work we did during the FY2017 budget debate, which we’ll be taking up again when the FY2018 negotiations heat up this summer. First, we wrote letters to members of the House and Senate Appropriations Committees, emphasizing the value that all great societies place on their writers and artists, and showing how significantly the creative arts contribute to this country’s economic output. We then launched a signature campaign and received the support of nearly 3,800 signatories. Thank you for your help in circulating the letters.

In March we held meetings with the offices of over a dozen senators and House members to lobby for these vital institutions. And when the FY2017 budget came in the first week of May, arts funding wasn’t cut at all. In fact, it was slightly increased from the previous year. But the fight’s not over.

Arts funding is an issue of central importance to authors. As you may know, the NEA is the only U.S. federal agency that is dedicated to supporting the future of the arts, and especially literature, through its grants to upcoming writers and literary organizations. The NEH is essential for its grants that support non-fiction and scholarly writing. IMLS offers numerous grants to libraries, museums and other institutions to promote cultural and civic engagement. The NEA and NEH each account for only .003 percent of federal spending. These organizations support countless authors, literary organizations and artistic endeavors, and are particularly important because they allow the arts to flourish in otherwise underserved geographic and economic areas.

When negotiations begin on the FY2018 budget, it will be time to act again. We’ll be putting together another campaign aimed at identifying specific NEA/NEH/IMLS projects in key districts, asking authors and AG members to reach out to their representatives to discuss their significance. And we will continue to lobby on Capitol Hill for continued funding of the NEA, NEH and IMLS.

Finally, in late May we sent a letter to the Appropriations Committees in the House and Senate to underscore the value of libraries to writers and to the culture as a whole.

What Are “Moral Rights,” and Why Do They Matter?

We all recognize that there’s something unique about creative labor and creative products, something that sets them apart from mass-produced property. There’s a qualitative difference between a poem and a shovel. As former Guild president Scott Turow said recently, “Artists traditionally are believed to have put a little bit of their soul into whatever they create . . . there is a kind of specialness in creative work.”

The concept of “moral rights” arose from this traditional belief that creative products are imbued with an individual’s spirit, and the corresponding desire to provide creators with rights to maintain some control over what others may do with their work—beyond the economic rights of copyright.

The United States Copyright Office has been studying the issue, and on March 30 and May 15 we responded to its calls for comments and reply comments, respectively, on whether U.S. law sufficiently recognizes the moral rights of authors and other creators, as the U.S. is required to do since signing on to the Berne Convention—an international copyright treaty—in 1989.

The Copyright Office is studying the two most fundamental moral rights recognized by the Berne Convention: the right of “attribution” and the right of “integrity.” The right of attribution recognizes an author’s right to be credited as the author of his or her work. The right of integrity recognizes an author’s right to prevent prejudicial changes to or distortions of his or her work. The right of integrity is not foremost among the concerns of book authors: changes made to a book that are great enough to be “prejudicial” would likely be prevented by the author’s rights to control derivations of his or her book—“derivative works” rights, as they’re known in the law. In our first set of comments we focused on the right of attribution, mak-
It now appears that our wishes may be thwarted, as Chairman Pai has vowed to gut the net neutrality rules. On April 26 he outlined an overhaul of the rules that would significantly loosen government oversight of Internet providers. In what could be a silver lining, Pai has signaled that he will seek public input on how to preserve the spirit of net neutrality while also rolling back the rules that would ensure it.

Pai’s efforts to do away with the rules will meet with significant pushback from consumer groups and much of the creative and tech sectors, including the Authors Guild.

Protect Your Online Privacy, Despite Congress’s Efforts to Dismantle It

Online privacy is of particular importance to authors. Our Internet history is often a roadmap to our research: what we read, whom we talk to, what rocks we overturn and look under. Our e-mail and cloud storage accounts are valuable records of our thoughts, ideas, correspondence and impressions.

That’s why we’re alarmed by Congress’s repeal of the FCC’s consumer privacy protections in March. The rollback affects us not only as consumers and Internet users, but as authors who rely on a free, open and safe Internet for our professional work.

What the repeal of consumer privacy protections means

The repeal means that the phone and cable companies that you pay to connect you to the Internet will be allowed to keep spying on all your browsing, searching and other online activity as the data flows through their pipes. And keep a record of it all. And then sell that history to anyone—not just advertisers, but corporations, public figures, even governments.

The FCC rules that were repealed would have restricted broadband Internet access providers (such as Comcast, AT&T and Verizon) from collecting and selling information such as geolocation data, URL visits, search histories and app data without the user’s permission. This was a big leap forward for the protection of Internet users.

Instead, the repeal—at the behest of powerful telecommunication interests eager to gain access to the $83 billion market for consumer data—not only
A Bill That Matters

By Mary Rasenberger

The House of Representatives voted on April 26 in favor of the Register of Copyrights Selection and Accountability Act, a piece of legislation that’s important to the nation’s creative sector. The Senate introduced a mirror bill days later, which is also expected to pass. The bill would make the head of the Copyright Office a presidential appointee (confirmed by the Senate), creating a panel of Congressional leaders who would recommend at least three qualified candidates for the President to choose from.

Until now, the Librarian of Congress had the unilateral ability to appoint and remove the Register of Copyrights. The bill, the first step toward Copyright Office independence, garnered strong bipartisan support in the House, passing by a vote of 378–48. Here’s why passing the bill matters: The Copyright Office is the sole government agency serving the interests of the nation’s creators, working closely with Congress on policy issues related to copyright law. Throughout its history, the Office has worked with the creative sector—the publishing industry in particular—on practical and policy-related matters.

The nation’s copyright industries are a crucial part of our cultural and economic output, and we need a Copyright Office whose standing within the government reflects that fact. In 2015, the core copyright industries contributed more than $1.2 trillion to the GDP—that’s nearly 7 percent of the U.S. economy—and employed over 5.5 million workers. This bill will begin the process of thoroughly modernizing the Office to serve this sector effectively.

The Copyright Office also advises Congress and conducts studies and issues regulations on copyright law. Thus, the Office needs a leader who is a proven copyright expert who will be responsive to the needs of the creative community. This new bill will allow the creative sector to provide input and add greater transparency to a selection process.

Surprisingly, the Copyright Office is located in the Library of Congress. The Register currently reports to the Librarian of Congress, and the Librarian must approve all regulations issued by the Copyright Office, even though the Librarian is not required to know copyright law. In addition, the Copyright Office must submit its Congressional budget request through the Library. Its location in the Library of Congress is a holdover from the late 19th century, an arrangement made so that the Library could have easy access to the deposit copies of books that authors and publishers sent to the Copyright Office when registering their copyrights.

But today, this arrangement is unnecessary for getting books deposited with the Library, and hampers the Copyright Office’s capabilities. It no longer makes sense for the Office to report to the Librarian. The Office needs control over its own budget and technology needs. The Library’s IT infrastructure simply is not set up to meet the Copyright Office’s needs as a 24/7 customer service bureau. The Office desperately needs to digitize all of its records and create a single online file for each work so that copyright ownership is easier to trace. Increased independence will help the Copyright Office accomplish these goals and making the Register a presidential appointee will give him or her the authority to issue regulations. (In order to issue regulations or set policy, an agency head must be a presidential appointee under the Constitution.)

There are potential conflicts of interest between the Library and the copyright community. While authors have much common ground with the library community, libraries are just one stakeholder in the diverse copyright community. In recent years, the major library associations have advocated for reduced copyright protections, in some cases to the detriment of the interests of authors and publishers, who depend on copyright for their livelihoods and also for the survival of a free and open publishing marketplace. This potential conflict between the library community and the creative community became clear late last year when the very popular Register of Copyrights, Maria Pallante, was removed without the consultation of the creative community or the House and Senate Judiciary Committees.

H.R. 1695 is a long overdue effort to bring the U.S. Copyright Office into the 21st century and to give copyright law and the creative sector the place they deserve in the federal government. The Authors Guild and every other organization in the creative sector that has weighed in on the matter are convinced that this bill provides fundamental changes to the Register-selection process necessary to secure the Office’s long-term ability to protect the rights of the creators.

This piece originally appeared in the May 5, 2017 edition of Publishers Weekly, and is reprinted here with permission.
Some people think that when a book goes out of print it ought to enter the public domain—free for all—unless the author actively re-registers the copyright. Would you consider that burdensome or fair?

Right now, the copyright in a work lasts for the life of the author plus 70 years. People contemplating digital libraries see that as a nuisance. They want the copyright term to be a lot shorter. What do you think? What’s your idea of an appropriate term for copyright, and how important is it to you?

Please let us know your thoughts on this. ✦

nullifies the rules, but also bars the FCC from enacting similar rules in the future. The repeal ensures that broadband Internet access providers will now be able to record and even sell our data to advertisers without permission.

The fact that we use e-mail instead of pen and paper, cloud storage instead of filing cabinets, does not justify an invasion into our work process—though it certainly makes the invasion simpler. Authors and journalists should know that their Internet providers are free to record their online activity and sell that data to those who want it for their own purposes. We must prevent this from affecting research practices and the creative process.

What you can do about it
Concerned authors should know that privacy tools such as Virtual Private Networks (VPNs) are available to protect personal and professional data.

VPNs are a widely used and relatively simple method for protecting data from being tracked and stored by a third party. By routing a device’s connection through a secure VPN server and masking the device’s IP address with the VPN server’s IP address, VPNs create a safe tunnel between the device and the Internet, making it difficult for third parties to track online activity back to the VPN-engaged device. There are a number of free and paid VPN services available online. ✦

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Ann Birstein
May 27, 1927–May 24, 2017

Ann Birstein, the author of eight novels, and a longtime member of the Authors Guild Council, died May 24, three days before her 90th birthday.

Ms. Birstein was born and raised in New York City’s Hell’s Kitchen, where her father was the Rabbi of the Actors’ Synagogue. She published her first novel, Star of Glass, at 23, and her last book, Jet Lag, at 86. In between, she published another seven novels, a biography of her father, and a memoir of her life as the wife of the literary critic, Alfred Kazin. Her account of literary life in New York was fierce, hilarious and pointed.

“Ann was one of the gifts to the Authors Guild and a legacy of PEN,” said Sidney Offit, who also found his way to Authors Guild by way of PEN.

Kay Murray, former Guild Counsel, remembered Ms. Birstein for her stylishness, her independence, her love of her daughter, her love of friends, the Queen of England and wearing hats.

“She told me that once, while wearing a new hat, she had been told by a total stranger on a bus that her eyes could melt a man’s soul. When her sister Julia heard the story, she commented ‘That’s some hat.’”
The Enemy Within
By Barbara DeMarco Barrett

“People in their right minds never take pride in their talents.”
—Harper Lee
To Kill a Mockingbird

Most writers I know, from rank beginners to seasoned professionals, give themselves a hard time one way or another, at one time or another. We’re not good enough writers, we procrastinate too long, we worry over how we’re working on is going to turn out. When we get notes back from friends we asked to read our drafts, our hackles go up and we experience everything from shame to embarrassment to anger. Sound familiar?

Los Angeles psychotherapist and author Dennis Palumbo has heard it all. Writers make up 80 to 90 percent of his practice. The rest work in other creative fields, so he deals with these issues every day of his working life.

Palumbo is a former writer for screen (My Favorite Year) and TV (Welcome Back, Kotter) and the author of Writing from the Inside Out: Transforming Your Psychological Blocks to Release the Writer Within (Wiley). He has published a collection of short stories, is currently working on his fifth Daniel Rinaldi mystery novel for Poisoned Pen Press and writes a column for PsychologyToday.com.

Palumbo was a successful screenwriter having his best year financially when he decided to leave screenwriting to become a therapist. While in Nepal working on a Robert Redford film on mountain climbing, he had what he calls “a little bit of a Razor’s Edge experience.” He returned home, started seeing a therapist and began taking psychology classes. He had no intention of becoming a therapist, he says, but decided it wasn’t a bad idea for a writer to have a master’s degree in psychology. As part of his training, he ran a group therapy session for schizophrenics. He was meeting with a producer about a movie the producer wanted him to write when his thoughts drifted to his patients and triggered a second insight. “I had a Road to Damascus moment and thought, I don’t want to do this anymore.”

Twenty-eight years later, he’s a licensed psychotherapist who specializes in creative issues and has no regrets. He continues to write, but only what he loves. He spends most days with patients and their issues: writers’ block, procrastination, anxiety, the inner critic, author envy and more. During his lunch hour, he writes fiction.

It will likely come as no surprise to hear that writers’ block is the most consistent of patient concerns. No matter how many successes writers have, he says, they suspect their success is a fluke. “With the next thing they write,” he says, “they’re sure they’re going to be found out.” He tries to impress upon patients the fact that writing is hard—very hard—and he encourages them to resist making themselves the problem. “What writers are trying to do is difficult,” says Palumbo, “and the difficulty is not a referendum on their character or their talent.” It’s easy, he adds, “to imagine that you alone suffer from this fear, that Agatha Christie, F. Scott Fitzgerald, name your favorite writer—never struggled with it.”

We’re not good enough writers, we procrastinate too long, we worry over how what we’re working on is going to turn out.

Sound familiar?

And when writers are having a hard time, or thinking too much about the future of their writing, it can lead to procrastination. “If you’ve had good reception to your first book and are afraid of the critical reception you imagine awaits your second book, you’ll procrastinate.” And while you may think you’re procrastinating because you need to know exactly what you’re going to write before you begin, in Palumbo’s view, it’s more often caused by fear of self-exposure. “For many people, the smaller shame of procrastinating is better than the bigger shame of what people are going to say about you when the work is done.”

As with most issues writers bring to him, he reduces that fear to “family of origin” issues. How you take criticism is a direct offshoot of how you experienced criticism as a child and echoes the messages your parents gave you as to your inner worth. It’s up to the writer how that criticism is interpreted and personalized. “A parent can say, ‘You’re an idiot,’ and one kid laughs it off while another crumbles. If you come from a family where you were highly criticized, criticism is horrible. If you were praised to the sky, you will also find criticism extraordinarily hard and painful.”
The more a writer understands that criticism is subjective, that it’s the opinion of someone with different artistic or commercial goals, the less it’s seen as a critique of you as a person. “But,” says Palumbo, “we’re all human and it’s very difficult not to take criticism personally. When an agent of mine once said I shouldn’t take the rejection of a script of mine personally, I said, ‘How should I take it— impersonally?’”

Which is one reason he says screenwriters are the unhappiest writers. Apart from not owning the copyright to their work, screenwriters must deal both with too many people who have script approval over them and with the stream of notes that continually churn the writer’s original story, something that rarely happens with fiction. The number-one horror of being a screenwriter, Palumbo says, is that “the writer is removed from his or her unconscious and begins to accommodate the studio or the star. The screenwriter, who knows the most about the story and character, and has labored hardest, sees his or her work changed in a minute. I was in advertising before I became a screenwriter and screenwriting is a lot like the advertising business. People come to Hollywood looking for an approving parent,” he says, “and that’s the worst place to find one.”

Unlike a novel, the screenplay structure is unforgiving. “Structure is everything and every scene has to move the movie forward. Movies are mostly plot driven and the director is king. The best stuff for writers now is on television. It’s character driven, like novels. In TV, the writer is king. Every screenwriter in my practice is developing TV projects.”

Writer envy—and worship—rarely yield happy results. “So many writers come in and say, ‘I’m no John Updike,’ and I say, ‘That job has been filled by John Updike so be the best you can be.’” Because “if you think that Hemingway was a great writer and that you’re a piece of crap, it’s going to be hard starting your next novel.” Smart writers compare themselves to themselves rather than to someone else. And one of the many self-defeating forms of comparison is thinking you don’t have an interesting enough life to be a writer. One of my favorite chapters in Writing from the Inside Out is “Write About Dogs.” It’s a take-off on an old Booth cartoon and it has to do with using who you are as the raw materials for your work.

“The thing about writing,” says Palumbo, “is no matter how particular or idiosyncratic your story is, it can generalize out to everyone. You didn’t have to grow up in Dublin to understand Angela’s Ashes. Ray Bradbury said there’s only one story in the world and it’s your story.”

Many writers believe that self-aggrandizement is a lousy quality and that it’s better to be humble. Humility is great, Palumbo says, but “successful artists of all stripes need a good amount of healthy narcissism. At some level, it has to feel urgent.” And if you don’t believe in you, who will? He goes on to say that writers should feel like that five-year-old coming home with a drawing: If you draw it, it has to go on the wall. The same goes for writing. It has to feel like a calling. You feel good when you write and bad when you don’t. “Annie Dillard said if you write long enough, your body changes on a cellular level, so if you’re not writing, it feels wrong.”

That belief in the writing self is paramount. No matter when you started writing, you need that belief in yourself to be able to withstand rejection and all of the other obstacles the writing life brings. Writers who started at a young age usually see themselves more clearly as writers than those who come to writing later. But those who’ve had success in another profession can bring the same skill set, work habits and self-regard to writing that got them through med school or law school. “There is no one answer,” says Palumbo. “What motivates or hampstrings one writer is not the same for all writers. There’s no one size fits all.” I say keep giving them you until you is what they want. I see so many patients who say they want to write the next big seller. When The Da Vinci Code came out, a lot of my patients wanted to write that. When you do that, you’re dead. The best thing is to write your own reality. If it’s your karma, the powers that be will want that. We all know

Continued on page 67
Chapter 2: The Book Publishing Service Landscape

Indie publishing is a rapidly evolving industry, with new author services coming onto the market all the time, so it’s useful to understand the underlying principles that are at play when evaluating new offerings or packages. One of the first things to remember is that you do not need to invest in a full-service publishing provider in order to be successful or to produce a professional product. In fact, many established indie authors warn against such full-service publishing providers and consider it against the ethos of indie authorship to pay a company to publish you. That said, some provide high value and quality, and may be helpful to authors who have little or no knowledge of book publishing. The following discussion aims to help you make smart and economical decisions should you decide to hire a full-service provider or go the à la carte route.

First and foremost, indie publishing services, distributors, and retailers should not obtain the rights to your book.

If a publishing service asks you to sign a publishing contract that includes a grant of rights clause, it’s a red flag. Part of the point of self-publishing your work is that you retain control over every aspect of it, and that you not enter into a traditional publishing arrangement. Unlike a traditional publisher, the publishing service provider is not investing in you by giving you an advance or acting as your partner; it is merely providing a service to you. For that reason, any agreement you enter into with a publishing service provider should look like a service contract or terms of service agreement. You should never assign your rights, and you should license your copyrights only as necessary to distribute or sell the book. If you do grant rights for any reason, make sure you have the right to cancel the agreement (generally with a 30 days’ notice).

If the self-publishing service is operating according to current standards, then you should be working with it solely on an at-will basis.

If you realize you’ve made a mistake at any point in the process, you should be able to back away and remove a book from availability as quickly as you published it. You—and no one else—should act as the publisher and make all the choices associated with the publication of your book.

Author-friendly service companies charge nothing or very little for distribution; they charge you for editorial, design, and marketing services.

For authors who are unschooled in self-publishing, the number of companies offering help can be overwhelming, with little seeming to differentiate them. You can quickly separate the wheat from the chaff by asking: Is this company charging significant fees for simply distributing the book (e.g., making your book available for sale through major retailers), or is this company charging fees based on how many print books you buy? If either is true, you’re firmly in the realm of old-school “vanity” publishers that are generally considered less author-friendly than the new generation of service companies. The old-school service providers also tend to hit you twice: once with up-front fees or requirements for purchase, and then again by taking a chunk of your sales profits. It’s best if you can hire...
a service provider whose business model focuses on just one end of that equation. Either it provides you with services that you pay a fair price for up front (and then as the author you keep most or all of your sales profits), or the company charges you little or nothing, but takes a cut of your sales.

When paying service fees up front, you should see tangible value provided in the form of e-book production, book design, editorial help, ongoing administration and title management, and so on. Always remember that distributing and making your book available for sale costs little or nothing—for you or them. That is by far the easiest part of the process and something you can handle yourself once you have book files in hand.

Always check to see if the service is exclusive or nonexclusive.

For the most part, retailers and services work on a nonexclusive basis. That means you can sell your book through many different retailers at once. This is generally to your advantage; you don’t want to limit where your book can be sold, just as no publisher limits where its books are sold. However, Amazon does offer special incentives to authors who agree to sell exclusively with it. Whether it’s worthwhile to limit your distribution in exchange for those perks is a matter of great debate in the author community. (More information is included in the chapter on Amazon KDP and KDP Select.) If you do agree to some kind of exclusive arrangement that limits where your book can be sold, make sure there’s a specific duration that you’re agreeing to. Given how fast the market conditions can change, especially for e-books, it’s wise not to tie up your rights for too long.

You should always be in control of the price.

While some retailers may have reasonable pricing restrictions, such as not allowing you to price below $0.99, the standard practice is to give the author complete control over pricing. There is one caveat to this: some e-book retailers, such as Amazon, mandate that you not offer more favorable pricing anywhere else.

You should always be able to find clear information about how much money you’ll earn on each book sale.

For example, Amazon offers 70 percent of your e-book’s list price as long as you price between $2.99 and $9.99. If you price outside that range, you earn 35 percent. This information is presented up front and explained to you before you hit “publish.” It may seem obvious, but closely review the fine print on pricing and payment for each company you’re doing business with. For instance, Amazon charges you a very small fee on every e-book sale (“delivery charges” based on your e-book file size), but only if you’re earning a 70 percent royalty.

Understand how much freedom you have to make changes to your book after it goes on sale.

If you’re working directly with retailers, such as Amazon, you can upload new and revised files as often as you like. It’s a self-service system, and the volume of changes you make doesn’t matter. However, with some distributors or services, you might incur fees with every single change, no matter how small.

What’s quality control like?

Most retailers and distributors want your business and make it as easy as possible for you to start selling with them. Some will even allow you to upload a Word document so you can start selling an e-book immediately, or they will convert your PDF into an EPUB file. However, don’t assume these shortcuts will lead to a professional-looking book, or that they’re any guarantee that someone is paying attention to quality results—aside from you. Nearly all services offer preview programs and other ways of ensuring your book looks okay before it goes on sale, and the responsibility is usually on your shoulders to act as quality control.

Deconstructing book publishing services and service packages

When you evaluate service providers that charge you fees up front, before publication, you’ll find they tend to fall into one of these buckets:

- Companies that offer publishing packages in a tiered system, with some kind of basic package that’s less than $1,000, and more premium packages, which may cost $2,000 to $3,000 (or more).
- Companies that offer bespoke packages, meant to fit your needs and your book project. You will rarely find any prices or packages listed; you have to call or e-mail to set up a consultation so a price can be quoted. Prices vary wildly, from several thousand to tens of thousands of dollars, based on the project.
- Companies that focus on providing more economical, à la carte services.

The highest-quality service providers are usually those that don’t quote prices up front, and they may not even take on every author who contacts them. That’s
how you know you’re working with a firm that is more likely to treat your book as a unique product in the marketplace—as a traditional publisher would—rather than as another widget on the assembly line.

**Services You’ll Be Offered or Charged For as Part of a Self-Publishing Package**

**Writing and editing tools**
Some services provide you with tools to write, format, and revise your manuscript and collaborate with others on it. Instead of writing and formatting your book in Microsoft Word or Scrivener, you instead compose and complete your project within a proprietary, in-the-cloud environment.

There are only few situations where you need to use this kind of software and it may be advisable not to, since your work is then locked into this environment, and must be exported or copied and pasted into another format if and when you no longer use the service. Writing and editing tools typically look attractive to the totally uninitiated, but rarely have any value that a writer should pay for. Don’t be fooled into believing these bells and whistles deserve your investment. You should be able to write, edit, and publish using whatever composition software you prefer or are accustomed to using, which usually has just as much power and flexibility as the solution being sold by the service provider.

If you’re interested in collaborative editing tools—which is the one area of arguable value that is hard to come by with Word or Scrivener—then take a look at Dropbox or Google Drive. They both offer revision control, permissions-based access, and more. Another tool is Reedsy Book Editor (see Creating E-book Files).

**Editorial services**
Some service providers outsource all editing and proofreading to freelancers, and pay those freelancers a lower rate than what they charge you, so that they’re acting as middleman and earning a profit on the transaction. The dead giveaway for this practice is when you are charged a per-word rate for editing. For example, let’s say the service says you’ll be charged $0.05 per word for line editing. It’s a near impossibility that this is what the freelancer is earning. That’s why you can often get better quality freelance help at the same price by not using a middleman service, but by hiring someone directly.

Furthermore, service companies may not put you in touch with any of the freelance editors who work on your book. So you’ll never know the name, experience level, or background of the person working on your book, which can erode confidence to say the least. In such a case, you’re not building a relationship with your editor; you’re participating in a transaction with the service provider.

**Cover design**
It’s rarely a good idea for an author to design her own book cover, unless she is, of course, a professional book designer or illustrator. That said, it’s very popular for distributors and other service providers to provide do-it-yourself cover design tools that work on a template-based system. What you end up with is a cookie-cutter design that may pass muster with the average reader, but is unlikely to be competitive next to other titles in your genre. Given that a book cover is considered to be one of your most important marketing tools, this is where proper investment can make a significant difference in the impression you make on your audience and influencers.

Outside of DIY templates, nearly all service providers offer cover design services a la carte or as part of an all-inclusive package, but you may be offered a “basic” or “standard” cover design unless you’re willing to pay more for the “premium” option. Usually, by paying for premium service, you’re paying to have more options to review, a more customized design that’s not template-driven, and greater opportunity for feedback and revision. Once again, this is an area where you might be better off hiring a freelance designer yourself, since you are less likely to be nickeled-and-dimed for your expectation of a cover that’s uniquely crafted to your book.

**Interior design and formatting (print)**
Service providers almost always offer services to format and design your print book, and the lowest cost options will be templated systems where you have little room to revise or customize. While finding a cover designer is often straightforward, sometimes finding an interior designer with InDesign expertise—as well as experience in book layout—is more difficult for the average author. If you have a nonfiction book with a lot of styles, sidebars, illustrations, charts, graphs, or other complicated design considerations, you may need to find and hire a freelancer to work with directly. For full-color interior books—especially where color integrity is critical—a design professional should be hired.

**E-book design and formatting**
Whether you need professional help preparing your e-book files (which should be in EPUB format) depends primarily on whether your book is text-driven and how comfortable you are with technology.
Just about every e-book distributor and retailer accepts a Word document and automatically converts it to e-book format, but you still must go through an “unformatting” process of that Word document for the most professional, reader-friendly results. (All major services offer step-by-step guidelines for formatting your Word documents before you upload them for conversion.) While it’s a tedious process, the average author can often handle unformatting a Word document without much trouble, assuming the book is mostly straight text. However, if your e-book has a special fixed-page layout, includes heavy illustrations, or has unusual requirements, you’ll likely want assistance. Also, authors who feel intimidated or overwhelmed by new technology may want to hire a freelancer to assist, or use a publishing service that includes professional e-book file preparation.

**Print book distribution**

Recall the warning from earlier: paying a publishing service because of its distribution muscle is largely a waste of an author’s money, unless that distribution also involves actively selling your book to accounts for placement. That is almost never the case, however. Furthermore, given that the large majority of an indie author’s sales will be through Amazon, and authors can access that channel for free (via CreateSpace or Amazon Advantage), there is little or no reason to use a publishing service for distribution reasons. (See Producing and Selling Print Editions for more information.)

**E-book distribution**

If there is little reason to use a publishing service provider for print distribution, then for e-book distribution it might be considered counterproductive, at least in cases where the service doesn’t give you immediate access and control over your e-book administration and management (to update your book’s metadata, pricing, description, and so on). However, if you’re the kind of author who prefers to “set it and forget it,” then you may appreciate working with a service that centralizes the administration and distribution of many titles. In such cases, look for packages that pay you 100 percent of net on a monthly or quarterly basis and still grant you some flexibility and control—to adjust to changes in the market.

**Book landing pages or online shops**

Some publishing services, to help justify their package costs, will help you create an online shop, book landing page, and/or author profile on their own website, especially if they sell print editions or e-books directly to readers from that site. Don’t be fooled into placing much value on any of these extras. Unless the service has an impressive track record in online bookselling (and, as of this writing, none do), then these pages aren’t likely to sell any more books for you than you would ordinarily. Professional indie authors send people to buy books either from Amazon or other well-known retailers, and in rare cases, from their own author website. The only online author profiles that carry significance are those hosted by Amazon (at Amazon Author Central) and Goodreads.

**The Biggest Danger: Marketing and Promotion Packages**

Marketing and promotion packages are a specialty of full-service publishing service providers, who often significantly mark up and profit from these services. The long lists of all the things such a service will do to market and promote your book may look essential, important, and impressive (and make you feel fearful of not engaging in such marketing and promotion activities), but usually do little in practical terms to reach the target market for your book. So be extremely cautious when purchasing any marketing and promotion package, no matter who is offering it.

Here are some of the most common marketing and promotion offerings you’ll find:

**Marketing copy assistance**

One of the best marketing investments an author can make is to ensure that she has effective and professional copy for her book’s back cover and Amazon page. This copy gets used again and again: on the author’s website, in online promotions, on social media sites, and so on. Package services usually upcharge you to either create or polish this copy, and as with the editorial and design services, you may not be told the experience or skill level of the person creating it. Look for an experienced book marketer to help you with this task if at all possible, particularly one who understands your genre or category.

**Metadata assistance**

In the world of online retail, the metadata associated with your book may be critical to its discoverability. Metadata includes things such as your book’s category or genre, keywords associated with your book, your book description, and other data points. Some publishing services will optimize your metadata for the best possible discoverability, and even tweak the metadata after publication. If it’s an area you’re unfamiliar with, it can be useful to retain guidance, or you can buy tools that help you research it yourself, such as KDSPY. (See Metadata.)
that the larger the numbers cited for any promotional channel, the less likely your book will be shown and targeted to the most likely audience to buy your work. Authors without a brand name, in particular, should be looking for targeted opportunities most appropriate for their book, not broad, mass-market approaches.

Advertising

Services may try to sell you a spot in advertisements they regularly run (featuring multiple titles) in mainstream publications such as *The New York Times*, *The New York Review of Books*, and similar periodicals. These are rarely worth the investment and have limited ability to affect sales; the same can be said of grouped advertisements in trade outlets, such as *Publishers Weekly*, *Kirkus*, and so on. If you think such advertising is the right strategy for your book, then it’s best to have a budget that supports advertising directly yourself, rather than being lumped in with half a dozen other books that may have nothing in common with your own.

Other advertising packages may target search engines or social media, using keywords associated with your book. Be extremely careful; to be effective, most online advertising has to be laser targeted at the right audience — and improved over time based on consumer response if it is to deliver a return on investment.

Book reviews

If you’re interested in securing professional or industry reviews that require payment, pursue them independently; avoid using a service provider to administrate the process, since such companies usually mark up the price. Any reviews included in a package price are probably of minimal value.

Discoverability programs and tools

Services may have partnerships with book- or industry-related sites you’ve heard of (and some you haven’t), making it sound like your book will be visible and marketed to millions of people. Usually, the promotion value offered by these programs or tools isn’t going to make a meaningful difference to your sales. Remember
The company will be actively involved to help make changes or otherwise administrate your titles. Some services may charge you fees for making changes or impose an annual maintenance fee.

Depending on how many titles you self-publish, it can sometimes be a lot of work to keep titles updated, or to go back and analyze how to make improvements that might benefit sales. Literary agents who represent indie authors sometimes undertake this administration (especially if they're earning 15 percent of sales), but it's rare to find any kind of publishing service that will proactively make suggestions. So it falls on authors to monitor their titles and to hire someone to offer an evaluation.

A final word on publishing service packages

No publishing service package can guarantee specific sales results or a certain level of success. However, some services will make you feel as if your book will fail if you don't invest in a marketing and promotion package. Marketing and selling a book is probably the hardest part of self-publishing, but you can't make that challenge go away by writing a check to a service company—even if it makes the endeavor look very attractive and doable. Be extremely wary when service providers seem to appeal to your ego or make it sound like you or your book will appear in lights. It is not easy to get attention for a book, no matter how much you're willing to pay.

The best author services focus on helping you produce a high-quality book that will compete in the market. They are staffed by people who have some kind of background in the book publishing industry and understand the market challenges you will face. They don't promise, but they do guide. Whenever possible, to help get attention for your book, hire individual marketers, publicists, or other business specialists—if budget permits—who can help you identify your target readership and how to best reach that readership. Package services almost always apply a cookie-cutter marketing approach to all titles, without consideration for how each book must be marketed uniquely.

Jane Friedman has 20 years of experience in the publishing industry, with expertise in digital media strategy for authors and publishers. She has a book forthcoming from the University of Chicago Press, The Business of Being a Writer (March 2018), and is a professor with The Great Courses.
A Definition of Author Platform

By Jane Friedman

Author platform is one of the most difficult concepts to explain, partly because everyone defines it a little differently. But by far the easiest explanation is: an ability to sell books because of who you are or who you can reach.

Platform is a concept that first arose in connection with nonfiction authors. Sometime during the 1990s, agents and publishers began rejecting nonfiction book proposals and nonfiction manuscripts when the author lacked a “platform.” At the time—before the advent of the Internet or social media—publishers wanted the author to be in the public eye in some way (usually through mainstream media appearances) with the ability to spread the word easily to sell books. In other words, they weren’t interested in the average Joe sitting at home who wanted to sell a nonfiction book but who had no particular professional network or public presence. Then, as now, publishers and agents seek writers with credentials and authority, who are visible to their target audience as an expert, thought leader, or professional.

• Visibility means: Where do you or your work regularly appear? How many people see it? How does it spread? What communities are you a part of? Who do you influence? It’s typically not enough to say you have visibility. You have to show how and where you make an impact and give proof of engagement. This could be quantitative evidence (e.g., size of your e-mail newsletter list, website traffic, blog comments) or qualitative evidence (high-profile reviews, testimonials from A-listers in your genre).

• Target audience means: You should be visible to the most receptive or appropriate audience for the work you’re trying to sell. For instance: If you have visibility, authority, and proven reach to orthodontists, that probably won’t be helpful if you’re writing a book meant to target to Fortune 500 companies.

Do you need a platform to get published?
It depends. If you’re a fiction writer, no. Fiction writers should focus on crafting the best work possible. That’s not to say a platform is unwelcome if you have one, but an agent or publisher will make a decision first based on the quality of your manuscript and its suitability for the current marketplace. (That said, if you’re a huge celebrity or Internet star, it’s possible you’ll get a book deal based on that alone, and be paired up with a ghostwriter or publishing team to help you produce a bestselling book to take advantage of your stardom.)

“It’s not a mystery why platform is so confusing when you may not yet know who you are as a writer.”

—Jane Friedman

However, if you’re a nonfiction writer seeking a book deal with one of the Big Five New York publishers, then you’ll need to develop or demonstrate that you have a platform.

For memoirists and other writers working on narrative nonfiction, you can sometimes find yourself off the hook when it comes to platform. With narratives, the focus tends to be more on the art and craft of the storytelling—or the quality of the writing—than your platform. So a lot can depend on your credibility as a good writer; an existing track record of newspaper or magazine publication can often be sufficient to get yourself a book deal. However, one look at the current bestseller list will often betray publishing’s continuing interest in a platform: you’ll find books by celebrities,
pundits, and well-established writers occupying a fair share of it. To help overcome the platform hurdle, it helps to be writing a narrative that is timely and taps into current hot topics.

Nonfiction authors shouldn’t despair if they feel like their platform is nonexistent. You may simply need to reconsider what type of publisher is a good fit for your book. Small presses, and especially university presses, have more interest in the quality of your work than your platform. And it’s not uncommon for successful authors to begin their careers with quieter publishers, then later sign with a New York house once they’ve built visibility and a strong track record.

What platform is NOT
A lot of people confuse platform building with marketing, promotion, and publicity. While those types of activities can build your platform, let’s be clear: being an extrovert on social media will not, by itself, lead you to a platform that interests publishers.

Platform is not about bringing attention to yourself, or by screaming to everyone you can find online or offline, “Look at me! Look at me!” Platform isn’t about who yells the loudest or who markets the best. It’s more complex and organic than that.

What activities build author platform?
Platform building requires consistent, ongoing effort over the course of a career. It also means making incremental improvements in extending your network. It’s about making waves that attract other people to you—not about begging other people to pay attention.

The following list is not exhaustive, but helps give you an idea of how platform can grow:

- Publishing or distributing quality work in outlets you want to be identified with and that your target audience reads.
- Producing a body of work on your own platform—e.g., blog, e-mail newsletter, social network, podcast, video, digital downloads, etc.—that gathers quality followers or a community of people who are interested in what you have to say. This is usually a long term process.
- Speaking at and/or attending events where you meet new people and extend your network of contacts.
- Finding meaningful ways to engage with and develop your target audience, whether through content, events, online marketing/promotion, etc.
- Partnering with peers or influencers to tackle a new project and/or extend your visibility.

You can’t build a platform overnight—unless you somehow become famous overnight. (If you do, take advantage of it, of course.) Platform is not something you can buy—buying followers or email addresses isn’t a platform because that’s not a meaningful audience who cares about you or your work. Being able to repeatedly reach and speak to people who know you and trust you is meaningful.

Some people have an easier time building platform than others. If you hold a highly recognized position (powerful network and influence), if you know key influencers (friends in high places), if you are associated with powerful communities, if you have prestigious degrees or posts, or if you otherwise have public-facing work—yes, you play the field at an advantage. This is why it’s so easy for celebrities to get book deals. They have “built-in” platform.

Platform building is not one size fits all
Platform building is an organic process and will be different for every single author. There is no checklist I can give you to develop a platform, because it depends on:

- your unique story/message
- your unique strengths and qualities
- your target readership

Your platform should be as much of a creative exercise and project as the work you produce. While platform gives you power to market effectively, it’s not something you develop by posting to social media a few times a week. You’ll need to use your creativity and imagination, and take meaningful steps. It’ll be a long journey.

I like trying to persuade authors of the value of platform—at least when built organically—because it represents a meaningful investment in your lifelong career as an author. You shouldn’t rely on a publisher, agent, or consultant to find and “keep” your audience for you. If you find and nurture it on channels that you own, and on your own terms, that’s like putting money in the bank.
Annual Meeting

The Authors Guild held its annual meeting on March 15, 2017, at Scandinavia House in New York City. Guild president Roxana Robinson called the meeting to order.

President’s Report

Ms. Robinson opened her final president’s report with a welcome to members and a brief reflection on her three years as president. “When I first took office, I said that I was glad to be serving in exciting times. I had no idea exactly how exciting our times were going to be. But one of the great things about the Guild is that it takes on big issues. We have addressed some of the largest corporate entities in the world. We have challenged Amazon, we have sued Google, we have responded to the president of the United States when he called the press the ‘enemy of the people.’ We are dealing with some of the basic principles that writers live by, and that democratic societies live by. It’s important to raise these issues to make them known and to remind everyone that these are fights we need to engage in.

“One of the things we try to do with the Guild,” she said, “is to offer a sense of community. Writers know how solitary that life is. We all understand the need to connect.” She acknowledged the personal honor and privilege of following in the steps of so many distinguished predecessors—most recently Scott Turow, Roy Blount, Letty Cottin Pogrebin, and Nick Taylor—and she noted the Guild’s good fortune in her successor, James Gleick, “another wonderful writer in this community, who will bring a new voice and new viewpoints to this role.”

Ms. Robinson concluded her introduction with praise for the Guild’s dedicated staff, and for Executive Director Mary Rasenberger, “who came into the job at a very difficult time for the Guild and seized the moment with energy, intelligence, acuity, with grace, charm and humor. I know no one who works harder than Mary. She knows what’s happening in Washington, in San Francisco, in New York City. If I want to know anything, Mary’s on it.” Ms. Robinson then called for and received approval of the minutes of the 2016 annual meeting. Ballots for the new president of the Guild and a slate of Council members were collected. The next order of business was the appointment of tellers and inspectors of the vote, Ryan Fox and Michael Gross. Ms. Robinson then turned the floor over to Executive Director Mary Rasenberger.

Executive Director’s Report

Ms. Rasenberger began by thanking the many members who turned up in very bad weather, and all those who phoned in to participate virtually, a first for the Guild.

She offered special thanks to outgoing president Roxana Robinson. “She has served as our fearless—and I mean fearless—leader for the last three years. She agreed to serve an extra year, at our urging, for which I am eternally grateful. It has not been an easy time to be president, and it has required a great many hours and hard decisions. It has not been an easy time to be president, and it has required a great many hours and hard decisions. Roxana, thank you for your amazing leadership and your dedication. And thanks for holding my hand.”

“Authors are more challenged than ever,” Ms. Rasenberger noted, “and they are more important than ever. As a result, the work of the Authors Guild—which is your union of authors—is also more important than ever. I want to thank all of you for your participation and for supporting us through your membership.”

Ms. Rasenberger added that in her view, “every author should be a member of the Guild. We are the quiet army working for all authors.

“In this age of false news generated in 140-character bites, you, as authors, are the antidote. Authors put facts and truth in perspective. You help us sort through the misinformation and alternative truths, whether through nonfiction, fiction or poetry. Books help us think beyond the sound bite. You introduce new ideas into the culture and give us new language to discuss and debate them; you tell stories and provide information that helps us better understand ourselves and others. Without the ability to weed out the real facts from the tidal wave of information we receive daily; without that ability to ward off propaganda, as a democracy, we are sunk. That’s how important authors are. So, more power to you!”

Ms. Rasenberger then turned to the many challenges authors face now. “Advances are down, books
are harder to sell and publishers are offering less support. Authors are bearing most of the brunt of the squeeze on the publishing industry. This is especially true of authors of midlist books—probably most of you here today—the 99 percent.” The squeeze has many causes, which we’ve addressed frequently in the Bulletin and in our postings on the website. These include:

- Amazon claiming too much of the pie and pushing down prices on many books;
- Big publishers that are owned by large multinational corporations that in some cases care more about profits than the quality of the books;
- A culture that has been convinced that copyright is uncool and that it inhibits the free movement of information on the Internet;
- The reality of so many other forms of media competing with books for attention today.

“The Authors Guild is fighting back on every side of this problem and we believe it is in every author’s interest—including the 1 percent—to support our work. The Guild’s biggest institutional challenge this year is finances. We are operating at a loss again this fiscal year, but are on track with a draft budget for the coming year that will put us in the black once more. In fact, we are doing more than ever before, and on multiple fronts, even as we continue to cut costs to the bone.

We are putting a good deal of effort into fundraising and recruitment, and made two new hires in the last year to help us reach our goals: Waddy Thompson, the new managing director of our foundation, joined us last April; Paul Morris, our new vice president for membership and outreach, came on in November, and both have made some very good inroads. All of the Guild’s staff has been working overtime. “We have given them an enormous amount of work,” said Ms. Rasenberger, “and they have stepped up to the plate. Everyone is doing about ten jobs despite having had no regular raises for three years straight.” Calling them out by name, she asked the staff to stand for a round of applause.

In 2016, with the goal of reaching the next generation of authors, the Guild introduced two new levels of non-voting memberships: emerging writers and students. Last fall, we mounted a campaign to reach out to both groups, while simultaneously launching a drive to recruit additional full members: letters of invitation were sent to authors who had new books coming out; phone calls were made to current members to encourage them to renew. On March 15, the Guild Council approved two additional associate memberships: one for agents and other publishing professionals and a second for “Friends of the Guild,” offering non-writers a way to support the Guild’s work. This last category, with a minimal fee of $60, is something we think book groups and book lovers might want to join. So if you have friends or family members who you think might be interested, we encourage you to encourage them to do so. Our goal is to add 2,000 new members this fiscal year, and we’d love your help with that. As members, you are our best ambassadors.

New Content and Programs

As part of our recruitment and retention strategy, we have added a significant amount of new content to our website and continue to develop new programs to attract and keep members. We will be launching several marketing campaigns this year to correspond with a number of new initiatives we are very proud of:

- A new guide to e-publishing, directed at authors who want to self-publish;
- A new model trade book contract, directed at agents and attorneys;
- A new version of our author website program, Sitebuilder, to be released this spring.

Last year, we hosted more than 40 events around the country, including a standing-room-only panel discussion with Chimamanda Ngozi Adichie and Ta-Nehisi Coates at the Association of Writers and Writing Programs conference in the fall, and we have even more in the works for this year. Our extended seminar series, the Writer’s Guide to the New Publishing Ecosystem, in collaboration with the Copyright Clearance Center, is underway, as is a live series for emerging writers at the Center for Fiction in New York, in partnership with Electric Literature. An exciting new webinar series, Best Practices in Marketing, Promotion and Reader Engagement, with author consultant Jane Friedman, the author of our new guidebook on e-publishing, began on April 12.

We urge members to visit our website, which is continually being updated and enriched. One of our more recent additions is the Writing Life, where we post essays on various topics of interest to authors. A month or two ago, we launched a timely series, asking authors to respond to the question, what does the First Amendment mean to you? We’ve posted four essays so far—the first was by Council member T. J. Stiles, the most recent by Scott Turow, former president of the Guild—and there are several more to come. The member portion of the website gives you digital access to the Bulletin, to the model trade contract, and to all new model contracts as they appear. Ms. Rasenberger reminded everyone that to gain access to the members-only portal on website, you do have to register.
now about 75 percent of our members have signed up, but 25 percent have not. If you have not signed up, you are missing some great content and discounts. Sign up directly on the website or e-mail us.

Executive director Rasenberger invited feedback on our updated Newsletter, which now goes out about every two weeks and includes all kinds of information to keep you up to date—industry news, advocacy efforts, new books from members, the latest Writing Life essays, and newly listed discounts. We came up with this format in an effort to reduce the number of single-message e-mails we send you and to avoid clogging your in-boxes. But we’ve discovered that many people are not opening and reading the individual articles, and we’d like to change that. So do let us know if you have any suggestions as how to make the newsletter more user-friendly and also what additional content you might like to see. If you’d prefer that we send out shorter newsletters more frequently, we want to hear that as well.

Ms. Rasenberger turned next to our stepped-up efforts to spread the word about the Guild’s work. We are working on a communications strategy to address a bigger audience and to better target our message to a variety of constituencies. Members can help by forwarding our content, linking to it in tweets or placing it on Facebook—that’s how we will grow our audience. The good news is that we’ve already significantly increased our social media presence, with almost 20,000 followers on Twitter, and 2,000 on Facebook—a nearly 500 percent increase on both platforms. We also have a new Instagram page, which we currently call our “toddler-stage Instagram.” We haven’t yet loaded a great amount of content to it but we’re working on it. If you are on any of these platforms, please follow us and get your friends to as well.

Ms. Rasenberger reported on the growing number of Facebook groups that Guild members have started around the country since we pitched the idea last year, one of many efforts we are counting on to foster a greater sense of community outside New York. There are now groups in the Bay Area, Chicago, Los Angeles, Minneapolis, New Orleans, Philadelphia and Washington, D.C. The Facebook groups based on geographical areas make it easier for authors to communicate about local events and organize get-togethers, but we also have groups for members who share a common interest, including emerging writers and children’s book authors. If you live in an area where you think a group would be welcome, or have a subject-area group you would like us to start, let us know and we’ll help you get it set up.

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Director Rasenberger spoke next about the Guild’s advocacy efforts on multiple fronts, beginning with the threat to the National Endowment for the Arts and the National Endowment for the Humanities, both of which would be eliminated if the current administration’s proposed budget were to pass. These two organizations provide grants for writers and for literary organizations that support writers. The NEA is the only federal organization that supports the arts. We believe it would be a tragedy for these agencies to be eliminated, and we’ve written a letter to the Appropriations Committees of both houses of Congress and sent it out to our members asking for signatures. (By the time we met at the offices of over a dozen elected officials on Capitol Hill at the end of March, the letter had received more than 3,500 signatures.)

The new administration has brought some special challenges to freedom of the press as well. Free speech is one of the three tenets of the Authors Guild’s advocacy efforts and we have responded with multiple statements that condemn any attempts to censor the press and in defense of authors’ rights more broadly. We continue to work closely with a number of organizations to push back on censorship. We have signed on to more than a dozen statements and letters organized by the National Conference Against Censorship that address censorship in schools, from letters that oppose anti-science bills to those that protest the removal of certain books from libraries and classrooms. (In an aside, Ms. Rasenberger pointed out that “school censorship bills are referred to as ‘Beloved’ bills because Toni Morrison’s book Beloved comes up again and again in school censorship.” We have also signed onto statements and amicus briefs with the Media Coalition, which is very active on a state level, where many restrictive laws are initiated, and to a PEN letter in support of press freedom. As in many years past, we supported the American Library Association’s annual Banned Books Week in September.

Two bills of significance to authors that were writ-
The legislation passed and show that it works. As Ms. Rasenberger said at the meeting, “If you can’t afford to sue, what you have is a right without any teeth.”

We continue to hear from both trade publishers and authors that online piracy is increasing overall and it’s a problem that clearly needs to be addressed. Last year we participated in roundtables on the Notice and Takedown regime held at the New York Federal Court House, and we filed follow-up comments on the need to revise Section 512 of the Copyright Act, which courts have interpreted to provide Internet Service Providers (ISPs) with immunity from users’ infringements as long as they comply with the notice and takedown requests of specific, location-identified infringing copies. This has made notice and takedown an absurd game of whack-a-mole, since pirates put the same content (e.g., books) right back up at another location and under another name, and the ISP has no obligation to take down those copies or any other infringing copies not specifically identified by the URL.

We continue to lobby for notice and stay down and are working with the Copyright Alliance on a takedown service that can be used by individual creators, whom Google will recognize as trusted notice senders.

On a separate but familiar front, we continue to fight Amazon’s chokehold on the book market and its persistent devaluation of books. We have been working with staff in several senators’ offices to get a request issued for the Department of Justice to investigate Amazon. And on a more optimistic note, on February 7, Ms. Rasenberger, Roxana Robinson, Rick Russo and Jim Gleick met with Carla Hayden, the new Librarian of Congress, to discuss ways we might work together. We would very much like to have good relations with the Library going forward.

Ms. Rasenberger reported next on the Guild’s indefatigable legal team, which handled more than a thousand inquiries in the last fiscal year—contract reviews, reversion of rights inquiries, copyright, permissions and other issues. We had some success on several cases this last year, including an inquiry from an author whose agent received a notice from a publisher in Germany asking to renew rights to an English language version of the author’s book. The U.S. agent and author knew nothing about the license, although the German publisher had told the licensee to contact the agent. In fact, there was a provision in the contract that dealt specifically with an English language version of the book in foreign countries, but it had been struck. After a lot of back and forth, we got the publisher to give the author half the royalties from the first ten years, so that was a win. In another case, we’ve been working with a sci-fi magazine publisher in Hungary that has been publishing American authors’ works...
without permission and we’re very close to a final agreement. We’ve gotten them to agree not to infringe anymore and are now trying to negotiate compensation for the writers involved.

As mentioned earlier, we have been working for some time on a new, improved and reader-friendly edition of our model contract, and expect to release it this summer. We want to make it a practical, accessible guide for authors; we are separating out advocacy from practical advice so it’s clearer to authors what you can realistically get and what you might have to trade.

Two longstanding Guild services, website hosting and our Sitebuilder platform, continue to be popular. We currently host almost 2,300 member sites, with a base monthly fee of $9, which is way below market price, and we will help you build a new site at very low cost. The newest version of Sitebuilder, which is currently being tested in pilot version by several members and will be ready in a couple of months, is a big step up in design and functionality. It will have built-in social media links, larger images, an integrated blog and newsletter page, and really easy editing tools, so you can edit it yourself. There are 12 wonderful new design themes, and the platform is mobile friendly, so your website will appear consistently across all devices, including cellphones. Ms. Rasenberger reminded members that we also register domains for members’ sites.

As mentioned earlier, member dues, even with last year’s increase, cover only a third of our expenses, and the money that we receive from overseas library licensing is down by two-thirds, so we can’t rely on that anymore. In response, we have enlarged our Foundation board, adding four new members this year, and made it more active. Ms. Rasenberger expressed thanks to Nominating Committee members Nick Taylor, Beth Gutcheon and Tony Robinson, who have taken on the job along with Roxana. She gave special thanks to Foundation president Nick Taylor for taking on the immense task of building the Foundation board and increasing Foundation revenue.

Our fundraising appeal last fall raised $125,000, and we raised an additional and welcome $8,300 from a small dinner event at which Roxana interviewed Francine Prose. Our annual gala last May exceeded our expectations. We raised $333,525 for the Foundation and $270,000 for the Authors League Fund. This year’s gala will be held on Wednesday, May 24, at Essex House. We are honoring Toni Morrison, James Patterson and IngramSpark, highlighting the Guild’s embrace of multiple authors and publishing platforms. New York Public Radio correspondent Jami Floyd will be our emcee. To meet our goals and make our budget for this year, we need to raise $207,000 from the gala and $120,000 from private donors, so to the extent your support involves writing checks, we encourage you to do so.

Ms. Rasenberger gave a brief summary of some additional initiatives on the horizon for the coming year.

In the expectation that the Affordable Care Act would become history under the new administration, we have been looking at options for reviving healthcare plans for Guild members, directly or through the Freelancers Union. We are also working on something along the lines of a seal of approval we could award to publishers if they agree to certain principles in their contracts. We are planning a reversion campaign to help members reclaim their rights to books that their publishers are not exploiting on their behalf, and we are drafting a Bill of Authors’ Rights, the number-one principle of which will be that authors have a right to be paid for their work. This may seem self-evident, but a great many people don’t seem to recognize it. Roxana Robinson has drafted a statement that we will be posting on our website soon. Along with having more community events and workshops, including in New York, we’re going to issue a marketing handbook and provide marketing training.

Ms. Rasenberger concluded her presentation by welcoming, in absentia, the Guild’s presumptive president-to-be, Jim Gleick, who could not be there that evening. Mr. Gleick is the author of numerous essays on technology and science and of seven non-fiction works, including his most recent book, Time Travel: A History. After ten years as a reporter and editor for The New York Times, he published his first book, Chaos: Making a New Science, in 1987. He has been a member and supporter of the Guild and a Council member for over 22 years.

Ms. Rasenberger then took a handful of questions, which appear here in abbreviated form.

Q: What is the total membership of the Guild?
A: At any given time, it’s about 8,000. We’d like to like to bring it up to 9,000 this year and 10,000 next year.

Q: What is happening with the Back-in-Print program?
A: For members already in the system, you should already have been moved over to Open Road. The process was much slower than we anticipated. Open Road has had some financial difficulties. We are still planning on opening it up to others, but are negotiating with a different service provider. So if you are not already in the Back-in-Print program, and you want to bring any of your books you own the rights to back into print, or are already on the waiting list, you will be hearing from us very soon.
Treasurer’s Report

Mr. Petre began his report by noting that Ms. Rasenberger had properly sketched the big picture, which is that “right now the Guild operates on a budget of about three and a half million dollars a year, to do all these wonderful things we’ve talked about tonight.

Last year, Mr. Petre said, we intentionally ran at a deficit of about a million dollars. This year, we are again running at a deficit, of a little under a half million, which is a great improvement. The reason for that is, that for the last couple of years the Guild has been changing its financial structure. We used to be heavily dependent on a subsidy of royalty fees and library lending fees, all these wonderful things that they do in Europe, which would flow to us as a United States writers’ organization, and as the largest organization representing book writers. That flow is drying up because of the Internet. In place of that support, we’re having to fund ourselves in ways that we never had to before.

The main sources of income going forward are the dues that members pay — and we hope you will help us get more of them — and from contributions of many kinds, such as the annual gala, from people who are friends and supporters of writers and from writers who can afford to help. We also derive some income from digital services and member services that we charge for. Most of our services, such legal services, are free to members and we have to subsidize those.

To facilitate this transition, we’ve actually increased our costs in crucial areas, like recruiting and fundraising and marketing and communications, as an investment long term. In the meantime, Sandy Long, our COO, has been very diligent in squeezing down the costs of every other aspect of the Guild’s operations to keep things under control. So the big picture is that we should be on track to start breaking even next fiscal year. This year so far we are on target if we continue to hit the goals we have set, and we are on track to do that.

Vote Tally

Ms. Robinson then called upon the teller and inspector for the voting results. The proposed slate of Council Members was returned, with 867 votes cast. The results were that Jim Gleick was elected president, Richard Russo was reelected vice president, Peter Petre was reelected treasurer and Daniel Okrent was reelected secretary. Four new Council members were also voted in: Deirdre Bair, Rich Benjamin, Sylvia Day and Jonathan Taplin.

Continued on page 40
The Authors Guild hosted its 25th annual benefit dinner on May 24 in New York City, honoring Toni Morrison, James Patterson, and the publishing company IngramSpark with awards for Distinguished Service to the Literary Community.

The recipients of the Award were saluted for their contributions to the rich literary world we live in and the multiple means by which authors reach readers. The dinner, held annually since 1993, benefits the Authors Guild Foundation, which conducts advocacy and education to support and protect the profession of writing and the welfare of writers everywhere.

Serving as Master of Ceremonies, NPR host Jami Floyd began the program by reminding the audience—which filled a ballroom at New York City’s Essex House hotel—of the importance of writers in our society and the work the Authors Guild does on their behalf. The Guild’s newly inducted president, James Gleick, then welcomed the crowd, surmising that “we all know books are going to be all right—sort of” before handing it over to AG council member CJ Lyons, who presented the Award to IngramSpark.

In presenting the award, Ms. Lyons, a bestselling indie author who has herself used Ingram’s self-publishing services, cited the company’s focus on serving authors and “getting books into the hands of excited readers.” The award was accepted by Robin Cutler, Director of IngramSpark, and Kelly Gallagher, Vice President of Content Acquisition.

Ms. Morrison’s award was presented by her longtime editor Robert Gottlieb—an author in his own right—who offered that Morrison has “made an indelible impression on everyone who has been writing in the last 40 years.” Ms. Morrison took the stage to a standing ovation. After accepting the award, she recalled her and Gottlieb’s trenchant but good-natured struggles over comma placement, and spoke of the importance of the Guild’s work in providing community for authors. “The truth is, an author’s work is not merely competitive,” she said. “As strong as competition is, it is not nearly as strong or as needed as community.”
After dinner, Authors Guild executive director Mary Rasenberger and author Nick Taylor, president of the Foundation, took the stage to underscore the importance of authors to society, to describe the work of the Foundation, and to rally support for the Foundation’s Free Expression Fund. “It has been said that poverty is the worst form of censorship,” said Ms. Rasenberger, explaining the Fund’s purpose. “When they can’t make ends meet, authors write less or not at all. That’s why the Foundation supports the Guild in its advocacy for copyright protection, fair contracts, and free speech; and it is why the Foundation educates authors to empower them in the business of writing.”

Ms. Rasenberger and Mr. Taylor then led the audience in a parlor game. Mr. Taylor recited the first line of a novel, and guests were invited to shout out the title and author of the novel. The books included Toni Morrison’s *Beloved*, Sherman Alexie’s *The Absolutely True Diary of a Part-Time Indian*, and Alice Walker’s *The Color Purple*; when the game was done, Ms. Rasenberger revealed one thing they all have in common: they were banned somewhere in the U.S. within the last year.

After Ms. Rasenberger and Mr. Taylor called for donations to the Free Expression Fund, lawyer and agent Robert Barnett presented the evening’s final award to James Patterson, citing the author’s extreme generosity to literary causes, his robust work ethic, and his commitment to improving literacy. Mr. Patterson proceeded to charm the evening’s guests, mocking his own reputation as a prose factory by portraying his descent to the dungeon where he keeps his stable of writers—“my own personal authors’ guild”—under lock and key: “Wakey wakey my minions! Novel a week, novel a week!”

With the Guild’s income from overseas licensing fees significantly reduced, events like this now play an outsized role in the Guild’s fiscal health. Many thanks to all who offered their support. ♦

You can find additional photos and real-time commentary of the event on Twitter @AuthorsGuild, on Instagram @authorsguild, and on the Authors Guild Facebook page.
AUTHORS GUILD SYMPOSIUM

When Is It Defamation? Legal Issues for Nonfiction Authors

Writing about real people, living or dead, creates special risks for authors, and it’s essential for writers to take the proper steps to protect themselves in advance. On February 10, a panel composed of two experienced lawyers and two experienced writers convened at the 2015 AWP Bookfair in Washington, D.C., to discuss the most common risks and how to avoid them. Authors Guild Executive Director Mary Rasenberger served as moderator for the discussion. Our thanks to all participants, who generously reviewed our edited transcript for accuracy and clarity.

Good morning, I am Mary Rasenberger, the executive director of the Authors Guild. This morning’s panel is about defamation and other legal concerns, things that you need to think about when you’re writing about real people, living or dead.

We have an amazing group of panelists today: David Cay Johnston, who is a Pulitzer Prize–winning investigative reporter and best-selling author, formerly with The New York Times. He has written a best-selling book called The Making of Donald Trump. We’ll talk a little bit about some of his interactions with Trump later today. David is a former president of Investigative Reporters and Editors. He chairs the board of InvestigativePost.com, and teaches tax and regulatory law at Syracuse University College of Law.

Next to David is Laura Handman, who divides her time between the New York and D.C. offices of Davis Wright Tremaine, where she practices law and cochairs the appellate practice. For more than 30 years she has provided prepublication advice and defended authors, US and foreign broadcasters, magazine, newspaper and book publishers in libel, copyright and other content matters.

On my right is Ellis Levine, a former partner of mine. He is a partner of Cowan DeBaets Abrahams & Sheppard. He served as vice president, secretary, general counsel and a member of the board of directors of Random House from 1989 until 1998. He primarily represents book and audio publishers, authors and literary agents.

Last, but not least, on my far right is Susan Cheever, who is the author of sixteen books, including biographies, memoirs and five novels. She teaches at the Bennington MFA program and at the New School, and she is a Council member of the Authors Guild.

We’re going to start with our two lawyers, Laura and Ellis, providing some legal background on what you need to be concerned about when you’re writing about real people, living or dead. We’ll start with Laura, who will talk about what’s involved in a defamation claim.

LAURA HANDMAN: Good morning, everyone. Libel is a tort claim. It is based on state law. Defamation is the more general term. It covers both oral defamation and written defamation, while libel is the term used to mean written defamation. Even though libel is based on different state laws, all of the state laws share certain elements, and there is a federal First Amendment constitutional overlay that protects authors and reporters when they get sued.

First, the purportedly libelous statement has to have been a published statement of fact—that is, something that is subjectively true or false as opposed to opinion. Opinion is protected. Second, the published statement of fact has to be damaging to the plaintiff’s reputation. Third, it has to be about a living, identifiable person or entity, generally speaking—that is, everywhere in the U.S. except in Louisiana—a dead person cannot have a defamation claim. Fourth, the statement has to be substantially false. So if you wrote something that’s true, it doesn’t mean that they can’t sue you but it does mean they won’t win. Fifth, even if you got it wrong, it has to be published with some degree of fault, whether it’s negligence or actual malice. Malice is defined as knowledge of falsity or serious doubts as to the truth of the statement.
Which fault standard applies—negligence or actual malice—will depend on who the plaintiff is, and whether the plaintiff is a public figure or a public official. If the plaintiff is either of those, then he or she has to meet the highest standard and show that when you published the statement you knew that what you were publishing was false or that you actually had serious doubts about its truthfulness. If the plaintiff is a private figure, they only have to prove negligence. If you’re lucky enough to be sued in New York, where many book publishers are, and it’s about a matter of public concern, the private-figure plaintiff has to prove gross irresponsibility. And even if all those factors are present, there are an assortment of privileges that can protect you, the defendant.

So who is likely to sue for defamation? There is no point guessing who sues because, honestly, sometimes it’s the last person you would imagine. But in my experience, and I represent the New York Post so I have a lot of experience, executives sue because they have money. Mr. Trump was in that category. I’ve just spent four years doing defending a Wall Street Journal reporter against Sheldon Adelson, who loves to sue. Corporations can sue. They also have money. Judges sue. I’m on my fourth lawsuit defending someone sued by a judge for defamation, and I have won them all. Law enforcement, surprisingly, sues. The NYPD can’t sue, but an individual police officer can. The CIA can’t sue, but the director of the CIA can sue. Teachers sue. Doctors, lawyers, of course, are frequent plaintiffs. Criminal suspects sue. Steven Hatfill, whom you may remember was the suspect in the anthrax murders? He sued. He was cleared ultimately, but he didn’t let the fact that he could have had potential criminal charges pending stop him from suing. Prisoners are the next category of folks who have all the time in the world and actually become pretty good lawyers.

I just argued a D.C. circuit case for Bloomberg and the plaintiff was a guy doing life plus fifteen for killing two U.S. federal marshals. He’s been in a maximum-security prison since 1983, and he’s a darn good lawyer. Entertainers sue. Parents of children sue. Children are definitely hot buttons. And people don’t necessarily have to be identified by name in order to sue. If they’re identifiable through the various ways that you’ve described them—that with enough specificity they could swear that you were referring to them—they can sue.

I mentioned that dead people can’t sue if, when you write about them, they’re already dead, in every state but Louisiana. In Europe, they can. And if the alleged defamation occurred while a person was still alive, their estate can sue after they die. Large groups can’t sue. So if you say that all the doctors in D.C. commit malpractice, no one doctor can bring a lawsuit. Groups of more than twenty can’t sue as a group. Unions can sue if you name a specific union. Churches can sue. Scientology is a frequent litigant. But other large groups cannot sue.

I also said earlier that a statement had to be harmful to reputation to be defamatory. Some categories are per se harmful to reputation. If you accuse someone of illegality. If you accuse someone of unethical behavior. Drug and alcohol abuse. Adultery and promiscuity. Sexual orientation has actually been changing. It’s no longer automatically defamatory. It would depend on who it was about, the context in which it was said, and the community you are in. Saying someone has a disease when they do not can be libel per se. My mantra on figuring out if something is injurious to reputation is that, if you wouldn’t want something said about you, you should assume that the person you’re writing about feels the same way.

But one thing that comes up is, what is the real meaning of what we are saying? We spend a lot of time on words and on meaning, which you as authors will appreciate. Sometimes what you wrote was totally factual, but claimants will argue, for example, that the implication it gives rise to, without saying it in so many words, implies that someone committed a crime. There’s very good protection on that. They have to be able to show that that implication was what you intended, and that in looking at the copy, there is evidence by tone or juxtaposition, that that is what you intended to im-

“So who is likely to sue for defamation? There is no point guessing who sues because, honestly, sometimes it’s the last person you would imagine.”

—Laura Handman

Courtesy of Davis Wright Tremaine LLP
Al Jazeera broadcasts, telling terrorists where to attack next. George W. Bush stopped planes flying from Europe based on this intelligence in December 2003.

Jim wrote that Montgomery was the maestro behind what many former U.S. officials and others familiar with the case now believe was one of the most elaborate and dangerous hoaxes in American history. I raise this to give you a real-life example of the proof required for each factor. The court held that whether it was in fact the most dangerous hoax in American history, whether or not true, was opinion. Moreover, Montgomery had to prove that Risen’s statement that the software was a hoax was false. Montgomery never produced the software, so he could not prove that the statement was false. Further, Montgomery had to prove that Jim knew it was false when he wrote it and acted with actual malice when he published it. But we had no less than John Brennan, the director of the CIA, saying in Congress that it did not work, and many other government officials as well. We had FBI investigations that we were able to rely on with the fair report privilege. We had prior publications stating that the software was a hoax. So we won on this issue as well. So that’s an example of how all these principles come into play when an author is sued.

RASENBERGER: Thank you very much, Laura. We’ll come back to some of these concepts throughout the panel today. Ellis is now going to talk about another type of potential legal claim that you need to think about when you’re writing about real people, mainly invasion of the right of privacy and publicity.

ELLIS LEVINE: Thank you, Mary. Invasion of privacy, unlike libel, doesn’t relate to reputation. It relates to the plaintiff suffering alleged emotional distress and hurt feelings. Another distinction is that there are statutes, like the New York Civil Rights Law, which allow injunctive relief so you can stop a publication in the appropriate case, whereas you can’t enjoin a libelous statement in the United States.

There are four basic categories under the rubric of invasion of privacy, and they are very different. One is intrusion. The second is “embarrassing private facts.” The third is putting someone in a false light. And the fourth is violating the right of publicity. I want to focus on the two types of claims that I think are most important for writers.

The first is “embarrassing private facts.” Even if they are true, publicly disclosing embarrassing private facts can land you in a lawsuit in states that recognize a claim for publishing “embarrassing private facts.” The notion is that if the facts are offensive to a reasonable person and there’s no public interest in reporting them, then the courts will find that a tort has been committed.
The areas that most often involve “embarrassing private facts” are those that deal with sex and disease. Those are the primary areas you have to be careful about. It’s not a problem if these facts have been reported previously by a reputable publication or if they are available through public records. But if you take a private person and write a story saying they are HIV positive, the court can say that’s an “embarrassing private fact” and the plaintiff wins the lawsuit. You also have to be cautious in writing about people’s sex lives, about whether they have a disease, or some strange malady. If they are private citizens and there is no public interest in their problems, it can be a real problem for authors.

The second area I want to talk about is false light. It’s similar in some ways to defamation but also very different. Putting someone in a false light gives the reader the wrong impression of this person. It has to be a living person. He or she has to be identifiable. In states like New York, you have to have used their real name or likeness. In a state like California, all you have to do is write about them in such a way that they are identifiable.

I’ll give you four examples that illustrate what a false light case can be like. The first one is called Time v. Hill. It was a case that involved a 1955 article in Life magazine about the debut of a play about the Hill family, which had been held hostage by four criminals two years earlier. The Life article was about the play, and what the magazine claimed were similarities between the play and the original event. The Hill family sued, claiming there were factual mistakes in the article. The case went to the Supreme Court, and the Court, wanting to protect the right of free expression, said that the Hills could not win unless they could prove that the magazine writers knew that what they wrote was false or that they had published it with reckless disregard to whether it was true or false. The lawyer who argued the case for the Hill family in 1966 was about two years away from being elected president, namely Richard Milhous Nixon.

In 1964, a famous baseball player named Warren Spahn brought an invasion of privacy suit over a young adult biography about him. The book credited Spahn with having won the Bronze Star in World War II, which was not true. The author also attributed thoughts and feelings to him and invented dialogue. Spahn claimed that he was put in a false light by the misstatement about the Bronze Star, and he won. It was appealed to the New York Court of Appeals, which affirmed the original victory. It was then appealed to the United States Supreme Court. The Court sent it back to the New York Court of Appeals for reconsideration in light of Time v. Hill. One fact you should know about this case is that the author, who did not interview Spahn, relied upon an article in Sport magazine that said that Spahn had won the Bronze Star. Spahn claimed that this created emotional stress because people he knew in the army would think that he had told a reporter that he won the Bronze Star, which he hadn’t. The New York Court of Appeals adhered to its decision and said this was reckless falsification. At that point the Supreme Court accepted the case once again but the lawyer for Spahn decided he was going to lose in the Supreme Court, and, as he didn’t want to spend the money printing the record for a losing case, he gave up his damages and settled the case.

The next case I’m going to mention is Cantrell v. Forest City Publishing. This case was prompted by an article that was written five months after a huge tragedy, in which a bridge collapsed and 44 people died. One of them was a man named Melvin Cantrell. The story focused on Cantrell’s widow, Margaret, and their children, and about how Mrs. Cantrell felt, the abject poverty in which she and her children lived, how poorly dressed they were, and it quoted her about what people wanted to do to help her. Mrs. Cantrell and her children sued on grounds of invasion of privacy. The court held that since the evidence showed that the reporter never interviewed her, but had written his story based on what he thought she might have felt and on what he thought she might have said, even though he never actually interviewed her, it was a calculated falsehood. Since the writer was an employee of the newspaper, that calculated falsehood was imputed to the newspaper, and the newspaper, publisher and author lost that invasion of privacy case in the United States Supreme Court.

While it’s difficult to do, you can also invade someone’s privacy with a work of fiction. In 2011, an author wrote a novel about a plot to kill General Patton during World War II. It was totally fanciful; he made it all up. But he decided to insert some color into the story, and borrowed the name of a lawyer named Moses Polakoff, whose only claim to fame was that he was the long-time lawyer for one of the most notorious mobsters of the twentieth century, “Lucky” Luciano. Polakoff had nothing to do with the fictional plot to “kill” Patton, and he sued for libel and invasion of privacy. Polakoff lost the libel suit but won an invasion of privacy suit after the court concluded that he had nothing to do with the story, and had therefore been put in a completely false light.

The other two areas that violate invasion of privacy rules are intrusion, where you intrude on somebody’s seclusion through, for instance, surreptitious pho-
ography, and “right of publicity,” which is the exact opposite of privacy. “Right of publicity” protects celebrities and other famous people from others being able to commercially exploit their names, likeness or performance. In the seminal case, a man named Bruno Zacchini, who called himself the “Human Cannonball,” sued and won a case for violation of the right of publicity in the Supreme Court because a newscast had aired the entire fifteen seconds of his act without permission.

Many of these cases stem from the use of posters or the use of people’s names for advertising purposes. However, if you do a fictionalized biography and label it fiction you are probably okay. That was the case with the novel *Agatha* and the subsequent movie *Agatha*, which were inspired by Agatha Christie’s 11-day disappearance in December 1926. The author invented a story about Christie trying to make her husband’s mistress look guilty of murdering her as revenge for his having an affair. The court held that the author had a First Amendment right to write a fictionalized story. Consequently, her heirs lost the suit.

RASENBERGER: Thank you, Ellis. You raised one point I want to make sure we get back to later, which is that even if you’re writing fiction you do have to think about some of these claims. I want to turn to our authors on the panel to talk about their experiences writing books about real people and the threatened or actual claims brought or threatened against them. Let’s start with David.

DAVID CAY JOHNSTON: Good morning. Here are the fundamental things you need to know as a writer when writing about real people. First, you need to know what it is you’re writing. If something seems too good to be true, then it probably isn’t true. Second, if you’re relying on what someone told you, remember that people flake out on the littlest thing; documents don’t. The disadvantage of a document is that you’ve got to vet it. You have to make sure it’s a real document. I’ve literally had fake documents turned over to me in an effort to trap me into something. So when you have a document, make sure that it’s authentic and reliable.

Next, you’ve got to be fair to people. The most monstrous child rapist murderer deserves to be treated fairly. If you treat people fairly, you will reduce the risk that you will get sued. In the case of doctors who get sued, the ones who have no bedside manner and are cold automatons are more likely to be sued and to pay damages than those with a friendly disposition. They sometimes make remarks that can be construed against their own best interest.

Anybody can sue you. They don’t have to have cause. I was sued once by a mayor for quoting a judge who called him incompetent from the bench during a formal judicial proceeding. A totally protected remark. It completely freaked out the lawyers for the *Los Angeles Times*. I sat down and wrote up fifty pages of questions, handed them over and said, “Put these in the form of interrogatories, and we’ll never hear from this guy again.” They said, “How could that possibly be?” I said, “Because he’s incompetent!” After five years the case was dismissed for failure of the plaintiff to pursue it.

People will sue you simply to shut you up. Just as there are slap suits there are also suits meant to threaten and intimidate you. Keep in mind two things about these. One is that the party who is really angry may not be the one who is coming after you. They may use a proxy to come after you. A second party, for example, who has some other cause of action. Some people will bring a suit simply to harass you. My biggest hope in these cases is that the person suing will stupidly admit they are trying to stop you from speaking, because then you have legal ground.

In one instance at the *Los Angeles Times* a few years ago, my partner and I were served in a letter. It began by saying if any article appears in the *Los Angeles Times* by David Cay Johnston and Bob Sipchen we will sue you. I jumped off my chair and said, “Yay, a get-out-of-litigation-free letter,” because they had declared that they didn’t care what was true or false.

And finally, you want to be incredibly candid with your own lawyers. You want to answer their questions no matter how outrageous you think they are or how
difficult the lawyer is, because you don’t want to answer opposing counsel when they ask later on. When I wrote my first book, Temples of Chance, about Donald Trump and the casino industry twenty-five years ago, at the end of four days of vetting a bunch of banker boxes and files, one of our lawyers said, “Okay, we’re done,” and I said, “Wait a minute. What if they ask about the one line in the book where they can sue us?”

The lawyers all sat back down. I said, “This guy is supposedly a billionaire. He’s the kind of guy who, even though everything in the book is true, may sue anyway. He’ll walk into his lawyer’s office, slam the book down and say, ‘Go f—— him.’” After the book was published, he sued over a paragraph that was factual, rounded and fair. It was very easy to get out of that case, which could have dragged on for years. I simply wrote a letter in which I rewrote the paragraph cited in the lawsuit. We made a sealed settlement. I paid nothing. I knew, however, that he would violate the seal. Sure enough, within a year I got many calls from journalists asking if I retracted what’s in my book. I asked each of them to please read the paragraph in the book, then read the paragraph in the letter and call me back. When they called me back they would say, “They say the same thing.” I said, “Yup, they say the exact same thing in different words and I didn’t retract anything.” That was the end of the case.

I had a choice. I could spend years in litigation or I could just rewrite the thing and say the same thing in different words.

You want to be practical about this. You do not want to be in litigation.

You want to think defensively in your writing. You want to keep in mind something an editor taught me when I was a nineteen-year-old staff writer at the San Jose Mercury and had no idea what I was doing. I said I had a problem because there was no way to write something and not be subject to a lawsuit. My bureau chief said, “Son, we can write anything in the newspaper. It’s just how you write it.” Think about that. Calling someone a prostitute might get you into a lawsuit, as happened to The Mail in London. Pointing out that some prominent public woman in American society today was well known in her youth to be in the company of very wealthy men for brief periods of time won’t expose you to litigation or will at least reduce the chance of it. So think ahead. Think defensively. Be fair to the most outrageous people. Assume that you’re going to get sued anyway. And first and foremost, be true to your lawyer so you don’t have to talk to their lawyer.

RASENBERGER: David, thank you. David raises a really good point, which is that much of the time you want to avoid ending up in a lawsuit. So you have to think not only about what would happen if you were in a lawsuit—will you win? You probably don’t want to be in a position where you’re defending a lawsuit, even if you know you’re going to win it, because it’s super expensive.

I’d like Susan to talk about her experiences with these sorts of lawsuits, and also, Susan, if you could talk about some of the emotional and personal aspects of writing about people one knows.

SUSAN CHEEVER: It’s great to be here. I see a lot of friends in the audience. I want to echo what Mary and David just said. You don’t want to get sued. It’s totally not worth it, and I am a chicken who will tell you to back down. I’ve been threatened with lawsuits a couple of times, and in those cases I just took out the offending sentence. In one case I thought I had legal insurance, and it turned out there was a $25,000 deductible on that insurance. The lawyer from Random House was a very distinguished lawyer, Harriet Dorsen. She said, don’t worry, Susan, we can win this. I said no, Harriet, take out the sentence. She was disappointed, but really? I need time to write. I don’t need to be caught up in lawsuits. It’s also not my intention as a writer to be unfair. It’s not my intention to enrich people. It’s my intention to help people. So I would say to you that the law is what happens when everything else has broken down, and be careful about that. Many people will say to you, art is
long and life is short . . . you have to write about what you write . . . it’s the truth. Be careful. Life is short. So that’s my first message.

I need to talk for a minute about what it’s like to write about people who might threaten to sue you over the Thanksgiving table. Where I have a lot of experience is writing about my parents, my siblings and my own children, which is a very special and horrifying aspect of being a writer. Again, I have done all kinds of things to make it okay with the people that I write about. I try to show them the book before it’s published. I know how awful it is to open a book and see yourself in it. Even if it’s flattering, it’s not a good moment. I do have compassion for the people I write about, even the evil people I write about.

As writers we have a tremendous amount of power. I know it doesn’t feel that way, and thank God the Authors Guild gives us a hand when it comes to that. But we do. We just don’t want to abuse that power, or at least that’s my feeling. Nevertheless, I’ve gotten into a lot of trouble with my own family for things that I’ve written about them. They have threatened to sue me. They have taken out legal affidavits. They have sent me a God Box in which they suggested I put my complaints instead of putting them in books. That was the most creative one. But it really is a balance between your right to exercise your power to say whatever you want to say about other people and your actual purpose as writers to enlighten and to make the world a better place. Sometimes those things are in conflict, and you have to balance that conflict.

So I wrote a book about my mother when she was still alive, and actually that was the book that someone else threatened to sue me over. My mother, who is dead now, had had a very flagrant affair in midlife, and I was her confidant. So I happened to know every detail of this affair, and was even complicit in it by lying to my father. Of course, I put this affair in the book that I was writing about my mother.

I always give the people in my books copies of my books before they are published. It works like a charm. I mean they never ask you to take out the stuff you don’t want to take out. They really don’t. They ask you to change their address or their first name. So it really pays to be candid and honest with the subjects of your memoir, if you write memoir.

So I showed the book to my mother and she wanted me to take out this affair she had had, and I did. Because it was my mother, and I needed to get along with her. That’s the kind of decision you have to make, and I don’t think there’s any shame, or there isn’t for me, in deciding what to publish in order to get along with your mother.

The thing that you don’t want to do is to minimize the difficulty of these decisions. These are the decisions that can lead to a lawsuit, and these are the decisions that will protect you in a lawsuit. These are the decisions that, when a lawsuit comes, will make you feel okay about whatever you have to do. So I would urge you to remember how powerful you are as writers, especially in this country. It is amazing what we’re allowed to write in this country as of this date.

Just be careful how you use that power, and remember that you don’t want to spend your writing time talking to your lawyer. You don’t want to spend your writing earnings paying your lawyer. You don’t want to have to go to court. You don’t want that. If you can avoid it, I would urge you to avoid it.

RASENBERGER: I have one more general question for the panelists. Can each of you give some advice to authors who are writing a book about real people—what do they need to think about to avoid legal claims, and to avoid ending up in court? David, why don’t you start?

JOHNSTON: As I said the first time around, you’ll know what it is you think you know. How thoroughly do you know it? Have you offered the person you are writing about an opportunity to respond? Have you phrased any potentially troublesome language in a way that makes the point without you having to lead with your chin? You don’t need to lead with your chin.
But you have to recognize that there are people who will threaten you.

Donald called me back in April about my book on him, which is now on sale all around the world in ten languages, and he proceeded to tell me, “If I don’t like the way you wrote it, I’ll sue you.” He hasn’t sued me. He’s not going to sue me. I’m not worried about that. But he intimidated a lot of news organizations so that they didn’t report what was in my book. They said, “Oh, there’s this book on the bestseller list of The New York Times,” but they never told you what was in it. That’s why TV didn’t report on all these criminal associations. There were threats, and you need to pay attention to people making threats. Jack Olsen, the best true crime writer we’ve ever had, had what I think was the best of his twenty books basically submerged by threats and litigation that were utterly baseless.

HANDMAN: I agree 100 percent with the authors that a lawsuit is the last thing you want to be involved in, even though we win most of them. The First Amendment is our great friend, and you shouldn’t be scared out of writing. What the lawyer’s job is, both in the prepublication review process and in the legal defense, is to anticipate how this would look in court. How would we be able to defend it, how can we tweak the language to make it more defensible in the event that we are sued?

It’s our job to have the worst-case scenario in our brains every minute that we’re looking at a page. It’s not your job to worry about worst-case scenarios, but I agree with David that having a vetting process and documents, particularly public records, is great. Sources are also great, particularly if you’ve relied on them before and they’ve proved to be truthful. Usually sources can be mixed bags, but that doesn’t mean that you can’t rely on them. On the record is better than off the record. On the record, you’ll be able to say that so-and-so told me X, Y, Z. Off the record, you’ve made a commitment not to reveal who they are, and you’re going to honor that commitment even if it means that you won’t be able to say, “He told me such and such,” because some courts have said that it’s not fair to say that you relied on X but not tell the other side who X is and deprive them of a chance to cross-examine him. So in some cases, it’s like not having a source. But if you can corroborate what he or she says in other ways, that is very helpful. As for memoirs, about which Susan just described the agonizing choices that have to be made, there is some good law that says you need to be able to tell your story, and the people that are involved in your life are inextricably linked and intertwined with you. To the extent that you’re telling intimate details about that relationship and they are relevant to what you’re talking about, then that’s okay.

I’m thinking of a book a partner of mine defended that was written by Susanna Kaysen, author of Girl, Interrupted. The case was about a different book of hers, in which she talked about an intimate condition she had when having sex, and she talked about a boyfriend but never named him. But of course friends knew exactly who the boyfriend was, and it gave a lot of intimate detail. The court said that the details were pertinent to the story that she was telling about the condition and it was inextricably intertwined with her life. So there is even protection when talking about intimacies. That book was a good example of getting a book lawyered and trust me, your publisher will if it needs it.

As a former general counsel, Ellis can speak to the decision of when to get a book lawyered. When the book needs to have a legal review is a decision that’s usually made by in-house counsel, and it’s a very collaborative process. A number of authors and reporters have said that lawyers are sometimes the best editors they have.

LEVINE: This is very good advice. One thing I would say to authors is, definitely don’t regard the prepublication legal review as an adversarial contest between the lawyer and the author. Some authors feel that way, and every time they’re asked a question they take umbrage, as if they feel they are not trusted by the lawyer. That’s a big mistake. Some writers are busy doing other things and they regard the legal review as a waste of time, and they’re confident that nobody is going to sue them. They waste more time doing that than they would have if they just answered the questions to the best of their ability and realized that the legal review before publication is as much in their interest as it is in the interest of the publisher.

Authors of books that are published by book publishers all have to sign agreements where they give warranties and indemnities, and even though the
publisher carries insurance coverage, the author is ultimately responsible. Authors have to realize that they have to cooperate. What I have found is that the best authors are the easiest to work with. The worst ones are the most insecure ones, who argue over every comma, or as one person said, “I don’t like to put quotation marks in sentences.” That meant that he was quoting other people but didn’t put quotation marks around it because that was his style, which didn’t help his legal position at all.

CHEEVER: I agree with everyone that it’s good to get a legal review. It’s one of those things that mainstream publishers offer us writers. I think it’s a great idea. Sometimes, I try to get another lawyer as well. I take the legal review from the publishing house very seriously, but I have friends who are lawyers, like Ellis, and I try to get a second lawyer’s eyes on the manuscript as well just so that I know what to take out. Just so I know what I’m risking, because I’m not a lawyer.

RASENBERGER: I want to follow up on something that Ellis mentioned, which is that in a publishing contract, and this is true, I think, in 100 percent of publishing agreements, you as the author warrant that there is no copyright infringement, no defamation, etc.

On top of that, there is an indemnification clause that says you will indemnify the publisher—meaning you have to pay them back for their damages—if your warranties are not true, or even just if the publisher is sued for defamation or infringement. The general practice today is that the publisher’s insurance will cover the claim but not the deductible, as Susan mentioned. Make sure that’s in your contract: first of all that they will apply their insurance, but there is also this question of the deductible and the author is responsible for it.

When Susan realized that she was going to be responsible for $25,000, she said, “Okay, I’ll take the sentence out.” You need to be aware of that. So when you’re writing a book on subject matter that makes it possible that you will get sued—you’re writing about somebody who is litigious or something—it’s a good idea to get what’s called “media liability” or “gap” insurance, which covers authors personally for any claims they have to pay, including the publisher’s deductible.

The Authors Guild, through a third-party provider, provides that insurance, so that’s something to think about. If you are concerned you might get sued, you should get media liability insurance to protect yourself.

LEVINE: I want to add one thing to that. Most publishing agreements where the publishers offer authors insurance don’t tell you what the deductible is or the maximum coverage that you have. You have to ask. They’re not going to give you the policy, but they’ll tell you what it is. So you have to find out if there’s a $10,000 deductible, and if so, you probably would say that I’ll take the risk. If the deductible is $50,000, $250,000, $500,000, and the book is one that you would consider risky, then you might want to consider getting gap insurance.

When you’re trying to get gap insurance, the insurance company will want to make sure that the book has had a legal review and then they’ll do their own legal review. I had a situation once in private practice where I did a legal review of a book, and we applied

“One thing I would say to authors is, definitely don’t regard the prepublication legal review as an adversarial contest between the lawyer and the author.”
—Ellis Levine

for author insurance and the insurance company denied coverage. I called them up and asked why did they do that, and they started telling me about all these things in the book, which I said had already been taken out of the book as a result of the legal review. It turned out that the author had sent the first draft to the insurance company. The insurance company was willing to reevaluate the book with the deletions and then they gave us the author insurance.
Newest Council Member Appointed

The Authors Guild also welcomes Tayari Jones, who was voted in at the June Council meeting to fill a vacancy. Ms. Jones is the author of the novels *Leaving Atlanta, The Untelling, Silver Sparrow,* and *An American Marriage.* A member of the Fellowship of Southern Writers, she has been a recipient of the Hurston/Wright Legacy Award, a Lifetime Achievement Award in Fine Arts from the Congressional Black Caucus Foundation, a United States Artist Fellowship, an NEA Fellowship and a Radcliffe Institute Bunting Fellowship. Ms. Jones is a graduate of Spelman College, the University of Iowa and Arizona State University. She is currently an Associate Professor in the MFA program at Rutgers University-Newark.

Annual Meeting

Continued from page 28

Deirdre Bair is the critically acclaimed author of six award-winning biographies, including *Samuel Beckett,* for which she won the National Book Award (1981), and her most recent, *Al Capone: His Life, Legacy, and Legend* (2016). She is also the author of the cultural study *Calling It Quit: Late-Life Divorce and Starting Over.* Ms. Bair serves on Pace University’s MS in Publishing Advisory Board. She received an honorary doctorate from Pace in May 2017. She currently divides her time between Connecticut and New York.


Sylvia Day is the author of more than 20 best-selling novels that have been translated into 41 languages. In 2015, she launched the digital lifestyle magazine *Beyond Words,* which publishes daily articles focusing on travel, wellness, health and style. Ms. Day currently lives in Las Vegas, Nevada.

Jonathan Taplin is the Director Emeritus of the USC Annenberg Innovation Lab and a former tour manager for Bob Dylan and The Band, as well as a film producer for Martin Scorsese. An expert in digital media entertainment, Taplin is a member of the Academy of Motion Picture Arts and Sciences and sits on the California Broadband Task Force and Los Angeles Mayor Eric Garcetti’s Council on Technology and Innovation. He is the author of *Move Fast and Break Things: How Facebook, Google, and Amazon Cornered Culture and Undermined Democracy* from Little, Brown.

Affidavits on the notice of meeting, the proxies sent to all active members and details of the tallying are available for inspection by members at the Guild’s office.
where do immigrants come from? They appear with imperceptible suddenness one day, engaged in a variety of essential occupations, expected and unexpected. They build our houses and skyscrapers. They walk our children home from school, fix dinner, help them with homework. They drive us around our cities. They remove tumors from our bodies, transplant organs, solve equations that expand our knowledge of the universe. Some of them, between their daily and nightly toiling to survive, toil even more—quietly, in dilapidated rooms, writing down their stories, stories that eventually become our literature. Yet their sudden arrival in our midst is met with distrust and consternation. Immigrants disturb our sense of normalcy. Their presence brings uncertainty to our lives. Their ruptured histories throw our myths of continuous history into doubt, forcing us to ask in turn:

Where did we come from?

According to the UN, international migrants comprised 3 percent of the world’s population in 2015, which is to say, 244 million people lived in a country other than the country of their birth. Between 2000 and 2015, the population of international migrants grew by 41 percent, a rate that far outpaces overall global population growth. And as if the ballooning scale of our immigrant reality needed another illustration, consider this: a country made up entirely of the world’s migrants would be the fifth largest country in the world. But even the most capacious and far-reaching data captures only a small part of the immigrant reality, and it explains even less, just as prototypically legal terms—immigrants, foreigners, aliens, refugees, asylees, stateless people—ultimately fall short of embracing the truth of their experience. The experience of migration evades stable language; it cannot be defined using fixed grammatical coordinates or located within territorial boundaries and historical intervals. To talk about migration, we need a different sort of language.

In the essay “Exiles,” Roberto Bolaño writes, “All literature carries exile within it, whether the writer has had to pick up and go at the age of twenty or has never left home.” This is the obvious but easily forgotten truth about how literature and migration each embody the other. Physical migration is a dramatic staging of the very same loss and estrangement we experience as we transition through life. Creation myths in virtually every culture—whether in the Bible, Homeric epics or the Vedas—begin with a separation from some true and absolute state, an expulsion from home, and go on to recall arduous journeys through vast, unfamiliar terrains of people yearning for another place of rest, a new home to replace the one where meaning has become untenable.

The writing process and the stages of migration mirror each other in similar ways. An initial reverie or anxiety—something sudden and mortally important—hurls the writer into the unfamiliar terrain of the empty page, whose obscure customs and laws the writer works hard to learn, armed with little other than personal experience, intuition and a desire to reach the reader. The writer traverses this terra incognita—stumbling often—until he’s learned enough of the customs to pass fluently, less alien now than when he first started. Then, just as he reaches the point of
“figuring it out,” everything he’s written up to that point falls prey to the harshest doubts: the writer feels lost and bewildered; is he even a writer, or is he merely pretending to be one? There’s only one solution to this crisis: the writer must place his trust in what he doubts most, what isn’t before him yet but hopes will come into existence.

The phenomenon of mass migration is neither new nor trivial. We don’t need to look back any further into history than 20th-century Vienna to see that the crucible of high European culture was teeming with immigrants. In fact, many creators of what we revere as the great examples of European art, literature and music were considered Europeans only provisionally, and often contentiously, at the time. The history of American art, literature and music is no different, and it strongly refutes the notions of American ethno-cultural authenticity that are being mendaciously propagated by the alt-right and President Trump. American culture has never been anything other than the culture of migrants and exiles, and the list of authors that follows, arranged chronologically by birth, reflects our good fortune in their turning up.

JOHN MUIR
My First Summer in the Sierra. Born April 21, 1838, Dunbar, Scotland; died December 24, 1914, Los Angeles, CA. Muir’s family emigrated to the U.S. in 1849. The naturalist and explorer became an author by chance, after a former professor forwarded a letter Muir had written about his discovery of the Calypso Borealis to a newspaper. Muir would cofound the Sierra Club and publish six works on nature in his lifetime.

KHALIL GIBRAN
The Prophet. Born January 6, 1883, Bsharri, Mount Lebanon, Ottoman Empire; died April 22, 1931, New York City. Gibran emigrated to the U.S. in 1895 with his mother and half-brother, joining relatives in South Boston. His mother sent him back to Lebanon in 1898, but he returned in 1902 and in 1911 moved to New York.

JACOB RIIS
How the Other Half Lives. Born May 3, 1849, Ribe, Denmark; died May 26, 1914, Massachusetts. Riis emigrated to the U.S. in 1870. He worked as an iron-worker, a salesman, a police reporter and, finally, a photographer and a writer.

THOMAS MANN
Buddenbrooks, Magic Mountain, Death in Venice, Doctor Faustus. Born June 6, 1875, Lübeck, North German Confederation; died August 12, 1955, Zurich, Switzerland. He emigrated to Switzerland in 1933 and to the U.S. in 1939, then returned to Switzerland in 1952. He won the Nobel Prize in Literature in 1929.

VLADIMIR NABOKOV
Lolita, Speak, Memory; Pale Fire; Ada. Born April 22, 1899, St. Petersburg, Russia; died July 2, 1977, Montreux, Switzerland. Along with his family, he emigrated to Berlin in 1920, to France in 1937, to the U.S. in 1940. In 1961, he returned to Europe, settling in Switzerland.

ISAAC BASHEVIS SINGER

HANNAH ARENDT
The Origins of Totalitarianism, Eichmann in Jerusalem. Born October 14, 1906, Linden, Prussian Hanover (Germany); died December 4, 1975. In 1933, she emigrated to Czechoslovakia, then to Geneva, then Paris; in 1941, following a brief internment in a Vichy camp, she left for the U.S. on an illegal visa provided by the American activist Varian Fry.

CZESLAW MILOSZ
SAUL BELLOW
The Adventures of Augie March, Seize the Day, Herzog. Born June 10, 1915, Lachine, Quebec; died April 5, 2005, Brookline, MA. Bellow emigrated to the U.S. with his Russian émigré parents at the age of nine. According to his friend and fellow émigré Christopher Hitchens, the entry was illegal, although Bellow did not discover that until he tried to enlist in the U.S. Armed Forces. He won the Nobel Prize in Literature in 1976.

LOUIS CHU
Eat a Bowl of Tea. Born October 1, 1915, China; died February 27, 1970, Queens, NY. He emigrated to the U.S. with his parents at the age of nine. For a decade he was New York City’s only Chinese disc jockey. He was also a social worker. Eat a Bowl of Tea was his only novel — and the first written by a Chinese-American about contemporary life in the U.S.

ALEKSANDR ISAYEVICH SOLZHENITSYN
Cancer Ward, One Day in the Life of Ivan Denisovich, The Gulag Archipelago. Born December 11, 1918, Kislovodsk, Russia; died August 3, 2008, near Moscow. Solzhenitsyn was expelled from Russia in 1974. He took refuge serially in Cologne, Germany; Zurich, Switzerland; and Vermont. He returned to Russia in 1994 after his citizenship was restored. He was awarded the Nobel Prize in Literature in 1970.

CHINUA ACHEBE
Things Fall Apart. Born November 16, 1930, Ogidi, Nigeria Protectorate; died March 21, 2013, Boston. One of the earliest Nigerian authors to publish, he was an intermittent visitor and part-time resident of the U.S. from 1972 on, settling permanently after his appointment as professor of languages and literature at Bard College (1990–2009), which was followed by an appointment as university professor and professor of African studies at Brown University (2009–2013).

MICHAEL J. ARLEN
Passage to Ararat, Living Room War. Born December 9, 1930, London. The son of a French-born Italian countess and an English-Armenian writer, Arlen emigrated with his family to America during World War II and became a citizen in 1951. He graduated from Harvard the following year and worked as a journalist at Life magazine and The New Yorker.

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SEAMUS HEANEY
Death of a Naturalist, Wintering Out, Station Island. Born April 13, 1939, Londonderry, Ireland; died August 39, 2013, Dublin. Heaney held tenured posts at Harvard from 1985 to 2006, and was a frequent and familiar speaker and award recipient in the U.S., making him one of the earliest of the international commuter class of writers. He won the Nobel Prize in Literature in 1995.

LORE SEGAL
Her First American, Other People’s Houses. Born March 9, 1928, Vienna, Austria. Segal was sent to England as a child for safety in 1938, was resettled after the war in the Dominican Republic in 1948, and arrived in the U.S. in 1951.

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EDWARD SAID
Orientalism. Born November 1, 1935, Palestine; died September 25, 2003, New York City. Because his father, a Palestinian, had served with the U.S. Army during World War I, the family was granted citizenship, unclaimed until 1951. After Said was expelled from Victoria College in Egypt in 1951, his parents sent him to Northfield Mount Hermon boarding school in Massachusetts. He completed his education at Princeton and in 1963 joined the faculty at Columbia.

ANITA DESAI
The Village by the Sea, In Custody. Born June 24, 1937, Jaipur, India. Desai has lived in the U.S. since 1987 and has taught writing at Mount Holyoke, MIT, Baruch University and Smith College.

JOSEPH BRODSKY
BHARATI MUKHERJEE

ISABEL ALLENDE
The House of the Spirits. Born August 2, 1942, Lima, Peru. The daughter of Chilean parents (her father, a cousin of Salvador Allende, was posted to the Chilean embassy), she emigrated with her family to Venezuela in 1975. She resettled in the U.S. in 1987 and became a citizen in 1993.

SALMAN RUSHDIE

ART SPIEGELMAN

AZAR NAFISI

CHRISTOPHER HITCHENS

JAMIE KINKAID
Annie John. Born May 25, 1949, St. John’s, Antigua. Kinkaid came to the U.S. at 16 to work as an au pair in Scarsdale, NY. She went on to write for The New Yorker for 20 years.

MARGOT LIVESEY
The House on Fortune Street. Born July 23, 1953, Scotland. Livesey emigrated to the U.S. in the 1970s. She is currently writer-in-residence at Emerson College.

KWAME ANTHONY APPIAH
In My Father’s House: Africa in the Philosophy of Culture; The Ethics of Identity; Cosmopolitanism: Ethics in a World of Strangers. Born May 8, 1954, London. Raised in Ghana, he earned a BA and a PhD in philosophy from Cambridge. Currently a professor of philosophy and law at New York University, he is a descendant of John Winthrop, one of the founders of the Massachusetts Bay Colony, on his mother’s side, and Osei Tutu, a warrior-king of pre-colonial Ghana, on his father’s. He has lived in the U.S. since the early 1980s.

HA JIN
Waiting, The Writer as Migrant. Born February 21, 1956, Liaoning, China. As a young man, Jin was a member of China’s People’s Liberation Army, but by 1989, he was studying at Brandeis University in Massachusetts. Ten years later, he published Waiting, which won both a Pulitzer and the PEN/Faulkner Award; he went on to win the latter for War Trash, too.

CRISTINA GARCÍA
Dreaming in Cuban, The Aguero Sisters. Born July 4, 1958, Havana, Cuba. Her family emigrated to the U.S. when she was two. She spent her childhood in three different boroughs of New York City: Brooklyn, Manhattan and Queens.

RABIH ALAMEDDINE
An Unnecessary Woman. Born 1959, Amman, Jordan. The son of Lebanese parents, Alameddine grew up in Kuwait and Lebanon. He left the Middle East at 17, first for England and then for the U.S. In 2002, he received a Guggenheim Fellowship. He now lives in San Francisco and Beirut.

AMITAVA KUMAR

SEFI ATTA
Everything Good Will Come. Born January 1964, Lagos, Nigeria. Atta splits her year between Nigeria, the U.K. and the U.S.

JOSEPH O’NEILL
ALVARO ENRIQUE
La muerte de un instalador, Hypothermia, Sudden Death. Born 1969, Guadalajara, Mexico. He has held fellowships at Princeton and the New York Public Library's Cullman Center. Currently, he lives and writes in New York City with his wife, Valeria Luiselli, and is a visiting lecturer in the department of Latin American and Iberian cultures at Columbia.

JUSTINE LARBALESTIER

KHALED HOSSEINI
The Kite Runner. Born March 4, 1965, Kabul, Afghanistan. Hosseini’s father was a diplomat, and the family moved twice during his early childhood, first to Iran, and then to Paris, where they were stranded after the Russians invaded Afghanistan in 1979. They applied for asylum in the U.S. and settled in San Jose, CA, when Khaled was 15. He earned a medical degree from the University of California, San Diego, and practiced medicine for ten years before writing his first novel.

JUSTIN DIAZ

OSAMA ALOMAR

CHRIS ABANI
GraceLand, The Virgin of Flames, The Secret History of Las Vegas, Sanctificum. Born December 27, 1966, Afikpo, Nigeria. Abani emigrated to the U.K. in 1991, and to the U.S. in 1999. He has an MA in English and a PhD in literature and creative writing, the latter from the University of Southern California. He was awarded a Guggenheim Fellowship in 2009.

LAILA LALAMI
The Moor’s Account, Secret Son. Born 1968, Rabat, Morocco. She emigrated to the U.S. in 1992 for graduate school and earned a PhD in linguistics from the University of Southern California. Currently a professor of writing at the University of California, Riverside, Lalami has had both Fulbright and Guggenheim fellowships.

JHUMPA LAHIRI

VIET THANH NGUYEN

EDWIDGE DANTICAT
exile from Ciudad Juárez, Dorantes is now living in Los Angeles.

CHIMAMANDA NGOZI ADICHIE
Half of a Yellow Sun, Purple Hibiscus, Americanah. Born September 15, 1977, Enugu, Nigeria. Adichie came to the U.S. in 1996 on a scholarship from Drexel University and completed her BA at Eastern Connecticut State University. She has an MA in creative writing from Johns Hopkins and another in African studies, from Yale. She was a 2008 MacArthur Fellow.

POROCHISTA KHAKPOUR

DINAW MENGESTU
The Beautiful Things That Heaven Bears, How to Read the Air, All Our Names. Born June 30, 1978, Addis Ababa, Ethiopia. Mengestu emigrated to the U.S. with his parents at age two. He has a BA from Georgetown and an MA from Columbia. In 2012, he received a MacArthur Fellowship.

TAIYE SELASI

NICOLE DENNIS-BENN
Here Comes the Sun. Born 1981, Kingston, Jamaica. She came to the U.S. at 17 to attend Cornell University and graduated with a BS. She has an MFA from Sarah Lawrence and an MPH from the University of Michigan.

IMBOLO MBUE
Behold the Dreamers. Born 1982, Limbe, Cameroon. She has lived in the U.S. since college. She earned a BA from Rutgers and an MA from Columbia. Dreamers, her first novel, won the 2017 PEN/Faulkner Award.

VALERIA LUISELLI
Faces in the Crowd, Sidewalks, The Story of My Teeth. Born August 16, 1983, Mexico City. Luiselli has lived in half a dozen countries, and has been in the U.S. since 2011. She lives in New York City with her husband, Álvaro Enrigue, and teaches literature and creative writing.

JANINE JOSEPH
Driving Without a License. Born c. 1984, Philippines. She and her family came to the U.S. in 1991 and stayed. She has an MFA from New York University, and a PhD in creative writing and postcolonial literature from the University of Houston.

OCEAN VUONG
Night Sky with Exit Wounds. Born October 14, 1988, Saigon, Vietnam. He emigrated to the U.S. at the age of two. He lives in New York City and is working on his first novel. He won the Whiting Award in Poetry in 2016.

YAA GYASI
Homegoing. Born 1989, Mampong, Ghana. At the age of three, she emigrated to the U.S. with her parents. She has a BA from Stanford and an MFA from the Iowa Writers’ Workshop.
Additionally, there are two scenarios in which an author would not be entitled to the transparency obligations under the proposed law. First, EU Member States could make the transparency obligation inapplicable “when the contribution of the author or performer is not significant . . . to the overall work or performance.” Second, the transparency obligations would not apply to collective management organizations already subject to transparency obligations established by a previous EU directive.

The “Best-Seller Clause”
Of particular value to authors is the introduction of what’s been dubbed the “best-seller clause.” This provision would “ensure that authors and performers are entitled to request additional, appropriate remuneration” from those with whom they contract if revenues are larger than expected. That is, if an author’s publishing contract originally stipulates compensation that’s disproportionately low compared to the amount of money the book ends up making for the publisher, the author can ask for a payment structure proportionate to the increased profits.

Unfortunately, it is unclear just what the proposal means when it states that it ensures an entitlement “to request additional, appropriate remuneration.” If it merely secures an author’s right to ask for additional remuneration after a runaway success, it’s hard to see

Legal Services Scorecard
From January 1 through June 16, 2017, the Authors Guild Legal Services Department handled 475 legal inquiries. Included were:
107 book contract reviews
36 agency contract reviews
15 reversion of rights inquiries
49 inquiries on copyright law, including infringement, registration, duration and fair use
9 inquiries regarding securing permissions and privacy releases
2 electronic rights inquiries
257 other inquiries, including literary estates, contract disputes, periodical and multimedia contracts, movie and television options, Internet piracy, liability insurance, finding an agent and attorney referrals
how it would, in practice, necessarily secure an author a better deal, though it could advance an author’s bargaining position.

Another uncertainty with the “best-seller clause” is its failure to define the point at which the provision would be triggered. What does “appropriate” mean and at what point does an author’s remuneration become “disproportionate” to the success of the work? Such questions will be left to legislation implemented on a nation-by-nation basis and could ultimately be left to judges to interpret on a case-by-case basis.

Despite these gray areas, the “best-seller clause” is at the very least an attempt on the part of EU legislators to acknowledge the weak position of the majority of authors at the modern publishing house bargaining table. Countries in the EU will need to enact legislation to make the EU directive effective on a national level, and those national laws will presumably provide some clarity on these issues.

Under the new proposal, authors and performers would also have the right to submit disputes with publishers over the new transparency obligations and the “best-seller clause” to voluntary, alternative dispute resolution. This provision could help ensure that authors can defend these new rights without having to pay hefty legal fees.

Enhanced Digital Rights for Press Publications
The EU’s proposal also spells out new compensation and protection rights for copyright owners in the “press publication” (or periodical) industry.

Under 2001 EU legislation, Member States were directed to give authors and digital broadcasters the right to prohibit their works from being compiled in online collections of “news snippets.”

Under the EU’s latest proposal, Member States would also have to extend these rights to publishers. The proposal provides an exclusive 20-year term (commencing at date of publication) for press publications to utilize these rights. As a result, press publishers will have the right to demand compensation from Internet service providers (ISPs) for “news snippets” that appear on their websites for up to 20 years after their publication date.

The proposed enhancement of digital rights for press publications has attracted criticism, particularly from the Internet sector. Therese Comodini Cachia, the European Parliament’s rapporteur on EU copyright reform, sided with websites in a March 20 report that advocated eliminating the extension of this right to press publishers. Cachia’s recommendation is to do away with press publishers’ related rights in news snippets, while offsetting it with a presumption that press publishers can sue on behalf of authors to enforce their copyrights when it comes to the digital use of their press publications.

The Proposal’s Current Status
The proposal has been under discussion in the European Council since November 2016. On January 25, 2017, the European Economic and Social Committee adopted the proposal without debate. On February 8, 2017, the Committee of Regions voted to support the proposal. Not all committees, however, have been equally supportive; the JURI Committee (the European Parliament’s legal affairs committee) is reportedly planning to adopt the Comodini Cachia report discussed above in June 2017.

Delhi High Court Rules That Photocopying Textbooks for Students Is Fair Use
In September 2016, the Delhi High Court ruled in favor of a photocopying company that copied, distributed and sold portions of copyrighted textbooks to students as course packs.

Three international publishers—Oxford University Press, Cambridge University Press and Taylor & Francis Group—had sued both the University of Delhi and Rameshwari Photocopy Service, which carried on its business at the university, for copyright infringement of their books. Defendants countered that they were exercising fair educational use of the books under India’s Copyright Act of 1957.

Rameshwari Photocopy Service was copying between six and sixty-five pages of individual textbooks, compiling them and then reselling them to students as course packs. The University of Delhi reportedly encouraged the use of the photocopier’s services and stored its course packs in its library. Publishers further alleged that the library knowingly loaned copies of their works for photocopying.
The Delhi High Court found in favor of the university because it was not providing the photocopiers for the purpose of copying and selling entire textbooks, just excerpts, and the court found that this was not a market threat to the sale of entire textbooks. The Delhi High Court reasoned that only portions of the larger works were assigned to students in their course syllabi and that students should not be expected to purchase multiple textbooks to obtain the portion of the work needed for their studies. Finally, the Delhi High Court found that the photocopying service was comparable to having a “photocopying machine installed in the library” and that there was no difference between this and the photocopier’s services, which is like having the photocopy machine placed outside of the library.

In December 2016, the Delhi High Court agreed to hear appeals filed by the three publishers. But on March 9, 2017, the three publishers released a joint statement announcing their decision not to pursue the matter any further and to withdraw as plaintiffs from the case on the same day. The statement asserted that the publishers continued to stand by the principles stated throughout the case, that they remained committed to supporting their authors, and that they “look forward to working even more closely with academic institutions, teachers and students to understand and address their needs, while also ensuring that all those who contribute to and improve India’s education system—including authors and publishers—continue to do so for the long term.”

—James M. LoPiano
Legal Intern

How Much Is the Backlist Worth?

Continued from page 2

Why? Well, that’s when books really begin to pay off for publishers, whose costs—advances to authors, editing, copyediting, marketing, and manufacture—are largely front-loaded. Depending on the size of the advance given to the author and the amount of money spent on promotion, many front-list books are probably not yet profitable. Some, if the publisher has paid too much for the title, may never be. It’s money dependably generated by the backlist that allows publishers to take chances on new titles, some by writers of reputation, others by unknowns. Publishing is expensive and the better you do it, the more expensive it gets. What publisher would make an expensive wager (and all trade books are bets) if he knew that after a short time the book would lapse into public domain? Publishers—I’m using the term broadly here to include the Big Five, smaller presses and even self-published authors—know all too well that some of their bets will be bad, just as gamblers understand that even the most educated wagers on thoroughbred horses won’t all pan out.

But publishers also know that over time other books will be far more profitable than anyone imagined when the book was purchased, which cannot be said about pari-mutuel wagering. It’s that “over time” that makes publisher and author alike willing to gamble, the very time that Mr. Darnton and others would like to decrease significantly. Reduce the period under which a book is protected by copyright, though, and you change the entire calculus by undermining a publisher’s incentive to take risks.

Out of economic fear, I may not write the book I should.

The same is true for authors. The risk factor may be on a smaller scale for an individual writer, but the stakes—her livelihood—are higher. The career author invests an enormous amount in her writing—education, time, experience, research. Risks must be taken every step of the way, wagers made on projects that seem likely to pay dividends versus “slow burn” projects that have long-term potential if you can manage not to starve in the interim. Most of my novels are long, and on average they take me four or five years to write. That means that if I’m wrong about a book, I’ve wagered most of my income for four years. The only hedge I have, if hardcover sales are underwhelming, is that the paperback will catch fire or perhaps that at some later date the topic takes on unexpected urgency and the book is rediscovered. Should any or all of this become impossible thanks to weakened copyright protection, I may be forced to play things safer, choosing the more commercial project, or the one that can be completed more quickly, instead of the one my heart is really in. Out of economic fear, I may not write the book I should.

Mr. Darnton maintains that “the Founding Fathers designed a copyright system to balance the interests of authors with the public good.” That may be true, but it’s important to remember that publishers and booksellers are also important to the literary ecosystem. We at the Authors Guild understand that authors don’t do it alone. As every self-published author quickly learns, there’s more to publishing a book than writing it. The primary mission of the Guild is to defend the writing life by standing up for the rights of authors, but we also understand that the publishing ecosystem is fragile and that any serious threat to publishers and
booksellers will have equally serious ramifications for us. That said, though, we are indeed the ecosystem’s primary stakeholders for the simple reason that without us there are no books, just as there are no movies without scripts.

Mr. Darnton believes that current copyright law, parts of which will be under review in Congress during the coming months, is out of whack because “after a few years . . . the main interest of authors is to reach readers rather than collect royalties.” This is, frankly, bullshit. I’m a successful author, at least by my own reckoning, in that for the last two decades I’ve been able to support myself and my family by my pen. I taught for many years, but quit as soon as I could afford to. Let me be clear: there are not a few writers who make more money than I do, some a lot more, but still it wouldn’t surprise me to learn that I’m in the top 1 or 2 percent in terms of earnings, earnings that have allowed me to pay for my kids’ education and can contribute to my grandchildren’s. My wife and I own a nice house. We occasionally travel. So yeah, I’m one of the blessed. But it’s also important to understand that in the writing business—unlike, say, law or medicine—you can be in the top 1 or 2 percent and not be rich. Moreover, if you’re in the bottom third, maybe even half, you’re courting poverty pretty seriously or already in bed.

Despite its “insignificance,” I can’t recall a single time when I didn’t know what to do with the money or wasn’t grateful to see it.

But the real story of a writer’s earnings has as much to do with process as sums. Mohawk, my first novel, was published in 1986, 30 years ago. Since then it’s never been out of print, and during that time the book has always earned royalties. Mr. Darnton argues that after a few years most books don’t produce “significant income,” and it’s true that some years Mohawk probably generated only a couple hundred bucks, but you know what? Despite its “insignificance,” I can’t recall a single time when I didn’t know what to do with the money or wasn’t grateful to see it. I was also glad to see the slightly larger (“less insignificant”) earnings generated by my second book. Actually, all of my books have remained in print, and small sums have a way of adding up, in my case, to a living.

Am I unusual? Well, for a writer of literary fiction, I suspect so. Over the last decade, author incomes in the U.S. are down by roughly 30 percent according to a recent Authors Guild study. There are lots of reasons. Cheap e-books and e-readers undermined print books’ platforms for a time, while other forms of digital story-telling that didn’t even exist two decades ago have provided additional stiff competition. Advances are down, in part, because publishers, many of which are owned by larger entities, are increasingly pressured to be as profitable as the division of the parent company that sells refrigerators or cereal. I was lucky indeed to have made my reputation before all of this happened; it gives me a tremendous advantage over today’s emerging authors. So, yes, I’m among the blessed. But in other respects, I’m pretty typical. Every new book a writer publishes breathes new life into his backlist. (Winning awards has a similar effect, as does a film or television series based on something that author has written.)

Last year I published a novel called Everybody’s Fool, a sequel to Nobody’s Fool, which came out 23 years earlier, and for many months during the spring and summer, Nobody’s sold almost as many copies as Everybody’s. If Mr. Darnton’s assertion that most books have little economic life after a couple of years were taken as true, it might suggest that 20 years or so would be a reasonable period of copyright protection, after which a book might, for the public good, enter public domain. But in my case it would mean that, “in the public interest,” my publisher, the stores that sell my books and I would be cheated out of, yes, significant sums. Okay, you say, but how often does that happen? Does literary fiction like mine usually have such a long tail? Not as often as we’d like, but it’s growing. The tools are now available for anyone to republish her long out-of-print books, and for an older writer with a significant backlist, the earnings can be the difference between abject poverty and getting by. And regardless of its length, when the tail in question is attached to your own coccyx, you tend to take a dim view when someone approaches with a knife, arguing that lopping off said tail won’t hurt (easy for you to say) and will actually benefit others (more than it does me?).

Deep backlist titles remain the bedrock of the publishing industry.

Moreover, move out of the realm of literary fiction and nonfiction, and the writerly tail gets longer. Indeed, from Harry Bosch to Harry Potter, a long appendage is more rule than exception. Hercule Poirot and Miss Marple continue to generate income more than a century after Agatha Christie imagined them, and the same is true for many science fiction, fantasy, thriller, and romance titles. Genre readers are famously voracious. And what about children’s books? Who wouldn’t love to have the income generated each year by A Child’s Garden of Verses? That’s not to say that Robert Louis Stevenson should still be under copyright with the money going to his distant heirs, only that deep
backlist titles remain the bedrock of the publishing industry. Sure, the most successful front-list titles generate loads of income in any season. But at our store in Portland, we didn’t start unpacking the front list until the backlist was shelved. The hottest new titles didn’t even arrive until mere days before we opened. They were placed in the front windows and on the center tables, the “New Fiction and Nonfiction” shelves at the front of the store and the endcaps, like Coke products in the supermarket. But book lovers—as we already knew from experience—don’t judge a store by its windows and center tables. You assume every supermarket sells Coke. It’s the alternatives to Coke that you judge the store by.

Mr. Darnton has been writing about the publishing industry for a long time and he’s obviously a smart guy, so it’s fair to assume he knows all of this. Why, then, do he and his friends continue to maintain, with Birther insistence, that there’s little value in the backlist?

Every new book a writer publishes breathes new life into his backlist.

list? Well, for one thing, if you plan to take something that doesn’t belong to you “for the public good,” it’s not a bad strategy to suggest that you’re purloining isn’t worth much to begin with. That was essentially Google’s argument when the corporation digitized our books without asking our permission. But Mr. Darnton and his academic colleagues at the Authors Alliance (he sits on their board and urges us to support them) have a different agenda from the Borg-like tech sector.

Academic authors make their money from the universities that employ them, which renders their financial relationship to the books they write tangential at best. Their purpose is to win the author promotion and tenure and the cumulative pay raises that follow over an academic lifetime—either that or to elicit a better job offer from a competing institution. When academic authors argue that trade books written by people who write for a living have little commercial value after a relatively short period of time, it’s more than a little ironic, given that most of their own books have little economic value from the beginning. How could they? Most are aimed at tiny, targeted audiences of specialists and feature esoteric, jargon-riddled prose that has about as much in common with Esperanto as English. I have a PhD myself and I spent twenty years hitched to the academic sled, so I know these folks. Many fancy themselves writers, and when our paths cross, they love to stress their kinship with us. “Writing is writing,” they say, not so much confident in the truth of the assertion, I suspect, as that we’ll be too kind to tell them they’re full of shit. I was finishing up my doctoral dissertation when I first started writing fiction, or trying to. I gave one of my first stories to the director of creative writing at the university where I was studying. Returning it, he tried to be encouraging, but it wasn’t easy. “Most writers have about a thousand pages of really crappy prose in them, and they have to expel these before they can begin to write seriously,” he told me, before adding, “But you have a PhD in English, so make that two thousand.”

Okay, I’m riffing, and I’ll stop. Like all sweeping generalizations, this one about scholarly writing is leaky. Not all academics are bad writers, and not all of their books are aimed at tiny, specialized audiences. For proof, I need look no further than the council of the Authors Guild itself. Jim Shapiro’s books on Shakespeare read like novels, and his intended audience is by no means a handful of Elizabethan scholars.

The real issue here isn’t the quality of academic work or its intended audience but rather how academic writers get paid. They would like people to believe that in their vigorous defense of copyright, working writers are motivated by greed, whereas their only interest is in democracy and the common good. Let’s take the first point, because, historically speaking, it’s hard to imagine a more generous group than authors, most of whom have warm relationships with libraries that loan out our books for free. I doubt that Mr. Darnton, himself a librarian, would dispute this, though he’d probably stipulate that authors are not entirely selfless in the bargain. Someone who reads and enjoys a novel of mine borrowed from the library may purchase my next book. But the free flow of information and ideas is essential to a working democracy, as Mr. Darnton and his friends argue, and most working writers would agree, especially those, like me, for whom the public library was once a lifeline. For us, being able to share the magic, the sheer joy of a good book with someone who can’t afford to purchase it, is worth the loss of revenue.

Mr. Darnton may be wrong about the long-term economic value of the backlist, but he’s dead right that all writers do, within reason, want to share their work with as many readers as possible. But artists—painters, photographers, musicians, writers—far more than people in other professions, are expected to contribute to the common good as a matter of course, and it’s that expectation, so narrow in its bandwidth, that grates. Look,
some people have to work three different jobs in three different locations to make ends meet, and then have to rely on public transportation to get there. Wouldn’t it be nice if car dealerships provided loaner cars so that these hardworking folks could get from one job to the next? Wouldn’t that be in the public interest? But no one expects anything like that to happen, because the common good—Jacob Marley to the contrary notwithstanding—is not the business that automobile manufacturers and car dealerships are in. Grinning ear to ear, they may inform us that love is “what makes a Subaru a Subaru,” but any car company that proclaims with a straight face that “Mankind Is Our Business” will be a new kind of car company indeed.

No, it is artists who routinely shoulder the burden of working for free for a good cause, and for the most part we do so cheerfully. But there are limits, and when organizations like the Authors Alliance assume the moral high ground because they favor giving away that which, at least in their case, the market (academics publishing with university presses are seldom given advances, a dead giveaway) has deemed to be without economic value, well, I’ve reached mine. Okay, I admit, they paint (just as Google did) a lovely picture of a modern-day, digital library of Alexandria, its books accessible to all for free, but it rests on the fallacy that a writer’s backlist has little or no value. Moreover, the “common good” argument can be tricky. It’s assumed that readers benefit when books are cheap or free, but if they become so cheap that the writing life becomes untenable, then a book that needs to be read by everybody will instead be read by nobody, because the author won’t ever have written it. She couldn’t afford to.

And isn’t it also in the public interest to ensure that books continue to be written by authors who are not beholden to institutions? How will we manage that if the writing life continues to be eroded? But what chafes our writerly behinds even more is the fact that

Artists—painters, photographers, musicians, writers—far more than people in other professions, are expected to contribute to the common good as a matter of course, and it’s that expectation, so narrow in its bandwidth, that grates.

Authors, publishers and booksellers don’t just want to be paid for both new and old work; they need to be if they are to survive.

To us in the Authors Guild, it’s everything, in part because that ecosystem is so fragile, but also because copyright is one of the few protections we have. Authors, publishers and booksellers don’t just want to be paid for both new and old work, they need to be if they are to survive. Mr. Darnton says he’s never argued against copyright and only wants to correct what he sees as an imbalance, but his argument doesn’t give one the impression that he thinks we’re half a bubble off plumb here. I’m happy he sees some common ground between our positions. We can agree that
writers who want to opt out of copyright in order to better manage their rights through Creative Commons licenses should be permitted to do so, provided their publishers concur. And, despite the reservations of some librarians who would like to claim fair use for everything, both sides seem to agree that a European-style management organization representing all writers and publishers that would collect fees in the interests of all stakeholders is a good idea.

But given the current political climate, that’s unlikely to happen quickly. In the meantime, copyright continues to be assailed on all fronts, by companies like Google and Amazon that, given their monopolistic ambitions, have far too great a stake in the outcome, but also by groups like the Authors Alliance and the “information wants to be free” crowd that have no stake at all.

What would a real compromise look like? Well, in the end, we’re looking for a number: the life of the author plus X. Anything less than the life of the author is not a serious bargaining position, nor is any number for X that is based on the false claim that there’s little significant value to the backlist. That Mr. Darnton’s arguments to the contrary have been made in The New York Review of Books, whose publishing arm Classics has given new life to so many great out-of-print titles, is an irony that seems to have eluded him. John Williams’s Stoner (originally published in 1965 and for decades out of print) alone has sold over a hundred and fifty thousand print copies, and another fifty thousand e-books, and the novel has had similar success with European publishers. Or what about 1977’s travel classic A Time of Gifts, by Patrick Leigh Fermor, which has sold fifty thousand copies since being reissued? Two different independent booksellers mentioned to me over the holidays how well Wallace Stegner’s first novel, Remembering Laughter, first published in 1937, was doing for them. Every writer I know, as well as every bookstore employee, could furnish other examples. Who deserves the windfall from the many books that unexpectedly begin to sell again, if not the men and women who wrote them, the publishers who invested in them, the booksellers who made them “staff picks”? Most of us, regardless of the work we do, imagine our success benefiting our children and perhaps our grandchildren. People in most other professions are accorded the necessary legal means and protections to make that happen. Should writers and other artists be the exception?

No. We need to solve for X using real numbers but also moral imagination and compassion. I’m certain that the absolute baseline for X needs to be at least the life of the author plus 10 years (and this assumes we could vacate dozens of international treaties). Why? Several years ago I had the honor to write an introduction to The Collected Stories of Richard Yates, one of my literary heroes. A year or so after the book came out, I met his daughter and literary executor, Monica Shapiro. It was a melancholy experience for both of us. We were delighted the book had sold so well, but it was heartbreaking to learn that it had sold more copies than all her father’s novels combined during his lifetime. In a just world, Yates, who was deeply wounded by the fact that his books didn’t find a wider audience, would have lived to see this success, but he’d died a decade earlier.

Had he lived longer, I might have had the opportunity to tell him how much his stories had meant to me, how helpful they were in expelling my two thousand pages of wretched prose, but who knows? Maybe our paths wouldn’t have crossed, even “over time.”

Most of us, regardless of the work we do, imagine our success benefiting our children and perhaps our grandchildren. People in most other professions are accorded the necessary legal means and protections to make that happen. Should writers and other artists be the exception?

But I do remember being pleased to tell his daughter, and very pleased indeed to know that his novels and stories had been “nudged into the market,” as Betsy Burton put it, “in a big way.” Every writer who’s fallen into neglect dreams that such a thing could happen to her. Or, if overdue success comes too late for her, as it too often does, then maybe for her kids. Significantly reduce the span of copyright and you steal not only a writer’s revenue, but also the possibility that her words may be of “value” after her death. She’s earned both. 

Richard Russo is the bestselling author of seven novels, including Straight Man, Bridge of Sighs, Nobody’s Fool, Empire Falls, for which he won the Pulitzer Prize and Everybody’s Fool. Russo is also the author of The Whore’s Child and Other Stories, Elsewhere and, most recently, Trajectory: Four Stories. Russo currently serves as vice president of the Authors Guild. He and his wife live in Portland, Maine.
On February 27, Ursula K. Le Guin and Ann Patchett were voted into the American Academy of Arts and Letters. They were among 14 new members welcomed.

The Mystery Writers of America announced the winners of the 2017 Edgar Award on April 27. Ruth Franklin's Shirley Jackson: A Rather Haunted Life won in the Best Critical/Biographical category. Monica Hesse's Girl in the Blue Coat won in the Young Adult category. David J. Skal's Something in the Blood: The Untold Story of Bram Stoker, the Man Who Wrote Dracula was nominated in the Best Critical/Biographical category. Stephen King's "The Music Room," published in the anthology In Sunlight or in Shadow, was nominated for Best Short Story.

The Hugo Award finalists were announced on April 4. Victor LaValle's The Ballad of Black Tom was nominated for Best Novella. Ellen Datlow was a finalist in the Best Editor, Short Form category.

The American Booksellers Association announced the winners of the 2017 Indies Choice Awards and the E. B. White Read-Aloud Awards. Louise Erdrich's LaRose and Ann Patchett's Commonwealth were finalists in the Adult Fiction category. Monica Hesse's Girl in the Blue Coat was a finalist in the Young Adult category.


Susan Faludi, Alexander Maksik and Afaa M. Weaver were named Guggenheim Fellowship recipients. The fellowships, announced April 6, are “intended for individuals who have already demonstrated exceptional capacity for productive scholarship or exceptional creative ability in the arts.”

Winners of the 29th Lambda Literary Award were announced on June 12 in New York City. Here Comes the Sun by Nicole Dennis-Benn won the Lesbian Fiction category. The Angel of History, by Rabih Alameddine, won in the Gay Fiction category. David France's How to Survive a Plague: The Inside Story of How Citizens and Science Tamed AIDS, won in the LGBTQ Nonfiction category. Finalists in the Lesbian Fiction category included A Thin Bright Line by Lucy Jane Bledsoe, Bull & Other Stories by Kathy Anderson, The Day After Death by Lynn C. Miller, and They May Not Mean To, But They Do by Cathleen Schine. Garth Greenwell was a finalist in the Gay Fiction category for What Belongs to You. Nights in Berlin by Janice Law was a finalist in the Gay Mystery category. Books for Living by Will Schwalbe was a finalist in the Gay Memoir/Biography category. Building Fires in the Snow: A Collection of Alaska LGBTQ Short Fiction and Poetry edited by Martha Amore and Lucian Childs, was a finalist in the LGBTQ Anthology category. Skyscraper by Scott Alexander Hess was a finalist in the LGBTQ Erotica category.

The Los Angeles Times Book Prize winners were announced April 21, on the eve of the Los Angeles Times Annual Festival of Books. Garth Greenwell's What Belongs to You was a finalist in the Fiction category. Phillis Levin's Mr. Memory & Other Poems was a finalist in the Poetry category. Mary Roach's Grunt: The Curious Science of Humans at War was a finalist in the Science & Technology category. Idra Novey's Ways to Disappear was nominated for the Art Seidenbaum Award for First Fiction.

The National Book Critics Circle Award winners were announced on March 16. Louise Erdrich's LaRose won the award for Fiction. Ruth Franklin's Shirley Jackson: A Rather Haunted Life won the award for Biography. Ann Patchett's Commonwealth and Joe Jackson's Black Elk: The Life of an American Visionary were finalists in the Fiction and Biography categories, respectively.

The Science Fiction and Fantasy Writers of America 2016 Nebula Awards were presented May 20, 2017. Mishell Baker's Borderline was a finalist for Best Novel. Victor LaValle's The Ballad of Black Tom was a finalist for Best Novella. Delia Sherman's The Evil Wizard Smallbone was a finalist for the Norton Award for Young Adult Science Fiction or Fantasy Book. Brit Bennett's The Mothers and Nicole Dennis-Benn's Here Comes the Sun were named 2017 New York Public Library Young Lions Fiction Award finalists. The award honors the work of an American writer age 35 or younger. The winner will be awarded on June 1, during a ceremony held in the Celeste Bartos Forum.

The 2017 PEN America Literary Awards winners were announced in February. Joe Jackson's Black Elk: The Life of an American Visionary won the PEN/Jacqueline Bograd Weld Award for Biography. Tess Lewis's translation of Angel of Oblivion by Maja Haderlap won the PEN Translation Prize. Brit Bennett's The Mothers was a finalist for the PEN/Robert W. Bingham Prize.
for Debut Fiction and Ruth Franklin’s Shirley Jackson: A Rather Haunted Life was a finalist for the PEN/Jacqueline Bograd Weld Award for Biography. The awards ceremony took place on March 27 at the New School’s John L. Tishman Auditorium in New York City.

The finalists for the PEN/Faulkner Award for Fiction were announced on March 7. Louise Erdrich’s LaRose and Garth Greenwell’s What Belongs to You were both nominated.

Rick Bass’s For a Little While won the 2016 Story Prize. Kathy Anderson’s Bull and Other Stories was longlisted.

The Association of Jewish Libraries announced the 2017 Sydney Taylor Book Awards on January 11. The awards are presented each year to “outstanding books for children and teens that authentically portray the Jewish experience.” Debbie Levy’s I Dissent: Ruth Bader Ginsburg Makes Her Mark, illustrated by Elizabeth Baddeley, won the Sydney Taylor Book Award for Younger Readers. Richard Michelson’s Fascinating: The Life of Leonard Nimoy, illustrated by Edel Rodriguez, and Michelle Edwards’s A Hat for Mrs. Goldman: A Story About Knitting and Love, illustrated by G. Brian Karas, were named Sydney Taylor Honor Books for Younger Readers. Pamela Mayer’s Chicken Soup, Chicken Soup, illustrated by Deborah Melmon, and Eric Kimmel’s Gabriel’s Horn, illustrated by Maria Surducan, were named Notable Books for Young Readers. Irena’s Children: A True Story of Courage by Tilar J. Mazzeo, adapted for children by Mary Cronk Farrell, was named a Notable Book for Older Readers.

The American Library Association announced the Youth Media Award winners and honorees on January 23. Nikki Grimes received the Laura Ingalls Wilder Award, which “honors an author or illustrator whose books, published in the United States, have made, over a period of years, a substantial and lasting contribution to literature for children.” Russell Freedman’s We Will Not Be Silent: The White Rose Student Resistance Movement That Defied Adolf Hitler was named a Robert F. Sibert Honor Book. Karen Blumenthal’s Hillary Rodham Clinton: A Woman Living History and Pamela S. Turner’s Samurai Rising: The Epic Life of Minamoto Yoshihisa, illustrated by Gareth Hinds, were finalists for the YALSA Award for Excellence in Nonfiction for Young Adults; Russell Freedman’s Vietnam: A History of the War, Susan Goldman Rubin’s Brown v. Board of Education: A Fight for Simple Justice and Gretchen Woelfle’s Answering the Cry for Freedom: Stories of African Americans and the American Revolution, illustrated by R. Gregory Christie, garnered nominations for that award.

Lauren Belfer’s And After the Fire received a 2016 National Jewish Book Award. The Firebrand and the First Lady: Portrait of a Friendship: Pauli Murray, Eleanor Roosevelt, and the Struggle for Social Justice by Patricia Bell-Scott was included in the Booklist Editors’ Choice list of best adult books in the Biography category by the American Library Association’s Booklist in January.

Peter C. Bjarkman won the Society for American Baseball Research’s Henry Chadwick Award for Career Achievement in Baseball Research.

The American Academy of Arts and Letters is honoring Judy Blume with the E. B. White Award, its lifetime achievement award for young people’s literature. The award was presented at the academy’s annual ceremony in May.

Susan Faludi’s In the Darkroom was a finalist for the Pulitzer Prize for Biography.

Carolyn Forché was one of two recipients of the Windham-Campbell Prize for Poetry.

Manu Herbstein’s The Boy Who Spat in Sargenti’s Eye was named a 2017 Honor Book for Older Readers by the Children’s Africana Book Awards Committee. The recipients will be honored at a dinner ceremony in November at St. Francis Hall in Washington, DC.

Edward Kanze was named Swarovski Optik/Bird Watcher’s Digest Birder of the Year 2017 for his essay on the northern hawk owl, a day-active owl that behaves like a hawk. This essay will appear in the March/April issue of Bird Watcher’s Digest.

The Dog Writers Association of America named Kim Kavin’s The Dog Merchants: Inside the Big Business of Breeders, Pet Stores, and Rescuers Best Reference Book of 2016.

Hiking Acadia National Park (3rd edition) by Dolores Kong and Dan Ring won the 2016 National Outdoor Book Award in the category of Outdoor Adventure Guidebooks.

Ron Leshnower’s President Trump’s Mouth: An Epis tolary Novella was chosen as a finalist in the 19th annual Foreword INDIES Book of the Year Awards in the Adult Fiction: Humor category. The winners will be announced during the 2017 American Library Association Annual Conference in Chicago on June 24.

Moira Linehan’s poem “Entering the Cill Rialaig Landscape” was Atlanta Review’s First Place Grand Prize Winner in the publication’s 2016 International
Poetry Contest. Her collection *Incarnate Grace* was also named an Honor Book in Poetry in the 2016 Massachusetts Book Awards. *Saving Wyoming’s Hoback: The Grassroots Movement That Stopped Natural Gas Development* by Susan Marsh and Florence Shepard won the 2016–17 Wallace Stegner Prize, awarded by the University of Utah Press in the field of in Environmental Studies.

C. M. Mayo was inducted into the Texas Institute of Letters (TIL). TIL is a distinguished honor society founded in 1936 to celebrate Texas literature and recognize distinctive literary achievement.

Lesléa Newman’s *Ketzel, the Cat Who Composed* (illustrated by Amy June Bates) received the 2016 Massachusetts Book Award for Picture Book/Early Reader.

Lois Roma-Deeley’s fourth collection of poems, *The Short List of Certainties*, won the Jacopone da Todi Poetry Book Prize and will be published by Franciscan University Press later this year.

*Lincoln’s Greatest Journey* by Noah Andre Trudeau received the 2016 Award of Achievement from the Lincoln Group of New York.

*Kate Wars’s Catalyst: Decay Chains* was a finalist for the 2016 BookLife Prize in Fiction in the category of Science Fiction/Fantasy.

Ben H. Winters’s *Underground Airlines* was named a finalist for the 2017 ITW Thriller Awards in the category of Best Hardcover Novel.

Gretchen Woelfle’s *Answering the Cry for Freedom: Stories of African Americans and the American Revolution* was a silver winner in the 2016 California Reading Association’s Eureka! Nonfiction Book Awards, a 2016 NCSS Notable Social Studies Trade Book for Young People, and a 2016 Chicago Public Library Best of the Best Book.

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**IN MEMORIAM**

Oliver E. Allen, 94, died April 15. He was a writer and editor for *Life* magazine and the author of more than a dozen books, including two histories of New York City.

William Peter Blatty, 89, died January 12 at a hospital in Bethesda, MD. A novelist and filmmaker, he was best known for *The Exorcist*, published in 1971.

Dick Bruna, 89, died February 16 at his home in Utrecht, Netherlands. The Dutch author and illustrator wrote 124 picture books. He was best known for the character of Miffy, a little white rabbit who appeared in 32 books.

Bonnie Burnard, 72, died March 4 in London, Ontario. The award-winning Canadian author was best known for *A Good House, Casino and Other Stories and Women of Influence*.

Frank Delaney, 74, died February 21 in Danbury, CT. The author and broadcaster was best known for *Ireland: A Novel*, the nonfiction *The Celts*, and his passion for deconstructing James Joyce’s *Ulysses*.

Paula Fox, 93, died March 1 in Brooklyn, NY. The author of more than 30 books for adults and children, she was best known for *The Slave Dancer*, which won the Newbery Medal in 1974, and *Desperate Characters*, a novel for adults.

Barbara Gelb, 91, died February 9 at her home in Manhattan. She wrote several works of nonfiction and a one-woman play, but was best known for the biographies of Eugene O’Neill that she wrote with her husband, Arthur.

Vicki Lansky, 75, died January 15 in Plymouth, MN. She was the author of more than 30 books, including *Feed Me I’m Yours, Practical Parenting Tips for the First Five Years and Taming of the C.A.N.D.Y. (Continuously Advertised Nutritionally Deficient Yummies)*.

Patricia C. McKissack, 72, died April 7 at a hospital in Bridgeton, MO. She was the author of more than one hundred early-reader and picture books, often chroni-
clinging African-American history and Southern folklore.

Howard Frank Mosher, 74, died January 29. He was the author of 13 books, including 11 works of fiction, which were mostly set in Vermont. His novels Disappearances, A Stranger in the Kingdom, Where the Rivers Flow North and Northern Borders were all made into films.

Bharati Mukherjee, 76, died January 28 in Manhattan. Her short story collection The Middleman and Other Stories was a National Book Critics Circle Award winner, and she was the author of over a dozen works of fiction and nonfiction.


David Storey, 83, died March 27 in London. The novelist and playwright was the author of more than 20 works, including Saville, which won the Man Booker Prize in 1976 and This Sporting Life, which won the Somerset Maugham Fiction Award.

Charles Simmons, 92, died June 1 at his apartment in Manhattan. A novelist, essayist and longtime reviewer for The New York Times Book Review, Simmons was the author of five novels, including Powdered Eggs (1965), Wrinkles (1978) and Salt Water (1998). The Belle Lettres Papers, Simmons’ satirical sendup of the Book Review following his early retirement, delighted most reviewers, just not the Times’s. Thirty years on, the paper’s obituary writer, Sam Roberts, gave it its due.

Christina Vella, 75, died March 22 in New Orleans. She was best known for such works as Intimate Enemies: The Two Worlds of the Baroness de Pontalba and The Hitler Kiss: A Memoir of the Czech Resistance.

Derek Walcott, 87, died March 17 at his home near Gros Islet in St. Lucia. A prolific poet and playwright, he was the author of more than 50 collections of poetry and plays. In 1992, he was awarded the Nobel Prize in Literature.

Nancy Willard, 80, died February 19 at her home in Poughkeepsie, NY. She wrote more than 70 books of poetry and fiction for children, including Sailing to Cythera, and Other Anatole Stories (the first in the Anatole series). She won the 1982 Newbery Medal for A Visit to William Blake’s Inn.

Richard B. Wright, 79, died February 7. The Canadian author published more than 15 books, including the novels Nightfall, The Age of Longing and In the Middle of a Life.

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Laila Abou-Saif (1941–2016)

The Authors Guild Foundation has received a generous bequest from Laila Abou-Saif in support of our programs. Ms. Abou-Saif was born and raised in Cairo and grew up in a family that valued education for both men and women. During a performance for injured soldiers in Cairo, where she taught theater at the Academy of Arts, she realized that “to reach the masses, Egyptian theater must retain its indigenous roots, must remain visual, physical, and musical.” By challenging the government’s actions in her productions, she put herself at odds with powerful politicians, and eventually emigrated to the U.S., where she taught at Southern Connecticut State University. In 1985, she published a memoir, A Bridge Through Time, under the pseudonym Laila Said, to protect her family. She was living in Arizona at the time of her death.

Ms. Abou-Saif was a member of the Authors Guild’s Legacy Society, a group of members and donors who have elected to benefit the Authors Guild or Authors Guild Foundation through their wills or estate plans.

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Why Is It So Goddamned Hard to Make a Living as a Writer Today?

BY DOUGLAS PRESTON

Doug Preston was the keynote speaker at the inaugural New Mexico Writers Dinner at La Fonda Hotel in Santa Fe on March 2nd. We reprint his remarks here with his permission and our thanks.

I have no doubt that almost all of you in this room struggle with a central question in your lives: Why is it so goddamned hard to make a living as a writer today?

A recent study by the Authors Guild showed that from 2009 to 2015, the average income of a full-time author decreased 30 percent, from $25,000 a year to $17,500 a year. For part-time authors, the average income decreased 38 percent, from $7,250 a year to $4,500. Full-time authors with more than 25 years of experience saw the greatest drop—a 67 percent decrease from $28,750 to $9,500.

The collapse of authors’ incomes is not a problem. It’s not even a crisis. It’s a catastrophe. And not just for us, but for our nation as a whole. Writing is the lifeblood of American culture, of democracy, and of freedom. It is under assault as never before in the history of the Republic.

As a nation, we’ve always been on high alert against censorship. When a book is banned from a school library, when a journalist is arrested covering a protest or sued for libel, we pay attention. These events make the newspapers.

But what about the even more serious problem—when an important book isn’t even written? Not written because the author couldn’t get a decent advance or was rejected—not because the idea was bad, but because the publisher was unable to take the financial risk.

Self-publishing is a fine thing, but it doesn’t work for most nonfiction writers and journalists, who need advances in order to do reporting and research. It also doesn’t work for many serious novelists, who need time, space, and quietude to write, which, if you’re struggling to earn a living waiting on tables, are often impossible to achieve.

When a writer can’t make a living and switches to working in another field, an entire lifetime of books is never written. They are, in a way, censored. Not by active censorship, but by the far more insidious thing I call the censorship of the marketplace.

I know that most of you in this room are smart enough that you could be making a lot more money doing something other than writing. The temptation is always there.

I say this: The grim economic reality of the writing marketplace and the inability of many writers to make a decent wage are a far greater threat to freedom of expression than active censorship by political and religious groups. And the censorship of the marketplace is only getting worse.

But this kind of censorship is invisible. How do you measure the value of something that might have existed but doesn’t? Will we ever see a headline in The New York Times like this?

CENSORSHIP SCANDAL: Groundbreaking book by James McGrath Morris cannot be read because it wasn’t written.

Which brings us to the main question: Why are writers’ incomes dropping so precipitously?

I’ve been mulling this over for a while now. It seems like a complex economic problem on the surface, but it actually arises from a simple, appealing, and widespread idea. That is the concept you’ve all heard of: “information wants to be free.” This is not just an idea, but a movement. One of the founders of
the movement, Richard Stallman, in 1990 explained what this phrase means: “I believe that all generally useful information should be free . . . the freedom to copy the information and to adapt it to one’s own uses. . . . When information is generally useful, redistributing it makes humanity wealthier no matter who is distributing and no matter who is receiving.”

Information, that is, creative content (like the books we write) should be available to everyone either for free or at the lowest possible price, and should be freely copied and distributed to everyone. This view implies that there is something unseemly, and even unethical, for writers, artists, composers, musicians, moviemakers, and other creative people to want to make good money from their work. As a corollary, the movement encouraged piracy as a socially enlightened response to the greed of copyright owners, who were trying to make money from their intellectual property.

This brave new philosophy, which grew out of the scruffy hacktivist-cyberpunk-hipster coding community, has now fully entered our mainstream culture. And it has been marvelously and brilliantly exploited by gigantic digital corporations such as Amazon, Google, Facebook, YouTube, Yahoo, and so forth. These companies are all in the business of providing creative content to their customers at no charge and making billions on the associated advertising.

The problem is perfectly illustrated by a story about a giant corporation whose motto is Don’t Be Evil. In 2004, Google announced a wonderful new program: it was going to create a searchable database of every book in existence. It enlisted several great libraries, including Harvard’s, to provide it with books to scan. But there was a glitch. Four million of those books were still under copyright.

Let me just pause to dwell on that word. Copyright. Right to copy. It was a right so important to our Founding Fathers, so central to their vision of the country they wished to build, that they enshrined it in Article 1 of the Constitution.

Google went ahead anyway, copying those four million books without getting permission from the copyright owners—that is, you and me. Google created a database, Google Books, that would generate billions of dollars from books we had written. Without paying us a thin dime.

How did Google justify this? The corporation argued that its copying was “fair use” because searches only turned up snippets of text. Even though it had copied the entire book, ignoring the very meaning of the word “copyright,” it wasn’t going to display all of it.

And Google further argued that what it was doing was so important to education and American culture that it constituted a so-called “transformative use”—that is, it had transformed our four million books into something else entirely, something so new and wonderful that Google should own it outright and we should cede all economic interest in the words that we ourselves had written.

The Authors Guild sued, arguing that, yes, this Google Books database was a fine idea, but that authors should get a piece of the action. It was only fair that we should share in the billions Google was going to make.

The Guild suggested that Google should set up something like ASCAP [American Society of Composers, Authors and Publishers] or BMI [Broadcast Music, Inc.], which collect money from radio stations to pay musicians whose music they broadcast. Google said it couldn’t do that because it would be too hard to keep track of all those authors and their

Gigantic digital corporations such as Amazon, Google, Facebook, YouTube, Yahoo . . . are all in the business of providing creative content to their customers at no charge and making billions on the associated advertising.

books. This giant corporation was defended by many activists in the “information wants to be free” lobby, who deliberately mischaracterized the Guild’s objections by claiming the Guild’s members were a bunch of Luddites opposed to the creation of the Google Books database. Nothing could be further from the truth. The Guild was always in favor of Google Books, because its primary users would, in fact, be authors! All the Guild wanted was for authors to receive a share of the income.

To make a long story short, ten years and a million dollars later, the Authors Guild lost the case. Judge Denny Chin, then of the district court, ruled for Google. In his ruling, which was later upheld by the court of appeals, Chin wrote that he was persuaded by Google’s argument that its use of our copyrighted books was “transformative.”

What Chin wrote in his opinion is extremely revealing. “Words in books are being used in a way they have not been used before.” Let’s pause a moment to consider that phrase, words in books. These are, of
Think how this devaluation has affected our own consumer mind-set. Not so long ago, when I went to a bookstore, I was satisfied to get a 10 percent discount off the retail price of a hardcover. Now, when I go into a bookstore and get only a 10 percent discount, I feel disgruntled. Cheated. I should have bought it on Amazon, damn it. Or at Walmart. Amazon and its ilk have trained me to think that a hardcover book is really worth only 15 bucks. And trained me to think that an e-book should cost less than a bad margarita at Chipotle. I’ve been turned into my own enemy!

Here is what publishers are, in fact, doing:

• cutting advances across the board.
• focusing more on bestselling authors and celebrity authors.
• dropping many midlist authors.
• rejecting many books they once would have published.
• spending less on promoting midlist authors and putting their promotional dollars into sure-fire bestsellers.
• publishing fewer risky books, books with minority voices, books that might be controversial, books that might not appeal to a wide audience.
• no longer taking risks with experimental fiction.
• no longer publishing many first novels, no matter how good they are.
• no longer investing in authors’ careers; if your book doesn’t sell, you get dropped—no second chances.

Price deflation in books . . . has been getting worse. . . . Not so long ago, when I went to a bookstore, I was satisfied to get a 10 percent discount off the retail price of a hardcover. Now, when I go into a bookstore and get only a 10 percent discount, I feel disgruntled.
All that is why it is so hard today to make a living as a writer.

This is not really the fault of publishers. It is absolutely the fault of the “information wants to be free” lobby, the giant digital corporations, the content aggregators, the Silicon Valley hacktivist pirates and their fellow travelers. It is the fault of Judge Denny Chin and the Department of Justice, which brought an antitrust suit against Apple and the Big Five publishers for colluding to stand up to Amazon’s price gouging. They all drank the Kool-Aid idea that information wants to be free, to hell with the people who actually create it.

Well, if information is free and authors can’t make a living writing books, they’ll make a living doing something else. This is the censorship of the marketplace in a nutshell.

Again, I have to emphasize that this crisis isn’t just terrible for writers, but terrible for America. Books not written mean ideas never expressed and voices never heard. This is a threat to the Republic.

It used to be that serious, educated, and reasonably talented people who wished to write could get published and, if they worked hard, make a living doing it. Not anymore. Here we have a room full of amazing talent, great ideas, wonderful stories, and beautiful poetry, written and yet to be written. And I bet that almost all of you are worried financially, and that many of you are forced to work in supporting jobs that cut into the time you would otherwise spend writing.

This is not right. We authors need to do something about this.

The problem is, writers are terrible at organizing. We’re loners. We live in our heads. We’re not joiners or rah-rah team players. We can’t stand meetings, and we don’t like group activities.

Which makes this dinner here in Santa Fe, where most of the working writers in the state of New Mexico have come together, all the more remarkable. I believe this event will be a watershed in New Mexico literary history. What a force we have right here in this room! We’re enormously powerful when we come together and speak as one voice. The writing life is threatened as never before, on so many levels—and please note, I haven’t even mentioned a certain name beginning with T.

We can no longer hole up in our writing lairs and hope things will get better.

So what should we do? Well, if you would kindly allow me a bit of shameless promotion here, I’d like to mention the Authors Guild. I’m on the board, and I just love this great organization. If you’re not a member of the Guild, you really should be. This is the oldest writing association in our country. The Guild has been fighting for over a hundred years, very effectively, to preserve writing as a livelihood, to protect copyright, and to defend authors against publishers, filmmakers, television producers, websites, and others who would rip them off.

The Guild lobbies in Washington and litigates for authors. Talk is cheap—everyone claims to support literary culture—but the Guild puts its money where its mouth is. The Guild sued Google and took the case all the way to the Supreme Court at a cost of a million dollars. Yes, it lost—but the battle had to be fought. And even in losing, the lawsuit strictly circumscribed what digital corporations could do under the copyright laws.

At nine thousand strong, including the country’s most influential writers and journalists, the Authors Guild has enormous power, but only if we authors join—and then pay attention, get involved, write letters, support the Guild’s efforts, and push back against the many forces eroding our livelihoods.

Thank you, all of you, and a very special thanks to the author James McGrath Morris for so brilliantly organizing this event.

Doug Preston is a journalist and the author of more than thirty works of fiction and nonfiction, including the Wyman Ford series, and, in collaboration with Lincoln Child, the Agent Pendergast series. His nonfiction work includes Dinosaurs in the Attic: An Excursion into the American Museum of Natural History, and The Monster of Florence: A True Story. He is a member of the Authors Guild Council.
The Enemy Within

Continued from page 14

stories of authors who’ve written books we love that were rejected by dozens of publishers.”

The goal of therapy, says Palumbo, is self-awareness, to be aware of the behaviors that are tripping you up. “I say insight is the booby prize of therapy. People don’t change with insight. People change with courage. You have to coexist with that which makes you anxious. You can be anxious or fearful that what you’re writing is not any good, but you write it anyway. If you sit around waiting to feel confident, you’ve got a long wait.”

So does perseverance pay off? In his 28 years of practicing psychotherapy, Palumbo says he’s never had a patient not achieve an element of his or her dreams. It may be that the person who wanted to be a TV writer ended up writing a web series. The would-be novelist becomes a successful writer of nonfiction books.

“It may not be everything you want, but the ultimate goal for a writer is to develop a healthy relationship with his or her own writing process. Agents come and go, publishers come and go, trends come and go, but having a profound, intimate relationship with process is the best protection there is. It’s the only thing that sustains.”

Barbara DeMarco-Barrett is a writer in Southern California. She is the host of Writers on Writing on KUCI-FM and teaches at Gotham Writer’s Workshop. She has noir fiction in USA Noir: Best of the Akashic Noir Series and her book, Pen on Fire: A Busy Woman’s Guide to Igniting the Writer Within is in its 11th printing.
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