Articles

5 Annual Benefit
8 Audiobooks Ascending
11 Tap, Tap, Click
16 Q&A: Representative Hakeem Jeffries
18 Making the Copyright System Work for Creators
20 Empathy as Craft
23 Connecting Our Members: The Guild Launches Regional Chapters
32 American Writers Museum Wants You
34 Authors Guild Annual Meeting Report
41 Featured Panel: “Our Cornered Culture”

Departments

2 Short Takes
4 From the President
6 From the Home Office
28 Legal Watch
30 Advocacy News
42 Books by Members
65 Members Make News
67 In Memoriam

THE AUTHORS GUILD BULLETIN

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TURNING PAGES

An exciting season of new programming and initiatives is underway at the Guild—including our Regional Chapters and enhanced author websites—on top of the services we already offer our members. But as we all know, this takes funding. So, in our seasonal Bulletin, we are going to start accepting paid advertising to offset our costs and devote greater resources to your membership benefits. But our new ad policy is not merely for the benefit of advertisers. If there’s enough interest from members, we plan on launching a low-cost, small advertising section. Need a researcher, assistant, agent, beta reader, etc.? This section will give you the opportunity to place classified ads for writing-related services. Stay tuned for more information.

Turn the page to see our first ad.
“[W]ith art comes empathy. It allows us to look through someone else’s eyes and know their strivings and struggles. It expands the moral imagination and makes it impossible to accept the dehumanization of others. When we are without art, we are a diminished people—myopic, unlearned and cruel.”

Dave Eggers, “A Cultural Vacuum in Trump’s White House”
The New York Times, June 29, 2018
SMALL-TOWN PAPERS LOSE OUT IN TRADE WAR

While the Trump administration’s trade war with China received significant press coverage, lesser known new tariffs on imported Canadian paper products have rattled the newspaper industry. In January, the Department of Commerce increased the tariffs from 4.4 percent to 9.9 percent. This decision was preliminary and awaits finalization by the U.S. International Trade Commission; the final determination is scheduled to be issued on or around June 30. A second “Antidumping Duty Determination” (also preliminary) was announced on March 13; a final determination may be issued on or around August 2, depending on how the department’s investigation turns out. But in the meantime the new taxes are in effect.

The Daily Jeffersonian, an Ohio newspaper, predicts a 10 percent increase in overhead due to the tariffs. According to the paper’s April 3 editorial, its publisher, GateHouse Media Ohio, “spends millions of dollars a year on paper, and an increase of almost 10 percent amounts to hundreds of thousands more in production costs.” In Wisconsin, a major commercial printer reported that it was seeking $10 million in operational cuts to make up for the projected increase in paper costs.

The News Media Alliance, which represents more than 2,000 news organizations, confirmed in late March that the new tariffs have resulted in major price increases on newsprint, in some cases up to 20 to 30 percent. The organization is warning of possible job losses at newspapers and printers across the country.

The Department of Commerce applied the new tariffs based on a complaint from a single American newsprint mill, the Northern Pacific Paper Company (NORPAC), which was acquired by a New York–based hedge fund in 2016. NORPAC argued that lower-cost Canadian newsprint (uncoated ground wood) was harming the American paper industry. However, the American Forest & Paper Association does not support the tariffs, nor do several concerned industry groups that have come together to form Stop Tariffs on Printers & Publishers (STOPP). The group includes the Printing Industries of America, the Book Manufacturers’ Institute, the Association of American Publishers, and the News Media Alliance, among others, all concerned that a single company has been empowered to speak for the industry. They are busy lobbying the International Trade Commission and the Department of Commerce to overturn the preliminary decision.

SHOCKINGLY BAD HUSBANDRY (OF AUTHORS, NOT SHEEP)

The Society of Authors in the UK is shining a light on writers’ plummeting incomes. In an essay for The Bookseller, Chief Executive Nicola Solomon asked why Simon & Schuster and Penguin Random House are reporting 16 percent profit margins at the same time that their authors are taking home just 3 percent of the pie.

“Once everyone in the publishinghouse was paid, publishers’ shareholders received up to three times the amount paid to authors,” Solomon writes. “And authors still had to pay their own expenses and agents.” She clarified that the calculations used were her own—because publishers do not separate out what authors earn in their reports.

Society of Authors president Philip Pullman agrees, stating that it is “shockingly bad husbandry” to have such high profits while author earnings are smaller than ever. “I like every individual editor, designer, and marketing and publicity person I deal with,” he said, “but I don’t like what publishers, corporately, are doing to the ecology of the book world. It’s damaging, and it should change.”

The article has stimulated intense discussion in the London publishing world. The Bookseller ran a response from Andrew Franklin, cofounder of the successful independent publisher Profile Books. Franklin emphasized the myriad and complex costs of running a publishing house, the ever-present risk, and the importance of making a profit simply to remain viable.

Publishing Perspectives used the opportunity to take a deep dive into the issue, laying out the case for authors and publishers, and adding the perspective of a literary agent, Andrew Lownie. Lownie pointed out the negative effect of discounts and sales on author royalties: “There’s nothing particularly new about special sales, except that increasingly nowadays they seem to be part of the initial marketing and sales strategy, rather than just a useful tool for reinvigorating interest in a book or disposing of surplus stock.”
The benefits to the publisher of these deals… are of little to no benefit to authors.”

Philip Jones, editor of The Bookseller, put in his two cents with a column that concluded, “Solomon makes a compelling case, but it is not open and shut. In a flat market, the more authors who are published, the less each will receive…. [T]hough publishers have undoubtedly improved their businesses, it is not always through factors under their control: returns and digital are not yet fixed entities, while Amazon looms ever larger. Last, agglomeration is not an absolute. It may work, but it is generally resisted by authors and agents.” The debate continues, and each of these articles is worth a read in full by U.S. authors as well.

READING WHILE INCARCERATED

In December 2017, the New York State Department of Corrections introduced a pilot program that would limit incoming packages to a short list of department-sanctioned vendors. The change barred care packages from loved ones and shipments from organizations such as Books Through Bars, which provides books to inmates. Widespread outrage from the families of inmates, the media, activists, nonprofit organizations, and the public led Governor Andrew Cuomo to swiftly rescind the program.

But the battle for prisoner access to books goes on. The same month that New York backed away from its vendor policy, The New York Times reported on the 10,000 titles banned from prisons by the state of Texas, including a pop-up version of A Charlie Brown Christmas, of numerous magazines are prohibited, including issues of The Atlantic; Cosmopolitan; O, The Oprah Magazine; Sports Illustrated; Vanity Fair; and Vogue. Thanks to efforts by the ACLU and North Carolina Prisoner Legal Services, the list is now under review.

More recently, the Human Rights Defense Center (HRDC) filed a lawsuit against the Illinois Department of Corrections, alleging that the center’s educational materials were being kept out of prisons. HRDC posts a lengthy history of the practice of banning books in America on its website—a subject that Alexander discusses in The New Jim Crow.

BANKING ON BOOKS

The Wall Street Journal and Publishers Weekly reported recently on an unexpected enterprise: a start-up book company. Several prominent business executives have invested in Lezen Acquisition LLC with the intention of buying up publishing companies. Their first purchase was Arcadia Publishing Inc., a South Carolina–based company specializing in regional guides and local history, with a backlist of 14,000 titles. The group includes David Steinberger (chairman of the National Book Foundation and former CEO of the Perseus Books Group), Michael Lynton (CEO of Penguin Group from 1996 to 2000 and currently chairman of Snap Inc.), Lynton’s sister Lili Lynton (cofounder of Arcadia Publishing Inc.), plus a handful of investors from a range of fields unrelated to publishing, including an engineering entrepreneur and the principal owner of the Atlantic Hawks.

“We see an overlooked opportunity to create value in the book industry by backing the right management team and building a unique publishing company through a series of targeted acquisitions,” Michael Lynton told PW. Arguing against the oft-cited claim that traditional publishing is dying, Steinberger pointed to the proven stability of the publishing industry through good times and bad. “A lot of people put books in the same category of other traditional media that are in decline,” he told the Journal, “but that’s not the case here. We intend to make other acquisitions, and that will give us scale. If you can find the right publishers and bring them together, you can create a lot of value, because certain costs don’t rise proportionately with revenue.”

P Stone Nation: The Rise, Fall, and Resurgence of an American Gang, was banned in Illinois prisons. Coauthored by Lance Williams, the book is a social history of a Chicago gang. It received high praise from Kirkus and was called “a must-read for anyone interested in the history of Chicago” by a local newspaper. Just not the incarcerated.

Moore looked into how titles get placed on the list and found that decisions are typically made at the discretion of local officials. Objections tend to revolve around concerns that a book’s content will promote drug use, lead to violence, or “challenge the system,” although in fact, erotica seems to be of equal concern. (In South Dakota, a three-judge court of appeals panel recently ordered a lower court to determine whether the state’s 2014 ban on pornography in prisons was constitutional.)

Meanwhile, efforts by the American Civil Liberties Union (ACLU) and other organizations to challenge book bans continue. In January, the ACLU successfully removed bans on Michelle Alexander’s critically acclaimed The New Jim Crow from prisons in New Jersey and North Carolina, though it remains off limits to prisoners in Florida, Michigan, Texas, and elsewhere. In speaking to a local NPR station, Chris Brook, legal director of the ACLU of North Carolina, noted that not only are the bans frequently in violation of inmates’ civil rights, but the lists of banned books are often bewildering. North Carolina bars The American Heritage Dictionary and The Dog Encyclopedia. Specific issues of numerous magazines are prohibited, including issues of The Atlantic; Cosmopolitan; O, The Oprah Magazine; Sports Illustrated; Vanity Fair; and Vogue. Thanks to efforts by the ACLU and North Carolina Prisoner Legal Services, the list is now under review.

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Dear Fellow Members,

You will recall that we have been engaging in conversation about changing views of copyright in an era of fast technological change. This month, let’s digress. I want to tell you about the Slapping Incident.

As we prepare for the 2018 Authors Guild Gala, it is useful—even sobering—to recall a gathering of literati for a formal dinner 76 years ago, in the spring of 1931, in what The New York Times described as “the softly plushed rooms of the Metropolitan Club.” Honored that evening was Sinclair Lewis, who had just become the first novelist to bring the Nobel Prize in Literature home to the United States. “That was the period,” Gore Vidal once remarked acerbically, “when the Swedes singled out worthy if not particularly good writers for celebration, much as they now select worthy if not particularly interesting countries or languages for consolation.”

The 46-year-old Lewis, an early Authors Guild member, was famous for his gimlet-eyed portraits of American life, including Main Street, Babbitt, and Elmer Gantry—all big best sellers, for their time.

H. L. Mencken called him the “red-haired tornado from the Minnesota wilds.” His biographer Mark Schorer said in 1961, “He was one of the worst writers in modern American literature, but without his writing one cannot imagine modern American literature.”

Alas, present that evening was another contender for that same Nobel Prize, Theodore Dreiser, the 60-year-old author of Sister Carrie and An American Tragedy. Dreiser and Lewis weren’t getting along. Lewis had married Dorothy Thompson, a pioneering foreign correspondent—soon to be the author of I Saw Hitler (“the splendid journalist Dorothy Thompson, who never stopped talking either,” says Vidal). Thompson had accused Dreiser of plagiarizing her work in a book of his, and Lewis repeated the accusation, and... well, let The New York Times tell us what happened next:

The generally smooth course of American letters spun suddenly off course on a tangent late Thursday evening. For, as the quite unexpected conclusion to a formal dinner, Theodore Dreiser, who was generally considered a runner-up for this year’s Nobel Prize, slapped Sinclair Lewis, the winner. The slapping—which was said to have been both hard and repeated—came after a literary disagreement that had lasted three years.

I’ve learned about all this thanks to Tina Jordan, a new editor at The New York Times Book Review who began poking around in ancient bound volumes, hunting for buried treasure. She tweets some of her findings as @TinaJordanNYT. “Unsurprisingly, there’s quite an appetite for literary feuds,” she tells me. She also mentioned a Mexico City movie premiere in 1976 at which the great Peruvian writer Mario Vargas Llosa reportedly sucker punched the great Colombian writer Gabriel García Márquez, giving the future Nobelist a black eye.

At this point, some of you are probably thinking about the famous brawl between Norman Mailer and the aforementioned Vidal at a party in Lally Weymouth’s apartment in 1977. Mailer knocked Vidal to the floor, which gave Vidal the opportunity, supposedly wiping blood from his mouth, to punch back with the immortal line, “As usual, words fail Norman.”

What can I say? Those were the days when men were men... or something. (Mary McCarthy feuded with Lillian Hellman for years, but they never descended to slapping.)

In the Dreiser-Lewis match, the intrepid Times reporter—whom I can’t name, because the story ran without a byline—continued:

They were seated and were indignantly pounding a table... One man said later that he heard the words “cheat” and “liar” used by Mr. Lewis. It was just after the last word had been spoken, he said, that Mr. Dreiser delivered the first of his series of direct reprisals... Mr. Dreiser, a large man, swung again... What happened then is still a matter of discussion... At all events the two separated, both very angry, with Mr. Lewis’s face about the same color as his hair.
I'm not aware of any incidents of fisticuffs at Authors Guild Galas, and we're not looking for any this year. I should add that Dreiser himself steadfastly refused to join the Guild (or as it was then known, the Authors’ League). His biographer W. A. Swanberg says he called the League a “pink tea and chocolate bon bon brotherhood of literary effort.” Fighting words indeed! But that didn’t stop us from waging a campaign on Dreiser’s behalf when his semi-autobiographical novel, The “Genius,” was declared obscene by the New York Society for the Suppression of Vice.

As for Sinclair Lewis, he wrote 11 more novels, but he’s not the household name he once was. To quote Gore Vidal one more time, he “seems to have dropped out of what remains of world literature.” Babbitt is not much read nowadays, though the word has entered the language (“a materialistic, complacent businessman”). So has the phrase “It can’t happen here,” which was also the title of his 1935 novel about a demagogic fascist called Buzz Windrip who wins election by promising to restore the country to greatness and soon shows his authoritarian colors.

It Can’t Happen Here is still in print, and it briefly surged onto the Amazon best seller list late in 2016.

— James Gleick
The Authors Guild

Annual Benefit

The Authors Guild Foundation held its 26th annual benefit on May 16 at Gotham Hall in midtown Manhattan, honoring suspense novelist Mary Higgins Clark, the author of 51 bestselling novels; the Colorado independent publisher Fulcrum Publishing, and its owners Charlotte and Robert C. Baron, and the feminist literary advocacy organization VIDA: Women in Literary Arts. All were presented with the Guild’s Distinguished Service to the Literary Community Award.

Guild president James Gleick kicked off the evening with a warm welcome and thanks to all who were supporting the work of the Guild and the Foundation. “If you’re here, it’s because you also feel yourself to be part of a community. We know this is paradoxical. Authorship is a solitary business, always coming down to a writer and a blank page, but inevitably it becomes a social act as well, because the book is inextricably part of the world. It finds readers, it begins a conversation, it tells a kind of truth that can’t be told in any other way—or else it fails to do that.”

Award-winning actress and author Jane Alexander—a former Chair of the National Endowment of the Arts—was the Mistress of Ceremonies for the evening, and Mary Rasenberger, the Guild’s executive director, joined Nick Taylor, the Foundation president, in rallying support for Boot Camp, the Foundation’s latest initiative, for which it won its first NEA grant. An intensive writer’s workshop, Boot Camp is designed to equip emerging writers around the country with the skills they need to thrive, helping to foster new diverse voices and enable these voices to be heard.

* The Guild is grateful to the Gala’s supporters, who, through their generosity, are actively enriching the American literary landscape.

Photograph by Beowulf Sheehan
Welcome to the new look of the Authors Guild Bulletin! After 24 years, we thought it was time for a change. We hope you like it. As always, we appreciate your feedback and thoughts on the types of articles you would like to read.

It was a fruitful spring here at the home office. Several projects that have been in the works for some time are coming to fruition, and we report on them in these pages.

**Author Income Survey**
You should have received our Author Income Survey by now. Thanks to all of you who completed it. We know it was long, but the information we obtained was crucial to a comprehensive understanding of the economics of authorship today. The survey went to almost 200,000 U.S. authors, with 15 author groups and platforms participating. The results of the survey will help us better advocate for you by giving us data to support our demands for improvements in the law and in publishing agreements. We have begun culling the data and will issue a report on its findings early this fall.

**Online Communities**
Our online community platform, supported by Higher Logic, is launching this summer. It will allow you to interact with other members, ask questions, and debate in private, secure forums. You can e-mail, post threads and connect with other members instantly. Your discussion threads will flow seamlessly among e-mail, mobile devices and the online community, and most importantly, conversations will be forwarded to your e-mail if you choose. That way you do not have to remember to visit the forums. If a subject you are interested in appears in your inbox, you can click on a link in the e-mail and jump right into the conversation.

Each local chapter or interest group (such as translators and children’s book authors) will have its own forum to facilitate communication among group members.

**Local Guild Chapters**
We are very excited about our new local Guild chapters. (See p. 23.) We are off to a great start, with inaugural events already planned in several cities. If you reside in or near any of the cities where these chapters have formed, look out for e-mails explaining how to connect. The Guild will be launching chapters in other regions in the coming year. Let us know if you are interested in seeing one in your town in the next chapter rollout.

**Trademark Litigation: Preventing Monopolized Words in Book Titles**
The Authors Guild’s legal team, in cooperation with the Romance Writers of America, defended an author who used the word “cocky” in book titles. We won a court ruling that allows writers to continue to sell books with titles that use the word “cocky,” despite a trademark registration owned by a single romance author. (See p. 30.) The Guild opposes registration of trademark applications for commonly used words and is meeting with the Trademark Office to help improve the registration policies for series titles so that no one can monopolize a commonly used word.

**New Group Copyright Registration for Freelance Articles**
In May, we organized a meeting with the Copyright Office to press the case for new regulations that would allow freelance writers to register up to 100 of their articles at one time, including online articles. Current group registration rules allow working on the legislation with the Songwriters Guild of America, several photographer groups and the Copyright Alliance. In April, we held our first-ever joint lobbying day with the songwriters’ and photographers’ groups, sending a strong message to Congress that creators are united. We will be working with our new policy coalition on other legislative initiatives down the road. Many thanks to our lobbyist, Marla Grossman, for all her work on the bill.
for registering only “contributions to periodicals,” with “periodicals” interpreted narrowly to exclude most online works. Registering articles on a one-by-one basis is impractical, and for most authors, economically unfeasible. But should your work be used without your permission, whether by a third-party website, a commercial pirate or any other infringer, you will need to have registered it in order to enforce your rights in court (and in the new small claims tribunal once it is enacted). Having your work registered helps significantly when trying to settle a claim, and it helps potential licensees find you as well. The new group registration, together with the small claims court, will make it more affordable for freelance writers to enforce their rights.

**Principles**

At the March 1 Guild Council meeting, the Council adopted its first set of “principles.” These are formal positions or statements to which members can refer when asking to be respected and treated fairly as professionals. (See far right column.)

Unlike other workers—your plumber, say, or your doctor—authors are frequently asked and even expected to write or speak for free. It can be uncomfortable to turn people down or ask to be paid. These principles will allow you to say, “As a Guild member, I do not write for free,” or “I cannot allow my work to be used without compensation.” The principles are posted on our website with an explanation of why they are important. We hope you will find them useful and will link to the website on social media whenever you see the principles being violated.

**Amazon Complaints Channel**

Last but not least, the Guild has opened a new channel to resolve authors’ complaints to Amazon, in direct cooperation with the retailer. (See p. 30.)

**Coming Soon!**

Lest you fear we have forgotten the Fair Contract Initiative, we are close to completing our new Model Contract, which will serve as the basis for future conversations with publishers.

One of the issues we need to address with publishers is transparency in calculations of royalties, which includes accounting for deep discounts, and for that, we would like to hear from you about what information your royalty statements provide (or fail to provide), and whether the price at which various units were sold is provided, along with the number of units and the rate. There appears to be more deep-discounting than ever—where the publisher sells books at approximately 55 percent or more off the list price and is therefore contractually allowed to pay the author one-half to one-third of the normal royalty rate. We want to better understand the extent of deep-discounting since it can greatly reduce authors’ royalties.

As freelancers, writers have few or no workplace protections and no collective bargaining. We aim to start changing that in the coming years, but to succeed, we need your collective support. It is more important than ever that authors stand together in solidarity. That is what your Guild is for. You can help by encouraging your writer friends to join. The more of us there are, the stronger we are. Onwards! Mary Rasenberger

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**Authors Guild Principles**

*Adopted by the Council on March 1, 2018*

1. **Fair Payment:** Authors should not be required to write or speak without compensation. Writers, like all professionals, should receive fair payment for their work.

2. **Right to Distribute:** Authors may choose how and by whom their works are copied, distributed, or otherwise made available to the public.

3. **Attribution:** Authors should receive proper credit and attribution for their work.

4. **Ownership:** Authors should be able to retain ownership of their copyrights and to recover those rights if a publisher is unwilling or unable to exploit them.

P.S. Apologies for the lateness of this issue. We were held up getting the new design completed. The fall issue should not be far behind.
AUDIODESSS
ASCENDING

More than 50,000 audiobooks were released in 2016, compared to just over 3,000 in 2007

By Jonathan Lyons and Jesseca Salky

As you’ve probably heard, sales of audiobooks are booming. According to the Audio Publishers Association (APA), audio sales totaled more than $2.5 billion in 2017, up from $2.1 billion in 2016 (and from $900 million in 2009). Almost half of the Americans who bought an audiobook last year were under the age of 35, and the APA reports that they tend to listen quite a bit—an average of 15 books a year. Publishers have responded accordingly: more than 50,000 audiobooks were released in 2016, compared to just over 3,000 in 2007. In addition, through companies such as Amazon’s Audiobook Creation Exchange (ACX), Scribl, and ListenUp Audiobooks, some authors are now producing and distributing their own audiobooks.

What’s driving this boom? Quite simply, technology. As Troy Juliar of Recorded Books notes, “The audience ceiling at one time was consumers listening to audiobooks in cars. That ceiling is much higher now, as Bluetooth allows people to listen anywhere, including the home.” According to Vikki Warner of Blackstone Audio, over the past 10 years “we’ve witnessed the rise of the smartphone—and our culture’s obsession with the smartphone—and along with that the enthusiasm of consumers who have adapted seamlessly to podcast listening.”

Warner went on to add, “Having these devices glued to our hands most of the day means that we’re always looking for new entertainment, new ways to make the most of our time and brainpower. Audiobooks are a deeper dive than podcasts, a next natural step for those who really want to delve into a topic or story.”

At the same time, Juliar cites anecdotal evidence that the increased popularity of audiobooks is attributable in part to screen fatigue, since they provide the reader with an opportunity to “consume media without being tied to a screen.” Screen fatigue may also (at least partially) explain a drop-off in growth in the e-book market—which in turn seems to have prompted some traditional publishers to push even more aggressively for audio rights to be included along with licenses of print and electronic rights.
Agents and authors are aggressively pushing back against publishers’ desire for audiobook rights, for several good reasons. Some authors have long-standing relationships with dedicated audio publishers and don’t wish to make a change. Publishers often do not provide an additional advance for audio rights, whereas audio publishers will. In addition, some of the traditional publishers who are pushing for audio rights refuse to guarantee that they will actually release an audio edition. Moreover, in some cases, traditional publishers will include audio sales when making the determination that a work is still “in print,” making it even more difficult for authors to reclaim the rights to underexploited titles.

In light of traditional publishers’ increased desire for audio rights, authors and agents should consider testing the market for the audio rights of the work with independent audio publishers at the same time that they submit a work to larger traditional publishers. At a minimum, this will provide context for the value of the audio rights in a negotiation, and may open the door to a better opportunity to exploit the work’s audio rights.

From a contract perspective, there are several issues to consider when granting audio rights. The advance-against-royalties model still applies here, but the term of license for an audio-only agreement is typically between 7 to 10 years; this is in contrast to the standard print license for the “term of copyright,” or life plus 75 years (unless the author opts to terminate early, which is permitted after 35 to 40 years). Royalties for physical audio editions (e.g., CDs) are usually around 10 percent of amounts received by the publisher (i.e., net) or 5 percent of the list price (though rates sometimes start at 8 percent of the publisher’s net and can escalate to 12 percent and higher). In addition, some publishers will pay an additional royalty of about 2 percent of net when the author is also the narrator of the work—either in addition to or in lieu of a fee for the author’s services in reading the work. For audio downloads, the royalty rate is typically 25 percent of the publisher’s net, although many publishers dedicated to audio works alone will offer a higher rate.

Royalty percentages don’t tell the whole picture, though. Juliar explains: “A more important metric than royalty percentage is RPU [revenue per unit]. In every case, a company that sells directly to consumers, libraries, or both will provide authors with a higher revenue per unit than the audio divisions of the trade houses, despite identical royalty percentages.” This is because many trade houses use a distributor for some channels and do not sell directly. When negotiating, it is thus advisable to look not just at the royalty offered, but at such factors as whether a distribution fee is or is not charged, and whether the audio publisher will be primarily making direct sales to consumers; any of these factors can affect how much the author will actually receive.

Narration of an audio work is often a source of contention. Many authors would like the opportunity to narrate their work, but the publisher may choose a professional actor or narrator instead—unless the author is a public figure or has a performance background. Sometimes authors will be given the opportunity to audition as readers for the work (usually at the author’s request); if the author
is not selected, the contract can still provide either consultation or approval rights over the publisher’s choice of a reader, depending on the author’s bargaining power. For works that require a particular accent or dialect, the author’s input can prove invaluable for the recording. In cases where authors read their own work, publishers will usually pay a flat fee or an hourly fee of $100 to $600 for each hour in the final recording (depending on the publisher and the author’s experience/profile).

Regardless of who is selected as a reader, authors should be aware that the publisher will expect to retain ownership of the master recording and of the copyright in the recording (i.e., the recorded narration). Narration is generally provided on a work made-for-hire basis. That means that while the author might have the right to sell the audio rights to another publisher, when the contract expires or is terminated for any reason, the author won’t have the right to take the narration to anyone else. The new audio publisher will have to create a new recording or license or purchase the master recording from the original publisher. Exceptions to this arise most often for major public figures, and/or where authors record the work at their own expense (usually such costs are assumed by the publisher).

It’s standard in most agreements to give the author approval rights over condensations and abridgements of the script; it’s likewise standard to give an approval right over the pronunciation of author-invented words (for example, the name of a new species in a science fiction novel). Authors should also be aware that if they agree to the addition of dramatic elements to the audio recording, such as sound effects, it could hamper the license of film or television rights in the work; TV/film rights holders often require exclusivity in any dramatic adaptation of the work. In addition to the concerns set out above, an audio licensing agreement will usually contain many of the same terms that appear in a traditional print/e-book grant, such as cover consultation/approval, time frame for publication, accounting, out of print status, and the right to audit.

The good news for authors is that it appears that the boom in audio sales is not likely to dissipate soon. As Warner notes, “With their resulting higher profile in the publishing marketplace, audio publishers have been able to do more advertising and marketing, and every little bit of that has gone a long way toward increasing awareness of the audiobook among readers and consumers in general.” At a time when print and e-book readership levels remain relatively stagnant, this rising tide could lead to increased income for authors.

A MORE IMPORTANT METRIC THAN ROYALTY PERCENTAGE IS RPU [REVENUE PER UNIT]. IN EVERY CASE, A COMPANY THAT SELLS DIRECTLY TO CONSUMERS, LIBRARIES, OR BOTH WILL PROVIDE AUTHORS WITH A HIGHER REVENUE PER UNIT THAN THE AUDIO DIVISIONS OF THE TRADE HOUSES, DESPITE IDENTICAL ROYALTY PERCENTAGES.

Jonathan Lyons and Jesseca Salky are founding partners of Lyons & Salky Law, LLP, a boutique law firm that provides counsel in all areas of the entertainment industry, with an emphasis on publishing matters. Separately, Jonathan is also a literary agent and oversees the translation rights department at Curtis Brown, Ltd. Jesseca is a literary agent and co-owner at HSG Agency.
Tap, Tap, Click

By Barbara DeMarco-Barrett

It began the way most addictions begin. You tell yourself you’re going to smoke just one cigarette a day and pretty soon you’re up to a pack. You’re just going to buy a couple of lottery tickets and before you know it you’re betting on horses. That’s how it was with typewriters and me.
I had one typewriter—a 1950s Hermes 2000, green with pillowy keys—that I acquired on Freecycle.org. The next was a Smith Corona Coronet electric from the late ’60s found at a flea market for $75. Now my collection hovers around 20 (I peaked at 28, sold seven, and gave one to Dorland Mountain Arts Colony). That may sound like a lot of typewriters, but compared to some of my collector friends who have 50 and up, it’s nothing. Tom Hanks has 250 typewriters, as does Richard Polt, the author of *The Typewriter Revolution: A Typist’s Companion for the 21st Century*. Herman Smith, who holds a yearly get-together for typewriter enthusiasts at his home outside of Morgantown, West Virginia, has 800.

You either love using typewriters or you think people who use them are certifiable. But over the past 15 years there’s been a steady resurgence of typewriter love among writers, which may be a reaction to how tech-mad the world has become. Like yoga, meditation or contemplative chewing, typewriters slow you down and help you focus. If I hit a snag while I’m writing on the computer, it’s all too easy to jump on the internet. Writing on the typewriter, I’m less likely to become distracted.

Tom Furrier, a typewriter repairman for 38 years and for 28 of them the owner of Cambridge Typewriter Co. in Arlington, Massachusetts, says, “Younger people claim the number one reason they like typewriters is that they can type with no distractions. Many baby boomers come in and say that after using a computer for 25 years, they are sick of it and want a typewriter again. This past Christmas we sold more typewriters than any other year.”

Author David McCullough, who’s written all of his books on an old standard Royal, said it’s been suggested he’d get more done if he moved to a computer, but if anything, he’d rather go slower.
J. K. Rowling wrote the first two of her Harry Potter books by hand and typed them on a 10-year-old typewriter. One can’t help but wonder how different those novels might be if they had been written on a computer.

In 2009, Cormac McCarthy’s well-used Olivetti Lettera 32 manual typewriter, which he bought in 1963 and on which he has typed all his novels, sold at a Christie’s auction for $245,500. Rather than transition to digital, McCarthy found a replacement: the same typewriter for less than $20.

I understand the Olivetti love: I have two. If one breaks, I have a backup. The Olivetti is snappy, responsive, and it’s Italian, like me.

But deals on typewriters like the Olivetti have been getting harder to find since the documentary California Typewriter, released last year and a must-see for anyone even remotely interested in the typewriter. In it, Tom Hanks, Sam Shepard, John Mayer, David McCullough and others praise the typewriter. Prices have risen in response, especially for the Smith Corona Silent manual that Hanks said is his all-round favorite typewriter.

Another factor in the typewriter revival is surely tech’s relentless assault on privacy. Every keystroke we make on the computer can be captured. The typewriter lets us create documents without a digital footprint. Russia’s Federal Guard Services is on it, having spent 486,000 rubles, or $9,000 U.S. dollars, on electric typewriters a few years back.

“I am not going to make a prediction about typewriters as a fashion trend, which will ebb and flow,” says Richard Polt, “but the fundamentals for appreciating non-digital tools are going to be in place as long as our digital civilization continues on its course...The need for privacy, self-sufficiency, focus and durability will be felt even more acutely by those who are unwilling to comply with what the dominant culture dictates. Typewriters and other ‘analog’ devices speak to that need. So there will be typewriter users in 2100, I’m sure.”

Beyond privacy concerns and rebellion against the digital regime, writers are taking to typewriters because of the machine’s physicality. You hit the keys, make a percussive sound, ink flies onto the page, and at the end of your writing time, you’ve not only created a document but your hands feel it. Your shoulders feel it. You’ve used your brain and your body.

And there’s no delete key. You can always X over your prose—though this can quickly seem ridiculous to a computer-oriented brain. The bonus of not having a delete key is you learn to withhold judgment until you have a first draft—a hard thing for writers to do, though that’s how I wrote the article you’re reading: I typed a draft on my green, red and white 1960 Smith Corona Electra 12, transcribed it word-for-word onto my MacBook Air and began to edit.

Few typewriter-obsessed writers are falling for the new typewriters, both manuals and electrics, made in China. Instead we prowl eBay, Craigslist, ShopGoodwill.com, flea markets, Facebook Marketplace and estate sales for models from the ’30s through the late ’60s and...
Writing on this machine draws words from me in a way that feels like an almost out-of-body experience. The sound reminds me that I’m snapping out letters that create words that might tell a story. The physical effort alone validates for me that I am writing, come what may.

A friend I met online in the Antique Typewriter Collectors Facebook group, Shanyn Fiske, PhD, the author of *Heretical Hellenism* and an associate professor of English at Rutgers University, said in the midst of a personal crisis and a dry spell writing, a friend gave her a typewriter. She stayed up all night writing. “The tactility of the machine gives me an intimacy with my words and thoughts. It helps me duck past the inner critic.” She’s since accumulated more than 200 typewriters.

Two years ago, Glen Crookston of Houston, a writer and a bank executive, had medical issues and needed a 10-week stretch to convalesce. He started writing again—on typewriters—and began collecting machines from the mid ’30s to the early ’60s. His collection now hovers around 100.

“I use an Olympia SG1 every day,” he says. “It’s the pinnacle of standard typewriter perfection. As for portables, I believe the late 1950s Torpedo 18b is perfect. I’ve never encountered a faster, more precise or tactually pleasant machine.”

During his recovery, Crookston also expanded his fountain pen collection. Whereas he uses typewriters for his creative writing, he uses a fountain pen to write in his journal. Every day after his radiation treatment or a checkup, he’d stop by Dromgoole’s Fine Writing in Houston to pick out another pen for himself. He collected 39, costing from just under $100 to $1,000.

“I have a fondness for Parkers and Sheaffers from the ’30s to the ’50s,” he says, “and I also like modern European and Japanese brands.” For paper, it has to be “smoothly laid with dense fiber that doesn’t blotch, but not so dense that the ink can’t find purchase.”

I love writing on a yellow legal pad or Apica notebook with my Waterman fountain pen filled

early ’70s. Manual typewriters tend to be much more popular than elec-trics and have the added benefit that all you hear is the sound of keys hitting the paper. Electrics come with a humming soundtrack, which bothers some writers, though I’m fond of my old electric, which sounds like a loud purring cat.

A good many writers, notable and obscure, never stopped using typewriters, including Don DeLillo; Larry McMurtry, who thanked his Hermes 3000 at the 2006 Golden Globe Awards; and Paul Auster, who wrote a book about his Olympia SM9, *The Story of My Typewriter.*

Writers who are blocked credit typewriters for unblocking them. When Toby Goode, a former Disney copywriter, saw me post photos of my typewriter acquisitions on Instagram she thought I was crazy, but when I gave her a Smith Corona electric to try out, she understood.

“Writing on this machine,” she says, “draws words from me in a way that feels like an almost out-of-body experience. The sound reminds me that I’m snapping out letters that create words that might tell a story. The physical effort alone validates for me that I am writing, come what may.”
with turquoise ink, and you might reasonably expect that the average typewriter devotee would share a soft spot for a fountain pen, or a freshly sharpened no. 2 pencil.

Jennifer Egan writes full first drafts of her novels and short stories on legal pads, then types them onto the computer.

Memoirist Abigail Thomas loves writing by hand in an unlined Moleskine notebook with “a pen with black ink and a point like a hypodermic needle, because I love the physical sensation of it dragging words across the thick paper. When I have something, I type it on the computer.” She then prints everything out and edits on hard copy.

Lynell George, a Los Angeles–based journalist formerly with the Los Angeles Times, won a 2018 Grammy for Best Album Notes for Live at the Whiskey A Go Go: The Complete Recordings by Otis Redding. The project began, as all her projects begin, with plain sketch pads and Rhodia top-bound spiral notebooks—“the surface of the paper is smooth to the touch”—and fountain pens, namely Lamys, a Scheaffer, and a Noodler flex nib.

“The pens and paper slow me down, in a good way,” she says. “They force me to engage with the thought and go deeper. When the piece feels solidly like a piece—tone and a sense of structure—I’ll go to the computer.”

Memoirist Erika Schickel says everything begins with a spiral notebook from the supermarket. “I have passionate dogma concerning cheap notebooks. And I simply adore Uniball Air. I also love those smooth Rhodia surfaces.”

Costa Rica–based nonfiction writer Sarah Corbett Morgan says a case of writer’s block caused her to start writing longhand. She likes to start out in a Top Flight Composition Notebook, handwriting with a fountain pen and black ink. When she uses pencils, they have to be Twist erase mechanical pencils by Pentel and a box of replaceable erasers.

“Writing longhand opens up areas of the brain that a keyboard just doesn’t,” she says.

While suspense writer T. Jefferson Parker has written most of his dozen-plus novels on computers, he wrote his first novel, Laguna Heat, on a typewriter, and the entire first draft of Summer of Fear longhand. “It was a personal book that dealt with the death of my wife, Cat, so writing it longhand with pencils on paper seemed more personal than using a computer. It also slows your mind down a little and makes you write more deliberately.”

The fountain pen industry and its fans aren’t going anywhere. But the typewriter-obsessed worry about who will repair the machines when those who fix typewriters—many are older men—close shop. There is hope: since California Typewriter came out, shops around the country have seen record sales—including California Typewriter (the Berkeley store featured in the documentary) and Cambridge Typewriter shop in Cambridge, Massachusetts—and several new shops have opened, including Philly Typewriter, the only showroom and repair shop in Philadelphia.

As for antique parts, thanks to 3-D printing by New Jersey–based Pete Volz, just about any plastic or rubber part can be recreated. Customers find him on the Antique Typewriter Collectors group on Facebook.

For those who would rather not buy a typewriter but want to simulate the sound, check out Tom Hanks’s typewriter app: Hanx Writer. There are QWERTY keyboards that attach to your iPad that simulate the typing experience. There’s also a USB device you can install in your typewriter that will record keystrokes and save your writing electronically. But don’t delude yourself. As Polt says in The Typewriter Revolution, “the soul of a typewriter is housed in its very physical body, which leaves physical marks on physical paper.” Amen to that.

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. Her work appears 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.
Q&A: REP. HAKEEM JEFFRIES

Creators essentially have rights they cannot afford to enforce, and this has the potential to erode their economic incentive to invest in creating new works

Interview by Marla Grossman

Early this year, Representative Hakeem Jeffries, the lead sponsor (and one of six co-sponsors) of the Copyright Alternative in Small-Claims Enforcement Act (CASE), sat for an interview with Marla Grossman, the Authors Guild’s lobbyist in Washington, D.C.

A three-term congressman representing New York City’s 8th district (most of Brooklyn, with a slice of Queens), Rep. Jeffries has a master’s degree in public policy from Georgetown University and is a graduate of New York University Law School.

MG: In your time in Congress you have been a particularly active legislator on copyright issues. Has protecting and strengthening copyright been a lifelong passion or something you became interested in after being elected to Congress?

HJ: Before my time in public office, I served as counsel in the litigation departments of Viacom Inc. and CBS Corp., where I worked on high-profile entertainment cases. I learned a great deal about the tremendous work that goes into creating and delivering content, and I have since sought ways to help protect the copyright economy and rights of creators.

MG: Many people do not realize that copyright protections are enshrined in the U.S. Constitution. Why do you think the Founders made the decision to include these protections?

HJ: Article I, Section 8, Clause 8 of the United States Constitution grants Congress the power “to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.”

The Founders did this to ensure America would always be a place that inspires and fosters intellectual and artistic progress. As a result, the United States is the world’s strongest economy, with patented products and content that are consumed all over the globe. We owe this great success to our Constitutionally based intellectual property system.

MG: What do you think is the importance of books and reading to a democratic society?

HJ: Reading is fundamental to the progress of humanity. Reading helps us obtain the knowledge...
needed to grow in our understanding of the world. And we cannot change our world for the better, unless we better understand it.

**MG:** Do you see legislation to strengthen copyright as an area where bipartisan consensus can be found?

**HJ:** Absolutely. I’m leading the Copyright Alternative in Small-Claims Enforcement Act with my good friend Doug Collins, a Republican from Georgia, and he is leading the Music Modernization Act, for which I am the lead coauthor. When it comes to copyright issues, progressives and conservatives see beyond partisan politics. We are united in a shared goal of protecting creative rights and helping creators continue to make the works we all love.

**MG:** Can you talk a little bit about why you introduced the Copyright Alternative in Small-Claims Enforcement (CASE) Act and how it will help creators?

**HJ:** In cases where individual creators want to stop infringements that are causing relatively small economic damages, the prospect of a small recovery dissuades them from hiring a lawyer and filing a costly federal lawsuit. Small creators essentially have rights they cannot afford to enforce, and this has the potential to erode their economic incentive to invest in creating new works.

The CASE Act would help address this issue by creating a Copyright Claims Board (CCB) in the Copyright Office that would adjudicate and settle claims involving damages of $30,000 or less. The CCB would provide cost-effective alternative dispute resolutions, so that copyright owners could vindicate their rights without having to pay for a lawyer. I think establishing the CCB will help the creative middle class that relies upon commercializing creative works but cannot afford costly complex federal litigation.

**MG:** You represent an extremely diverse, creative district in one the world’s biggest cities. How have your interactions with your constituents and fellow New Yorkers informed your legislating on copyright issues?

**HJ:** Creativity flourishes in Brooklyn, where we have incredible music creators, writers and visual artists. Recently, I had the privilege of joining photographers from my district at Photoville, an interactive photography festival in Brooklyn Bridge Park. Spending time with those amazing artists, seeing their exhibits, and learning about how they dedicate themselves to their craft was sublime. Whenever I meet with creators I feel their passion and it inspires me to fight to protect their works.

**MG:** Since the advent of the “Internet Age,” the world around copyright law has changed dramatically and yet copyright law itself has remained largely unchanged since the mid-to-late ’90s. Other than the CASE Act, what changes would you like to see made to the law to bring it up to speed?

**HJ:** We have to do a better job of ensuring that infringing works are removed from the Web. Notice-and-Takedown under the DMCA is good policy but I think Congress needs to do a better job of collaborating with the copyright ecosystem on updating the best practices that help fulfill the purpose of the DMCA and protect creators.

MAKING THE COPYRIGHT SYSTEM WORK FOR CREATORS

Indiscriminate copying of pieces published online has become so commonplace that no one thinks twice about it anymore.

By Johannes Munter

Have you ever spent hours, weeks, months, or even years working on an article, book or screenplay only to discover it, post publication, posted online or reprinted somewhere without your permission?

Authors across the United States and around the world confront the online pilfering of their work on a regular basis. The number of e-book piracy alerts received by the Authors Guild has increased dramatically—by 300 percent between 2009 and 2013, when e-books first appeared on the market, and by another 76 percent between 2013 and 2017. Indiscriminate copying of pieces published online has become so commonplace that no one thinks twice about it anymore. Authors of every kind—from journalists and renowned book authors to aspiring playwrights and bloggers—are economically affected by this.

Sarina Bowen, an Authors Guild member and best-selling romance author, is a classic target. In her case, as in many others’, the takedown notices she has submitted under the Digital Millennium Copyright Act (DMCA) have been only partially successful. Many infringing sites do not have DMCA compliant takedown procedures; others simply ignore takedown requests. Even when such sites do comply, her books quickly pop up on other websites, and the infringement continues with impunity. “I play whack-a-mole all day long,” Bowen told us. “You can take down a book on one site and it will pop up on another site or even on the same site the very next day because someone else has uploaded it.”

The current U.S. copyright regime leaves creators with few remedies, in large part because of the exorbitant cost of copyright litigation. Copyright protection is based on federal law and claims can only be brought in federal courts, where the filing fee alone costs $400. Bringing a federal case is an immensely complex process and requires hiring a lawyer. The median cost of litigating an infringement of copyright case in 2015 was $250,000—a price tag beyond the reach of most authors.

So what can you do when someone has copied your work and refuses to stop? You can ask your
agent to take some kind of action, or, for a few thousand dollars you can have a lawyer send a scary cease and desist letter. If you are a Guild member, we might be able to help shame the infringer and get them to the table. But if the infringer chooses not to respond, as is the case for most foreign pirate sites, you may have no recourse at all.

To address this problem, Congress is currently considering a bill, H.R. 3945, the Copyright Alternative in Small-Claims Enforcement Act of 2017 (“CASE Act”), that would create a small-claims court authorized to solve copyright disputes with minimal hassle and cost. The filing fee would be determined by the Register of Copyrights and set lower than that of the federal court. The proceedings would take place electronically, making it unnecessary for the parties to travel to a court; they would be simple enough that no lawyer would be required, although the claimant is free to hire one.

While using the small-claims court would be voluntary for both parties, defendants would be incentivized to stay in that court by the cap on damages: $15,000 for each work infringed and a $30,000 cap on total damages. Also, unlike federal court, where judges without expertise in copyright law often rule on these cases, the small-claims court would be composed of judges with specific knowledge of copyright law. Abuse of the small-claims court procedure would be checked by awarding attorney’s fees in response to bad faith conduct and harassment, and by barring bad actors from the court for a period of time.

Under the proposed new law, authors would have a fairer shot at protecting their rights. They could use the small-claims court to seek damages for unauthorized online or print copying and/or distribution of their work, as well as for unauthorized “borrowing” of their work as the foundation for someone else’s creative efforts—such as that TV show that credits your book or is built on its content, that just never cut you a check. Or the news site that republishes your work and refuses to pay.

In the small claims system, an author whose book was turned into a podcast without authorization would be able to file a claim with minimal hassle; if she is the one accused of infringement, she could ask the small-claims court to declare that a short paragraph quoted in her book does not infringe another author’s copyright.

One of the main advantages of the proposed law might be that, in addition to bringing infringers to the table, innocent actors who have been charged with infringement would have a chance to defend themselves. For example, an author whose film review has been taken down by an internet service provider because of a questionable DMCA takedown notice could seek a ruling that his review was in fact not an infringement. And because the proceedings would take place electronically, an author would not have to travel to a federal court (hundreds of miles away). A copyright litigation conducted in this manner would be a relatively low-risk way for an author to ensure receiving fair pay for their work.

Defendants would have the ability to opt-out of the small claims process (a requirement to make the proposed law constitutionally compliant). While some defendants will opt-out, limiting the usefulness of the process, we believe that most defendants will be motivated to stay in for the same reason authors will choose to make use of it—because it’s a better bet economically than litigating in federal court.

The CASE Act arguably presents the first recent opportunity to change the Copyright Act for the better for creators. It is specifically intended for individual creators and small businesses that cannot afford to enforce their rights through federal litigation. The approach is similar to the small-claims track of the Intellectual Property Enterprise Court in the UK, which was established in 2012 and has successfully helped small copyright owners ever since. It creates safety and certainty for authors and other creators by allowing them to protect their rights without exhausting their resources. Most importantly, it allows authors to focus on what they do best—advancing the progress and knowledge of society by creating new literary works. We urge all Guild members to contact their representatives and make their support for the Small Claims Copyright Law clear.
Stories have many functions: entertainment, healing, education, illustration, explanation, misdirection, persuasion. Stories have the power to shape worlds and to change lives, and so there is a lot at stake when an author sits down to write. Many people fold stories like delicate paper ships and launch them from obscure corners of the world, hoping that their ships land on distant shores and spread some of the truth of their lives to strangers. It is an act of communion, an act of humanity, the sharing of your story with another person. We each contain within us a private cosmos, and when we write of ourselves, we make visible the constellations that constitute our experience and identity.
male or able-bodied authors through the tricky and frightening process of writing “the other.”

I do not mean to be cynical in my appraisal of these services. Stopping the spread of harmful narratives while simultaneously opening up the range of stories available about a group of people should be a priority for anyone currently involved in publishing. However, I can’t help but wonder about the relationship between the financial realities of publishing and the profitability of our anger. When a firestorm descends upon a literary figure, we turn, invariably, toward familiar framing. How did they not see this? They’re blinded by their privilege. Publishing is myopic. This is a moral failing. We need diverse books/authors/agents/editors/publishers. But I am not sure that problematic stories are always the result of a moral failing. I think that the trauma that marginalized people feel when a story does violence to them is real. I think watching an author strip away your humanity or flatten the complexities of your life and your experience into a couple of sentences meant to prop a secondary character is an awful thing. But I do not think that the author sets out to do that. We must be able to hold two things in our mind at the same time. We must be able to honor the trauma that marginalized people feel when a story does violence to them and we must also be able to discern the cause of the story’s failure.

There can be no story without empathy. Our stories begin because we are able to enter the lives of other people. We are able to imagine how a person might move through the world, how their family...
Empathy as Craft

Brandon Taylor is the associate editor of Electric Literature’s Recommended Reading and a staff writer at Literary Hub. His writing has received fellowships from Lambda Literary, Kimbilio Fiction, and the Tin House Summer Writer’s workshop. He currently lives in Iowa City, where he is a student at the Iowa Writers’ Workshop in fiction. His debut novel Real Life is forthcoming from Riverhead Books.

This article originally appeared on the Literary Hub website in August 2016. We reprint it with the permission of the author.
Connecting Members: The Guild Launches Chapters in 14 Cities Around the Country

Writers already spend a good portion of their day staring at their computers. What we are aiming for is sustained face-to-face engagement with and among members.

For some time, the Guild has been exploring ways of providing community at the local level for our members around the country. This has never been as easy to achieve as we’d like, given that our members—nearly 10,000 strong now—can be found in nearly all 50 states, in major urban centers, small towns and rural counties.

Over the last decade, we have been able to reach members with whom we otherwise would not have connected by way of our online webinars and event-streaming services. Our ambition, however, is not just to connect with writers via the internet. Writers already spend a good portion of their day staring at their computers. What we are aiming for is sustained face-to-face engagement with and among members, along with a viable networking system to extend opportunities for engagement around the country.

Last fall we began by putting out a call to members who might be interested in serving as “ambassadors” for the Authors Guild. We invited them to submit ideas for events and programs that they could design and execute themselves in their local communities. This new initiative, which will provide some funding for preapproved programs, aims to connect writers with one another through events and networking opportunities across the country.

Our goal of creating more opportunities for members to meet in person, at the local level, has several cumulative benefits. To be among one’s peers or in the company of other writers who are at similar stages in their careers, can be an enormous boost to the writing life. Being able to share information in an organic and unscripted conversation can also be invaluable to writers. The list of reasons goes on.

Our call for submissions asked members to explain why they were interested in heading a regional chapter; to provide details for the types of programs they envisioned hosting; to tell us what they valued most about being a Guild member; and to list any professional affiliations that might help them expand the network of writers in their area.

The response was overwhelmingly positive, and over the course of several months, we received a steady flow of submissions from engaged and enthusiastic members. In reviewing the resulting applications, we focused on ones where the vision was clearly communicated and aligned with the Guild’s mission. We looked for a sense of vitality as well as a firm commitment to the Guild’s core principles.

We took into account affiliations with other writing organizations at the national level. But more importantly, our selection process was influenced by regional and local affiliations, which we felt would help expand the community of writers in each specific area. Finally, given the diverse nature of the Guild’s membership, we wanted to be as inclusive as possible and welcome writers across a range of ethnicities, genres, and geographical areas.

In the end, we selected 14 U.S. sites to launch our first round of chapters, in areas where we knew there was already a strong concentration of members and where we saw the potential for outreach to surrounding areas. We identified at least two ambassadors to lead each chapter—all members in good standing, whether longtime supporters of the Guild’s work or more recent allies. They will lead their respective regional chapters for a two-year term.

In the coming months, we will be working with these new ambassadors to begin planning a variety of events specific to their respective strengths and interests, from social gatherings to book clubs, educational panels, how-to sessions and workshops. Be on the lookout for notices on how to get involved. We expect to add more cities in the coming years.

We look forward to updating you all on the progress of this new initiative and hope you will get involved in the chapter nearest you. This is and has always been your Guild. And now, these regional chapters are yours as well. Please use them to help connect to our work:

* Boston, MA
* Chicago, IL
* Cleveland, OH
* Detroit, MI
* Las Vegas, NV
* Los Angeles, CA
* New York, NY
* Philadelphia, PA
* Raleigh-Durham, NC
* St. Petersburg/Tampa, FL
* San Diego, CA
* San Francisco/Oakland, CA
* Seattle, WA
* Washington, D.C.

—Paul W. Morris
Vice President, Membership & Outreach, The Authors Guild

Authors Guild Bulletin
AN AUTHOR’S GUIDE TO THE REVISED TAX CODE

Cuts, deductions, write offs and rates

By Cheryl L. Davis
Authors Guild General Counsel

The many changes to the federal tax law passed by Congress last fall took effect on January 1, 2018. These changes will apply to your 2018 earnings; they do not affect your taxes payable for 2017. While the IRS is still working on implementing rules to provide guidance on how to interpret certain provisions, this is what we know so far.

Self-employed authors may continue to deduct business expenses, so for many authors, it will probably continue to make sense to itemize deductions. If you decide not to itemize (because your total allowable deductions under the new law add up to less than the new standard deduction), you may benefit from the slightly higher effective standard deduction and slightly lower tax rate, at least until 2025, when the new lower rates expire. If you do itemize, and you live in a state with high property and real estate taxes, you may actually see your taxes go up. If your total state and local taxes are less than $10,000, your taxes may be slightly lower until 2025. The IRS has not yet provided any direction as to whether authors might be eligible for the deductions for pass-through entities (details below), and so we cannot yet advise on whether it would make sense from a tax perspective for an author to set up a pass-through entity.

Tax Rates

A major change in the tax law is the reduction in tax rates. The largest reduction is at the corporate level; the tax rate for corporations has been cut from a maximum rate of 35 percent to 21 percent.

Individual tax rates will go down slightly for most people, with the greatest cuts being felt at the top tier, and minor reductions being made for other brackets. The top tax rate (which applies to single individuals with earned income over $500,000 and married couples filing jointly with earned income over $600,000) has been reduced from 39.6 percent to 37 percent. These cuts, along with many others, will expire after 2025; the corporate tax cuts are permanent.
As such, the overall impact for homeowners in these areas will be a significant tax increase. It is also predicted that home values are likely to decrease in the short run as a result of the reduction in SALT deductions.

**Medical Expenses**

Under previous tax law, taxpayers could deduct out-of-pocket medical expenses that exceeded 10 percent of their adjusted gross income. This deduction was adjusted to make expenses that exceed 7.5 percent of adjusted gross income deductible—until 2019, when the figure will go back to 10 percent.

As we have previously noted in our blog posts on this topic, the individual mandate of the Affordable Care Act (ACA)—the requirement that individuals must buy a qualifying health insurance plan or pay a penalty—has been effectively eliminated, with the penalty being reduced to zero in 2019. It is clear that this was intentional on the part of the current administration, as part of its ongoing efforts to repeal the ACA. This is expected to lead to higher health insurance premiums for those who don’t qualify for premium subsidies (because the point of the individual mandate was to widen the risk pool and lower premiums for all); it has been predicted that the change will lead to 13 million fewer people having health insurance in 10 years.

**Pass-Through Businesses**

Starting in 2019, certain individuals will be able to deduct 20 percent of their qualified business income from a partnership, S corporation,¹ and sole proprietorship. (These types of entities are not subject to income tax, because the entity’s income “passes through” to the employee-owners, who are then taxed as individuals.) Under the new law, 20 percent of the income that such an entity

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¹ According to the IRS, “S corporations are corporations that elect to pass corporate income, losses, deductions, and credits through to their shareholders for federal tax purposes. Shareholders of S corporations report the flow-through of income and losses on their personal tax returns and are assessed tax at their individual income tax rates. This allows S corporations to avoid double taxation on the corporate income” (www.irs.gov/businesses/small-businesses-self-employed/s-corporations).

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### FEDERAL INDIVIDUAL INCOME TAX RATES FOR 2018
#### UNDER THE CONFERENCE AGREEMENT

<table>
<thead>
<tr>
<th>IF TAXABLE INCOME IS:</th>
<th>THEN INCOME TAX EQUALS:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Single Individuals</strong></td>
<td></td>
</tr>
<tr>
<td>Not over $9,525</td>
<td>10% of taxable income</td>
</tr>
<tr>
<td>Over $9,525 but not over $38,700</td>
<td>$952.50 plus 12% of the excess over $9,525</td>
</tr>
<tr>
<td>Over $38,700 but not over $82,500</td>
<td>$4,453.50 plus 22% of the excess over $38,700</td>
</tr>
<tr>
<td>Over $82,500 but not over $157,500</td>
<td>$14,089.50 plus 24% of the excess over $82,500</td>
</tr>
<tr>
<td>Over $157,500 but not over $200,000</td>
<td>$32,089.50 plus 32% of the excess over $157,500</td>
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<tr>
<td>Over $200,000 but not over $500,000</td>
<td>$45,689.50 plus 35% of the excess over $200,000</td>
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<tr>
<td>Over $500,000</td>
<td>$150,689.50 plus 37% of the excess over $500,000</td>
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<tr>
<td><strong>Heads of Households</strong></td>
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<tr>
<td>Not over $13,600</td>
<td>10% of taxable income</td>
</tr>
<tr>
<td>Over $13,600 but not over $51,800</td>
<td>$1,360 plus 12% of the excess over $13,600</td>
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<tr>
<td>Over $51,800 but not over $82,500</td>
<td>$5,944 plus 22% of the excess over $51,800</td>
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<tr>
<td>Over $82,500 but not over $157,500</td>
<td>$12,698 plus 24% of the excess over $82,500</td>
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<tr>
<td>Over $157,500 but not over $200,000</td>
<td>$30,698 plus 32% of the excess over $157,500</td>
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<tr>
<td>Over $200,000 but not over $500,000</td>
<td>$44,298 plus 35% of the excess over $200,000</td>
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<tr>
<td>Over $500,000</td>
<td>$149,298 plus 37% of the excess over $500,000</td>
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<tr>
<td><strong>Married Individuals Filing Joint Returns and Surviving Spouses</strong></td>
<td></td>
</tr>
<tr>
<td>Not over $19,050</td>
<td>10% of the taxable income</td>
</tr>
<tr>
<td>Over $19,050 but not over $77,400</td>
<td>$1905 plus 12% of the excess over $19,050</td>
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<tr>
<td>Over $77,400 but not over $165,000</td>
<td>$8,907 plus 22% of the excess over $77,400</td>
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<tr>
<td>Over $165,000 but not over $315,000</td>
<td>$28,179 plus 24% of the excess over $165,000</td>
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<tr>
<td>Over $315,000 but not over $400,000</td>
<td>$64,179 plus 32% of the excess over $315,000</td>
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<tr>
<td>Over $400,000 but not over $600,000</td>
<td>$91,379 plus 35% of the excess over $400,000</td>
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<tr>
<td>Over $600,000</td>
<td>$161,379 plus 37% of the excess over $600,000</td>
</tr>
<tr>
<td><strong>Married Individuals Filing Separate Returns</strong></td>
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<tr>
<td>Not over $9,525</td>
<td>10% of the taxable income</td>
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<tr>
<td>Over $9,525 but not over $38,700</td>
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<td>$32,089.50 plus 32% of the excess over $157,500</td>
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<tr>
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<td>$45,689.50 plus 35% of the excess over $200,000</td>
</tr>
<tr>
<td>Over $300,000</td>
<td>$80,689.50 plus 37% of the excess over $300,000</td>
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<tr>
<td><strong>Estates and Trusts</strong></td>
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<tr>
<td>Not over $2,550</td>
<td>10% of the taxable income</td>
</tr>
<tr>
<td>Over $2,550 but not over $9,150</td>
<td>$255 plus 24% of the excess over $2,550</td>
</tr>
<tr>
<td>Over $9,150 but not over $12,500</td>
<td>$1,839 plus 35% of the excess over $9,150</td>
</tr>
<tr>
<td>Over $12,500</td>
<td>$3,011.50 plus 37% of the excess over $12,500</td>
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passes through could be deducted, substantially reducing the income on which the owners would ultimately be taxed. This could be of real benefit to sole proprietorships.

Authors and other creators were eager to find out whether they can benefit from this change in the law by establishing a pass-through entity such as an S corporation, partnership, or sole proprietorship. The hitch is that the law limits the types of pass-through entities that are eligible to take this 20 percent deduction, and as stated in Section 1202(e)(3)(A) of the Internal Revenue Code, expressly carves out "any trade or business where the principal asset of such trade or business is the reputation or skill of one or more employees [i.e., owners]." This restriction is meant to prevent employees from becoming contractors and using pass-throughs to take advantage of the tax break.

We have been advised by Robert M. Pesce, CPA, of Marcum LLP that the IRS has finally made it clear that self-employed writers are permitted to deduct 20 percent of their annual net income from writing provided the total taxable income is not more than $315,000 (if married) or $157,500 (if single); this applies to a writer acting through a pass-through entity or as a sole proprietor. However, for writers with taxable income in excess of these amounts, their ability to deduct the 20 percent is still uncertain.

**Business Expenses**

Authors who work as independent contractors should still be able to deduct business expenses, including home office expenses and commissions paid to agents. If an author is treated as an employee for any particular project (for which you receive a W-2 instead of a 1099), however, the commission and other business expenses will no longer be deductible.

**Higher Education**

Student loan interest is still deductible, and graduate student tuition waivers are still alive and kicking (meaning that graduate students need not consider the reduction in their tuition as taxable income). Teachers can continue to take a limited deduction for certain job-related and classroom expenses.

**Alimony**

Alimony and separation payments are not deductible for divorce or separation documents signed after December 31, 2017.

According to a CNBC poll, conducted between March 17 and 20, 2018, only “32 percent of the public reports having more take home pay because of the tax cuts, including only 48 percent of Trump supporters and 35 percent of the middle class. More than half say they see no change in their paychecks and 16 percent are unsure. It could be that more time is needed for people to notice the change. It could also be that the tax cut provided too small a break to be meaningful to many Americans.”

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THE IRS HAS FINALLY MADE IT CLEAR THAT SELF-EMPLOYED WRITERS ARE PERMITTED TO DEDUCT 20 PERCENT OF THEIR ANNUAL NET INCOME FROM WRITING PROVIDED THE TOTAL TAXABLE INCOME IS NOT MORE THAN $315,000 (IF MARRIED) OR $157,500 (IF SINGLE).
LEGAL WATCH

THE FUTURE OF ANONYMOUS BLOGGING

Many writers rely on the protection of a pseudonym when they are writing, be it for political or purely personal reasons. The right to do so is a part of the author’s freedom of speech, and courts have found that it is protected by the First Amendment. However, the U.S. judicial system favors parties using their real names in court proceedings. The question of whether the author’s true identity should be revealed in the course of a lawsuit usually arises in the earlier stages of a case and calls for the court to balance the potential harm a defendant might suffer by having their identity revealed against the harm a plaintiff might suffer by not knowing the true name of the person who allegedly violated their rights.

In Signature Management Team v. John Doe, the U.S. Court of Appeals for the Sixth Circuit went against this usual practice and looked to whether a party’s anonymity can still be maintained even after a judgment has been entered against him.

On January 18, 2013, John Doe posted a hyperlink on his blog that allowed users to download an entire copyrighted manual authored by plaintiff Signature Management Team. Doe’s blog, “Amthrax,” focused on criticizing multi-level management companies in general, and Signature in particular. Although Doe quickly removed the hyperlink after receiving a take-down notice, Signature still brought a copyright infringement lawsuit and asked that Doe be identified. (When a plaintiff has been wronged but doesn’t know precisely who’s responsible, they may use a name like “John Doe” as a placeholder until the defendant’s identity has been established.) The Court denied Signature’s request to provide Doe’s identity at that time, concluding that “unmasking an anonymous speaker is a significant and irreversible harm.” The district court subsequently found that Doe had infringed Signature’s copyright and ordered Doe to destroy all copies of the manuscript in his possession, but refused to release Doe’s identity to Signature, saying that it “was unnecessary to ensure that defendant would not engage in future infringement of the Work.” Signature insisted on learning Doe’s true identity and appealed the lower court’s decision.

While Doe complied with the district court’s order by destroying the infringing materials, he argued that he had a First Amendment right to speak anonymously, and that forcing anonymous bloggers to reveal their identities would chill their speech and discourage them from speaking out.

LEGAL SERVICES SCORECARD

From December 1, 2017 through May 1, 2018, the Authors Guild Legal Services Department handled 629 legal inquiries. Included were:

140 Book contracts
27 Agency contract reviews
20 Reversion of rights inquiries
in fear of economic or social retaliation. Doe also argued that forcing speakers to reveal their identities might unfairly render their speech less persuasive than it would be if they had remained anonymous.

The Court of Appeals reasoned that while there is an interest in promoting free speech by preserving Doe’s ability to blog anonymously (the infringing speech took place in the context of Doe’s other blogging activities), there is also a presumption in favor of open judicial records (especially after a judgment has already been issued)—and where there is a greater public interest in a litigation’s subject matter, a greater showing is needed to overcome the presumption of open access to judicial records. The Signature decision to send the case back to the District Court suggests that the decision on whether an anonymous party’s identity should be revealed should be based on an evaluation of factors such as the reach of the copyrighted material, the economic losses suffered by the copyright holder, the reach of the infringed version of the copyrighted material, and the intent of the infringer. But, while these are all factors for the court to consider, the burden remains on the defendant to provide a compelling reason for not disclosing his or her identity.

One judge dissented from the rest of the Court of Appeals, arguing that not only is copyright infringement not “protected speech” (comparing it to the equally unprotected “fighting words” or obscenity), there is no legal authority allowing a copyright infringer to remain anonymous after they have been found guilty. This judge also argued that ordering injunctive relief against Doe without revealing his or her identity minimized the injunction’s effect, encouraged future misconduct, and hindered Signature’s ability to monitor compliance, saying that while both the district court and Signature’s attorneys were aware of Doe’s true identity, “monitoring blog sites on the internet is not a proper task for the judiciary,” nor should plaintiff have to keep paying its attorneys to monitor Doe’s compliance.

Here, both sides obtained partial victories: Signature was granted an injunction preventing Doe from posting its content on his blog, and Doe was not required to reveal his identity. It remains for the district court (to which the case has been returned) to apply a balancing test to determine whether it is truly in the public interest to unmask Doe in order to further the presumption of judicial openness.

— Courtney Kaplar
Legal Intern

### Stay Current on Guild News

Don’t miss industry news, updates on our advocacy efforts and valuable resources for your writing business.

* Follow us on Twitter: twitter.com/authorsguild
* Like us on Facebook: facebook.com/authorsguild
* Subscribe to our email newsletter: bit.ly/AGMemberEmail

To ensure that your Authors Guild email messages always make it to your inbox, add news@authorsguild.org and staff@authorsguild.org to your email address book. If you are a gmail user, simply move one of our emails from your promotions tab to your primary tab.

<table>
<thead>
<tr>
<th>67</th>
<th>15</th>
<th>+360</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inquiries on copyright law including infringement, registration, duration and fair use</td>
<td>Inquiries regarding securing permissions and privacy releases</td>
<td>Other inquiries, including electronic rights, literary estates, contract disputes, contract questions, periodical and multimedia contracts, movie and television options, internet piracy, liability insurance, finding an agent, and attorney referrals</td>
</tr>
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</table>
On June 1, The Authors Guild won a court ruling that allows writers to continue selling books whose titles include the word “cocky,” despite a trademark registration owned by a single romance author.

The Authors Guild and the Romance Writers of America (RWA) joined forces to defend the principle that no one should be able to own the exclusive right to use a common word in book or book series titles. In ruling against the author Faleena Hopkins, who claimed exclusive rights to “cocky” for romance titles, Judge Alvin Hellerstein of the Southern District of New York, stated that he did not believe that Hopkins was likely to succeed on the merits.

Despite the popularity of using the word “cocky” in Romance book titles, this spring Hopkins obtained the trademark registration for “cocky” in connection with her series of self-published romance novels, each featuring one of her “Cocker Brothers” characters. She then tried to block the sale of books by other romance writers with titles that included the word.

The Authors Guild believes strongly that no one author should be able to prevent others from using a commonly-used word in their book titles. The law is clear that individual titles cannot be trademarked, only series titles, and that common words cannot be trademarked at all unless they develop an association in the minds of the public with a particular source (in this case a single author). Moreover, Hopkins initially used the series title “The Cocker Brothers” and not “The Cocky Series.” When Hopkins’ trademark registration was issued in April, Hopkins sent notices to multiple authors telling them to change the titles of their books and asked Amazon to take down all other cocky-titled romance books (not just series).

That is when the Authors Guild stepped in to defend the authors whose books were targeted. The Guild and the RWA separately requested that Amazon put the books back up, since the trademark claims were disputed, and it promptly complied. The two groups then jointly hired the authors’ outside counsel, Cowan Debaets Abrahams & Sheppard, to write a letter to Hopkins on behalf of Tara Crescent, author of another “Cocky” book series (and an Authors Guild member).

In response, Hopkins filed a lawsuit in the Southern District of New York against three people: Crescent, author and lawyer Kevin Kneupper (who challenged Hopkins’ trademark registration), and book publicist Jennifer Watson. In doing so, Hopkins asked for a temporary restraining order to prevent the May 26 publication of a collection of stories by different authors, entitled Cocktales: The Cocky Collective (Hopkins incorrectly named Watson as the publisher). The Guild’s attorneys prevailed in court on May 25 to block the temporary restraining order and again June 1, in a hearing on Hopkins’ motion for a preliminary injunction.

We opposed the attempt to block publication of a book, arguing that “Any order that restricts creative expression in favor of promoting the tenuous (at best) purported rights of a single author is simply contrary to the public interest in freedom of expression.” Judge Hellerstein agreed and found that Hopkins was not likely to succeed on the merits because the word “cocky” is a common and weak trademark, there was no evidence of actual confusion, and romance readers are sophisticated consumers—meaning that they are not likely to confuse Hopkins’ and Crescent’s books.

The Authors Guild seldom litigates on behalf of individual authors, but this is an important issue for authors generally. Authors should be able to express themselves in their choice of titles. A single word commonly used in book titles cannot be “owned” by one author. This is especially true when, as here, the word has already been in use by other authors in titles for years.

The Authors Guild has arranged a procedure with Amazon for resolving authors’ complaints with their Amazon book listings.

Guild members have raised a variety of concerns about their Amazon listings. Members have reported instances where the “buy box” for their books pointed customers to non-“new,” non-royalty bearing copies sold by Amazon resellers—an issue we have written about previously as well as instances of infringing copies of their books sold by Amazon resellers. In addition, some authors have discovered customer reviews of their books that clearly violate Amazon’s own guidelines. In many of these cases, members have
reported frustration or confusion about Amazon’s complaint procedures, and we would like to offer some help and an alternative.

For the past year, we have had a direct dialogue with Amazon and have been reporting these types of incidents to them on an informal basis. We have learned which issues represent cases of legitimate use and which do not, and we have been able to get these issues resolved.

After discussions with Amazon, we have agreed to an additional procedure, a direct flagging of issues in cases where Authors Guild members feel they are being harmed as authors (not as customers), but online communications with Amazon have not borne fruit in a timely manner. Authors Guild members may now file complaints directly with the Guild. The Guild will review all author complaints to determine whether they raise issues that Amazon can or should address. We ask that members attempt to resolve these problems directly with Amazon first through their normal complaint procedures (see below).

The Guild will not be able to resolve every issue successfully, of course; but in cases where an incident has been in violation of Amazon’s policies, the company has worked with us to resolve them. In other cases, Amazon has heard us out and been willing to review policies that work to the detriment of authors.

How to Let Us Know About Your Issues with Amazon

Authors Guild members may contact us at staff@authorsguild.org if 1) they have an issue with their books’ Amazon listings, such as when a third-party seller occupies the “buy box” even though publisher copies are readily available; 2) infringing copies of their books are being sold; or 3) fake or abusive reviews of their books remain in view on their books’ pages. The Guild will review all complaints for accuracy, and where we find problems that are in violation of Amazon policies or are potentially harmful to authors generally, we will send them on to Amazon. Members’ input is valuable to us since it helps us gather important information about authors’ issues and helps Amazon address issues as they arise.

Ways to Communicate with Amazon Directly

Abusive or Incorrect Reviews: The Guild has also discussed with Amazon problems related to members’ Amazon ratings being lowered by reviews which are clearly incorrect (about a different book or author), or which are based on factors not relating to the quality of the book itself (for example, about the physical condition of the book). There have also been situations when the review process is unfairly skewed by biased individuals—such as by blatantly homophobic reviews or reviews attacking an individual author for personal reasons. Amazon has expressed appreciation for our feedback and is committed to reviewing these issues and exploring solutions.

Meanwhile, if you have problems with fake or incorrect reviews, or reviews that otherwise violate guidelines for Amazon.com community participation, Amazon tells us that you should click on the “Report Abuse” link adjoining the review to let Amazon know about fake, incorrect, or abusive reviews.

Infringement: Any infringement of your copyrights or trademarks should first be reported through your publisher or using Amazon’s Contact Us page.

Customer Complaints: If you have any complaints as a customer rather than as an author—such as receiving a book labelled as “new” that is not new—you should communicate directly with Amazon through customer service. Information can be found on Amazon’s Help page.

Importance of Reporting Complaints and Marking ARCs and Remainders: It is especially important that you let Amazon know when resellers are marking books as new that do not qualify as new under Amazon’s definition or when you see infringing or counterfeit copies of books being sold on Amazon. Amazon relies heavily on customer complaints to police bad actors and to keep resellers honest. Authors should also ensure that publishers are marking promotional and remainder copies clearly, so they cannot be resold as new.

Background: Problems with the Buy Box

About a year ago, Amazon decided to allow third-party sellers offering “new” copies the ability to win the buy box. The buy box policy is one that Amazon has long had in place for all other types of products, but when they extended the policy to books, non-royalty-bearing copies (sold by third-party sellers) were able to win the “buy box.” In such cases, the authors affected reported a sharp drop in the sales of royalty-bearing copies, resulting in lost income.

We received a rash of complaints from authors who saw their sales go to re-sold and non-royalty-bearing copies of their books. While the Guild (along with others) failed to convince Amazon to reverse their policy on book sales, they did agree to work with us when third-party sellers claimed the buy box in violation of Amazon’s policies—such as when a book labeled as “new” is in fact not new. Resellers sometimes mislabel copies of books they are selling as “new” when they look new but are not—such as advance review copies, remainders, and returns from bookstores.
The American Writers Museum (AWM) turned one year old this May, and it’s reaching out to its natural constituency: writers.

The museum celebrates writers from all genres—fiction, poetry, nonfiction, journalism, screenwriting and songwriting—and has drawn thousands of readers, students and writers in its first year. Housed on the second floor of a grand, old North Michigan Avenue building in Chicago’s Cultural Corridor, AWM has been recognized by Fodor’s as one of the “hottest” museums in both museum-rich Chicago and the U.S., as well as one of the 10 best new museums in the world. USA Today readers voted it the best Illinois attraction, and Conde Nast Traveler lists it among the top 15 museums in Chicago.

Celebrating writers and American literature in a lively interactive space, the museum honors both with multiple displays and glimpses into the creative process. With 13 permanent exhibits and six galleries, the museum celebrates great literary voices of the past and provides meeting and event space for contemporary authors. Recent speakers include prize-winning authors Viet Thanh Nguyen, Alice McDermott and David McCullough; celebrated poets Nikki Giovanni and Natasha Trethewey; and emerging writers published by small presses, most recently a group of first-time authors from the Rust Belt.

As you enter the museum, you are greeted by a large screen on which an introductory film plays, tracing the emergence of the “American style” across a map of the United States. An adjacent room featuring cozy chairs and murals is dedicated to children’s literature. If it’s “Little Squirrels Storytime,” the room will be filled with preschoolers looking at books or listening to a story read by a visiting writer or volunteer. Teachers have praised the museum for bringing literature to life for their students, and AWM plans to partner with literary and educational institutions nationwide.

Down the corridor, the Gallery of 100 American Voices celebrates a wide range of writers, including early Native American storytellers,
Thomas Jefferson, Sojourner Truth, Walt Whitman, Emily Dickinson, Willa Cather, Edith Wharton, John Steinbeck, F. Scott Fitzgerald, Eudora Welty, Ralph Ellison and many others. It displays quotes from their work and provides short bios and photographs. On the facing wall, the Surprise Bookshelf showcases excerpts from great American literature, such as Maya Angelou’s poem “Phenomenal Woman.”

One of the most popular fixed exhibits is the Word Waterfall, where a stream of words is back-lit to reveal famous writers’ quotes to the sound of rushing water. Around the corner is Readers Hall, with kiosks that let readers explore and compare their favorite books. This past spring, one of the changing exhibit spaces featured photographs of writers by the photographer Art Shay. Another temporary exhibit is Laura Ingalls Wilder: From Prairie to Page.

A table of typewriters encourages visitors to add a sentence or two to the day’s ongoing story. In the nearby Writers Room, a visitor can glimpse the creative process in the Mind of a Writer exhibit, where two 8-foot-long touch-screen tables display book titles and authors’ edits on manuscripts, among them Edgar Allan Poe’s “The Fall of the House of Usher” and Tennessee Williams’s A Streetcar Named Desire. The display Anatomy of a Masterpiece includes quotes from writers about the creative process.

A digital map, Hometown Authors, allows visitors to enter a zip code to locate writers past and present, including more than 70 historic houses or small museums dedicated to individual authors that are now affiliated with the American Writers Museum.

Chicago was chosen to host the museum because of the city’s support for the project, its central location and its rich literary heritage, which includes writers such as Carl Sandburg, Saul Bellow, Gwendolyn Brooks and Richard Wright, who share a windowed alcove with other Chicago scribblers.

The museum is the brainchild of Malcolm O’Hagan, a passionate reader and businessman from Washington, D.C. O’Hagan, who was born in Ireland, took a trip home seven years ago and visited the Dublin Writers Museum. After learning that there was no comparable museum in the U.S., he set out to create one. His search for allies, funds and ideas took him all over the country as he met with writers, scholars and publishers who helped develop the idea and curate the selection of writers.

“We hope American writers and Authors Guild members will consider this their museum and visit and promote it and be proud that there is finally a museum that celebrates the great accomplishments and contributions of writers to America’s history and culture,” O’Hagan says.

Though not everyone is able to get to Chicago, the museum’s website offers a preview, and membership in the museum supports its activities. The American Writers Museum is offering a 15 percent discount on its basic $40 membership for Authors Guild members if they use the discount code AG when signing up online: www.americanwritersmuseum.org/join-give/membership.

Joanne Leedom-Ackerman, novelist and journalist, is vice president emeritus of PEN International and sits on the boards of Poets & Writers, the PEN/Faulkner Foundation, the International Center for Journalists, Words Without Borders and the American Writers Museum. Joanne is also a longtime member and supporter of the Authors Guild.

Photograph courtesy of the American Writers Museum

up In the house of writers.

Spring-Summer 2018
The Authors Guild held its annual meeting on March 1, 2018, at Scandinavia House in New York City. Guild President James Gleick called the meeting to order.

**PRESIDENT’S REPORT**

Mr. Gleick opened the meeting by noting that it was World Book Day and then called for a motion to approve last year’s minutes. A unanimous vote of approval was received.

“The state of the Authors Guild is strong,” Mr. Gleick announced. “We have had a good year after a period when our finances were not so great. Executive Director Mary Rasenberger, the Guild staff and our treasurer, Peter Petre, have turned things around. We’re not completely out of the woods, but we’re doing well. We recently passed the 10,000-member mark, which is a milestone for us—an all-time high. Membership is on the way up and it’s the members that make us strong.

“The need for the Authors Guild, I firmly believe, is stronger now than it has ever been. This is an organization with a distinguished and long history that began when the publishing industry of America was essentially located within a half mile of this place. The Authors Guild was created to protect the rights of writers at a time when those rights weren’t controversial. And the most formidable and powerful enemies authors had—the people with whom the Guild negotiated on their members’ behalf—were the gentlemanly publishers of Manhattan. Now all of that has changed. We still find publishers to be our antagonists, sometimes. We fight with them about contract terms and about the royalties they pay. But we have new sets of enemies, adversaries of the writing life, and of the ability of authors and other creators to make a living. These adversaries include the most powerful tech corporations in America, with whom we also have to negotiate, lobby against, and press up against with all the force that we can muster as a still small, and I hope, feisty organization. So that’s where we are. That’s the context for all the things that Mary’s going to tell you.”

Mr. Gleick concluded his introduction by naming the members appointed to serve as tellers and inspectors, Cheryl Davis and Michael Gross; and holders of members’ proxies for today’s vote, Miriam Berkely, Martha Fay and Eugene Linden. He then yielded the podium to Executive Director Mary Rasenberger.

**EXECUTIVE DIRECTOR’S REPORT**

Ms. Rasenberger began by thanking the Guild’s Council and asking any Council members and Foundation Board members who were present to stand. She also welcomed members who were attending the meeting online, via a live video stream, expressing delight that “this meeting is not just for those who can travel to midtown Manhattan on a Thursday evening.”

“We all know that authors face more challenges than ever,” she said. “And the work of the Guild—which is your union—is more important than ever. The dictionary definition of a guild is: ‘An association of people for mutual aid or the pursuit of a common goal.’ As a guild, we provide community, we provide connection, we provide mutual aid. These have always been our fundamental purposes.

“Community is something we’ve been working especially hard on and you will be seeing the fruits of that work this coming year. We have some exciting programs to announce and we’ve also been working hard on how we can best serve our membership. With the Google Books suit finally over, we’ve sought to refocus our efforts on our members and what you need. Several months ago, we sent out a survey and we learned a lot from your responses.

“One of the things we heard from you is that you want more opportunities for connecting and sharing information. Among other new initiatives, we are finally launching our Ambassador’s Initiative. We’re also creating online forums, with discussions that will be forwarded directly to you by e-mail. You’ll see when there’s a conversation underway, and you can join different groups. All of the new local groups will have their own forums. The more people use it, the more useful it will be, so we hope you will use it.”

Ms. Rasenberger mentioned some of the many challenges that contemporary writers face, from new technologies and pressures on traditional markets to the slew of new platforms and services for authors, which the Guild staff tries to keep up with so they can alert members to which are trustworthy and useful and which are not.

“And then there are the Goliaths. To protect authors, we have to take on internet giants like Google and Facebook, which make millions by delivering content they never
paid for, while we simultaneously deal with Amazon, which dominates every side of the retail industry and gets to dictate terms as a result.

"Defending free speech has always been a significant part of our mission," Ms. Rasenberger said, "but it has taken on special urgency in the last year. We’ve also spent a great amount of time and energy this year simply making sure authors get paid in this ‘information wants to be free’ world—shorthand for an ‘internet platforms want to get rich’ world.

“We are aiming to get a balanced, breakeven budget for the first time in years while also trying to grow our way out of financial difficulties. We’re doing that without adding new staff. Our staff has performed phenomenally this year, full of ideas and energy, always ready and willing to do more and to take on several jobs at once.” Ms. Rasenberger asked all staff members present to stand and receive the members’ applause. She also introduced the Guild’s new general counsel, Cheryl Davis, who joined us last November and has proved invaluable.

Ms. Rasenberger moved on to the numerous activities and accomplishments of the Guild over the last year, beginning with the significant increase in membership. “This increase in membership did not happen by accident. The staff has worked hard and long to achieve it. In just two years, we’ve had a nearly 50 percent increase in the rate of new members joining. In 2017, the number of new members across all five categories of membership exceeded that of 2016. It’s a very good trend and we hope to increase this exponentially. Prior annual increases were around 3 to 5 percent.”

Ms. Rasenberger reminded members that they can help with recruitment by inviting friends to sign on as “Friends of the Foundation.” The first “Friends” tier starts at $60, which includes the newsletter, access to the members’ website and an invitation to the Gala.

Ms. Rasenberger noted the increase in partnerships the Guild has formed with other organizations.

“With limited resources it makes sense to do what we do best and partner with other organizations on issues we share.” Among those we are partnering with currently are the National Coalition Against Censorship, PEN America, One Story, Electric Literature, The Literary Hub and Slice Literary.

Ms. Rasenberger next introduced the Ambassadors Initiative, which she described as “a sea change” for the Guild. “We’ve been struggling to figure out how to more fully engage members throughout the country. The Ambassadors Initiative creates a way for authors to get together in person in different locations. The Guild sent out a call to members to apply for “ambassador” positions to help lead a local group. Applicants were asked to tell us why they wanted to serve and to provide ideas for events.

“The applications were amazing; the energy and the ideas in all of them were inspiring. We had thought we were going to launch with just six local chapters but there were so many great applications that we are starting with 14 cities. We’re going to keep adding local groups as we go, but decided to start with major metropolitan areas where we have our greatest concentration of members.”

The 14 inaugural chapters are: Boston, MA; Chicago, IL; Cleveland, OH; Detroit, MI; Las Vegas, NV; Los Angeles, CA; New York, NY; Philadelphia, PA; Raleigh-Durham, NC; St. Petersburg/Clearwater, FL; San Diego, CA; San Francisco/Oakland, CA; Seattle, WA; and Washington, D.C.

Ms. Rasenberger expressed her thanks to everyone who applied to be an Ambassador. “Thank you for your time and your willingness to serve. And if we’re not launching in your area right now, we will be getting to you eventually.” (See p. 23.)

Ms. Rasenberger reported that the Guild participated in more than 45 events last year, including educational events at conferences, webinar series, conference sponsorships and collaborations with other organizations, a list of which was distributed at the meeting.

Conference participations included the American Literary Translators Conference, the Association of Writers and Writing Conference (AWP), BookExpo, Digital Book World, Killer Nashville, the Romance Writers of America Conference and the Brooklyn Book Festival.

Collaborations included business-skills panels with Electric Literature/Center for Fiction; a six-session webinar by author/consultant Jane Friedman called Digital Age Author: Best Practices in Marketing, Promotion, and Reader Engagement; a 10-part webinar series in partnership with the Copyright Clearance Center; and our Indies Introduce series, in partnership with the American Booksellers Association.

Ms. Rasenberger reported next on the Guild’s website and content. “75 percent of our members have online accounts set up on the website. If you don’t have one yet, you are missing out on a lot.” With an online account, members have exclusive access to video and audio recordings of seminars, webinars and panels; exclusive member discounts to travel websites, literary magazines and trade journals; digital access to the Bulletin, including back issues; as well as our Model Trade Contract, the Writers’ Resource Library and the Authors Guild Guide to E-Publishing.

Ms. Rasenberger urged members who have not yet signed up to e-mail staff@authorsguild.org. “We’re adding new items all the time, and the site is becoming a robust and useful resource for writers.”

Ms. Rasenberger also spoke briefly about the Guild’s weekly newsletter, which includes industry news, Guild advocacy efforts, member news, discounts and a roundup of articles of interest. She urged members who have not yet signed up for it to do so. “Let us know if you have any suggestions on how we can improve it.”

On a related theme, Ms. Rasenberger noted that the Guild now has 20,000 Twitter followers and 2,000 Facebook followers. She reminded the audience that social media reach is exponential: “So please help us get our messages
Pennies from Heaven Add Up: $33,000,000 and Counting

Two images shared the cover of the Winter 1996 Bulletin: one was playful, celebrating the official launch of the Authors Registry; a cheekier one referenced the rush to squeeze every possible penny out of previously published work. It was the infancy of electronic publishing, a time when writers’ works were being recycled without compensation and publishers were complaining that it was just too much trouble to track down individual authors and calculate the tiny sums of money each might be owed for a photocopy, an electronic sharing of their work or a CD-ROM.

The Guild’s then-executive director Robin Miller and then-general counsel Paul Aiken (later executive director) had a better idea. In May 1995, in concert with the Dramatists Society, the American Society of Journalists and Authors and the Association of Authors Representatives, the Guild founded the Authors Registry, a clearing house and reference base for authors. “It’s an idea whose time has come,” said Mary Pope Osborne, the Guild’s president at the time. “If the Information Age is to live up to its potential, then we have to provide a means to simply and accurately reward authors for the use of their works, no matter what the medium.”

The billing on the cover of the Summer 1995 Bulletin was “An ASCAP of Our Own,” and it was true. By early 1996, the Automated Rights Payment System, built by Terry King, the Registry’s manager to this day, was up and running, and the first payments were made to authors in February 1996. Harper’s was the first magazine to sign on to use the Registry as its clearinghouse for paying writers for electronic reuse of their work. The database’s value was equally clear to the Authors’ Licensing and Collecting Society (ALCS) in London, which transferred its distribution of photocopy license fees for U.S. authors to the Registry in 1996, with a kickoff of $35,000 to be paid to 300 American writers. Since then, the ALCS has been the primary source of royalties disbursed through the Registry.

In 2006, the Registry began distributing library lending rights payments from the Netherlands to American authors. The Netherlands is unique in that it makes these payments to American authors despite the lack of any reciprocal library lending payments from the U.S. These payments have added significantly to the Registry’s payouts.

Now in its 23rd year, the Registry has distributed a total of $33,000,000 to writers, less a 7.5 percent administrative fee (the lowest in the business).

That’s a lot of pennies. 33,000,000,000 of them.

* Not everyone is aware of the Registry’s connection to the Guild. If you have received letters from the Registry and have not responded, what are you waiting for?

LEGAL ADVOCACY

Ms. Rasenberger turned next to the Guild’s crucial legal advocacy efforts and encouraged any members with questions to talk directly to Cheryl Davis, our general counsel, or Michael Gross, our director of legal services, following the meeting.

Issues of significance to the Guild in the last year included the following:

1. CASE Act for a Small Claims Copyright Court

This past October, Rep. Hakeem Jeffries reintroduced (with bipartisan support) a bill to create a small claims copyright court in the U.S. Copyright Office. Currently, authors and other creators have no practical way to enforce their rights, even in cases of clear infringement, because bringing a litigation in federal court is so expensive. The bill, which has wide support in the House Judiciary Committee, is expected to go to the full House this spring. (See p. 18.)

2. Internet Archive/Open Library

The Internet Archive’s Open Library is e-lending full-text scans of copyrighted books without authorization, in violation of copyright law. We advised members and other organizations about the project and instructed them on how to find out if their books are available for e-lending on the site and how to send a takedown notice. We are continuing to monitor the situation and will keep members apprised.

3. Amazon

We have been active in monitoring Amazon’s growing impact on the publishing marketplace and have spoken out against its monopsonic power, a power that can so easily be abused. We have written about the problem of improper assignments of the Buy Box to third-party resellers.
Recently, we commenced a formal relationship with Amazon to refer member complaints to their publishing division on mis-assignments of the Buy Box and improper reviews, and other matters that merit Amazon’s attention.

4. Net Neutrality
When the Federal Communications Commission (FCC) announced its plans to repeal its net neutrality rules, we sent a letter voicing our objections to FCC Chairman Ajit Pai; the letter was signed by 1,838 Guild members. We continue to monitor the growing senatorial push to garner votes to overrule the FCC’s repeal, as well as the lawsuit filed by 22 state attorneys general. Depending on how matters progress, we may sign on to an amicus brief in support of maintaining an open internet.

5. Free Speech/ Freedom of the Press
Throughout the year, we monitored this issue and made our voice heard when the free speech of writers was compromised. When President Trump attempted to suppress publication of Michael Wolff’s Fire and Fury: Inside the Trump White House, we issued a statement that same day and stood ready to lend support if there were a suit. As our president, James Gleick, said: “This isn’t a country where we quash books that the leader finds unpleasant. That’s what tyrants do, not American presidents.”

6. NAFTA
In connection with the ongoing renegotiation of the North American Free Trade Agreement (NAFTA), we have joined with other creative industry organizations to send letters to the Office of the United States Trade Representative Robert Lighthizer to urge him to maintain pro-intellectual property protections “that promote American creators and innovators and U.S. economic strength.” The copyright industries are a key component of the U.S. economy, Copyright-intensive industries contributed $1.2 trillion to the U.S. economy in 2015, employed 5.5 million workers and generally grew at a rate over double that of the U.S. economy.

7. Proposed Elimination of NEA and NEH Funding
We lobbied again this year to protect the National Endowment for the Arts (NEA), National Endowment for the Humanities (NEH) and the Institute of Museum and Library Service (IMLS) from being defunded per the administration’s proposed 2018 and 2019 budget proposals. Among the works written with NEA support include Jhumpa Lahiri’s Unaccustomed Earth and two books by Council members: Tayari Jones’s Silver Sparrow and Alexander Chee’s The Queen of the Night. Fortunately, Congress retained and even slightly increased the funding for each agency.

8. American Law Institute Restatement
In the course of creating a Restatement of Copyright Law for the American Law Institute (to be used, as most Restatements are, by courts in ruling on cases), the drafters of that Restatement have demonstrated a distinct anti-copyright bias. Since Judges rely heavily on these Restatements of Law in deciding cases, there is a real risk that future cases may be decided in a way that reflects this bias. In response to objections from the Copyright Community and to ensure that the interests of writers and other creators are protected, ALI enlisted a team of legal advisors that includes Executive Director Mary Rasenberger to review the drafts of the proposed Restatement. Given that many observers have expressed concerns—including the Copyright Office, which called the project “misguided”—the Restatement may be issued in a “new format.” We will continue to monitor the situation.

9. Collaborative Free Speech Efforts
We continue to work with other organizations—such as the National Coalition Against Censorship (NCAC)—to push back on censorship wherever we see it. We have signed on to multiple statements and letters organized by NCAC protesting the censorship of books in schools and libraries, including one against the removal of To Kill a Mockingbird from a junior high school. These letters remind school districts of the free speech violations implicit in such censorship and often result in books being reinstated. We have also signed on to statements and amicus briefs with the Media Coalition and PEN.

We also signed on to an amicus brief with the Media Coalition and seven other groups in a right of publicity case, Take Two v. Lohan. The brief argued against Lindsay Lohan’s claim that her right of publicity had been violated by a creative video game that included a character with some similar physical features. A right of publicity that could be interpreted that broadly could also impede free speech by limiting the ability to write biographies or mention real people in books, undermining the State’s strong interest in free speech.

Finally, as we have in the past, we supported Banned Books Week this year. We announce all our various efforts and post them on our website, as well as in the newsletter and the Bulletin.

10. New York State Right of Publicity Bill
In Spring 2017, a bill to greatly broaden the right of publicity in New York State was negotiated between SAG-AFTRA and MPAA. As soon as the bill was made public, the Guild lobbied against it and provided a markup of the bill that would make clear that books and journalism would not be protected by the new law. While the primary purpose of the bill is to protect performers from having their images and voices used in video games and movies without their consent, the bill’s poor drafting could cover many more uses, even arguably barring authors from writing books about real people for up to 50 years after their death. We continue to work with other organizations to ensure that writers will not be exposed to liability when writing about real people.
11. Translators’ Income Survey and Model Contract
We conducted a survey of U.S. literary translators, in collaboration with the American Literary Translators Association, the American Translators Association’s Literary Division and the PEN America Translation Committee. The survey collected information from 205 translators on issues such as payment, royalties, copyright and various other aspects of the literary translation profession. The results can be viewed on our website at www.authorsguild.org/industry-advocacy/glimpse-world-u-s-translator/. We are also working with the same translator associations to create a model translator’s agreement for membership. It will be posted on our website once finalized.

* LEGAL SERVICES
The next portion of Ms. Rasenberger’s report focused on the Guild Legal Services department. In the last fiscal year we handled more than 1,164 legal matters, a 15 percent increase over the previous year, when we handled a total of 1,012. Legal initiatives for the coming year include:

Model trade book contract
We expect to have a draft completed and circulated to agents for feedback by the end of spring 2018. General Counsel Cheryl Davis is helping us make it both more user-friendly and realistic.

Model translator agreement
Our translator survey was very productive, and we are using that information to create a model translator agreement. We expect to complete and circulate this draft for translator feedback within the next couple of months.

Legal FAQs
We are developing a list of legal FAQs for the website; it will include such basic questions as “What is a copyright?”

Partnership with the International Foundation of Journalists
So that Guild members who are journalists may obtain press cards and enjoy IFJ benefits.

* AUTHORS GUILD PRINCIPLES
Ms. Rasenberger reported that at the Council meeting that directly preceded the member meeting, the Guild’s Council had voted in favor of adopting a set of Authors Guild Principles. “These are statements that may seem obvious to everyone gathered here,” Ms. Rasenberger said, “but not to the world at large. We need to shout them out.” Each principle will have its own page on our website, with appropriate explanation and context. When someone’s rights have been violated, we hope you will tweet a link to the relevant page in support. We also hope these new “principles” will be a useful tool for members and we will keep adding to them as new issues come up. (See p. 7.)

* WEB SERVICES
Ms. Rasenberger reported that the Guild now hosts websites for more than 2,300 members. We continue to upgrade our Site Builder platform, which offers a range of new, more contemporary themes, larger type, the capacity to integrate blogs and newsletter pages, a mobile-friendly system and easy editing tools, so you don’t need to hire an expensive web designer. If you’re an existing subscriber, we will be in touch soon to move your site to the new platform. If you want to move over right now, please email us at webservices@authorsguild.org.

* NEW INITIATIVES
Ms. Rasenberger spoke briefly about three new initiatives the Guild is undertaking. The first is an online member community, where you can share resources, information and discussions in a variety of forums, and which will be launched in June.

Thanks to an anonymous Foundation gift, we are launching a comprehensive national author income survey, and we are working with about 20 other organizations that have also agreed to send the survey to their members. You will be receiving your survey in May. Please help us by completing it.

Our third initiative is the relaunch of Back in Print. We’ve expanded our partnerships to include the Independent Publishers Group (IPG), which will be handling file creation and distribution. We are in the process of opening up enrollment, and anyone now in the program with Open Road will have the opportunity to move their books over.

* FUNDRAISING
Ms. Rasenberger concluded her presentation with a brief summary of a successful year on the fundraising front. “Fundraising is what is allowing us to do more. Our fundraising has been done through the Foundation and we have a new, expanded board that has been amazing at helping us raise money, through our gala, newly launched trips and in other ways.”

Ms. Rasenberger expressed thanks to all who contributed so far. With that, she concluded her presentation by thanking all Guild members: “Thank you for your attention today. Thanks to all of you for being a part of this community. This is your Guild—our Guild. We want to hear from all of you.” President Gleick thanked Ms. Rasenberger for a “fantastic presentation,” and introduced Nick Taylor, president of the Foundation.

Foundation President’s Report
Nick Taylor reported that the Foundation board has grown to 18 members, the newest of them...
being Lee Childs, Buff Kavelman, Laura Pedersen, Diana Rowan Rockefeller and Roxana Robinson, former president of the Guild, who is also chair of the upcoming gala.

Our 2017 Foundation Benefit Gala, which honored Toni Morrison, James Patterson and IngramSpark, raised $433,000. This year’s gala, on May 16, 2018, is honoring Mary Higgins Clark, Bob and Charlotte Baron of Fulcrum Publishing and VIDA: Women in Literary Arts; and is on track to raise approximately $450,000. So far this year, our Annual Appeal to members and supporters has raised $105,000.

Mr. Taylor reported briefly on the recent trips the Foundation has organized, including three trips to Cuba and a fourth scheduled for May. A trip to Iceland is scheduled for summer, one to Jordan (with a stop in Petra) is planned for November, and board member Laura Petersen is working on additional possibilities.

Mr. Taylor reported that the board is also considering anthologies as the aim of increasing diversity in the publishing world. Penguin Random House’s Foundation has signed on to the sta...
Last fall, as part of its LIVE from the NYPL series, the New York Public Library hosted a timely and riveting conversation between Franklin Foer, the author of World Without Mind: The Existential Threat of Big Tech, and Jonathan Taplin, the author of Move Fast and Break Things: How Google, Facebook, and Amazon Cornered Culture and Undermined Democracy, on the subject their respective books explore: the unprecedented power and influence that the major internet platforms Google, Facebook, and Amazon exert on our political, economic, and cultural lives.
Mr. Foer, a long standing member of the Authors Guild, is the author of *How Soccer Explains the World*, co-author of *Jewish Jocks*, a former editor of *New Republic* and currently a staff writer at *The Atlantic*.

Mr. Taplin, a Guild Council member since 2017 and Director Emeritus at the Annenberg Innovation Lab at USC, is a former tour and concert manager (Janis Joplin and the Band, Judy Collins, The Concert for Bangladesh), and a film and television producer (*Mean Streets*, *The Last Waltz*, *To Die For*).

The discussion was moderated by Paul Holdengräber, the Director of NYPL's Public Planning, host of LIVE from the NYPL and a singular interlocutor, who welcomed the audience and set the stage for the evening's conversation.

The transcript has been edited for length and accuracy and appears here with the permission of all participants and NYPL.

**PAUL HOLDENGRÄBER:** I’m the director of public programs here at the New York Public Library, known as LIVE from the NYPL, and I’m delighted to announce tonight a new partnership with the Authors Guild to conduct a series of public forums entitled Who Owns the Word?

I would like to thank Paul Morris, vice president of membership and outreach at the Guild, Roxana Robinson and James Gleick, former and current presidents of the Guild, and Mary Rasenberger, the Guild’s executive director.

This evening, I’m thrilled to be welcoming Jonathan Taplin and Franklin Foer, who have both written fierce, timely books.

Many of you know that for the last seven, eight, nine, perhaps 10, years I’ve asked my guests to give me a biography of themselves in seven words. A haiku of sorts that might define them, or if you’re very modern, a tweet. So Jonathan submitted these seven words to me: “Teacher, swimmer, writer, traveler, producer, poetry fan.” And Frank submitted these seven words to me: “Jeremiad is an exterior. I’m quite sweet.” Please welcome them.

Really a great pleasure to have you both. Let’s see how sweet you are.

**FRANKLIN FOER:** It was a plea for mercy.

**PH:** You know it’s interesting, because the way I’m going to begin tonight is by saying, first of all, that both of your books seemed to me to be like autobiographies. You’ve written intellectual autobiographies. You’ve brought in your own body in writing these stories about technology and how they have affected you, how you have loved them and how they have disappointed you. But I want to begin with anger. Sweetness might be hard to sustain here. In the first pages of *World Without Mind*, Frank, you say, “I hope this book doesn’t come across as fueled by anger, but I don’t want to deny my anger either.” So, tell us about that anger. Sweetly, if you wish. It’s real anger.

**FF:** It is, and actually the genesis of this book extends back to the Authors Guild. In 2014, Amazon was in the middle of renegotiating its e-book contract with Hachette, the French publishing giant, and I had written a book with Hachette. Authors, and I don’t need to tell you this, but we can be a bit narcissistic.

**PH:** Never.

**FF:** Never. It’s why every cab ride is ripe with possibilities for a column.

So, Amazon kept asking more and more out of Hachette. They wanted to set the price for the e-book and extract all these concessions from them, and Hachette, at some point, said, “Enough. We refuse to give anymore.” At that point, Amazon said, “You know what? We’re going to strip the buy button from Hachette books on our site. If you want to search for a Hachette book, we’re going to redirect you to a Simon & Schuster book.”

To me this became very personal. And this book was written not just as a critique of these companies and what they’re doing to the world; it was written as a defense of the type of profession that I’ve chosen to pursue, but also a defense of reading, contemplation, and thinking, which I view as under assault right now by these companies and the war that they’re raging on our attention. Ah, I’m not angry. Sorry. [The audience laughs.]

**PH:** You know we did an event during that time with [literary agent] Tina Bennett and all kinds of
other people, and what was very interesting is that nobody from Amazon came. Nobody.

FF: Part of what was maddening to me was that we went to the Justice Department and the Federal Trade Commission, and we said, “You know what? This kind of looks like a monopoly that’s bullying the producers who are dependent on the monopoly.” And the regulators just didn’t get it. It was like we were met with blank stares.

That was part of the frustration that made me think, “You know what? We need to start articulating what the problem is in a much more coherent way, to start to guide people to solutions.” So, I wrote an article for The New Republic that was called “Amazon Must Be Stopped.” I guess the article had some fists in its headlines. Two weeks later, we received a letter from Amazon that said, “Dear New Republic: Because of your cover story about Amazon, we’ve decided that we’re no longer going to advertise with you, and we’re pulling the campaign that we’re running next week. Sincerely, Team Amazon. Please confirm receipt of this email.”

And I thought, “You know what? You just proved my point. Thank you.” This is the problem with having these tremendous concentrations of power where everybody becomes dependent on the platform, and there is the potential for stifling. When you come to depend on the platform, you become more reluctant to criticize the platform. These companies occupy such an outsized role in our own individual lives, in our public sphere, in our democracy, in the future of our species, really, in the way in which their technologies are actually now merging with us in a very physical sort of way, as well as in a mental sort of way. So, we need to be able to have an open and honest conversation about the role that these companies will settle into in our lives, and we should be having a very deliberate debate about what it is as a species, about what it is as a democracy, and about what as individuals that we feel is important for us to preserve and protect as we go through this process of merging with these machines and merging really with the companies that operate these machines.

PH: Before I get to Jon’s anger, and I’ll get to it—

FF: He’s reserved. He’s not—

PH: No, no, no. You’ll see. You’ll see. What I will read from Jon is pretty damn angry.

FF: The swimming takes the edge off.

PH: He needs it. But…that cover story cost you a job.

FF: Perhaps. I had been the editor of The New Republic, and this is the other part of the autobiography you’re probably referring to, which is that I had been associated with this magazine since I was 25 years old. It was a magazine that my father grew up reading, and I have a tremendous sentimental attachment to the magazine. Really, very important for me in my intellectual development. I had been the editor once, and I was kind of off writing a book, and this guy, Chris Hughes, walked into our lives. Chris was Mark Zuckerberg’s roommate at Harvard, and he was a cofounder of Facebook. He arrived at The New Republic, and he said, “Look I’m committed to serious things. I have deep pockets that I’m willing to spend as evidence of my commitment, and I will help you navigate your way through this digital age with dignity because I founded social media.”

That seemed to me an incredible opportunity, and it was initially. It really was an exhilarating experience, and there was a lot that I loved about working with him. But, in the end, he quite rightly said I own this magazine as a profit-making vehicle, and we need to produce more revenue, and the way we can produce more revenue is by producing journalism that flourishes on Facebook. In that, he was just reflecting the zeitgeist, the realities of the news business today, which has grown highly dependent on Facebook for its financial viability.

I tried to do my best work within those confines because we all need to make compromises, right? It seems to me most of media has made a compromise that’s not too dissimilar from a Hollywood studio, where you sometimes have to produce popcorn flicks to be able to fund the actual Oscar contenders. And so, I did my best to try to adjust to this world and, in fact, kind of became addicted to data and analytics and watching pieces become more popular, and I desperately wanted to win in this game. But in the end, it didn’t work out for me—
PH: You took a flight and then you found out when you came off the plane that it was too late.

FF: There was a morning that I got a phone call from a colleague of mine, and he said, “You know, there’s some other guy walking around New York City right now who says he’s about to become the editor of The New Republic, and he’s talking to people about jobs.”

At that point I thought, “You know what? This is probably a good moment to quit.” And so, I resigned, and a surprising thing happened to me, which is that quite a few other people on the staff of the magazine ended up resigning. It became kind of an object lesson in media. All these stories are always inherently complicated, and they can’t be simplified into a straight morality tale. But I think a lot of media was grappling with the same questions that we were grappling with, which are these bigger questions, about dependence on Facebook and Google and the ways in which journalism was making sacrifices in order to adapt to the realities of this new world. And so, we became a small object lesson in a much bigger story.

PH: Jonathan… Jon… I want to come to your moment of anger. And maybe you want to, before I read it, contextualize the angry letter you wrote to the founder of Reddit.

JONATHAN TAPLIN: So, when I got out of Princeton, I went to work for Bob Dylan and the Band as a tour manager and moved to Woodstock. The Band was what I called middle-class musicians, and the lead singer was a guy named Levon Helm. He was a great singer. So they recorded a lot of music that, in the late ’60s, early ’70s, that really lasted. We made The Last Waltz with Marty Scorsese, I produced that, in the late ’70s. And then in the ’80s, the CD came out, and so everybody renewed their record collection and the Band was able to keep making money. And all of those royalties from records continued up until the year 2000, when Napster arrived, which was the first pirate service.

It just so happened that Levon got throat cancer that same year, and literally, the record royalties came to a halt. He didn’t have enough money to pay for his health care, and a bunch of folk in Woodstock kind of rallied around him, and he began having some house shows called the Midnight Ramble, where he would play his drums but not really sing because he couldn’t really sing. By 2005, 2006, he was just barely surviving. And yet, I could go on YouTube and see that there were streams of the Band’s music, like “The Weight,” that had two or three million streams, and none of that money was coming to musicians. So, I began to think, “Why is this happening? Why had all this money been reallocated from people who made content to people who own the platform through which you got the content?” So I went back to kind of the early roots of the internet. Paul took us up to see some collections with Timothy Leary writing about the early ideas of communication networks and quite frankly, it was a hippy project.

PH: Both Leary and Stewart Brand write about that.

JT: Yeah, Stewart Brand and Ken Kesey were throwing acid trips at night and making networks called The Whole Earth ‘Lectronic Link during the daytime. The whole idea was to create a decentralized network, because in 1968 there were three television networks and one newspaper, so it was a really good idea. But what happened was, by the late ’80s, a bunch of kids came out of Stanford and other universities, like Peter Thiel and Larry Page, who had a complete libertarian point of view on life. And that was, government was always the problem. You know, they were schooled on Ayn Rand, so there’s always this great entrepreneur who’s always weighed down by the mob, by the demos, by us.

So, Thiel said, “I no longer believe that democracy and capitalism are compatible,” and started this company called PayPal. Out of PayPal grew a thing called the PayPal mafia, which are a lot of people that now run most of the big companies in Silicon Valley. And he had four basic rules. One was that there should be no regulation on this new form. There should be no taxes, so Amazon was able to sell books with no sales tax and put four thousand independent bookstores out of business. There should be no copyright, so YouTube is a business that goes to the music business and says your content is going to be on YouTube whether
you want it to or not, and you have to just decide whether you want a little bit of advertising money, and I mean a little, or not.

And finally, he said competition is for losers. That the only good form in a business is winner takes all, which is what they understood—that you would only need one search engine. That you would only need one e-commerce giant that sells you everything. And eventually, that you would only need one social network that had two billion people. You wouldn’t need a second one. That if you were going to have a winner-takes-all business, that these four things would make for a gigantic gravy train for a few people. And so, instead of the kind of decentralized network that Stewart Brand and Tim Berners-Lee and all the people who we’ve been talking about imagined, it became this incredibly centralized system, in which three companies, Amazon, Google, and Facebook, dominate everything. Last year, Facebook and Google took 88 percent of all advertising revenues online. Google has 91 percent market share.

PH: Before we get to that, do you mind if I read the letter?

JT: The context of this is that I was in a debate with a guy who ran Reddit [Alexis Ohanian]. He basically said, I love free music, and everybody should have free music, and musicians have no right to make a living off of recorded stuff. They just have to go out and tour.

PH: And you said:

“Dear Alexis: Last week at our debate I talked about the essential unfairness that my friend and colleague Levon Helm had to continue to tour at the age of 70 with throat cancer in order to pay his medical bills. On Thursday, Levon died and I’m filled with unbelievable sadness. I’m sad not just for Levon’s wife and daughter, but sad that you could be so condescending to offer to make right what the music industry did to the members of the Band. It wasn’t the music industry that created Levon’s plight. It was people like you, celebrating Pirate Bay and Kim Dotcom, bloodsuckers who’ve made millions off the hard work of musicians and filmmakers.

“You were so proud during the debate to raise your hand as one of those who had downloaded free music and free movies. But isn’t it just your selfish decision that those tunes were free? It wasn’t Levon’s decision. In fact, for many years after the Band stopped recording, Levon made a good living off the record royalties of the Band’s catalog. But no more. So what is your solution? Charity? You want to give every artist a virtual begging bowl with Kickstarter? But Levon never wanted the charity of the Reddit community or the Kickstarter community. He just wanted to earn an honest living off the great work of a lifetime. You are so clueless

WE NEED TO BE ABLE TO HAVE AN OPEN AND HONEST CONVERSATION ABOUT THE ROLE THAT THESE COMPANIES WILL SETTLE INTO IN OUR LIVES, AND WE SHOULD BE HAVING A VERY DELIBERATE DEBATE ABOUT WHAT IT IS AS A SPECIES.

—FRANKLIN FOER
as to offer to get the Band back together for a charity concert, unaware that three of the five members are dead. Take your charity and shove it. Just let us get paid for our work and stop deciding that you can unilaterally make it free.”

You know that brought to mind a line that I love of Albert Camus, where he says, “Too many people have decided to do without generosity in order to practice charity.”

JT: I think we’re in a terrible situation right now. I think that these platforms have basically built themselves off of free riding on the work of other people. If that continues, I think it’s going to be very hard for artists to make a living.

PH: Very few.

JT: A few. If you think about what happened to the music business last year, 80 percent of the revenue went to 1 percent of the music. So Jay-Z, Taylor Swift, and Adele are doing fine. But, a guy today at a conference that I was at said that 18 percent of all the music on Spotify has never been listened to by anybody, and nobody is making any money on most of these catalogs. If Google and YouTube basically think that you can’t stop us from taking your music and putting it on for free, musicians have no right or no way to prevent them from doing that. We’ve made some big mistakes legislatively, but I do want to say that a lot of this could be fixed.

PH: We’ll get to the fixing. What I’d like to do now is show you something and have you react to it, and any question or query that I might ask from now on is for both of you. If you start talking to each other and not to me, that’s fine, too. So let’s look at a video.

[A video clip of an interview begins playing.]

That thought process was all about how we consume as much of your time and conscious attention as possible. And that means that we need to sort of give you a little dopamine hit every once and awhile, because someone “liked” or commented on a photo or a post or whatever. And that’s going to get you to contribute more content, and that’s going to get you more “likes” and comments. It’s a social validation feedback loop. It’s exactly the kind of thing that a hacker like myself would come up with because you’re exploiting a vulnerability in human psychology. The inventors, creators—it’s me, it’s Mark, it’s Kevin Systrom at Instagram, it’s all of these people—understood this, consciously. And we did it anyway.

JT: So this is...I don’t know if everybody knows who this is—

PH: I didn’t want to identify.

JT: So this is Sean Parker, who not only invented Napster, but was copresident of Facebook at the beginning. This is like the classic alcoholic now having seen the light and hates for anybody to have a drink.

PH: This was just a few days ago.

JT: A few weeks ago. The great irony of this is that I think in some ways Facebook is like a Frankenstein monster. In other words, they created this platform, but they had no idea what could happen. Three weeks ago Sheryl Sandberg said to a reporter, “Oh, I was shocked that someone would use our advertising platform to target anti-Semitic users.”

FF: Duh.

JT: Duh.

PH: How shocked was she?

JT: She pretended to be shocked.

PH: Is he pretending?

FF: Kind of tasted pretty good—

PH: Kind of convenient—

FF: Then we woke up many decades later and said, “Holy cow, these foods have been stuffed full of fats, sugar, salt.” They were designed to addict us, and by addicting us, they transformed the entire economy of food production. It came at a terrible price for our waistlines and for our planet. The danger is really that the same thing that happened with the things that we ingest through our mouths is happening now with things that we ingest through our heads. And it’s going to have precisely the same sort of terrible consequences, but not just making us physically obese. It’s going to make us in some way mentally obese as well.

JT: There’s a very popular book in Silicon Valley called Hooked: How to Build Addictive Apps.
Essentially the idea is the Skinner box that we all probably saw in Psych 101, where you’ve got a mouse in there and it clicks on a bar and sometimes it gets a reward, a food pellet, and sometimes it doesn’t. If it got a reward every time it clicked on the bar, then it would only click on the bar when it was hungry. But it doesn’t get it, and so it gets addicted to clicking on the bar incessantly. The pellet is the “like.” You don’t get the “like” every time you post something. But because the average teenager checks their phone two hundred times a day to see how many “likes” they got—

PH: What did you say?

JT: Two hundred times a day.

PH: But you had one every six seconds—

JT: Well, it’s some astonishing thing, but the point is—

PH: Not only teenagers, by the way.

JT: No, no, it’s not just teenagers.

PH: Let me just take a moment. [He pretends to take his phone out from his jacket pocket. The audience laughs.]

JT: Essentially, we’re creating addiction habits. It’s pretty clear. What’s fascinating to me, and I think Frank shared something with me too, is there’s beginning to be a dissident group in Silicon Valley who are saying this is wrong. There is a wonderful guy named Tristan Harris, who was an engineer at Google and watched how they worked to addict you to everything, and he pulled out.

PH: But Sean Parker seems to at least, in that short period, at least seems to be atoning.

JT: But Paul, the people that built this library were probably robber barons, too. I mean quite honestly.

PH: Carnegie didn’t treat his workers very well during the day . . .

JT: If you think about the history of Andrew Carnegie, he did some pretty bad things to labor. And then he said, “Oh, I’m sorry. I’m going to build my library.” That’s what Sean Parker is trying to do now. He’s trying to get all the bad karma swept away.

FF: Sean Parker is kind of an irrelevance. He’s being kind of charmingly honest here in describing something, and maybe for the self-interested reasons, but he’s not the power of Facebook. The problem is that the people at Facebook will not make that type of concession—that that’s what they’re doing—because then we’d have to slap a warning label on Facebook that says that this product is addictive and that teenagers should stay away from it and that it’s going to cause problems to your health. It’s not a bad idea. I kind of like this idea.

PH: Like you have in Europe, and in America I assume as well, that cigarettes kill. What I find so amazing in the world of cigarettes is that the campaign against them really, really worked.

FF: After a lot of people died of emphysema and lung cancer, but yes.

PH: But it really worked.

FF: It’s true, but what you’re describing is a cultural transformation that was guided by elites and by government. And really, I think that’s kind of the realm that we’re talking about here. But in one way, it’s not similar. Right? One thing that we both would say is that Google is actually an incredible invention. Like, I don’t want to do away with Google. I don’t want Google to be banned, or for googlers to have to go outside our offices and surreptitiously google.

PH: And it helped me greatly prepare to talk to you, to be able to go on tonight.

FF: Of course. And the iPhone, as much as it’s engineered in the way that he’s saying, to create this Pavlovian reaction in us, it is really a monument of human creativity and engineering and design, so let’s not throw them into the sea. But let’s think about them in a different sort of way, where when it comes to food and drink we’ve learned moderation. Right? We know that food and drink have the possibility to addict us and to do terrible things to us, but we also can enjoy it.

We teach our kids moderation, and we learn how to practice it ourselves, for the most part. Or, to take another analogy, the automobile. Incredible invention, right? It can get you from point A to point B faster. It actually allows us to have freedoms that we wouldn’t otherwise have to move around. But, when the automobile was invented it mowed down people. There were no rules. So, if you were crossing the street, you were risking your life. But eventually we decided to create speed limits and stop signs and seat belts and
fuel efficiency standards. We took this technology, and we tried to harness it in a way that respected us as human beings.

**JT:** Paul, let me take one other stab at this tobacco analogy. The thing that amazes me about Google, Facebook, and even Twitter, is last week, or two weeks ago, Congress had a set of hearings on whether Facebook, Google, and Twitter undermined our democracy. To give you an idea of how far we’ve come, when my book first came out and was sold to an English publisher, they said, “Oh, we have to take this stuff about undermining democracy off the title.” Because they didn’t believe that that was real.

But here’s the deal. When the tobacco companies were called in front of Congress, they made the CEOs come and raise their right hands and stand in front of Congress, and it was a classic moment. When Facebook, Google, and Twitter were called to come in front of Congress, they refused to send any senior executive, and they sent a bunch of lawyers who’ve been trained at Harvard Law in how to say nothing and dodge and weave out of anything. It gives you a sense of how much they think this is just going to go away. These people don’t believe that they will ever be called to account for this, and that they have too much power.

**FF:** Let’s beat this analogy to death. Google has also invested, as tobacco did, tremendous sums of money in Washington. Google spends more money in Washington than any other public company, which allowed them to visit the Obama White House more often than any other company. They invest tremendous sums of money in our universities. There are several big universities that you’d have to say are bought and paid for in some essential way by Google. And then, when it comes to the world of intelligen-tia and think tanks and the like, the same is true. If you go to many think tanks in Washington, there are Google “fellows.” We experience this in D.C. I was affiliated with the New America Foundation, where Barry Lynn, who is a prominent critic of Google, got booted from the institution.

It was an incredibly important moment, and I think it’s one of the reasons why we’ve arrived so quickly at the backlash that we’re talking about right now, which is that Barry was a very lonely

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**THERE’S A VERY POPULAR BOOK IN SILICON VALLEY CALLED** _HOOKED: HOW TO BUILD ADDICTIVE APPS_. **ESSENTIALLY THE IDEA IS THE SKINNER BOX THAT WE ALL PROBABLY SAW IN PSYCH 101… YOU’VE GOT A MOUSE IN THERE AND IT CLICKS ON A BAR…SOMETIMES IT GETS A REWARD, A FOOD PELLET, AND SOMETIMES IT DOESN’T….SO IT GETS ADDICTED TO CLICKING ON THE BAR INCESSANTLY. THE PELLET IS THE “LIKE”…. THE AVERAGE TEENAGER CHECKS THEIR PHONE TWO HUNDRED TIMES A DAY TO SEE HOW MANY “LIKES” THEY GOT.

—JONATHAN TAPLIN
activist who was pushing the cause of antitrust when it wasn’t such a hip issue, and Google had invested a lot of money in developing New America as an institution. There is, in fact, an Eric Schmidt Ideas Lab, which is one of their conference rooms. And they’ve spent money over the years, and Eric Schmidt [chairman of Alphabet, Google’s parent company] was chairman of the board [of New America]. As long as Barry was a gadfly who wasn’t influential in Washington, they were happy to sustain his work. But then suddenly his work starts to get traction in the centers of public policy, and they start to put pressure on New America to try to at least give them a way of navigating, to give them a heads-up, at least let us know what this guy is working on. We don’t want to be blindsided by this guy again.

**JT:** Barry just did one simple thing. He wrote a post, online, that applauded the European Union for fining Google $2.7 billion in an antitrust action, and he was gone within three days.

**FF:** There’s a quotation on the wall here from Thomas Jefferson, and I think it’s important—

**PH:** Do you want to read it?

**FF:** I’ll read it, but it’s going to digress from my point.

**PH:** Digression is the sunshine of narrative. I don’t mind. [*Laughter from audience.*]

**FF:** Okay. “I look to the diffusion of light and education as the resource most to be relied on for ameliorating the condition, promoting the virtue, and advancing the happiness of man.” Which gets us to kind of the nub of the problem, which is that these platforms have democratic possibility. We have to say that the internet could be a vehicle for emancipation and for democratization. That it allows anybody in the world to access information very, very quickly. It allows for people to potentially voice things without having to go through elites or bureaucrats. I concede that possibility. That happens now, but it’s only part of the story. The other part of the story is the one that we’re telling, which is that these devices have commandeered our attention. That they are reverse-engineered. They’re designed, they’re *designed* to make us addicted to feeds. The whole metaphor of a feed is, I think, one that’s kind of offensive. Like pigs . . .

**JT:** I want to make one other point. It’s essentially unfair to people who are making stuff. Let’s just take two big companies that are advertising-supported. There’s Google and CBS. So Google makes a net margin of about 30 percent. CBS makes a net margin of about 11 percent. But they both are advertising companies. So what’s the difference between them? Google pays nothing for the content, and CBS invests billions in making stuff. And yet Google is a much bigger company advertising-wise.

What essentially has happened is that these companies have become the largest companies in the world. The five largest companies in the world are Google, Apple, Amazon, Facebook, and Microsoft. And they’ve become the largest companies in the world, especially the big three, by riding off the work of other people. In the case of Amazon, as you pointed out and Frank pointed out, they did it by being a monopsony, which means I’m going to suppress the price that I would pay to a producer for anything because I control the platform. And you can’t not sell on Amazon. You have no choice. You have to sell. But if they tell you that you have to price your book at this price, you have to do it. So it’s not only robbing our attention, it’s robbing the creativity of America. I pointed out in my book that revenues in the music business fell 71 percent from when YouTube started. Revenues at newspapers have fallen by 80 percent. There’s half the number of people working as journalists today as there were just 10 years ago.

**FF:** Can I just finish the Thomas Jefferson point?

**PH:** Yes, of course, please.

**FF:** It’s definitely channeling off the point that Jonathan was just making here, which is that Thomas Jefferson was profoundly concerned with several things that are so spot on in this discussion. The first is what’s here, which is—

**PH:** I didn’t plant this, but it’s so good. [*Laughter from audience.*]

**FF:** No, no, but it’d be pretty incredible if you’d taken out the chisel and etched it in the fireplace for the sake of this conversation. Yeah, no, but he does that for all the guests...
And so, Thomas Jefferson was concerned about the dissemination of knowledge. He was also profoundly concerned about concentrations of power and about the problem of monopoly—and also the problem of copyright, of intellectual property. He insisted on writing copyright into the Constitution as a founding principle of the United States. So the Founders, as you know, were especially concerned with the concentrations of power to be found in monarchs, and they worried about power getting concentrated in the Executive, and they created this hydraulic system where everything is checked and balanced. There were no terribly big corporations at the founding of the Republic, but Thomas Jefferson spent a lot of time having agita about the prospect that you would have private monopolies that would exert—

**JT:** He wanted to put it in the Bill of Rights!

**FF:** He wanted to put it in the Bill of Rights. He was concerned about outsized concentrations of power in the private sector. He said that they needed to be checked and balanced in exactly the same sort of way that our constitutional system deals with the separation of powers in the federal government.

This is one of the core American concerns. And all the way up through, essentially, the 1990s, we did a pretty decent job of trying to regulate these private concentrations of powers, especially in the realm of communications. The last time we actually did this was when the government set out to dismember Microsoft. Because you remember that Microsoft had an operating system, and it leveraged its operating system in order to try to control the internet browser, and it used that to crush Netscape, and the government said that your tactics were bullying and wrong and not consistent with our traditions.

The Clinton administration got to the brink of dismembering Microsoft, but that case got settled when the Bush administration came in, very quietly, in the shadow of September 11, and we didn’t pay a whole lot of attention. But the case that the government brought against Microsoft is maybe one of the most important things that’s happened in our political economy in the last 20 years. Because if you go and you talk to the people at Google, what they’ll tell you is that if Microsoft had gone along its trajectory, its bullying path, then they would have strangled Google in its crib.

**JT:** Because there would have been no way to do search on Google. You would have been stuck on Internet Explorer with Microsoft’s search capability.

There’s one other thing that we haven’t touched on, which is that the democracy aspect that we’ve seen in the last few months is an ongoing problem. This is not just a problem of the last election—that these platforms were used as propaganda platforms for all sorts of nefarious things. This is an ongoing problem.

I was in Las Vegas four weeks ago, literally four days after the shootings in Las Vegas, and the kids at the University of Nevada who came to my lecture said that the level of fake news that was on their platforms within an hour of the shooting... on the top of their Facebook feeds, on the top of Google search...You know, that Hillary Clinton’s protégé had shot all these country music fans, she hated conservatives. Just total Alex Jones nonsense. But it wasn’t just nonsense. It was at the top of the feed, because somebody had been hitting them with bots and manipulating the thing. So these platforms are open places where this manipulation can continue.

**FF:** I think it’s maybe even worse than that.

**PH:** Oh good! [Laughter from the audience.]

**FF:** Yeah, let’s get even darker. Jonathan is a rosy optimist.

**PH:** I told you that this would be uplifting.

**FF:** To me, part of the core problem is that good actors are doing the same thing. That if you’re in journalism, you’re exploiting people’s emotions through Facebook, because that’s what you’re meant to do in order to get Facebook revenue.

I’ll tell you a story. Once upon a time there was a lion called Cecil, who was beloved, kind of like the Kim Kardashian of lions, and he was killed by a Minnesota hunter, who posted a photo on Facebook, gloating over the fact that he killed Cecil the lion. Let’s concede that killing an endangered
species is a terrible thing, and it’s worth getting outraged over. When Cecil was killed, Facebook erupted in anger, and every media organization can see this anger emerging because every media organization has access to data and analytics, and every media organization is constantly studying Facebook to see what’s on the ascent to popularity so that they can latch on to it. So every media organization from Buzzfeed and Huffington Post to The New Yorker, The Atlantic, and The New York Times wrote stories about the death of Cecil the lion and tried to find their own unique angle. And at the end of the day, there were 3.2 million stories written about the death of Cecil the lion.

What I’m trying to say is that part of the problem with Facebook is this rampant exploitation of people’s emotions, and the filter bubble that Facebook ultimately ends up creating, where politically, if you’re constantly getting the things that you want to hear, your biases are constantly being confirmed. What happens is that you become intellectually incapacitated. You become weak in the face of fake news, propaganda, demagoguery, and the manipulation of bad actors.

JT: It’s going to get worse though, Paul. Let me just say—

FF: No, no, it’s going to get even worse than that. [Laughter from the audience.]

JT: Let me just say one thing, because I’ve made movies most of my life—

PH: It’s funny that we’re laughing, but it’s really, really terrible—

JT: A lot of my life was spent in the movie business. Now Amazon, Netflix, all sorts of big data people are moving into the movie business, and their assumption is, because they have all this data, they will make much better content because they’ll have the heart of the viewer in mind, and they’ll know what people really want even before they know it. Data always looks backwards. And any artist that we care about, or that you talk about, is not trying to figure out what was a hit a year ago and I’m going to make it just like that. I mean—you know that Bob Dylan would never do something that he already did before. He’s got to go forward, and so this idea that somehow all this data is going to lead us to better movies, to better music—I mean I always see it in the music business. That’s why everyone always sounds the same.

PH: You know I came across, a couple of days ago, a fantastic quotation from Martin Scorsese that I want to read to you. It was in The Hollywood Reporter. He says: “There is a change that, I believe, has no upside whatsoever. It began back in the ‘80s when the box office started to mushroom into the obsession that it is today. When I was young, box office reports were confined to industry journals like The Hollywood Reporter. Now, I’m afraid that they’ve become everything. Box office is the undercurrent in almost all discussions of cinema, and frequently it’s more than just an undercurrent. The brutal judgmentalism that has made opening-weekend grosses into a bloodthirsty spectator sport seems to have encouraged an even more brutal approach to film reviewing. I’m talking about market research firms like CinemaScore, which started in the late 1970s, and online aggregators like Rotten Tomatoes, which have absolutely nothing to do with real film criticism. They rate a picture the way you’d rate a horse at a race track, a restaurant in a Zagat guide, or a household appliance in Consumer Reports. They have everything to do with the movie business and absolutely nothing to do either with creation or the intelligent viewing of the film. The filmmaker is reduced to a content manufacturer, and the viewer to an unadventurous consumer.”

FF: In journalism, we have something almost analogous to this, which is that if you walk into any newsroom, say The Washington Post, there are these giant screens that hover above the newsroom that flash essentially the journalistic equivalent of the box office numbers, where they’re showing you what’s popular at any given moment. It’s called Chartbeat. So Chartbeat is a device, and I had it on my phone when I was an editor—

PH: And you looked at it all the time—

FF: It was crack cocaine. It was obsessive. There was this flickering needle that showed how popular you were at any given moment, and everybody wants to win if you’re presented with that sort of game. And it’s presented to you for a reason,
because it’s meant to implant itself into your brain in that sort of way. It’s almost the equivalent of that dopamine shot that Sean Parker was talking about.

So, when I reached for my phone in the morning, I would check first thing to see how we were doing with Chartbeat, and I would do it again when I got coffee and again all through the day. It was distorting, and it was distorting in the ways that he described, and the way that you described. As soon as you find out what’s popular, you aim to repeat that formula. That’s just the natural human tendency, to rely on boilerplate and template—it’s not good.

**JT:** But let’s remember that this notion didn’t always exist. When I first started making movies, *The Godfather* was both the most popular movie and won the Oscar. Right? It was the best movie and the most popular movie. *Sgt. Pepper’s Lonely Hearts Club Band* was the best album and the most popular album. Something has happened where we’ve lost the ability to discern that quality and popularity don’t necessarily go in two different directions. In other words, today every movie studio wants to make another Marvel comic book movie, right? But that becomes a self-fulfilling prophecy. You know—I’ve got to make a sequel because the last Marvel comic book movie did really well, and I’ve got to make another one. And another one.

So all the money gets sucked into making sequels, and I suspect, although I don’t follow it that closely, that the novel business, in some ways, gets dragged down that rat hole, too. If you have a very big-selling pop author, you’ve got to do more of that. Luckily, the book business has a lot of room for other players, but certainly the movie business—

**FF:** Just to digress in terms of fiction, here’s what concerns me, which is just that we do see, from what I understand, that nonfiction sales are actually quite strong. Thank you, people. But fiction sales are struggling. You know, we should do better. But the reason fiction sales are struggling has fundamentally to do with our attention span. My concern, and I think that this is a fairly rampant concern, is that the novel becomes fairly akin to poetry, where poetry was once embedded in our everyday life and it has increasingly become more of an esoteric thing, where it requires a devotion to text that we’re simply not trained for as readers anymore. I worry, as we’re given all these dopamine hits, as our phones are constantly buzzing and calling us away from whatever it is that we have in our hand, that we simply mentally won’t be equipped as a country to consume fiction.

**PH:** There’s that wonderful line of T.S. Eliot where he says that we’re “distracted from distraction by distraction.” And it’s a place we’ve arrived at.

**JT:** Anybody who teaches a college course today and looks out into the lecture hall and sees all the computer screens open realizes that they’re not really paying attention; they’re on their Facebook feed while you’re trying to impart some knowledge on them. One year I told everyone that they had to close their laptops during the lectures. No phones in the class. And on Rate My Professor I got rated as a mean professor.

**FF:** Well, mean and apocalyptic-minded. So Tristan Harris, who Jon mentioned earlier, described to me this phenomenon known as the “phantom buzz,” which as soon as he described it to me, I knew it was something that happened to me constantly. Your phone...One of the ways your phone commandeers your attention so constantly is that it buzzes. You’re being notified. Everyone is trying to seize your attention. And you’re so conditioned to expect that your phone is buzzing and notifying you that you begin to feel your phone buzzing, even when you pick it up and realize that no one is notifying you—

**PH:** It’s like the phantom limb.

**FF:** It is the phantom limb. It’s the way in which this kind of Pavlovian response—nobody’s ringing the bell, but you’re sitting there, expecting the bell to ring. I feel it.

**PH:** But also, having fairly young children, you realize to what extent, if you don’t get the message...if you don’t get invited...if you find out through Instagram or Snapchat that everybody else is there. You feel utterly—

**FF:** They’re portals into anxiety.

**JT:** One of the fascinating things I found while at this conference of engineers and technology guys
two weeks ago in San Francisco was that, to a person, the major engineers who had children said “We do not ever allow our kids to take their smartphones into their rooms at night.” They have to have a break from this dopamine hit. Because most of them understood from looking at the usage patterns on the board at Facebook that there is a huge amount of activity going on in the 11 to 14, 15 set from eight o’clock at night to one in the morning in any given time zone. They’re in their room texting, whatever.

**PH:** Then the parents were rated. Then the children rated their parents.

**JT:** Yeah, they’re willing to take that. They’re willing to take that just to say that there are limits to this thing. I think it’s important before we get everybody too depressed to say—I think we both believe that there are solutions to this problem.

**PH:** Before we get to the solutions, let’s talk more about the problems.

I want to talk about something that I found very interesting, about how ruthless these companies are, which is Amazon’s gazelle project. Jonathan wrote that at one point, Amazon lumped its contracts with small publishers in an initiative called the gazelle project, a label conceived after Bezos quipped that his team should approach these small publishers the way a cheetah would pursue a gazelle. Or was that you who wrote that?

**FF:** Oh yeah, that was me. Wow. I was like wow, John. That’s the damnedest thing. It sounds so similar to me.

**PH:** I got you confused.

**FF:** Yeah, we care about intellectual property here, Paul.

**PH:** What does it say about this wonderful man, Bezos?

**FF:** Let’s think about Amazon as a company, which began as a bookstore. Then it expanded into becoming the everything store. Being the everything store is kind of a modest ambition, I suppose, and so they became a movie studio. They bought Whole Foods. Bezos bought *The Washington Post*. They power the cloud. Etcetera, etcetera. And there’s really no end to the etceteras. One of the things that’s just so fascinating about these companies is that the internet is everything. When you had a department store, you had constraints about what you were. You had counters. You had cash registers. You had limited space to display items and inventory. If you’re Google—

**PH:** You had eye contact.

**FF:** You had eye contact. But if you’re Google, what is Google really as a company? I mean Google is kind of everything. Its mission initially was to organize knowledge. Again, maybe that’s too modest. They’ve branched into building self-driving cars and building phones, and they’re a life sciences company that wants to end death. And so, these companies challenge our conception of the corporation as we’ve known it since the corporation first emerged.

This is why they really do challenge antitrust laws as they exist now. Our conceptions of antitrust come from a law review article that Robert Bork—he of the aborted confirmation hearing and the big beard—wrote in the 1960s, that argued we should only care about the problem of monopoly when monopolies are bad for the consumer welfare. Which meant that we should only care about monopolies when they used their size to jack up prices, which meant that, in fact, there were very few instances where companies were pernicious monopolies as defined by the very narrow definition.

When it comes to these companies, they give their products away for free. Or, if they’re Amazon, they sell it at a lower price than their competitors. And so, by the standards of our antitrust laws, there really is nothing inherently wrong with these monopolies. But, I think we’re at a moment where we have to return to some of Thomas Jefferson’s first principles—which is that, what he was concerned about was the ways in which monopolies were actually dangerous for democracy. And if you have a company like Amazon—it’s now approaching 50 percent of online retail. Fifty percent of all online retail will take place through Amazon. And do we really expect that number to stop there?

**PH:** Retail, and then these companies own the press.

**FF:** Right. The point is that they own everything. There’s really no limit. Where is the right place to draw the limit on how big a corporation can become?
**JT:** We don’t really have to go all the way back to Jefferson to understand that there was another antitrust standard, which Louis Brandeis put forward at the turn of the century, when we took on Standard Oil and all sorts of others, which is that antitrust is to preserve competition so the smaller player can exist alongside the bigger player. And that was the rule for most of our lives.

**FF:** Exactly.

**PH:** I want to talk about the Koch brothers. It was announced yesterday that Charles and David Koch together were worth $80 billion and contributing $500 million dollars towards the purchase of Time Inc., which publishes the magazines *Time, People,* and *Sports Illustrated,* among dozens of others. Meanwhile, Jeff Bezos owns *The Washington Post,* and Peter Thiel secretly funded a court case whose result was the shuttering of Gawker and its affiliate websites. Do you see these events as meaningfully connected? Why are these three men so interested in buying or controlling the media? Where do you see that heading?

**JT:** Quite frankly, the Koch brothers’ deciding to buy Time makes no sense to me. I mean who cares? Time is not a meaningful organ compared to Facebook or Google today. I’m more concerned about people putting money into Sinclair and controlling about 80 percent of the local news business on television, from a political point of view. Honestly, I’m not positive that even Jeff Bezos—quite frankly, I think *The Washington Post* has done some really good work recently. Roy Moore wouldn’t be in trouble if it wasn’t for *The Washington Post.* So I’m not sure that we can draw the analogy that these libertarians are all—

**FF:** But, but, but….I spent time in Ukraine this summer where I was working on an investigative story, and you see there, as in many parts of the world, powerful economic players attempt to purchase media because they view it in their self-interest ultimately. There’s a sense that if you have access to media platforms, then somehow it helps extend your influence and also protects you. Certainly, when it comes to the Koch brothers, it’s hard to imagine that they wouldn’t try to use *Time* magazine to further extend their ideological project, which is fairly all-consuming. When it comes to Jeff Bezos and *The Washington Post,* I agree that it’s ultimately probably good for *The Washington Post* in the short term and good for the country that *The Washington Post* has been reinvigorated by his ownership.

But I still harbor the same abstract concerns about what happens when you have so much power that’s concentrated in a few hands. The question then becomes to what extent will *The Washington Post* cover Amazon fairly as it becomes so powerful. To what extent does owning *The Washington Post* become the equivalent of building a building like the New York Public Library in real time, where you’re trying to kind of launder your reputation by doing good at the same time as you’re doing all these other things. We should be able to applaud him for doing something noble in one sphere; at the same time, we should be able to criticize him for the things that he’s doing to the rest of the economy.

**JT:** Yeah. I totally agree.

**PH:** How do each of you define fake news?

**JT:** My definition of fake news is news that is obviously false. The classic example that I use is “The Pope endorsed Donald Trump.” Okay, so that’s fake news. That was a very specific post put out on Facebook, probably with the help of Cambridge Analytica and Steve Bannon. The whole point about that was that, up until May 2016, Facebook had human curators monitoring the trending topics. Steve Bannon and Fox News worked very hard in February and March of last year to say that these human curators were prejudiced against conservative news, and so eventually Mark Zuckerberg gave in and took the human curators out of the trending topics algorithm and just let the computer do it. Once that happened—you can see the chart where fake news literally just takes off that day, and the reason was, of course, the computer didn’t know that the Pope had not endorsed Donald Trump. Or, that Hillary didn’t hire someone to kill an FBI agent. It’s stuff that you obviously know is not true, that you’re using for propaganda purposes. It’s the Goebbels playbook.
FF: What you’re getting at is the slipperiness of the idea that there could be real news and fake news—
PH: Absolutely.

FF: Donald Trump tried to define real news as fake news to obfuscate and create confusion. I do think there are epistemological problems with the concept of fake news. Who will decide what is fake news? I get nervous about this concept when I hear people clamoring for the platforms to regulate what’s real news and what’s fake news. Furthermore, when we’re clamoring for government to possibly play some sort of role in regulating Facebook as if it were a utility, where it would insist that Facebook enforce some standards about what’s real news and what’s fake news—and I’ve got to say, I actually have problems with that. Because you can see the ways in which political pressure can get brought to bear, and if you have a president like Donald Trump, who’s going to insist that something be expunged as fake news when it’s actually real news or a legitimate opinion… We’ve had a public sphere, to take Habermas’s term, that’s developed over centuries. Right? And nobody designed it. Nobody designed newspapers. Nobody designed universities. Nobody designed coffeehouses. Nobody designed political debate as it evolved over the centuries in our societies. But that public sphere has been replaced by this other public sphere that emerged for the purpose of making money. And tremendous amounts of debate now take place on these platforms, and they become the portals for news and information—

PH: Hannah Arendt had something to say about this, and what she said is: “The ideal subject of totalitarian rule is not the convinced Nazi or the convinced Communist, but people for whom the distinction between fact and fiction…true and false, no longer exist[s].”

FF: The banality of clickbait.
JT: Okay, here’s the deal—
PH: You don’t want to address that?
JT: I do want to address it. I’m going to address it this way. The people who publish The New York Times have what Frank was describing as a public role. Right? It’s a public good. They may make a lot of money off it or not so much money some years, but it’s a public good. They also know that they have a public responsibility to try to publish stuff that’s true. The trick that Facebook and Google have played on us as a public is that they insist that they are just a neutral platform in which everybody has a chance to speak—

PH: And anything goes.

JT: And anything goes. Right? But, that’s patent-ly false. First off, the feed you get on Facebook is quite different from the feed I get on Facebook. It is curated in a way that’s far deeper than any New York Times feed I get from The New York Times. Right? It’s personalized just to you. Now the fact that the “editor” is a computer algorithm is irrelevant. It is shaping how you, and Tristan, and even
Sean Parker, said that the whole idea is to keep you excited. And as Frank mentioned earlier, sometimes getting you all riled up is just as effective for Facebook to keep you engaged as to make you happy. And they know how to do both things.

The point is, as long as we allow them to say “we’re not publishers, so we have no responsibility whatsoever for what goes on our platform,” we’re going to have a problem. They live under what’s called a “safe harbor” law. In other words, I cannot sue Google for anything. It is totally immune from any lawsuit for anything. They went so far in the last seven weeks as to fight a law that simply said if they linked to childhood sex trafficking sites they could be liable. They said no. We don’t want that. We want to be able to link to childhood sex trafficking, and it’s fine. Eventually they realized that was a bridge too far, and they pulled their opposition to it. But that’s how far they’re willing to go to say “we have no responsibility for anything.”

FF: I agree with everything that you said and yet there’s something that concerns me about the trajectory of that line of argument, which is that the problem with these platforms is that they have too much power, and I’m reluctant to say that the solution is to give them more power.

I agree with you about copyright and that they’re deeply negligent and should have to take responsibility for what they do. I agree that they should have to take responsibility for child sex trafficking that happens on their platforms because they could do that. I agree that they should have to disclose ads that are bought for by foreign entities.

But I can see that there’s a trajectory here, where we’re basically saying that the platforms have to do more and more regulating of speech. But what if the platforms broker a truce with government? It would be reminiscent of AT&T, which became the telephone monopoly in the early twentieth century and basically had a handshake deal with the government, where they said, “You know what? We’ll accept whatever regulation that you throw at us. We’ll be a utility more or less, as long as you protect our monopoly,” and that existed for about 70 years. It was pretty damaging to innovation and to parts of the economy in a lot of ways, but we accepted that concentration of power. Are we going to accept these companies as utilities and as concentrations of power, and are we going to force them to behave in ways that respect communal standards?

PH: They’re concentrations of power, but they’re also eliminating competition. I’ll pull up an image. If we can have image 1 put up. Since April, this has happened. AlterNet fell 63 percent. Global Research fell 62 percent. Consortium News fell 47 percent. We can go on and on and on like that. All these websites, which offered alternative news, have—

FF: Did you read the op-ed yesterday in The New York Times by a Serbian journalist who was a brave opposition journalist in Serbia? Facebook decided that they were going to run an experiment in Serbia, where they would eliminate news from their central feed and make the central feed kind of all-friends-sharing-photos and the like, and then they would create a second feed called the “explorer feed,” where the news would appear. That Facebook decision, that policy collapsed traffic to the journalist’s site instantaneously, destroying his business model.

In response to the outcry over the election, Facebook and Google have decided that they’re going to behave more responsibly, to elevate “authoritative content.” Presumably, that means giving better billing to news that comes from The New York Times and The Washington Post; it would be given privileged treatment because that’s what the world needs now. But there’s a consequence to a decision like that, which is that it hurts these other sites, a lot of which are earnest and promoting things they sincerely believe in and not necessarily trafficking fake news. Their business models will have collapsed because they were dependent on the platform, and when you’re dependent on the platform, the whims of the platform govern everything.

PH: That is disastrous, no?

JT: Paul, it seems to me that we’re dancing around what I’ve been trying to push us to. Are there some solutions? I don’t want to pretend for a second that I think that Facebook or Google should become the
thought police. It seems to me the best ideas I’ve heard in the last few months have come from people like Al Franken and others, who basically said, We have this notion of net neutrality. Net neutrality in the cable television business meant that the person who owned the pipe had to be very careful to be a neutral purveyor of all the people who owned content.

So here’s the problem right now. Google essentially owns the pipe—that is, the search engine in which you find stuff. But Google also owns Zagat. Right? So, if you want reviews of a restaurant and Google pushes Zagat up above Yelp or any other company that’s trying to compete, they can’t play on both sides of the game. If Amazon wants to be in the movie business, and there’s one hundred other movie producers who think they’re getting their content out on Amazon’s platform in a neutral way, a fair way, but Amazon constantly pushes its content ahead of everybody else’s, you can’t play both sides of that game. And this is going to happen more and more. Facebook offered to pay $700 million a month ago to rights to Indian cricket. Seven hundred million dollars for rights on a handset to Indian cricket. If Facebook is willing to make those kinds of investments that means Facebook is going to be in the content business, just like Amazon, just like Google, YouTube, and everything else.

**PH:** So where’s the good news there?

**JT:** The good news is, if we had a net neutrality standard, these companies would have to decide which business they want to be in. Do you want to be an Amazon? I’m a neutral platform and I’m not in the book business, or I’m not in the movie business. Google? I want to be a search engine that sells advertising, but I’m not in the content business.

**PH:** But why? Why would they be humble that way? Don’t they have this incredible voracious appetite?

**JT:** No, we’d have regulation. Here’s the deal. I think we both feel that there is not a market solution to this problem. People have said to me, “Well, remember when Yahoo was the great search engine? So that could happen again in a heartbeat.” But that’s not true. These companies will maintain their power and grow it, because as artificial intelligence and all these other things happen they’ve got all the data. They’re going to get stronger. They’re not going to get weaker. Amazon’s going to get bigger. It’s going to extend itself into many other businesses. So what we’re saying is there is not a market solution. If I asked this audience, “Would you invest in a start-up to challenge Google in the search advertising business?” everybody would run for the exit. Right?

**PH:** Don’t. Don’t do that. We’re slowly winding down, but I don’t want them to leave yet.

**JT:** All I’m saying is that this is going to require regulation—

**FF:** Of what nature?

**JT:** Net neutrality regulation is one possibility. The second one is what Frank mentioned earlier. When AT&T was the monopoly phone company in 1956, the government said, “Look. You can maintain your monopoly, but guess what? You have to license every patent you own, for free, to every other company in America.” And out of that came the transistor, the laser, the semiconductor, the satellite system, the cellular system, the solar cell. And out of that came Texas Instruments, Motorola, Fairchild Semiconductor, Hewlett Packard, eventually Intel, COMSEC. In other words, a huge explosion—

**PH:** Of creativity.

**JT:** What we now call Silicon Valley came out of an antitrust decision.

**FF:** The problems of surveillance and monopoly are very much intertwined. One of the reasons is that these companies, as Jon described, have amassed their advantage on the basis of all of the surveillance that they’ve done of all of the information that they’ve collected. And they have every incentive to keep pushing the envelope of surveillance in order to protect their advantage. There’s no law in this country protecting your online data. Your health records are protected. Your financial records are protected. But there’s no law protecting your online data. Your data is owned by these companies, even though it’s this very intimate portrait of the inside of your head. I think that step 1 is that we need to have a comprehensive data protection law of the sort that the Europeans are—
WHO WILL DECIDE WHAT IS FAKE NEWS?
I GET NERVOUS ABOUT THIS CONCEPT WHEN I HEAR PEOPLE CLAMORING FOR THE PLATFORMS TO REGULATE WHAT’S REAL NEWS AND WHAT’S FAKE NEWS.
— FRANKLIN FOER

JT: Have already passed.
FF: Right, exactly.
PH: Why are we to believe that at this moment in this country with this administration this is at all in the cards?
JT: Paul, you would be shocked—
PH: I want to be shocked.
JT: There is support for this kind of regulation from both right and left. I mean from Elizabeth Warren on one side to Bill Kristol, Steve Bannon, Tucker Carlson, and all sorts of people on the right as well. And certainly Orrin Hatch is beginning to make a lot of noise in the Senate about this. I mean an attorney general in Missouri sued Google last week. An attorney general in Mississippi sued them. This is going to happen. Both were Republicans, and both of them sued them for antitrust. So, I believe that the tide has shifted. Six months ago when Frank and I had a conversation at the New America Foundation with the Open Markets people, we felt like we were just talking to ourselves—
PH: So things are getting better?
JT: Yeah, I think the realization that these companies have to be brought to heel is a general realization. I mentioned this conference that I was at two weeks ago in Silicon Valley. These were tech people, and the vast majority of them felt that these companies had to be told that they can make no more acquisitions. Period.

FF: One really significant thing is what’s happened in London with Uber, and I think also the hearings in Congress last week, is that these companies have existed in a world where there’s been very little pressure put on them. So if you’re Uber, you’ve actually existed in a lot of jurisdictions as a lawless company, where you’ve just ignored whatever regulations are on the books. You’ve just assumed that your business model exempts you from it, and you’ve been able to get away with it. So when you have a jurisdiction like London say, “You know what? We’re going to boot you unless you start to behave like a better citizen,” that actually has an important effect. It’s public power being applied in a way that will probably improve the private power.

I think the same is true with Facebook. The culture of Facebook is one where there’s a cult of personality within the company based around one guy, and it’s never really been challenged. The people who work for that company are largely liberal Democrats, and when they see themselves getting ripped for abetting the election of Donald Trump, that begins to implant itself in the minds of the engineers, executives of that company, and maybe they’ll behave a little bit more responsibly the next time. I’m not saying that I’m putting all my hopes in that basket. I dream of the backlash that Jonathan is talking about, of having a regulatory regime that gets put in place really quickly. But in the meantime, changing the dynamic of the conversation actually is important.

PH: We’ll end on the dream in a few minutes. I have a few questions from some people who couldn’t make it tonight, and one has to do with the role of libraries. The chief digital officer of this library, Tony Ageh, wonders, “Can libraries be the solution? And if so, how?” I’d like to show you another short video.

[Short video clip begins playing.]
Well, you mentioned libraries there, and I think that’s actually a critical role that we haven’t thought about that much. Library systems in many countries around the world have been searching for purpose, when information has become much more easily shareable, much more easily tradable. But we can think of librarians as a professional class that are dedicated to the ascertainment of facts, the familiarity of facts. And, it would be helpful if we had more public voices, more public institutions, that could weigh in in a nonpartisan, apolitical way but help us understand where the resources are and what the facts are that allow us to resolve these controversies in a fair way.

PH: That was Edward Snowden.

FF: Oh, that was Snowden?

PH: He couldn’t be here.

FF: I wonder why? So, I actually have an anxiety about the way we end up shaping the future of libraries, because, for me, it’s very important going into a reading room that it actually be a reading room. And one of the things that the library symbolizes to me is the veneration of scholarship. The idea that knowledge should be accessible but not necessarily easy. To attain true knowledge requires dedication—

PH: Effort. That there’s value in difficulty.

FF: The library symbolizes to me the idea that the mind is something to always be cultivated. Louis Brandeis, the Supreme Court justice, would talk about the development of the faculties, which means that every individual needs to be dedicated to a program of self-improvement of the mind. It’s a democratic necessity that individuals commit themselves to that task, because of the choices that citizens have to confront every couple of years, which are so important, so complicated. That if they’re given poor-quality information, they’re going to be ill-equipped to fulfill their civic obligation. And so, I worry that libraries panic in the face of all of the cultural, technological transformations that we’re subjected to. That libraries will decide that they need to somehow morph their character into something fundamentally different than what they are.

PH: Become cool.

FF: That they become cool.

JT: I totally agree with that. You took us up to see some incredibly rare manuscripts, and they were analog in the best sense of that word. Right? If you just said that you were going to digitize all this stuff and put it out there, something would have been lost. Something deep would have been lost in the same way that my friend, T Bone Burnett, says about vinyl records from the 1960s—once they were compressed into CDs or MP3 files, something deep was lost so that they could be digitized. So I agree with Frank.

PH: That’s a whole subject that I’d like to talk about.

JT: I think the fact that there are actual real things there that you could touch—

PH: Tactile inebriation—

FF: Human beings live in the face of all this distraction and of our attention being hijacked constantly, and the fact that we’re always surveilled when we’re online and that someone is looking over our shoulder and that we’re umbilically connected to these companies’ stores. In this world, the library represents a space that is fundamentally an anecdote to that world of distraction, where you’re meant to be quiet and you’re meant to be in a place where you can actually read in a way in which your attention can be sustained over a period of time. They’re temples of contemplation.

PH: So that’s your hope?

FF: Well my hope is...yeah. I actually look at the books on the shelf, and when the Kindle was unveiled in 2008, people wrote the obituary for the paper book. Nicholas Negroponte, who heads the MIT Media Lab, said there will be no paper books published after the year 2015.

PH: He was quite wrong.

FF: Lo and behold. And why did that happen? Well, first publishers defended the economic value of their product. They resisted the pressure to constantly deflate the value of the product. Secondly, I think it’s us. When the Kindle came out, I was enthusiastic about it, and I carried it with me.
everywhere. I thought that this was pretty incredible that I had access to every book ever published, and I thought it was going to change my life. But over time, I found myself beckoned by the paper book, because I live my life on a screen all day long. We looked at some of the earliest printed books in this library. And, the history of the book is one that moved from reading being a public activity, where you had a priest reading the word of God to an illiterate public, to one that became the most private activity of them all. We read in bathtubs, in bed, and in chairs—

PH: I know you love reading in bathtubs. You mentioned that.

FF: We don’t need to dwell on that. But it’s true. In some ways, reading on paper is a way of kind of breaking the system.

PH: And you need no electricity for it.

FF: It’s an act of resistance.

PH: William Gibson had a question for both of you. He says, “Do you agree with me that the most significant impacts of new technology are seldom anticipated by that technology’s developers?”

JT: Yeah, that’s probably the subject that we’ve been talking about all night. When I said that I thought Facebook was kind of a Frankenstein monster—I don’t think anybody who created it had any idea of what would happen with it or how it could be used for dark purposes. And I still don’t think we’re very clear about that.

FF: Right. But I also want to resist one of the implications of that quote, which is the idea that if you can’t see the trajectory it doesn’t mean that you can’t try to tame and regulate and harness it for human purposes. There’s a sense that we all have of inevitable drift. That one thing leads to another. That technology will proceed at pace. And, the truth is that it’s a culture that births technology. It grows out of some broad assumptions that we have. That we as human beings can ask really deliberate questions about what we want these things to become.

We need to have a conversation about whether we’re willing to part with certain things as we move forward, because, if we decide that we don’t want to part with them, if we want to protect books, if we want to protect privacy, if we want to protect spaces of contemplation, if we want to protect a certain integrity of the human body, then we can find ways as a society to harness the power of government but also to act as individuals in ways where we just don’t accede to the efficient and the convenient.

JT: I use a term in my book called “technodeterminism,” which is the sense that technologists think they know where they’re going and where we should go, and think they don’t really need to ask anybody’s permission to go there. Frank and I, neither of us are Luddites. We both use technology in deep ways. All we’re saying is, let’s have a general discussion as a society about where this is taking us, because quite frankly, these same companies are pushing really hard to integrate artificial intelligence into everything they do, and the implications of that are shocking if you think about just a simple thing that I’ve been studying.

There is a service in China called Sesame Credit. Basically what it does is that it takes your credit score and overlays your social media history navigated by an artificial intelligence bot that was built by Alibaba. Essentially, if you, Paul, wrote something on WeChat that was critical of the Chinese government, your social credit score would go down. If Frank played video games for four hours in an afternoon, his social credit score would go down as a slacker. If I jaywalked in Shanghai and got caught on a camera with facial recognition, my social credit score would go down. Now you say, “Why would anybody want to be on that?” There are 200 million Chinese on that system, and young people use their social credit score on their dating apps to prove they’re good, patriotic citizens. Three weeks ago, Xi Jinping said that every Chinese citizen should be on this service. That’s the end place where we can end up.

PH: So someone like Jaron Lanier says, “I absolutely won’t join Facebook. I absolutely won’t join any agency that can collect data about me.”

JT: That’s almost impossible to do. I can’t give up Google. I’m sorry. I need to use a search engine in a lot of my work.

PH: I sometimes wonder, before Google, how would I have prepared to talk to you?
JT: You would have gone to the library.
PH: It would have been a very different approach. A very, very different way of research. The notion that we call it the search engine is different from research. It’s so different.
FF: Exactly. It’s as if the human being doesn’t participate in the process of using a search engine because it’s a machine. It’s a metaphor. The metaphor is quite literal. But people always ask this question: Can you imagine life without Google? Can you imagine life without Amazon? And I can say, yeah, actually, in fact I can. I lived that life until I was probably in my late 20s. And you know what? We actually managed to entertain ourselves and to know things. Maybe things didn’t arrive the next day when you ordered them. You would go to these incredible things called stores, and when you went to stores, you actually had interactions with other human beings. And sometimes you saw your neighbor and you would find out what was happening to the person—
PH: Are you waxing lyric and nostalgic now?
FF: I do a little bit, yeah.
PH: And so do I. I feel the same way. I feel that we need to see each other. We need to touch each other. We need to be next to each other. We need to interact with each other. But I also know that people choose convenience over—
FF: But we shouldn’t go backwards. I don’t think we need to say that we need to live in a world without next-day shipping or a world without search engines or all these things. They’re advances for human society, even as we’ve lost certain things, but I do think that we need to create a world that’s more pluralistic and competitive and that there are options. If I wanted a search engine that protected my privacy better than Google, I could go to Bing or maybe DuckDuckGo. But have you used those search engines? There’s really no competition. I want people competing to protect my privacy better. I want there to be people competing to provide me with higher-quality information.
PH: Do you think that’s going to happen in some year? You were saying before that there’s a whole group out there. A counterculture group—
JT: The way it’ll happen, quite honestly, is we break up these companies. If you had Facebook, Instagram, and WhatsApp competing with each other for your loyalty, one of them might offer a service that doesn’t steal all of your data all the time, and maybe it’d be a better service. If Google had to compete with DoubleClick and YouTube, if Google were broken up into three pieces, then maybe some better service would come out of it. It certainly wouldn’t be as easy for someone in Russia to hack the election if this was all spread out over a bunch of different platforms. You know?
FF: I agree with that as a solution, but I also have a little more hope about the possibility for there being a nongovernmental solution along with a governmental solution.
PH: Which would look how?
FF: I described this metaphor to food, which is kind of terrible to imagine—that we could go through 60 years of stuffing ourselves full of Doritos and getting really obese. But there was also a backlash that emerged that was a nongovernmental one, where we decided that we were actually going to start to care about the things that we ingest through our mouths, and that we made certain sacrifices of efficiency and price in order to get food that we felt more virtuous about.
So, since the election of Donald Trump, there has been a surge of people subscribing to The Washington Post and The New York Times, because they’ve marketed themselves explicitly as being more virtuous than the junk you get through Facebook and Google. They’ve recommitted—“democracy dies in the darkness.” The Washington Post committed itself to a certain ideal of investigative rigor. The New York Times markets itself as the antidote to fake news. And you know what? People want that. People want to be the benefactors of something better. People understand that you get what you pay for in the realm of information. And if they didn’t play the role of the Medici, that this whole system would collapse. Everything would collapse.
PH: On that note, thank you very much.
FF: Thank you.
JT: Thank you.
BOOKS BY MEMBERS

David A. Adler (and Sam Ricks, Illus.): Pass the Ball; Mo; Rumaan Alam: That Kind of Mother; Laurie Halse Anderson (and Emily Carroll, Illus.): Speak; A Graphic Novel; Mary Kay Andrews: The High Tide Club; Jacob M. Appel: Millard Salter’s Last Day and The Amazing Mr. Morality: Stories; Anne Milano Appel (Transl. by Paolo Maurensig): Theory of Shadows; Peggy Archer (and Anne Wilsdorf, Illus.): A Hippo-Hippy Toad; Rilla J. Askew: Most American: Notes from a Wounded Place; Reza Aslan: God: A History; Isaac J. Bailey: My Brother Moochie: Regaining Dignity in the Midst of Crime, Poverty, and Racism in the American South; Radley Balko (and Tucker Carrington): The Cadaver King and the Country Dentist: A True Story of Injustice in the American South; Molly Bang (and Ann Stern): When Sophie Thinks She Can’t; Tracy Barrett: Marabel and the Book of Fate and Freefall Summer; Marion Dane Bauer (and Richard Jones, Illus.): Winter Dance; Robert Bausch: In the Fall They Come Back; Bruce M. Beehler (and John T. Anderton, Illus.): North on the Wing: Travels with the Songbird Migration of Spring; Alex Berenson: The Deceivers; Mike Berenstain: Just Grin and Bear It!: Wisdom from Bear Country; Perle Besserman: The Kabbalah Master; John Pratt Bingham: Hangtown: Secrets & Schemes; Sophie Blackall: Hello Lighthouse; Lucy Bedsole: The Evolution of Love; Amy Bloom: White Houses; Judy Blundell: The High Season; Fred Bowen: Lucky Enough; Carol Brendler (and Lisa Brown, Illus.): The Two Mutch Sisters; Barbara Brett: Secret Agenda: Who’s Castrating the Wolves of Wall Street?; Cynthia Brian: Growing with the Goddess Gardener; Larry Dane Brimmer: Twelve Days in May: Freedom Ride 1961; Joseph Bruchac (and Liz Amini-Holmes, Illus.): Chester Nez and the Unbreakable Code: A Navajo Code Talker’s Story; Leslie Bulion (and Robert Meganck, Illus.): Leaf Litter Critters; Loree Griffin Burns: Life on Surtsey: Iceland’s Upstart Island; Dori Hillstead Butler (and Nancy Meyers, Illus.): King & Kayla and the Case of the Lost Tooth; John Butman (and Simon Targett): New World, Inc.: The Making of America by England’s Merchant Adventurers; Rachel Caine (and Ann Aquirre): Honor Among Thieves; Laurie Calkhoven: Judy, Prisoner of War; Liam Callanan: Paris by the Book; Simon Callow: Being Wagner: The Story of the Most Provocative Composer Who Ever Lived; Stephanie Calmenson (and Aaron Blecha, Illus.): Our Principal Is a Frog!; Stephanie Calmenson (and Jane Newland, Illus.): Look! Bugs!; Marc Cameron: Tom Clancy Power and Empire: Alyssa Satin Capucilli (and David Motttram, Illus.): Mighty Tug; Clay Carmichael: Bear at the Beach and Other Adventures; Helen Marie Casey: Zero Degrees; Samantha Changollan (and Nila Aye, Illus.): Starry Skies: Learn About the Constellations Above Us; Loretta Chase: A Duke in Shining Armor; Alexander Chee: How to Write an Autobiographical Novel; Lee Child: The Midnight Line; Mary Higgins Clark (and Alafair Burke): Every Breath You Take; Leslie Cohen: This Love Story Will Self-Destruct; Michael Connelly: Two Kinds of Truth; Anne Coon (and Ann Feuerherm): Thriving in Retirement: Lessons from Baby Boomer Women; Susan Cooper: The Boggart Fights Back; Nina Crews (and Richard Wright): Seeing into Tomorrow: Haiku by Richard Wright; Doreen Cronin (and Betsy Lewin, Illus.): Click; Clack, Moo I Love You; Naomi Danis (and Cinta Arribas, Illus.): I Hate Everyone; Sharon Darrow: Worlds Within Words: Writing and the Writing Life; Jasmin Darznik: Song of a Captive Bird; Georgina Davis: Revealing Serenity; Kenneth C. Davis: More Deadly Than the War: The Hidden History of the Spanish Flu and the First World War; Sasha Dawn: Blink; Melissa de la Cruz: Someone to Love and Love & War; Matt de la Peña (and Loren Long, Illus.): Love; Lula Delacre: Rafi and Rosi: Pirates!; Dorothea DePrisco: See for Yourself: The Ultimate Guide to Eyes; Christine Dimmick: Detox Your Home; Cara H. Drinan: The War on Kids: How American Juvenile Justice Lost Its Way; David Duchovny: Miss Subways; Dave Eggers: The Monk of Mokha; Dave Eggers (and Aaron Renier, Illus.): The Lifers; Karen English (and Laura Freeman, Illus.): The New Kid; Helen Epstein: The Long Half-Lives of Love and Trauma; Joseph A. Esposito: Dinner in Camelot: The Night America’s Greatest Scientists, Writers, and Scholars Partied at the Kennedy White House; Jackson Fahnstock: Shu Wei’s Revenge; Sierra Faith: Absolutely Adored: Stop Choosing Narcissistic
Men and Finally Be a Well-Loved Woman; Michelle Falkoff: Questions I Want to Ask You; Mark Fallon: Unjustifiable Means. Joy Fielding: The Bad Daughter; A. J. Finn: The Woman in the Window; Sue Fliess (and Petros Bouloubasis, Illus.): Mary Had a Little Lab; Elizabeth Flock: The Heart Is a Shifting Sea: Love and Marriage in Mumbai; Douglas Florian: Pig and Cat Are Pals; Aminatta Forna: Happiness; Caroline Fraser: Prairie Fires: The American Dreams of Laura Ingalls Wilder; Delores Lowe Friedman: Wildflowers; Patty Friedmann: Where Do They All Come From?.

Kickflip Boys: A Memoir of Freedom, Rebellion, and the Chaos of Fatherhood; Hayashi Tomio: Rebel Ishinryu: The 57 Challenges, Exploring Karate Myths, Madness and Mysteries; John Whittier Treat: The Rise and Fall of Modern Japanese Literature; Daniel J. Wakin: The Man with the Sawed-Off Leg and Other Tales of a New York City Block; Ellen R. Wald: Saudi, Inc.: The Arabian Kingdom's Pursuit of Profit and Power; Amy Wallen: When We Were Ghouls: A Memoir of Ghost Stories; Doris Weatherford, Rosalind Reisner, Nancy Rubin Stuart, and Valerie Tomasselli: Women in the Literary Landscape; Douglas Wells: How We End Up; Tim Wendel: Cancer Crossings: A Brother, His Doctors, and the Quest for a Cure to Childhood Leukemia; Tara Westover: Educated: A Memoir; Julie Whipple: Crash Course; David Wiesner: I Got It!; Irene Willis (Ed.): Climate of Opinion: Sigmund Freud in Poetry; David Wind: A Better Place to Be. Based on the Harry Chapin Song; Emily Winslow: Look for Her; Kay Winters (and Patrice Barton, Illus.): Did You Hear What I Heard?: Poems About School; Barry Wittenstein (and Chris Hsu, Illus.): The Boo-Boos That Changed the World: A True Story About an Accidental Invention; Meg Wolitzer: The Female Persuasion; Stuart Woods: Unbound and Shoot First; Romy Wyllie: Eva Maddox: Innovator, Designer, Educator; Ellen Yemans (and Chris Sheban, Illus.): The Other Ducks; Bernice Yeung: In a Day's Work: The Fight to End Sexual Violence Against America's Most Vulnerable Workers

MEMBERS MAKE NEWS

The Pirate's Alley Faulkner Society presented the ALIHOT (A Legend in His Own Time) Awards at its annual conference this past December. Patty Friedmann and Reza Aslan were among the six recipients. The recipients of the Guggenheim Fellowship were announced on April 4. Among them were Esther Allen for Humanities Translation and Lily Tuck for Creative Arts, General Nonfiction. The Lambda Literary Awards finalists were announced on March 6. Jennifer Finney Boylan's Long Black Veil was nominated in the category of Transgender Fiction. Mark Zubro's Ring of Silence was nominated in the category of Gay Mystery. Melissa Febos's Abandon Me and Renate Stendhal's Kiss Me Again, Paris were nominated in the category of Lesbian Memoir/Biography. Kenny Fries's In the Province of the Gods was nominated in the category of Gay Memoir/Biography. Kristen Ringman's I Stole You was nominated in the category of SF/F/Horror. The winners were announced on June 4 at an awards ceremony in New York City. Finalists for the 2017 Los Angeles Times Book Prizes were announced on February 21. Victor LaValle's The Changeling and Jesmyn Ward's Sing, Unburied, Sing were nominated in the Fiction category. Michael Connelly's The Late Show was nominated in the Mystery/Thriller category. Ron Chernow's Grant was nominated in the Biography category. Frances FitzGerald's The Evangelicals: The Struggle to Shape America was nominated in the History category. Cornelia Dean's Making Sense of Science: Separating Substance from Spin was nominated in the Science & Technology category. Elif Batuman's The Idiot was nominated for the Art Seidenbaum Award for First Fiction. The awards were presented on the University of Southern California campus on April 20, ahead of the Los Angeles Times Festival of Books. The winners of the National Book Critics Circle Award were announced on March 15. Frances FitzGerald's The Evangelicals: The Struggle to Shape America won in the Nonfiction category. Caroline Fraser's Prairie Fires: The American Dreams of Laura Ingalls Wilder won in the Biography category. Jesmyn Ward's Sing, Unburied, Sing was a finalist for Fiction. William Taubman's Gorbachev: His Life and Times was a finalist in Biography. Edwidge Danticat's The Art of Death: Writing the Final Story was a finalist in Criticism. The PEN America Award finalists were announced on January 25. Victor LaValle's The Changeling was a finalist for the PEN/John Steinbeck Book Award. Jessica Cohen's translation of A Horse Walks into a Bar by David Grossman was nominated for the PEN Translation Prize.

The American Library Association presented its Youth Media Awards on February 19. Larry Dane Brinner won the Sibert Medal for distinguished informational book for Twelve Days in May: Freedom Ride 1961. Elisha Cooper's Big Cat Little Cat was named a Caldecott Honor Book. Eloise Greenfield received the Coretta Scott King-Virginia Hamilton Award for Lifetime Achievement. Deborah Heiligman's Vincent and Theo: The Van Gogh Brothers won the YALSA Excellence in Nonfiction Award and was named a Printz Honor Book. Dori Hillestad Butler's King & Kayla and the Case of the Missing Dog Treats, illustrated by Nancy Meyers, was named a Geisel Honor Book. M. A. Appleby was twice honored at the Florida Authors & Publishers Association's President's Book Awards. Raising David Again was a Silver Medalist in the Autobiography/Memoir category and a Gold Medalist in the How-To/Self-Help category. Charlotte Bennett's Evolution Revolution: Simple Lessons (Book 3) won the gold medal in the Feathered Quill Book Awards for Middle Grade, and her Evolution Revolution: Simple Machines (Book 1) won the bronze. Dianna Booher's Communicate Like a Leader: Connecting Strategically to Coach, Inspire, and Get Things Done was named a 2018 Axiom Business Book Award Silver Medalist in the Networking category. Judith Cody's poem "A Thousand Nights at the War Window" won second place in the Soul-Making Keats Literary Competition, an arts outreach program of the National League of American Pen Women.
**Philip Roth**

The Authors Guild mourns the loss of Philip Roth, who died on May 22 at the age of 85, surrounded by his close friends and family. Roth, who was a member of the Authors Guild for over 30 years, leaves behind a towering legacy that includes a Pulitzer Prize, two National Book Awards, two National Book Critics Circle Awards, the Man Booker International Prize for lifetime achievement and the United States National Humanities Medal, presented by President Barack Obama in 2011.

During a career that spanned six decades, Roth authored 27 novels and numerous short stories, essays and critical commentaries. His books—many of which are regarded as among the 20th century’s greatest literary works—explore themes of Jewish and American identity, tradition, class, lust and masculinity, and narrate post-war American life with an astounding frankness that earned the author both high praise and fierce criticism.

Roth’s contributions to literature extend beyond his prolific body of work. At a time when the world was bifurcated by the Iron Curtain, Roth sought out and introduced American readers to Eastern European writers such as Danilo Kis, Bruno Schulz, Vaclav Havel and Milan Kundera.

His passing is a great loss to the writing community.

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**Jennifer Egan**'s *Manhattan Beach* won the Andrew Carnegie Medal for Excellence in Fiction. **Dewey Fairchild**'s *Parent Problem Solver* made Kirkus Review’s Best of 2017 Middle Grade School & Friendship Stories. **Ernest J. Gaines**'s *The Tragedy of Brady Sims* was nominated for the Hammett Prize for a work of literary excellence in the field of crime writing. **Bull Garlington**'s *The Full English* was named a Foreword Indies Award finalist in the category of Nonfiction Humor. **Lois V. Harris**'s *Lotta Crabtree: Gold Rush Fairy Star* won the National Cowboy and Western Heritage Museum’s 2018 Juvenile Book Award. It was also a finalist for the Western Writers of America 2018 Spur Award for Best Western Juvenile Nonfiction. **Deborah Heiligman**’s *Vincent and Theo: The Van Gogh Brothers* won the Boston Globe-Horn Book Award, the Golden Kite Award for Nonfiction and the CYBILS Award for High School Nonfiction. **Stephen King** received the 2018 PEN America Literary Service Award at the 2018 PEN America Literary Gala, May 22. **Jan Maher**’s *Earth as It Is* was named the Great Southeast Book Festival’s grand prize winner. **Michael Minchin**’s short story “All Things, to the Ocean” was a finalist in the Glimmer Train Family Matters Contest. **Peter Joffre Nye**’s feature article “Airplane Wars: Finger Lakes Aviation Pioneer Glenn Curtiss Battled the Wright Brothers for Supremacy of the Skies,” published in *Mountain Home* magazine, won an IRMA Award for Historic Feature. **Jesmyn Ward**’s *Sing, Unburied, Sing* won the NAACP Image Award for Outstanding Literary Work—Fiction as well as the Anisfield-Wolf Book Award, which recognizes “literature that confronts racism and examines diversity.” **Paula Whyman** was the recipient of the 2017 Towson Prize for Literature for *You May See a Stranger*, a collection of linked stories.
IN MEMORIAM

Donald Bain, 82, died October 21 in White Plains, New York. He was best known for the Murder, She Wrote novels and the Capital Crimes mysteries, both written under pseudonyms.

Anthony Bourdain, 61, died June 8, in Kayserberg, France. He was the author of three novels, and his memoir, Kitchen Confidential, catapulted him from the kitchen to the bestseller lists, a personal imprint at HarperCollins and fame as the inexhaustible creator and star of two popular food shows, “No Reservations” and “Parts Unknown.”

Russell Freedman, 88, died March 16 in Manhattan, New York. He was the author of more than 60 books, most of them history books for young people, including Eleanor Roosevelt: A Life of Discovery and Becoming Ben Franklin.

Nancy Friday, 84, died November 5 in Manhattan, New York. She was a journalist and the bestselling author of My Secret Garden.

William H. Gass, 93, died December 6 at his home in St. Louis, Missouri. Best known for The Tunnel (1995) and for having coined the term “metafiction,” he was the winner of four Pushcart Prizes, the Pen/Faulkner Award and a lifetime achievement award from the Lannan Foundation.

Sue Grafton, 77, died December 28 in Santa Barbara, California. She was best known for her alphabetically titled detective series that began with A Is for Alibi in 1982. She made it to Y with the publication last August of Y is for Yesterday.

Donald Hall, 89, died June 23, in Wilmot, NH. The former poet laureate of the United States was also a prolific and engaged writer of essays, short stories, plays, textbooks and children’s books, two books on baseball, and several memoirs including Unpacking the Boxes and Life Work. His many honors included two Guggenheim Fellowships, the Robert Frost Silver Medal, and the National Medal of Arts, awarded by President Barack Obama in 2011.

Stephen Hawking, 76, died March 14 at his home in Cambridge, England. The renowned physicist was the author of many books, including A Brief History of Time, The Universe in a Nutshell and five children’s books cowritten with his daughter, Lucy Hawking.

Philip Kerr, 62, died March 23 in London, England. He was the author of more than 30 books, including the Bernie Gunther crime novels and a series for younger readers, Children of the Lamp.

Ursula K. Le Guin, 88, died January 22 at her home in Portland, Oregon. She was the author of more than 30 novels, poetry volumes and essay collections. Her novel The Left Hand of Darkness won both the Hugo and Nebula awards. She was awarded the National Book Foundation’s Medal for Distinguished Contribution to American Letters in 2014.

Dallas Mayr, 71, died January 24 in New York. He was the author of more than two dozen horror novels, written under the pseudonym Jack Ketchum.

Kit Reed, 85, died September 24 in Los Angeles, California. She was the genre-crossing author of 30 novels and nine short story collections, including The Night Children, Mother Isn’t Dead She’s Only Sleeping and Other Stories and... The Attack of the Giant Baby.

Anita Shreve, 71, died March 29 at her home in Newfields, New Hampshire. She was the author of 20 books, including The Pilot’s Wife and The Weight of Water.

Penny Vincenzi, 78, died February 28. Known as the “doyenne of the modern blockbuster,” Vincenzi was the author of 17 novels and two short story collections, including the bestsellers The Best of Times, An Absolute Scandal and A Perfect Heritage.

Richard Wilbur, 96, died September 24 in Belmont, Massachusetts. He was named the second poet laureate of the United States, following Robert Penn Warren, in 1987. His collection of poetry Things of This World won the Pulitzer Prize and the National Book Award in 1957. He won a second Pulitzer for New and Collected Poems in 1988.

Tom Wolfe, 88, died May 14, in Manhattan, NY. The author of The Right Stuff, Bonfire of the Vanities and The Kandy-Kolored Tangerine-Flake Streamline Baby chronicled the 1960s in both fiction and nonfiction, and with a sharp bite. “As a titlist of flamboyance he is without peer in the Western world,” wrote one of his admiring contemporaries, who described his prose as “normally shotgun baroque, sometimes edging over into machine-gun rococo.”

DECEASED MEMBERS

Anastasios Aslanis
Donald Bain
Lorraine Bodger
Walter M. Brasch
Charles DeLuca
Carol Field
Thomas Fleming
Russell Freedman
Mary Anne Guitar
Louis Harris
Joanne Hoerr
Joe Jares
Nora Johnson
Ursula K. Le Guin
Giovanni Maciocia
Harry Mathews
Kit Reed
George W. Rhen
Harriet Rochlin
Philip Roth
James Srodes
Eric A. Weiss
Betsy Wittemann

67
We Welcome Tom Gauld as the First Cartoonist Laureate of the Authors Guild

Tom is the most literary and bookish cartoonist we know. He is a Scot living in London, born in Aberdeenshire in 1976. His drawings have appeared in The New Yorker and The New York Times, and he is a regular contributor to The Guardian.

He once said, “I’m interested in the visual contrast between big things and small things, and the narrative contrast between grand, heroic ideas, and small human ordinariness,” and that might be one key to what’s so appealing about his style. He has a wry sense of humor, and is uncommonly well attuned to the quirks, foibles, and needs of those of us who write books for a living.

17 Years, 660,000 Articles, 2,494 Writers, $9,456,000 Payoff

In April, 17 years after the Authors Guild filed suit, along with the American Society of Journalists and Authors, the National Writers Union, and 21 freelance writers named as class representatives, the payoff arrived.

Several thousand freelance writers have received, or will be receiving, a total of more than $9 million as compensation for copyright infringement by electronic database, newspaper, and magazine publishers, including Dow Jones, The New York Times, and Knight Ridder. More than 3,000 writers filed claims for 600,000 articles. The final count of writers receiving checks is 2,494; some others had their claims rejected for a variety of reasons after publishers submitted challenges.

The payments close the final chapter in a saga that began in 2001, when the Guild initiated a class-action suit on behalf of freelancers who had been paid for only one-time use of their articles and saw their work swept into electronic databases without further compensation. A settlement was reached in 2005 but challenges kept the case in the courts for another decade.

“This has been a long road, and we are glad to finally see freelance writers compensated for the unauthorized uses of their articles,” said Mary Rasenberger, the Guild’s executive director. “Getting real money into the pockets of real writers is always satisfying.”

“We can see in hindsight that this early battle contained hints of things to come,” said Guild president James Gleick, one of the original named plaintiffs. “Then, as now, big tech companies had the idea that they could profit from new uses of creative work without including the creators. We scored a victory, but the effects weren’t long lasting, and writers continue to struggle.”

Cartoon by Tom Gauld, the Guild’s first Cartoonist Laureate
TURNING PAGES

An exciting season of new programming and initiatives is underway at the Guild—including our Regional Chapters and enhanced author websites—on top of the services we already offer our members. But as we all know, this takes funding. So, in our seasonal Bulletin, we are going to start accepting paid advertising to offset our costs and devote greater resources to your membership benefits.

But our new ad policy is not merely for the benefit of advertisers. If there’s enough interest from members, we plan on launching a low-cost, small advertising section. Need a researcher, assistant, agent, beta reader, etc.? This section will give you the opportunity to place classified ads for writing-related services. Stay tuned for more information.

Turn the page to see our first ad.