“For me, the most vital political fiction is fiction that makes us feel the irreducible humanity of those who are constantly being forgotten. At a time when empathy often seems to be contracting, when political views admit less and less nuance, let’s not be afraid of complexity.”

Natasha Walter, in a review of Margaret Atwood’s The Testaments in The Guardian, September 11, 2019
EU INVESTIGATES AMAZON

On July 17, the European Union’s Competition Commission formally opened an investigation into whether Amazon has breached EU rules on competition. The investigation has two concerns. The first has to do with the vast amount of data Amazon receives from marketplace sellers under its standard seller agreement and whether Amazon—as both a seller and a platform for sellers—uses this accumulated data to create an unfair advantage. Second, does it use that data when selecting which sellers get the coveted Buy Box?

The Washington Post reported that “many sellers privately complain about Amazon’s power to undercut them on price and to introduce a similar product based on the copious amount of data it collects. Amazon’s size has given it massive clout in the industry because third-party sellers can’t reach the same size audience on rival platforms such as eBay and Etsy.”

In announcing the investigation, Margrethe Vestager, European commissioner for competition, stated that “e-commerce has boosted retail competition and brought more choice and better prices. We need to ensure that large online platforms don’t eliminate these benefits through anti-competitive behavior.”

Historically, Europe has imposed stricter regulations on tech companies than the United States has. In 2017 and 2018, the European Union hit Google with a total of $9.5 billion in antitrust fines, and introduced new privacy rules, the General Data Protection Regulation, with an eye on Facebook. Apple may be up next: the Competition Commission is looking closely at the company, in particular its potentially anticompetitive actions against Spotify and other rivals.

ANTITRUST HEARINGS IN D.C.

On this side of the Atlantic, one day before the EU investigation was launched, executives from all four American tech behemoths—Amazon, Apple, Facebook and Google—arrived in Washington, D.C., for two meetings, a congressional briefing, and a hearing with the House Judiciary Committee’s Subcommittee on Antitrust, Commercial and Administrative Law. The long day marked the start of a broad bipartisan antitrust inquiry that covered an array of hot-button issues: monopoly, privacy, censorship, lack of regulation and digital piracy.

The hearing with the House’s Subcommittee on Antitrust, Commercial and Administrative Law received the most attention from the press, with reporters using terms like “showdown” and “a grilling” to convey the tenor of the committee’s fierce questioning. They described the “stinging criticism” of executives “in the hot seat” and noted the decided “backlash” against Big Tech.

As The New York Times noted, a spate of “uncomfortable bedfellows”—writers, academics and cultural figures from across the political spectrum who disagree vehemently on other subjects—are coming together to speak out against the consolidated power these companies have amassed and the damage that has been done to authors and journalists. News Media Alliance, which represents more than 2,000 news publishers in the United States, arrived at the hearings with a stunning statistic: in 2018, Google earned $4.7 billion from news, “a product it didn’t make, and for which it didn’t pay publishers.” The publishing business will be watching closely how lawmakers deal with Amazon and Google, newly major players in the industry.

PENGUIN TAKES ON F+W BOOKS’ BACKLIST

Penguin Random House (PRH) was the winning bidder for a backlist of 2,000 F+W Books titles, which were put up for sale after its parent company, F+W Media, declared bankruptcy in March. The second bidder was not disclosed, but the purchase price was $5.6 million.

F+W Books focused on a variety of illustrated nonfiction works: art instruction, crafts, antiques and collectibles, woodworking and the outdoors. It had about $22 million in sales in 2018, according to Publishers Weekly, but its parent company’s debts were far greater.

F+W Media began as a magazine publisher in 1913, taking its name from its two biggest titles, Farm Quarterly and Writer’s Digest. Over the decades, the company
expanded by buying up other publishing companies; increasing its portfolio of magazines, books and interactive educational products; organizing conferences and trade shows; and running several niche webstores related to the content of its magazines. Forbes reports that the bankruptcy was caused by “a perfect storm of secular industry decline, poor investments, and even mismanagement.”

Following the sale of F+W Books to PRH in June, an auction was held for the magazines and conferences, with the properties divided among six bidders. An investment company purchased the arts and craft magazines; Cruz Bay Publishing bought Popular Woodworking, Writer’s Digest, and eight other titles; the American Astronomical Society bought Sky & Telescope; and three F+W staff members separately purchased the outdoor titles, crafts conventions and roofing and building titles.

**PEARSON SHIFTING TO “DIGITAL FIRST” MODEL**

Pearson, the largest education publisher in the world, announced in July that it is switching to a “digital first” model, starting with the U.S. market. Going forward, Pearson will publish textbooks and other course materials only digitally. It argues this will reduce costs for students, while increasing the company’s revenues, as Pearson is counting on lower prices leading to fewer students purchasing or renting textbooks on the secondary market. According to CEO John Fallon, other benefits include the ability to expand Pearson’s immersive educational materials offerings and to update textbooks more easily.

BookBusiness reports that Pearson currently earns 62 percent of its revenue stream from digital materials and services, and that it is the only educational publisher to adopt a “digital first” model across all products.

Long frustrated by the high price of textbooks, students are celebrating the change on social media. Those who are no longer in school expressed some sadness at the loss of paper textbooks. Sam Leith, literary editor of the U.K.’s Spectator magazine, penned a nostalgic op-ed for The Guardian. After acknowledging the benefits of “digital first,” Leith writes: “Memory is a physical thing. It’s bound up with sight and heft and touch and smell. Schoolbooks—be they portals to intellectual delight, the object embodiments of intellectual drudgery, or, as usually, both—are part of the fabric of the experience of school, instant evokers and reminders.”

Leith closed with a recommendation for the publisher that may or may not be in jest: “If and only if Pearson promises to make annotation and vandalism as easy and as satisfying and as durable as they were in print—and to beam the smell of new textbooks and the wrinkles of the old ones to users through the cloud—will ‘digital first’ be worth welcoming.”

**INDEPENDENT BOOKSTORES CONTINUE TO THRIVE**

The last 10 years have marked a comeback for independent booksellers, and the good news continues. In 2018, revenue was up for publishers in all categories except e-books and educational and scholarly books. Indie bookstores are reaping the benefits, with a 5 percent increase in sales in 2018. According to the Association of American Publishers (AAP), even hardcovers did well: “Hardback books had the most revenue gain from actual dollars, with +6.9 percent revenue growth adding $196.8 million in revenue in 2018.”

The American Booksellers Association (ABA) has seen growth for 10 straight years, tallying 1,887 members with 2,524 locations at their annual meeting in May. Still, bookselling remains a challenging business. Two-thirds of ABA member stores report experiencing financial pressure on a regular basis. Bookstores have narrow profit margins and are often ill-prepared to face unexpected expenses, such as an increase in rent or building repairs. They are asking the ABA to provide more in the form of education, mentorship and direct financial assistance.

The ABA’s new president, Jamie Fiocco, took office in June. Fiocco, owner of Flyleaf Books in Chapel Hill, North Carolina, told Publishers Weekly that the growth of independent bookselling has led to new challenges that she is determined to address: “The ABA has worked hard at—and succeeded in—growing our membership. This means we have new and younger owners and booksellers with different ideas of what a bookstore is and looks like. We are, in a way, a victim of our own success, and I think the comments we’ve had regarding support for these members is a sign we need to step up our services for them. This is not to say we won’t continue developing services for medium and large stores, but we need to expand our focus.”

In a letter to members in July, Fiocco made clear that she does not hold a naively optimistic view of the industry: “It’s fantastic to hear the success stories—retiring owners selling to younger booksellers, new stores and new store formats opening up—but at the same time, there are a lot of us struggling to make a living in bookselling despite doing ‘all the right things.’” The ABA and its members—“a fierce bunch,” says Fiocco—must continue advocating for better terms with publishers and distributors.
As the new president of the Authors Guild, I’m delighted to introduce the International Issue of the Bulletin. Inspired by the International Authors Forum in April, this issue includes a lineup of pieces related to writing and journalism overseas: a summary of the forum itself, plus articles on the public lending right, on obtaining U.S. visas for foreign authors and a fascinating Q&A with Guild Council member and translator Julia Sanches.

I lived in Italy for four years and received quite an education in how working as a journalist there differs from working in the U.S. That difference was brought home most forcefully when one cool morning in Florence, I exited our apartment in Via Ghibellina to fetch a cappuccino for my wife. My cell phone rang and an officious voice, speaking Italian, asked me if I was Douglas Preston. When I said yes, the voice said: “This is the police. Where are you? We are coming to get you.” Two homicide detectives then presented me with a summons to appear for an interrogation the following day in Perugia, a city 90 miles southeast of Florence.

I had moved to Florence some years before with my family with the idea of writing a murder mystery set in Italy. As part of my research I consulted a journalist named Mario Spezi. Spezi wrote the crime beat for La Nazione, a regional paper. In the course of our interview I learned that Spezi had covered the case of the Monster of Florence, a serial killer who, between 1974 and 1985, murdered 14 young people having sex in parked cars in the Tuscan hills. The Monster was never identified, and the case remains open to this day.

When Mario told me the story of the Monster, I was transfixed. It had to be one of the most horrific, bizarre and psychologically complex stories of crime and punishment I had ever heard. I gave up all thought of the novel I had been considering and suggested we write about the Monster of Florence case instead. I thought it would make an interesting piece for The New Yorker.

Thus began my crash course in Italian journalism. In the U.S., it is contrary to journalistic principles to pay for an interview. In Italy, it is la regola, The Rule. One of the first people Mario and I interviewed was a man named Natalino Mele. As a six-year-old, Mele had witnessed his mother and her boyfriend being shot to death with a gun that, years later, would be used in the Monster killings. Mario arranged the interview with exceptional ease, and we met Natalino in the Cascine Park in Florence. Extremely agitated, he told us that his single memory of the killing was seeing his mother dead in the front seat of the car—and he added the heartbreaking detail that this was the only memory he had of his mother. Then, calming down, he asked for his payment. Mario casually pulled out a roll of cash and peeled off five hundred thousand lire, about $250. I was shocked.

For his part, Mario was astonished when I told him that in America, journalists didn’t pay for interviews—it was considered unethical. Mario considered not paying unethical. “Why would anyone speak to you?” he asked. “Isn’t it wrong to ask for something of value from someone and not pay for it? Can’t you see he needed the money?” The idea that people might speak to a journalist simply because they wanted to tell their story was hard for him to accept. “No Florentine would buy that argument.”

In his many years covering the case, Mario believed he had identified the Monster of Florence, a man named Antonio Vinci who had been peripherally connected to the case. But Mario had never spoken to him because he was afraid of how Vinci might react if accused—and Mario lived with his wife and teenage daughter in the very Florentine hills where the Monster had hunted his victims.

Our editor at The New Yorker, Sharon DeLano, insisted we interview him. She told us that the magazine had journalists in war zones being shot at—and we were afraid to interview a little old serial killer? I recall she used the expression “chickenshit” and reminded us that we worked for The New Yorker,
not Good Housekeeping. She demanded we track him down.

“And ask him what?” I wanted to know.

“Ask him if he’s the Monster of Florence, of course!” And with an expletive she hung up the phone.

This was when Mario suggested we use fake names. I protested that this was totally contrary to journalistic ethics in the U.S. Mario pointed out that we were not in the U.S., that in Italy using fake names was a common journalistic practice, and that if I insisted on being a sanctimonious prig I was certainly free to use my real name and even share with the Monster my address and phone number, but that there was no way in hell he was going in there as “Mario Spezi.” I reluctantly agreed, wondering how I was going to explain this to Sharon DeLano.

We knew we would have only one shot at the interview, so to be sure of finding him at home, we showed up unannounced at Vinci’s apartment building at quarter to ten at night. We pressed the intercom. Mario gave his fake name—Marco Tiezzi—and I gave my real one. Vinci answered the door in his boxer shorts, a surprisingly handsome, charismatic man with scars and tattoos—swaggering, self-assured, smiling.

It turned out the fake-name issue was not going to be a problem. Vinci took one look at Mario and said, “Ah, Spezi, it’s you! I didn’t hear the name well.” He leaned forward. “I’ve wanted to meet you for a long time.” He said he had read all of Spezi’s articles on the Monster case with great interest.

Mario turned pale, but I was relieved I wouldn’t have to explain the fake-name business to Sharon. To be honest, I was more afraid of her than the Monster.

Spezi conducted most of the interview, and he was brilliant—calm, nonchalant, the apparently innocuous questions unearthing crucial and frightening information. Finally, we came to the question: Are you the Monster of Florence? During all this, even as it became clear we thought he was the Monster, Vinci never stopped smiling, never raised his voice, never faltered in his remarkable self-assurance. His response to that final question isn’t printable here—you’ll just have to read the book.

My education in Italian journalism, however, was just beginning. Italy has a criminal libel statute, Article 595ff. Diffamazione a mezzo stampa, “Defamation by means of the press.” The U.S. does not have a criminal libel statute, which would probably violate the First Amendment. In the U.S., libel is a civil, not a criminal, matter.

In Italy, the state itself can lodge criminal charges for libel. This statute is used by powerful and well-connected people—judges, politicians, prosecutors and police—against journalists and common citizens. The American student Amanda Knox, for example, falsely accused of murdering her roommate in Perugia, was charged with criminal libel for saying that police interrogators hit her during her interrogation. In America, it is difficult for a public figure to bring a successful charge of libel; in Italy, powerful people are considered to be especially harmed by libel because of their prominence. As a result, journalists in Italy are often intimidated from investigating those in power and fearful to write about political corruption, police misconduct, abuse of prosecutorial power and false convictions.

Except Mario Spezi. He had a sharp pen and an even sharper tongue, and he relished a good fight. Spezi went on Italy’s most popular television crime show, and with colorful language and a damning presentation of evidence, decried the police investigation in the Monster case. Shortly after that broadcast, the police forced their way into Spezi’s apartment, seized his computer and papers, the drafts of our work, and his archive. He was indicted for 19 crimes, none of them named.

And then the police called me on my cell phone. It turned out they had been tapping our phones for some time. I was interrogated by four detectives and a prosecutor in Italian, with no interpreter. I had no access to an attorney and no Fifth Amendment rights. There is a charming word in Italian, reticenza, or “reticence,” which applies to the crime of refusing to confess. It is a felony. I was indicted for that, along with obstruction of justice, interfering with a police investigation and being an accessory after the fact to murder. It was suggested I leave the country, which I did the next day. Mario was arrested and accused of being the Monster of Florence himself. He was only released after an international uproar, due in large part to the Committee to Protect Journalists. Back in America, when I defended Spezi’s innocence and criticized the police and prosecutor, I was indicted—naturally—for criminal libel.

My education was complete.

My wife never did get the capuccino I went to fetch that cool morning in Florence, but Mario and I got a pretty good book out of the experience.

This story isn’t meant to discourage American journalists from working in Europe or elsewhere, but more as a warning against naivete. I made the mistake of assuming that because Italy was a civilized, democratic country, things worked there as they do here. I was wrong. The United States, despite its shortcomings, still possesses a freedom of the press greater than almost any other country in the world. It is one of our greatest strengths as a nation, and one we must never take for granted—especially today.

—Douglas Preston
The Authors Guild
FROM THE HOME OFFICE

Dear Authors Guild Members,

Throughout the 20th Century, the United States led the world in intellectual property laws and legal protections that incentivized innovation and allowed our book, music, film, and software industries to become the world’s gold standard. That is no longer true. In the last two decades, our copyright law and enforcement of intellectual property rights have not kept pace with Europe and much of the industrialized world. A major reason for this lag is that our lawmakers and courts coddle and overprotect internet platforms. The two main areas where we have seen copyright whittled away—and piracy explode as a result—are the overbroad application of safe harbors for internet service providers (ISPs) and the massive expansion of fair use.

Section 512 of the DMCA and Section 230 of the CDA together played a central role in shaping the internet as we know it. But their interpretation and enforcement were left to the courts, and immunities that were intended as a balance between meaningful innovation in the internet sector and individual rights gave way to a broadly permissive attitude toward online platforms, which, in the guise of innovation, could do no wrong.

At the same time, U.S. courts expanded the definition of fair use to the point that copying and using someone’s work merely for a different purpose than the original one, or in a different context or technology, could be considered fair use. For instance, an electronic excerpt of a book for classroom use was found to be fair use in most cases while the same excerpt in a print format would not. In another case that many Authors Guild members will be familiar with, the Second Circuit Court held that Google was allowed to copy four million books without the permission of the rights owners in order to create Google Books. Recently, a California court found that taking a Dr. Seuss book and simply adding Star Trek characters and making other small changes to the images and text was fair use. (The Guild signed onto the Copyright Alliance’s “friend of the court” brief in the case.)

Internet platforms such as YouTube, Facebook, and Google need “content”—i.e., your creative work—to capture eyeballs and grow their number of visitors in order to increase their value and advertising dollars, but they’re unwilling to pay for it. Instead of supporting creators and their rights, they have bought into the “information wants to be free” mantra of the early internet creators—which was initially a vision of a space free from government and corporate control—and used it for their own profit. Google and other big internet companies fund scores of organizations and academics to fight against the rights of content creators—including the right to hold intermediaries that distribute pirated content responsible. Meanwhile, thanks to the immunities and safe harbors the law provides, these companies have grown disproportionately rich and powerful.

So here we are at the close of the second decade of the 21st Century, with the weakest copyright laws we have had in two hundred years and the ability to enforce copyright greatly diminished. The expansion of the fair use doctrine has made it virtually impossible for infringement lawsuits to succeed in courts unless the infringing copy substantially duplicates the original and competes with it. In other words, courts have allowed many types of unauthorized uses of copy-
Last year, the Authors Guild also renewed its advocacy for a public lending right (PLR), some version of which exists in every industrialized country (see page 19) except the United States. PLR arrangements provide a small payment to authors (and in some cases publishers) for library loans. The fees do not come out of library budgets but are paid for separately by the government. We hope U.S. lawmakers will look to Europe and see that they, too, can enact laws that put some responsibility for piracy back on the companies that profit so dearly from it. All of us—members of the creative class—need to stand up and fight for renewed recognition of the importance of copyright. We need to take back the conversation and refocus on those who need support now. Creativity is what Americans do best. We need to protect this precious resource.

—Mary Rasenberger
Executive Director

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righted work that were previously considered copyright infringement.

As a result, even when the infringement is flagrant and obvious, it is difficult to enforce one’s copyrights today. The only way to do so under current law is to bring a federal lawsuit—which costs at least several hundred thousand dollars. Few claims are worth that much, and even fewer authors have the means or time to mount such lawsuits. Serial infringers know this, and it essentially gives them carte blanche to violate copyright.

Not all the news from the copyright world is bleak, however. In July, the Senate Judiciary Committee recommended the CASE Act (see page 40 for a full Senate vote), and as of this writing, 14 Senators and 100 House members have agreed to sponsor the bill. The House Judiciary Committee is expected to vote to send it to the full House in September. The Authors Guild has supported this very important bill from its early stages. Its enactment will create a feasible pathway for copyright owners to enforce their copyrights.

We have good news from across the Atlantic as well: the European Union’s Copyright Directive, part of its Digital Single Market program, went into force in June (see IAF Article, page 12). Crucially, Article 17 of the directive requires content-sharing platforms to make “best efforts” to get authorization from rights holders and to act expeditiously to reports of infringement. Article 18 further stipulates that authors and performers receive “appropriate and proportionate” remuneration for their work.

The Authors Guild is fighting for similar laws in the United States. As I told attendees at the Copyright Office’s Section 512 roundtable in April, “If the U.S. wants to protect copyright, then 512 must be amended. Internet platforms have drained money out of content industries. Shame on us if we cannot fix this.”
Julia Sanches is a translator of Portuguese, Spanish, French, and Catalan. Her most recent translation is The Sun on My Head by Geovani Martins, published in June by Farrar, Straus and Giroux. She is a cofounder of Cedilla & Co., a translators’ collective. She joined the Authors Guild Council in March.

IH: This might be our first Bulletin interview with a translator. How did you come to translation?
JS: I’ve been living between languages my entire life. It’s where I’m most at ease. I was born in Brazil but moved to the United States when I was three months old. We moved to Mexico when I was eight, and I learned Spanish. Then to Switzerland at 14, where I learned French. I did my master’s in Barcelona, hence Catalan.

In my final year at the University of Edinburgh, I decided to write a comparative paper on Mário de Andrade’s Macunaíma, a seminal work of modernist Brazilian literature, and Jean Toomer’s Cane. My degree was in English, not comp lit. I could work on a Brazilian text, they said, but I needed to refer to an English translation. It quickly became clear that the translation was severely underwhelming. Macunaíma is this very vulgar, style-busting novel, and the translator had made it sound very mannered, sedate and genteel. That’s when I started thinking about translation. Before then, I’d had access to so many different literatures in the original that I hadn’t given much thought to how a translation could make or break a text, or who the people behind the translations were.

IH: What jobs did you hold in publishing?
JS: I worked as an assistant editor at the online translation journal Asymptote, which was unpaid, and as a paid reader for several publishing houses. In Spain, I read young adult books and wrote reports for an editor who wanted to know what to publish in Catalan. Books in translation make up an enormous part of the Spanish literary market, unlike in the United States.

Finally, after a few months of translating and job-hunting in New York, I got a job at the Wylie...
Agency. I’d never thought about being an agent, but it seemed like a good place to start. Their list, aside from including several of my favorite authors, is very international, so my languages were actually valued there.

But after about three years, the one thing I still couldn’t stop doing was translate. I just couldn’t shake it. I’d wake up at five or five thirty and sit with a cup of coffee in a very dark corner of my tiny New York bedroom—with all the lights off because my partner was still sleeping—and translate for a couple of hours before commuting to Wylie, 45 minutes to an hour each way. I’d stay at Wylie until six thirty or seven and either go for drinks with editors afterwards or go to a client event, or sometimes, when I was in the last crunch of a translation project, to a neighborhood bar where I’d sit with a glass of wine and keep on translating until nine.

Then I’d go home and pass out. It just wasn’t sustainable.

IH: You can see the passion in it.
JS: There was that, and a deep sense of guilt. You commit to a deadline and you don’t want to miss it.
IH: You’re a cofounder of Cedilla & Co., a collective that aims to put translators at the center of the publishing process. When did that effort begin?
JS: Before I left Wylie. I’d been there for about a year and a half. The idea for Cedilla came out of a conversation I had with Sean Bye, a friend and translator from Polish, on a Sunday afternoon in fall 2015, when we were both at a café translating and lamenting all of the underpaid labor we translators do. The extensive reading, or scouting. The often-unpaid translation samples. The pitching. Anyway, a lot of work that’s usually the agent’s purview. We decided to create a group that functioned sort of like an agency. A group of translators who could support each other, scrape together more work for each other, and work within publishing, rather than on the margins, to carve out a space for international literature in the U.S. market and demystify international writing. The idea was to democratize where and how translations were published. Instead of always sending our projects to the few publishers we knew were friendly to translations, we’d send our projects to people who were interested in the style or topic. Literature in translation is not a genre, but it’s often treated that way.

What we do has sort of changed since then. There are nine of us, so our needs have changed. One thing we still do is hold events where we read works in progress. And every year at the American Literary Translators Association conference, we host a panel to talk about the more professional side of literary translation.

IH: It sounds like every translator has to constantly reinvent the wheel.
JS: Definitely. Don’t even get me started on negotiating terms. We almost always start from zero, or from a frankly appalling offer, because there’s no actual industry standard.
IH: I see parallels between Cedilla and the Authors Guild. The core issues are similar—financial concerns, improving access to the publishing industry, creating community—and both try to find solutions by working together in a group.
JS: Yes. Translators, like writers, spend most of their days on their own, or with their cats. The members of Cedilla share work opportunities, as well as our experiences with publishers. We talk through translation problems. We warn each other not to work with people who are criminally late on payments or who only offer work-for-hire agree-
ments, which happens way more than it should. Information is power and we share it.

IH: Do you have a translator mentor?

JS: I don’t have a mentor per se. I learn from every translator I meet or read.

Workshops are also very informative. There’s a pretty well-established one in New York run by Barbara Harshav, who translates Hebrew, Yiddish, German, French and god knows how many other languages. You go to the workshop with printouts of what you’re working on and read to the people in the group, who interject with questions, observations, a possible improvement. It’s immensely helpful and educational.

In terms of one person in particular, I’ve looked up to Margaret Jull Costa for a very long time. She’s always been extremely generous with her knowledge and work. After leaving Wylie, she sent a lot of projects my way. She took a chance, and I’m grateful.

And Other Stories published my first ever book-length translation, Now and at the Hour of Our Death by Susana Moreira Marques. All three editors working on that project knew Portuguese, so it was a very hands-on editorial process. You don’t often work with people who know the language you’re translating from. I learned immensely from all of them.

IH: In general, is your goal in translating to be as faithful as possible to the original? Or to find a style equivalent to the author’s that an American audience will understand? This example sounds like a combination of both.

JS: Last summer I translated a book of short stories by a Brazilian writer from the favelas of Rio de Janeiro, Geovani Martins’s The Sun on My Head, for Farrar, Straus and Giroux. It’s just come out. Some of the stories are written in very heavy, geographically located slang. It’s an extremely oral, rhythmic register. I lost a lot of sleep over that book. At some point, I realized that the key to translating it was to get at the author’s intention. And one of his intentions was to not explain, not gloss, the slang he uses in the book.

Specific that if you’re not from the favelas of Rio—or even a specific favela of Rio—it’s very difficult to completely grasp.

In Brazil, Martins’s work was described as a new form of realism, because he’s depicting the linguistic reality of this place. How was I supposed to recreate realism in a language that wasn’t tethered to the same context as the original text? I decided to accept the fact that the book’s intended audience—the readers who were going to understand the entirety of what the book was trying to
convey—was never going to be an English-language reader. So, I left certain things in Portuguese to create a sense of estrangement, to highlight the fact that this book was not necessarily meant for you. Which isn’t to say you won’t enjoy or take something from that reading experience.

What I mean to say is that “faithful” can mean a lot of things, so it’s not necessarily the most useful binary. Another translator might have chosen to be “faithful” to some other part of the text.

IH: This estrangement would mimic the experience of some Brazilians reading it as well.
JS: Yeah. It was my experience when I first read it. I had to rely heavily on online dictionaries, on YouTube, on music, on WhatsApp voice messages from a cousin in Brazil.

IH: Why did you first join the Authors Guild?
JS: Sometimes we forget how immensely important the organizations that advocate behind the scenes are. That’s the Authors Guild for you, quietly fighting injustices most of us don’t even know are happening.

But I mostly joined for the contract review. As mentioned, translator terms are often subpar, and most of us can’t afford to give 15 percent of our advance to an agent to negotiate on our behalf. The Guild has people on staff who review contracts and educate you in the process of the review.

IH: How would you like to contribute as an Authors Guild Council member?
JS: A lot of translators don’t know that we’re eligible to join. I was one of them for a while. We always feel like if we’re not explicitly named, then we’re not actually allowed to be part of the cool kids’ group. I’d like to work to ensure that the AG’s messaging is inclusive of translators.

In terms of translation and translators’ rights, my long-term, extremely ambitious goal is to solidify literary translation as a profession, one that more people can make a living off of. It’s going to take a lot of work. We’re often told, as if it were a self-validating truth, that it’s impossible to make a living as a literary translator. This preconception creates a vicious circle: because it’s assumed we can’t make a living as literary translators, people get away with paying us less than we need to survive. Because no one’s mad enough to not have a day job, right?

Getting to a place where the professionalization of literary translation is possible—meaning, where translation can be your bread and butter—involves several points. It involves creating humane industry standards (and industry standards don’t just happen out of the blue; they’re fought for over time by organizations like the Authors Guild). It involves the Big Five picking up the slack from the indies. It involves agents remembering to set aside a small royalty for the translator. It involves the belief in translation as a specialized, time-consuming art form, not the last piece of the equation. And it involves believing that U.S./English-language literature can only gain by being in conversation with global literatures.

Way before I even joined, the wonderful Alex Zucker, a Czech translator; Jessica Cohen, who translates Hebrew; and one of the Guild’s staff lawyers, Umair Kazi, started working on a Model Translation Contract. We’re in the final stretch now. The idea is that translators should have something they can lean on, both to negotiate terms and to educate themselves about their rights. As it stands, the model contract comes with commentary that explains terminology and also sheds light on why you should ask for certain rights.

An important avenue for change is information-sharing. We’re starting a Translators Group within the Authors Guild and one of the things we’d like to do is to partner with the Regional Chapters program, so translators across the U.S. can form their own communities on the ground. There will also eventually be a discussion forum where people can coach each other, offer each other advice. Where we can tell one another that we can ask for more money, that we can ask for royalties, that we can ask for subsidiary rights. It doesn’t mean we’ll get them now. But if we keep asking, maybe, eventually we will.

Isabel Howe is Executive Director of the Authors League Fund, a sister organization to the Authors Guild that provides emergency aid to professional writers. She is a regular contributor to the Bulletin.
International Authors Forum: Shared Issues, Sharing Solutions

By Cheryl L. Davis

On April 15, 2019, the Authors Guild hosted the annual meeting of the International Authors Forum (IAF), an organization that represents the interests of over 700,000 authors worldwide and campaigns for their interests in every country, just as the Guild, an IAF member, does in the United States.
The stated objectives of the EU’s Copyright Directive (the result of over two and a half years of intense lobbying and negotiation) are to provide increased cross-border access to digital content online; create wider opportunities for the use of copyrighted materials in education, research and cultural heritage; and build a better-functioning copyright marketplace that balances the needs of creators and consumers. Nineteen countries voted to approve the legislation, six voted against, and three abstained.

The legislation is a major victory for authors’ interests on the continent and globally and includes such changes in the law as making internet service providers (ISPs) more responsible for copyright infringement that occurs on their sites. The most hotly contested provisions were Article 15, which requires internet platforms to pay news organizations for the right to display news articles originally published elsewhere, and Article 17 (derided by the opposition as “the meme ban”), which makes large web platforms liable for user-posted infringing works unless the platforms take certain actions to combat the infringement. Google, along with other players in the tech sector, took issue with the changes and fervently protested the directive. After the directive was passed, Google responded by announcing that it was considering pulling its news service from Europe. The company later appeared to retreat from that position, with Google Europe tweeting on March 26 that it “look[s] forward to working with policy makers, publishers, creators and rights holders as EU member states move to implement these new rules.”

As the internet sector recognized, passage of the directive is just the first step. Within the next two years, each EU member country must pass its own laws implementing the directive, and each will no doubt interpret the directive differently. The laws will then be subject to judicial interpretation in their respective countries. As Barbara Hayes told the summit audience, “Most of your questions will relate to these [varying] interpretations, and as a result, many of your questions will be answered about a decade from now, after they’ve gone through the various court systems . . . We can give best guesses, but a lot of it [remains]

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1 An audience member asked a key question: How does this affect U.S.-based authors? Florence-Marie Piriou of SOFIA confirmed that the translation of U.S. works commercialized in Europe will be covered under the recent Copyright Directive.
unknown until it’s implemented on the national level.” She went on to add, “I’m sure that by the time it is implemented, things will be out of date and it will have to be updated again,” a prediction that drew laughter from the audience.

The matter of Brexit is adding further complexity to the British analysis of the directive. “With Brexit uncertainty,” said Luke Alcott, “we can’t cover this in too much detail, but... authors and the U.K. creative industries want continuity.” He noted that most Britons involved in creative industries have in general been “happy” with how things have been under the EU—and that the U.K. had in fact voted for the Copyright Directive. The panelists described several of the directive’s provisions in more detail:

Article 5 provides an exception to the law to permit the use of copyrighted works “in digital and cross border teaching activities,” provided such works are used “for the sole purpose of illustration for teaching, to the extent justified by the non-commercial purpose to be achieved.” Barbara Hayes explained that the exception doesn’t apply if an educator can readily license the relevant materials; in that situation, the article does not permit unauthorized use of copyrighted works for educational purposes.

Article 8 introduces a new licensing mechanism for cultural heritage institutions to use “out of commerce works,” similar to the licensing scheme that the Authors Guild has advocated for in the United States. Florence-Marie Piriou explained that the new collective licenses will allow, for instance, libraries and museums to make out-of-commerce works available on their own websites. Arlette Bekink pointed out that the new licensing system will allow people to see these works and for creators to get paid for those uses: “We think it’s important that cultural heritage institutions do this, and that fair compensation is needed.”

Barbara Hayes discussed Article 12, which would permit extended collective licensing (ECL) throughout the EU. This form of licensing has been in place in much of Scandinavia for some time but would be new to the rest of Europe. The laws permit collecting societies that represent a majority of rightsholders in a certain field to grant licenses on behalf of all creators in the field for specified uses of the works (the music industry is one such example). Hayes described ECL as “mechanisms of collective licensing with an extended effect, to allow a collective management organization to offer licenses... on behalf of rights holders, irrespective of whether they have authorized the organization to do so.” These systems always allow creators who do not want to be included to opt out.

Article 15, mentioned above, concerns the plight of the news industry in the digital marketplace. It seeks to ensure that more revenue goes to the organizations that actually produce news content, as opposed to those that merely aggregate it. Accordingly, Article 15 requires ISPs, including large internet platforms like Google and Facebook, to acquire licenses for news articles published by EU-established entities in order to reproduce them on their platforms. The legislation is intended to help news organizations obtain some revenue from services like Google News and Facebook that display more than “very short extracts” of articles.

Although some aggregators have referred to this article as creating a “link tax,” that is not the case; the directive expressly states that it “shall not apply to acts of hyperlinking.” Rather, it addresses head-on the fact that millions of people today share and read news on platforms like Google and Facebook rather than on the news sites that produced and paid for the content. Because the ad revenue follows the readers, most of it has been
diverted from the news producers to Google and Facebook (who together collected 70 percent of all digital ad spending in the U.K. in 2016, and over 63 percent of the digital ad market in the U.S. in 2017),\(^2\) draining resources from the news industry at an alarming rate. Between 2006 and 2016, ad revenue in U.S. news journalism declined by two-thirds, with commensurate cuts in newsroom staff since 1990. Quality journalism and, arguably, democracy are at risk as a result. As Florence–Marie Piriou pointed out, Article 15 benefits not just news publishers but working journalists, who are slated to “receive an appropriate share of the revenues that press publishers receive.” The Authors Guild hopes to see similar redress in the United States.

Article 17 of the directive, also mentioned above, was as hotly contested and publicly debated as was Article 15. The article holds large web platforms liable for hosting user-posted infringing works unless the platforms take certain actions to control piracy, and it seeks to address what forum panelists called the “value gap” online. The value gap, Arlette Bekink explained, is “the situation where platforms like Facebook and Google earn a lot of money with the works that have been uploaded by users . . . musical works or images, also text works . . . The platforms have not been held liable for this, but this directive will change that.” What it basically means is that the platforms will have to enter into agreements with the rights holders.

According to Luke Alcott, in addition to tackling piracy, Article 17 attempts to address the transfer of wealth from the creative sector to the tech sector by encouraging “in the first instance, the licensing of rights holders’ works, and in the second instance, the establishment of more effective measures to take down infringing works.” Alcott compared Article 17 to section 512 of the U.S. Digital Millennium Copyright Act (DMCA) as it was originally intended. However, Article 17 places the burden squarely on internet providers to rid their services of piracy—which makes sense since they have the means to locate it and take it down. To be Article 17–compliant, internet platforms must, in the absence of having received authorization to reproduce a work:

* Make “best efforts” to license or otherwise receive authorization to reproduce the work

* Make “best efforts” to “ensure the unavailability” of infringing works whose rights holders have provided the “relevant and necessary information” for finding and removing them

* “Act expeditiously” to disable access to or remove the work from the site after they’ve received “a sufficiently substantiated notice” from the rights holders and “make best efforts to prevent future uploads”

Recognizing that newer, smaller ISPs won’t be able to afford the newest and best artificial or human filters to catch infringement, the directive applies a lower standard to those that are less than three years old and have an annual turnover of less than €10 million. Florence–Marie Piriou explained that the article targets only for-profit sharing platforms, not users. Nonprofit platforms (such as encyclopedias, Wikipedia, etc.) are not covered.

“One of the aims of the directive,” said Barbara Hayes, “is to get stakeholder dialogue going. Again, it’s ‘how do you drag certain parties kicking and screaming to the table?’ We don’t know yet, but I’m sure we’ll be finding out . . . This is all just about

are often bound by old contracts that don’t reflect the true value of their work.

* The Public Lending Right in Its Various Manifestations, and Why Can’t We Have One in the U.S.?

The panel on the Public Lending Right (PLR)—which assures that authors receive compensation when their works are loaned through libraries—described how this system works in more than 34 countries worldwide (including the U.K. and Canada) and explained why the Authors Guild is now advocating for such a system in the United States. (See page 19 for a more detailed discussion of the panel and how PLR works.)

Views from the U.S.

The U.S. panel, led by Authors Guild executive director Mary Rasenberger, with Tom Kennedy, executive director of the American Society of Media Photographers, and Rebecca Blake, the advocacy liaison for the Graphic Artists Guild—addressed several topics of special interest to U.S.-based authors, including the pending Copyright Alternative in Small-Claims Enforcement Act (CASE Act), which would create a small claims tribunal in the U.S. Copyright Office, making it possible for individual authors to protect their copyrights without having to file expensive and complicated federal lawsuits. (The bill, which has since been passed by the Senate Judiciary Committee, is addressed in greater detail on page 44.) The panel also addressed Section 512 of the DMCA and the Guild’s opposition to OpenLibrary.org’s unauthorized scanning and e-lending of works under its theory of “Controlled Digital Lending,” both of which are addressed below.

* Section 512 of the DMCA

Section 512 of the Copyright Act is the U.S.’s attempt at addressing the responsibility of ISPs when users upload infringing works to their platforms. This law, which was passed in 1998 as part of the Digital Millennium Copyright Act (DMCA), was
meant to incentivize internet service providers to actively cooperate in an effort to police and reduce piracy. Several U.S. courts, however, failed to implement the law as intended. Instead, in a series of decisions, the courts effectively erased four separate conditions for safe harbor protection and turned the law into an exemption requiring little meaningful cooperation from ISPs regardless of whether and how much they profit from the piracy. The result is that a once-multipronged law has been reduced to a mere “notice and takedown” statute, so that the burden of policing piracy rests solely with the rights holders whose works were infringed, even though rights holders have no control over the acts of infringers on the third-party platforms.

Rebecca Blake of the Graphic Artists Guild noted that the provision has proven “ineffective for the American system,” and executive director Mary Rasenberger called out Section 512 as ineffective in dealing with internet piracy, saying the provision “was intended to do what Article 17 is intended to do, but doesn’t.” She noted that the DMCA is now more than two decades old and needs amending. The Guild, among several organizations in the United States, is advocating for the “notice and takedown” provision to be replaced with a “takedown and stay down” regime. The U.S. Copyright Office has held three roundtables with copyright stakeholders to discuss Section 512 and its “notice and takedown provisions,” and we expect a report to be released later this year.

* Controlled Digital Lending

One of the more troubling issues for the Guild, as Mary Rasenberger explained to our international counterparts, is Controlled Digital Lending (CDL), a recently invented legal theory meant to justify libraries’ scanning (or obtaining of scans) of print books and the e-lending of those digital copies to users without authorization from the copyright owners. Libraries argue that a large number of 20th-Century works are not available to them in a digital format, and thus their only option is to digitize these works for themselves. According to Ms. Rasenberger,

CDL’s threat to author incomes and the e-book market comes from two directions: 1) unauthorized scanning and e-lending of books that were previously published only in physical formats would usurp the market for creating new e-book versions; and 2) instead of purchasing library e-book licenses (which are more expensive than consumer editions for good reason), libraries would simply digitize the print book from their collection, depriving authors and publishers of important licensing income. Needless to say, if Internet Archive’s plans to expand Open Library broadly to all libraries are realized, it would eventually decimate the market for library e-books, put a massive dent in the e-book market in general, and usurp authors’ rights to bring their older works back into the market.

Indeed, alternatives to CDL that would allow libraries to provide electronic versions of older books and that would provide remuneration to authors already exist (at least in Europe), namely the PLR and extended collective licensing systems described by our European colleagues.

The summit proved a valuable educational experience for all involved, opening a window into how our European peers address issues that parallel our own. In an ever-shrinking world, it is essential that the Guild work with our colleagues around the world, exchanging information about our respective domestic issues and offering support for one another’s battles. We know from long experience that there is much to learn from our international colleagues about how we can help ensure that authors and other creators can thrive in the digital economy. This time our members were able to take part in the discussion as well.

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3 www.authorsguild.org/industry-advocacy/controlled-digital-lending-is-neither-controlled-nor-legal/

4 blog.archive.org/2019/07/01/most-20th-century-books-unavailable-to-internet-users-we-can-fix-that/
We Need a Public Lending Right, Now More Than Ever

By Umair Kazi

The Public Lending Right—or PLR—is a common feature of copyright laws in industrialized countries.
Resting on the principle of “no use without remuneration,” PLR is recognized by close to 60 countries, 33 of which have implemented licensing and fee-distribution schemes (PLR systems) to cover loans of copyrighted works by libraries and public institutions. (Hong Kong, Greece and Turkey are actively debating adopting a PLR system.) Among its peers, the U.S. is the only country where PLR has not been implemented or recognized. It’s about time we changed this.

The Authors Guild has made the pursuit of a PLR system for U.S. authors a key part of its advocacy program for the coming years. We hope to raise awareness of this important right, which U.S. authors have been denied for decades.

This is not the first time we’ve raised the PLR issue. In 1979, the Guild adopted a resolution to pursue PLR in the U.S., which was followed by a decade of advocacy and the introduction of two bills in Congress. But by 1989, the momentum was gone, done in by misconceptions about the effects of a PLR system on libraries and by the political preference for deregulation that marked the Reagan years.

A lot has changed over the last 20 years with regard to both copyright law and book licensing, prompting a fresh consideration of PLR. First, courts in the U.S. have stretched the definition of fair use to the point that it has cut into creators’ ability to profit from their work. Courts have found mass reproductions to be fair use as long as the reproductions foster some kind of broadly defined “transformative” purpose, and libraries must rely on fair use to take advantage of digital technologies because the law has not kept up. For more than a decade, fair use has increasingly been called upon to serve the role for which statutory or collective licenses traditionally were created (and which are still used in other industries, such as music). Only with fair use, the price is set at zero.

A PLR system would reiterate copyright owners’ exclusive right to allow reproductions of their work, as well as their right to receive remuneration for its use.

The collateral assault on copyright from programs such as Open Library’s “Controlled Digital Lending”—digitizing books and e-lending without authorization or payment under a specious fair use theory—makes it clear that PLR is needed more now than ever before. Some librarians and academics argue that they need the right to create e-book versions of older books because publishers do not make them available in digital form, and if books are available only in library stacks, researchers do not use them. Librarians refer to it as the “20th Century book problem” and explain it thus:

Many 20th Century books are not available for purchase as new copies in print or as digital versions online. Libraries would like to provide digital access, but many rights-holders have not offered those titles for sale in that format. The morass of rights management, combined with the orphan works problem and the ever-increasing copyright length, has made it complicated to see a path forward to broad digital access.1

While we fully appreciate the desire to provide electronic access to 20th-Century books and applaud libraries for their efforts in bringing these older books to light, it should be done legally—with authorization—not by ignoring copyright. PLR would provide libraries with an easy payment mechanism to compensate authors and publishers,

1 controlleddigitallending.org/whitepaper
and it could also be used to help libraries create electronic copies of out-of-print 20th-Century books. It would, however, have the advantage of being legal, and both the author and the publisher would receive a small fee.

Contrary to widespread misconceptions, PLR systems do not impose financial burdens on libraries. In fact, a studied approach to PLR would benefit authors and libraries alike. Under all but one PLR system, separate government funds compensate authors for loans and reproductions of their books, often based on a representative sampling of circulation data from libraries. A central part of the Authors Guild’s PLR proposal is that a new fund be created to support PLR so that library budgets are not in any way affected. Indeed, at the same time, we will be lobbying for increased library funding. From a federal budget perspective, the amounts to be paid out are negligible. The U.K. commits about £6–7 million per year under its PLR system and Canada recently increased its PLR budget to $5 million.

PLR also offers numerous benefits to libraries. Smaller and rural libraries that lack data collection and processing capabilities could use the reports from a PLR system to learn more about their circulation patterns and improve their acquisitions. Specific insights could be used to raise money for libraries and to advance literacy projects responsive to the local community. Most of all, a comprehensive PLR system would unite authors and libraries in their shared goal of fostering literary culture.

Some critics of PLR argue that a small stream of income from library lending will not make any material difference to authors’ dire financial conditions. That is untrue. PLR could significantly boost author incomes. Our Authors Registry, for instance, pays U.S. authors PLR royalties from the U.K. that range from a hundred dollars to several thousand per year. When mean writing income is $20,300, as the Guild’s 2018 authors’ earnings survey showed, that extra cash can make a big difference. PLR may not solve the crisis of author incomes, but it will without a doubt signal a cultural and political commitment to respect the contributions writers make to our society and to ensure they can earn a decent livelihood. A

The Authors Legacy Society

The Authors Legacy Society was created to allow the Authors Guild’s most loyal supporters to make a commitment to the Authors Guild Foundation that lasts beyond their lifetimes. By including Foundation in your estate plans, you can help ensure that its essential work will continue in the years to come. Members of the Society will receive a memento of appreciation and will be listed annually in the Authors Guild Bulletin, unless they choose to remain anonymous.

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AUTHORS: DO YOU HAVE THE PROPER VISA TO ENTER THE U.S.?

Authors who are not U.S. residents are at risk of being denied entry if they arrive in the U.S. without the correct visa.

By Umair Kazi

The current political climate in the United States and in many other countries has created considerable anxiety around international travel. In the last two years, we’ve heard stories from several authors who were denied entry or refused visas for travel to the U.S.

Entry into the U.S. can be denied if the purpose of your travel does not align with your travel authorization at the time of entry. Here we break down the common visas authors use to visit and stay in the U.S. If you are a foreign author visiting the U.S. or if you are sponsoring the visit of a foreign author, be sure to do your research before applying.

**Visa Waiver Program/ESTA**

Citizens from the 38 countries in the Visa Waiver Program (VWP) do not need a visa before arriving in the U.S. Under the VWP these visitors can get a 90-day entry visa on arrival. Prior to entry, visitors must register with the Electronic System for Travel Authorization (ESTA), which provides real-time notification of whether the applicant is allowed to enter the U.S. If the ESTA application is denied for any reason, applicants are advised to apply for a visa. VWP applicants should register for ESTA well in advance of their visit to leave time for the visa application and approval process in case their ESTA application is denied. Although visits to the U.S. under the VWP are restricted to 90 days, once approved, your ESTA is valid for two years from the date of approval or until your passport expires, whichever occurs first. During this period, approved visitors can make multiple 90-day visits to the U.S. Moreover, as the VWP allows for both tourist and business travel, visiting authors are allowed to receive honoraria and travel reimbursements. VWP caps the number of honoraria payments to five in six months.

**O-1**

The O-1 is a type of non-immigrant visa that allows people with extraordinary ability in the arts,
mind that the U.S. only allows 65,000 H-1B visas per year, some of which are reserved for candidates from particular countries, with an additional allowance of 20,000 visas for those with a master’s degree or higher level of education from a U.S. institution.

Depending on your circumstances and your country of origin, other options may be available to you. We also advise working with lawyers experienced in handling immigration matters for artists. Having your paperwork in order can save you a lot of headache. Similarly, organizations sponsoring visits by foreign authors are encouraged to seek legal counsel when preparing paperwork and applications. The Authors Guild legal department can help answer your questions and provide a referral to competent immigration counsel if necessary.

B Visa (Business, Tourist, or Mixed-Purpose Visitor Visa)

Authors visiting the U.S. for paid engagements who do not qualify for the VWP can apply for a visa in the “B” category, which allows business or pleasure stays in the United States. Note that when traveling under a B-category visa, the length of time you’re allowed to remain in the U.S. is determined at the port of entry by a border patrol officer. If you’re traveling under a B-business visitor visa to attend a 10-day conference, the border patrol officer may allow a stay for that period regardless of the length of your visa’s validity. If you’re traveling for a combined professional and leisure purpose, you may be allowed a longer period of stay. The purpose will also determine what you can receive as remuneration, although generally speaking, travel reimbursements and honoraria are allowed if you meet all of the visa requirements.

H-1B (Employment Visa)

Like the O-1, an H-1B visa is available only to applicants possessing specialized skills and knowledge in particular fields, which include the arts, education, research and journalism. The primary difference between the H-1B and the O-1 is that the H-1B requires regular full-time employment by a U.S. employer who also sponsors the H-1B application. The skills requirement for an H-1B visa is generally lower than for an O-1. However, bear in mind that the U.S. only allows 65,000 H-1B visas per year, some of which are reserved for candidates from particular countries, with an additional allowance of 20,000 visas for those with a master’s degree or higher level of education from a U.S. institution.

Depending on your circumstances and your country of origin, other options may be available to you. We also advise working with lawyers experienced in handling immigration matters for artists. Having your paperwork in order can save you a lot of headache. Similarly, organizations sponsoring visits by foreign authors are encouraged to seek legal counsel when preparing paperwork and applications. The Authors Guild legal department can help answer your questions and provide a referral to competent immigration counsel if necessary.
E-BOOK LIBRARY PRICING: THE GAME CHANGES AGAIN

Short-term, perpetual, embargoed, windowed: What’s an e-book worth to local libraries?

E-book readership has exploded in recent years, with publishers rushing to release hot titles in digital form in order to reach those who prefer an electronic read to a paper one. Libraries have adapted to this development as well, purchasing e-books from publishers to lend along with paper editions. But this would-be symbiotic relationship between e-book publishers and libraries has been unsettled in recent months by publishers seeking to renegotiate the terms.

In June, Hachette announced that it would begin licensing its e-books to libraries for two-year terms instead of in perpetuity. The first-time licensing fee would be lower than what libraries had been paying for perpetual licenses, with libraries having the option to renew once the two years are up.

Different publishers have used different models for library e-book licensing, including the “perpetual ownership” model, where a library pays a flat, one-time fee to the publisher for access to an e-book, which the library can then lend out for as long as it wishes.
Other publishers have licensed e-books to libraries for a limited period of time or a limited number of loans. Fees for the perpetual licenses are of course much higher than those for limited use, prompting criticism from libraries over the years. For example, a single Hachette e-book retails for $14.99 for an individual consumer, while the library price is $84. The reason for the higher prices is that the revenue per reader for the publisher (and hence the book’s author) drops dramatically when one considers that a single library e-book could be lent out hundreds of times and generally is read by far more people than the physical library edition. Publishers and library associations have long been in discussion about how to best accommodate the loss of sales due to library e-books and the inability of many libraries to pay high prices for the e-books they would like to acquire.

Hachette was not the first publisher to reconsider its licensing model for library e-books. In October 2018, Penguin Random House (PRH) launched a “metered” system of renewable two-year licenses. When announcing this decision, PRH suggested that a cheaper, temporary license is actually preferable for libraries, given that demand for new books is typically highest in the first couple of years after publication. “Most librarians,” said a PRH spokesman, “are telling us they would rather pay lower prices across our frontlists and backlists, in exchange for a copy that expires after a given time period.”

Simon & Schuster also offers a one-year lending term for all e-books and a two-year lending term for some e-books (mostly backlist), where the second year is half-price. HarperCollins’s model is slightly different. Since 2011, it has offered a 26-loan limit on e-books, and in 2018, it added a new e-book “cost per circulation” option (where the library pays the publisher a small amount each time an e-book is checked out) for some backlist titles.

A new twist in library licensing has recently been introduced into the conversation—“windowing”—that is, delaying e-book licenses to libraries for a period of months after the book’s publication, in the manner that movies are often not made available for television viewing until they have been in theaters for a period of some months. In July 2018, Macmillan announced it was testing a four-month delay window before making e-books from its Tor imprint available to libraries. With this window, it tested the hypothesis that immediate e-book lending availability cuts into e-book sales and author revenue, leading to “an adverse impact on our e-book sales over a period of time.”

Based on the results of that test, Macmillan announced in July that it was making a formal change to its library e-book licensing program. It will now make one copy of an e-book available upon that book’s release to each library system in perpetuity, at the half-price rate of $30 for that one copy. According to Macmillan, “this change
THE MODIFICATIONS TO E-BOOK LENDING UNDERTAKEN BY FOUR OF THE BIG FIVE PUBLISHERS OVER THE PAST YEAR SUGGEST THAT THERE MAY BE NO RETURNING TO PERPETUAL OWNERSHIP ANYTIME SOON. BETWEEN HACHETTE-STYLE METERING AND MACMILLAN-STYLE WINDOWS, LIBRARIES MAY COME TO ACCEPT A METERED LICENSE MODEL AS THE MORE ACCEPTABLE OPTION.

reflects the library request for lower prices and perpetual access.” Libraries may obtain additional e-book copies of that title eight weeks after publication, for a period of two years (or 52 lends) at the cost of $60 per license; these licenses can then be renewed for additional two-year (52-lend) periods. The new system will apply to e-books only, and libraries will still be able to order as many physical books as they like.

In response to Hachette’s announcement, the American Library Association (ALA) released a statement expressing concern that libraries seeking to renew their e-book licenses would actually pay more under the new system. The ALA reacted to Tor’s proposed window, or “embargo,” dismissing as “tired and unproven” the belief that e-book lending cuts into sales, and ultimately “denounced” Macmillan’s new library e-lending model.

The modifications to e-book lending undertaken by four of the Big Five publishers over the past year suggest that there may be no returning to perpetual ownership anytime soon. Between Hachette-style metering and Macmillan-style windows, libraries may come to view a metered license model as the more acceptable option.

Given that these changes to e-book lending are fairly recent, it is difficult to gauge their impact on authors. Certainly, the publishers’ intent is to drive up e-book sales, whether to libraries renewing a metered license or to readers who will choose to buy an e-book that they cannot find at their library. Libraries warn that these changes will actually harm authors by reducing their exposure to new readers who may be more willing to check out an e-book from the library than to take a chance on a purchase—although given the very low cost of e-books compared to other forms of entertainment or indulgences, that should not be the case.

The library e-book market is still relatively young and evolving. In these recent changes to licensing agreements, we see publishers and libraries struggling to try to find the right balance between libraries’ interest in broad access to library e-books and ensuring that publishers—and authors—have sufficient economic incentives to publish and write great books. No one model is perfect, and undoubtedly the latest reconfigurations will need to be tweaked over time as markets continue to evolve. In the meantime, we applaud publishers and libraries for their willingness to experiment to figure out how to recalibrate the balance.

In response to Hachette’s announcement, the American Library Association (ALA) released a statement expressing concern that libraries seeking to renew their e-book licenses would actually pay more under the new system. The ALA reacted to Tor’s proposed window, or “embargo,” dismissing as “tired and unproven” the belief that e-book
Toni Morrison, winner of the Nobel Prize in Literature, master prose stylist, chronicler of the black American experience, editor, professor and longtime Authors Guild member, died on August 5 at the age of 88. It is impossible to imagine contemporary American literature without her voice.

Morrison was recognized as one of the most influential writers in American literary history. In 1993, she was the first African American woman to win the Nobel Prize for Literature. Her 11 major novels—The Bluest Eye, Sula, Song of Solomon, Tar Baby, Beloved, Jazz, Paradise, Love, A Mercy, Home and God Help the Child—have earned extensive critical acclaim. She received the National Book Critics Award in 1978 for Song of Solomon and the Pulitzer Prize in 1988 for Beloved. Her books of essays include Playing in the Dark: Whiteness and the Literary Imagination and The Origin of Others, drawn from her 2016 Norton Lectures at Harvard University. She was also the coauthor, with her son Slade, of a series of children’s books. For many years, Morrison was the Robert F. Goheen Professor Emerita in the Council of the Humanities at Princeton University. Prior to her Princeton appointment, she held the Schweitzer Chair at the State University at Albany. She was a senior editor at Random House for 20 years.

Novelist and Guild member Tayari Jones wrote about Morrison’s influence on her work in The Atlantic in 2019: “It’s not every day someone voices your deepest, most rageful thoughts in an eloquent way and leaves another person dumbfounded. That doesn’t happen in real life, but it can happen in books. And you just feel like: At last, someone has said it.”

Morrison exerted her influence not only through her own fiction but through her promotion of the voices of others. “I look very hard for black fiction,” she told an interviewer while she was working at Random House, “because I want to participate in developing a canon of black work. We’ve had the first rush of black entertainment, where blacks were writing for whites, and whites were encouraging this kind of self-flagellation.
Morrison is survived by her son Harold and three grandchildren. Her son Slade predeceased her in 2010. The Authors Guild is honored by her many years of support and joins the rest of the global literary community in mourning the loss and celebrating the work of one of the greatest writers our country has ever produced.

Now we can get down to the craft of writing, where black people are talking to black people.”

A member of the Authors Guild for decades, Morrison received the Guild’s award for Distinguished Service to the Literary Community in 2017. Her award was presented by her longtime editor, Robert Gottlieb—an author in his own right—who offered that Morrison has “made an indelible impression on everyone who has been writing in the last 40 years.” In her speech that evening, Morrison reflected on the nature and importance of community to the literary calling. “The truth is, an author’s work is not merely competitive,” she said. “As strong as competition is, it is not nearly as strong or as needed as community.” She continued:

We’re all here together, and other than some of our authors and some book designers who get their names in the books, there are very few people in the world who know the names of those in the community, because they’re not listed in books. Bob Gottlieb’s name is not in any of my books. Nor are the chairmen or the chairwomen who run these houses. They’re not identified, nor are the publishers, editors, sales people, copyeditors, the financial stewards, the publicists, the bookstores, the chains as well as the small ones. Nobody knows their names. And it should remain that way. Anonymous or not, we are a necessary community. Necessary because the dangers to our profession are many. The first one is ignorance. Ignorance in so many places, that must be undone. Financial duplicity and the cost of human vulnerability via entertainment or simple instruction. Or simple, powerful fiction. In any case, as a community, we are committed to identify and to render language, its place, its power, and its eloquence, one book at a time.

“IT’S NOT EVERY DAY SOMEONE VOICES YOUR DEEPEST, MOST RAGEFUL THOUGHTS IN AN ELOQUENT WAY AND LEAVES ANOTHER PERSON DUMBFOUNDED. THAT DOESN’T HAPPEN IN REAL LIFE, BUT IT CAN HAPPEN IN BOOKS. AND YOU JUST FEEL LIKE: AT LAST, SOMEONE HAS SAID IT.”
—TAYARI JONES
Showing Toni Morrison What Beloved Meant to Me Took 20 Years

By Rich Benjamin

The first time I ever encountered Toni Morrison in person was at a reading at the Riverside Church in Harlem, in the mid-1990s, not long after she won the Nobel Prize in Literature. I presented her with my copy of Beloved. She shook her head politely, but firmly, and declined to sign it.

Around two decades later, in December 2014, I decided to take a friend up on his invitation to see Morrison receive the Social Justice Award from the New Press at a reception in New York City. I arrived early to the affair, knowing that the event would be packed, given her iconic status. Spotting her majestic coif of gray dreadlocks in the back of the venue—who could miss it?—I practically tiptoed my way toward her. I clutched my dog-eared copy of Beloved, the same copy as 20 years prior, which I had owned since my junior year at Wesleyan University. I sheepishly asked her, “Would you please sign this?” She did not grab the book and sign as I hoped. Instead, she suddenly noticed writing in the margins and carefully flipped the pages. I was nervous, mortified even, as she quietly read my scribbles. I’d forgotten that the novel was full of even more notes, Post-its crumpled throughout the book. She took her time reading those too. After what seemed like an eternity, she nodded in approval, shot me a sly smile and said, “I am certain I would not have survived as a reader or writer were it not for its authors’ reflections from an increasingly careful reader, not just a fanboy begging for an autograph.

Over the years, I have been heartbroken by the disappearance of print culture, the growing apathy for handsome books, reader markings on sensual pages. So one of my passionate hobbies is collecting signed books. Mine is a joyful, methodic, lifelong collection that includes a panoply, ranging from Barack Obama’s autographed memoir to my friend Christopher’s poetry collection, the obscure, anarchist rhymes of a queer punk. But the most cherished of them all is my signed copy of Beloved. I am grateful because well before I even knew whether Morrison was amused by the sophomoric observations noted in my first read, or whether she was curious about the reflections from an increasingly careful reader, not just a fanboy begging for an autograph.

The first time I read Beloved, as a college junior, it flew over my head. The next time I read it, as a young hooligan living in the East Village, I could grasp its creative whispers, its social messages—if only tentatively. Picking the novel up again in 2017 with more life experience, I finally got the book—deep in my cortex, instinctively in my blood. It was my fifth reading.

Now, Beloved is the novel that most resonates to my life, to our complicated nation, to creativity, to parent-child relationships. In fact, my novel in progress and I are consumed by the whole conundrum of being a child and a parent, the spiritual hurt of absentee parents, the way that parents have complicated lives before having children, the parents one thinks one has, the parents one might wish to have had, the way that family members go missing on each other, and the way, no matter how tightly a family thinks it is bonded by hardship, parents and children sometimes end up more intimately known by strangers than by one another, and children don’t know their parents’ ordeals.

Beloved is the novel that I needed years to fully understand, but it inspires me in minutes. I am grateful because well before I inspected my notes in the margins, Toni Morrison gave a ragtag group of people like me the permission and inspiration to write—and to continue writing. “There is no time for despair, no place for self-pity, no need for silence, no room for fear,” Morrison once said. She also told us, “If there is a book that you want to read, but it hasn’t been written yet, you must be the one to write it.”

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I love the desert—the minimalist environment, how your eyes can stretch for miles, the hardly traveled roads that go on and on. But I didn’t want my writing life to resemble a desert, and lately it had felt as if it did. Other than publishing an article here and there, I was cruising a long dry spell. All writers have them. But my parched streak had gone on for too long. I began to worry that things would never improve. My novel in progress had reached a roadblock.

I complained to my 24-year-old son. “Maybe I’m no longer a writer.”

As well as being a musician and songwriter, Travis is a logical, rational person who has grown up with a father who is a full-time musician and a mother who has been a freelance writer since before he was born. He’s had a front-row seat to the ups and downs writers and artists go through.

“Of course you’re a writer,” he said. “You had a book published. When’s the last time you read The War of Art?”

I had given him the book a year ago when he needed a dose of motivation, and The War of Art: Winning the Inner Creative Battle is the best motivator I’ve come upon. Whenever I begin to obsess about the publishing business and start to equate the dearth of current publications in my life with my own intrinsic worth, or when my students berate themselves about the same things, it’s time to break out Steven Pressfield’s short but powerful book. That and the Bob Newhart video on YouTube: “Stop It!” It’s a great reminder to shut up and get to work.

Over the two hours it took me to reread The War of Art, Pressfield reminded me that we need to reframe our thinking about art and writing. The major battle for artists of all kinds is the resistance we ourselves create, and that stops us from tapping into our creative selves.

It reminded me of something I already knew but had once again forgotten: If you want something to happen, make it happen.

After spending five years on my novel, I needed more immediate gratification than it was
giving me. It was time to send out shorter pieces and make it rain. While focused on the novel, I had continued writing essays and short stories, only to submit them in a scattershot way. I’d send a story out; it would come back with a no, sometimes accompanied by feedback or an encouraging word from an editor, sometimes not. I had more than a dozen unfinished pieces, half-forgotten and growing stale on my hard drive.

I looked through my files to see which pieces were close to being finished, printed them out, then picked a few I felt were good enough to finish and submit. I made a note of anthologies that were calling for short stories, decided that the beginning of one in my reserve file could work as a flash fiction piece (short stories under 1,000 words), and that it was time to unearth a couple of published essays and submit them to journals that accepted reprints. Ditto for a couple of Q&As I wanted to do for literary journals. A friend sent me a notice for a poetry contest with a cash prize, and I entered. Months earlier I’d tried to place a book proposal for a noir anthology and got a not-exactly-a-rejection note in return, suggesting I try the editor again in the future. I did.

For a couple of weeks I dug in hard, polishing pieces that were almost there as well as the book proposal. I would romance rejection and see where it took me.

I re-subscribed to Duotrope.com, a valuable online publishing resource for authors. Every day I searched for another journal that was open to submissions and sent work out: three poems, two essays to journals that accept reprints, a fresh essay to *The Ocotillo Review*. I wrote, finished or tweaked three short stories and submitted them to the anthologies.

I can’t say how many publications I sent work to, but it was enough to make my eyes blur. I remembered something I’d heard a friend in sales say, that you have to make at least a hundred calls to get five yeses. Marketing your writing is a bit like sales. The more I submitted, I reasoned, the more likely it was that I’d garner a few yeses.

I also did some overdue housecleaning. If there is something to the idea that feng shui works for homes, maybe it applies to creative work as well. I bought expandable files: one for works in progress so I could see what still needed to be done, another for filing completed stories and essays that I had submitted, plus others that had been accepted but not yet published. In yet another file I stashed the embryos of longer projects that I might someday want to do something with.

I did *not* sell my novel to the movies. But over the next two months, things began to happen. Reprints, stories, an essay were accepted. On the same day the essay was claimed by one literary journal, it was rejected by another. That’s how it goes. Had I only sent it to one journal, the no may have come in instead of the yes. I also signed a contract to edit *Palm Springs Noir*, an anthology published by Akashic Books, and a project I had wanted to take on for at least a year.
I’ve known many talented writers who gave up submitting work almost as soon as they started because they couldn’t deal with the rejection. But in our line of work, rejection is a part of the game. If you can’t deal with it, you have two choices: stop now or develop a thick skin. Because unless you become a best-selling author, a rare status as we all know, you’re going to get rejected, even after you’ve started to get accepted. I developed a thick skin early, yet every so often it wears thin. While I’m an endless encourager of others, I’ve been known to give up too soon, too. So when students or friends say they sent out their story or essay or book-length work a handful of times and got a handful of nos in return, I say that ain’t nuttin’. If editors or agents give you feedback, act on it. And keep on sending out work.

Or as Dennis Palumbo, Los Angeles author and therapist to creatives, says, “Keep giving them you until you is what they want.”

There are many other things I do to revive my writing mojo: I subscribe to journals I want to be published in, buy new books (used books don’t help authors), and support indie bookstores by shopping there. I try to be a good literary citizen by going to readings, writing conferences, book fests. I give back by sitting on panels and interviewing authors for my radio show and print interviews. You have to drum up some good karma for the publishing rain gods to want to help you.

Even in the desert, it does eventually rain.

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.
The latest scam targeting authors’ work may be the most brazen yet. In yet another attack on publishing revenue, recently we have observed a growing market for book “summaries” that cannibalize book sales and often deceive consumers. These unauthorized summaries—enabled by today’s digital book platforms, most notably Amazon’s—are sold for profit, using the real books’ titles and their authors’ names, frequently along with very similar cover art, to deceive readers into buying them instead of the actual book. The companies behind these schemes hire writers on the cheap—or in some cases, appear to use artificial intelligence—to create the summaries, often targeting bestsellers.

Some of these questionable business models have been around for years, such as Instaread, a service dedicated to providing snackable summaries of bestsellers in 15-minute “bundles.” Recently, Scribd has gotten into the business as well, with its Snapshots program offering “the literary equivalent of movie trailers.” But freelance scammers are also getting into the market and they sell through online platforms like Amazon and Google Play. These unauthorized satellite products (many of which infringe the copyrights in the original books) are promoted through a variety of tactics available to sellers on Amazon, allowing them to gain marketplace primacy over the books they purport to summarize. Authors and publishers lose sales, consumers are deceived into purchasing flimsy takes on books they intended to buy, and authors’ reputations are dragged through the mud of the Amazon reader reviews. It would seem to be a lose-lose-lose situation. And it is, for readers and for the authors and publishers of the original work. But the sellers, who work at volume, turn a tidy profit, and Amazon still gets its cut.

**How the Scams Work**

It’s worth noting that it’s not just digital neophytes who are being tricked into purchasing these misleading texts; sophisticated consumers and readers are victimized too. Sellers appear to be using several strategies in order to game unsuspecting...
readers—and the fact that the summaries are almost always cheaper than the publishers’ editions only increases chances that readers will be lured into buying them.

**Deceptively Similar Cover Art**

Perhaps the most blatant ploy sellers use to lure readers into purchasing their product instead of a legitimate edition is by making the cover look as similar as possible to the original, as one seller did with a summary of J. D. Vance’s best-selling *Hillbilly Elegy*. The thumbnail cover images Amazon uses to identify the products are miniscule, making it hard enough to differentiate between the real book and the summary on a desktop screen, let alone on a mobile device. Examples like the *Hillbilly Elegy* fake (above) abound, with images of similar tone, composition and ambience combined with similar fonts and typographical layouts to make readers believe they are purchasing the actual book.

After the Authors Guild brought the problem of consumer confusion to its attention a few years ago, Amazon instated a policy that all such “summaries” or “workbooks” must include the word “summary” or a similar term on the cover. But because the type is often so small or faint and the cover so similar to the original, readers can easily miss the word. In the above example, the term “summary” is large but virtually illegible, practically disappearing into the background.

**“Sponsored” Summaries Featured First in Search Results**

It’s no secret that Amazon allows its sellers to purchase “sponsored” space at the top of the search results. This is in itself a borderline deceptive practice, as most consumers view the first re-
sults returned as those most suited to their query (though this inclination may be decreasing as digital consumers grow more sophisticated regarding tech companies’ manipulation of search results). But agreeing to feature a deceptive version of an author’s work more prominently than the genuine article by listing it above a legitimate copy (above) is a qualitatively different practice than, say, featuring a vacuum brand which has purchased the sponsored space to compete with rival brands.

**Amazon Allows Sellers to Game the Bestseller Designation**

Bestseller designations have a way of increasing sales, and some of the more disreputable summary publishers—and there are plenty of them—know how to work the Amazon system to make it to the top of bestseller lists. A summary knockoff of the bestseller *The Subtle Art of Not Giving a Fuck* claims it is the “#1 New Release” in the spurious category “Men’s Personal Spiritual Growth.” Such a tag lends legitimacy to the title in question. At the time of writing, this particular title may have been the number-one new release in the “Men’s Personal Spiritual Growth” category, but it was actually the 57th bestseller *overall* in that illustrious category, outselling real titles by genuine best-selling authors such as Deepak Chopra and Dale Carnegie.

**Abominable Quality**

Author Delia Owens was unlucky enough to be the subject of a “workbook” based on her *New York Times* bestseller *Where the Crawdads Sing*. Topping off poorly written text, the summarists in-

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**How to Use this Workbook For Enhance Knowledge.**

**COMPLETE BEGINNERS** can begin using this Workbook for *Where the Crawdads Sing* by Delia Owens to get immediate help of the major lessons and Summary of the book.

The goal of this Workbook is to help answer all your problems by providing all the juicy details in the bestselling novel; *Where the Crawdads Sing* by Delia Owens, which will help you understand the authors true meaning in this novel.

By using this Workbook, readers will find summary, quotes etc which we believed were major in defining the crucial messages of the author in the book.

There are spaces to jot down your thoughts at the end of each Section. Take out a pencil, pen, or whatever digital technology you would put to use to jot down your thoughts and feelings, while you read.

And don’t forget to have fun – While at it. *This Where the Crawdads sing Workbook* reminds us that we are forever shaped by the children we once were, and that we are all subject to the beautiful and violent secrets that nature keeps.
vited readers to “jot down your thoughts” on two blank lines—one almost as wide as the column below, and the other just a fraction of that.

To take another example, on Google Play we found a “summary” of the best-selling health and wellness book Wheat Belly. The second paragraph, which describes chapter 1, opens with this unintended Gertrude Stein parody: “Wheat belly is a belly generated on belly which is an accumulation of fats.” The person who buys the summary will be either in stitches or very confused or will quickly realize the book is bogus. In either case, it does not do the real author’s reputation any good. You can only hope that the reader will realize their mistake and go back and buy the real book. Fortunately, this summary only cost 49 cents. But if the copy is not quite that bad and the summary not that cheap, a buyer could fall for it.

Given the caliber of writing on display here, it’s clear that for many of these “summaries,” no effort was made to provide a quality product or serious analysis of the work. One wonders whether the text was even composed by a human being. The sellers’ goal is clearly to throw these products together as cheaply and quickly as possible and wait for the sales to accrue based on deception and accidental purchases alone.

Are These Summaries Infringing Copyright, Or Are They Fair Use?

Even before we arrive at the question of whether these practices violate unfair competition laws by misleading consumers, there is a threshold question of whether summaries like the ones we have been discussing infringe copyright.

The right to make a work based on another original work of authorship is known as the “derivative works” right under copyright law and is one of the six exclusive rights that belong to the copyright owner. So, to translate a book or adapt it for a movie, opera, or video game, you’ve got to get the author’s permission. The same holds for a summary or abridgement of a book, even if it doesn’t copy the exact language. Those types of uses have traditionally been licensed since they typically use copyrightable elements of the work, such as its plot, structure, characters, or even the actual language. By simply summarizing a book, including a work of nonfiction, one will almost always infringe the derivate work’s copyright unless the summary describes only the ideas presented. Ideas in and of themselves are not copyrightable—only the expression of an idea is. That restriction applies primarily to the text itself, but it can include elements such as plot, the structure of a story, and its characters.

In cases involving summaries or abstracts of works of fiction, courts have virtually always found infringement, because the summaries necessarily utilize the plot, characters, and structure of the underlying stories. In the 1993 case Twin Peaks v. Publications International, the Second Circuit Court of Appeals considered whether a book containing a detailed summary of the plot of a fictional television show constituted fair use. The answer was a resounding “no.”

The court conceded that “the author of Twin Peaks cannot preserve for itself the entire field of publishable works that wish to cash in on the Twin Peaks phenomenon.” That is, a copyright holder cannot prevent the publication of socially beneficial works that criticize, parody, or analyze the copyrighted work; however, the court made clear that the summary at issue “risk[ed] impairment of the market for the copyrighted works themselves or derivative works that the author is entitled to license.”

Five years later, the Second Circuit again ruled on fair use in the context of derivative works in Castle Rock Entertainment v. Carol Publishing Group, a case in which the producers of the television series Seinfeld sued the publisher of an unauthorized Seinfeld trivia book for copyright infringement. Again, the Second Circuit rejected the fair use defense, finding that the trivia book merely served to “satiate” readers’ interest in a copyrighted work.

Similarly, in 2008, a New York federal court held in Warner Bros. Entertainment v. RDR Book that an unauthorized online encyclopedia of the Harry Potter books that collected and reorganized
various facts from the novels into a searchable form was not fair use because it took too much from the original books.

Recently, and most relevant to book summaries, in 2017 a New York federal court determined in *Penguin Random House v. Colting* that condensed, sanitized versions of classic novels for children infringed the copyrights in the books and were not fair use. The defendant, Moppet Books, had started publishing KinderGuides—condensed, simplified, and illustrated versions of the plots of famous novels by authors Truman Capote, Ernest Hemingway, Jack Kerouac and Arthur C. Clarke that included supplemental pages in the back of each book containing analysis, quiz questions and background information. Moppet argued that its KinderGuides were fair use, maintaining that they were transformative because they were shorter than the originals, intended for a younger audience, and contained a few pages of supplemental information in the books’ back matter.

The court disagreed. “Because the ‘characters and events’ in defendants’ KinderGuides ‘spring from the imagination of’ Capote, Hemingway, Kerouac, and Clarke,’ each KinderGuide ‘plainly copies copyrightable, creative expression,’” wrote Judge Jed Rakoff. Moreover, he added, although KinderGuides added supplementary material consisting of “a few brief pages of ‘analysis,’ ‘quiz questions,’ and information about the author, they are primarily dedicated to retelling plaintiffs’ stories. . . . [The supplementary materials] do not convert the KinderGuides . . . into something that no longer ‘represents the original work of authorship…. Thus because defendants never received permission from plaintiffs to produce their Guides, the Guides are unauthorized derivatives as a matter of law.”

The opinion itself is notable for the clarity with which Judge Rakoff delineates the difference between a “transformative” fair use and an infringing derivative work when it comes to summaries of plot: “[I]f a defendant’s work describes the plot of a copyrighted work “briefly” in order to add significant comment about the authors’ plotting technique, then it may be protected by fair use.

But if a defendant copies more than is necessary to facilitate ‘comment or criticism,’ then it will not be protected.”

It is clear that many of the summaries now invading the legitimate book market—particularly summaries of works of fiction and creative nonfiction—wouldn’t pass the fair use test. Only those that include a sufficient amount of legitimate analysis and commentary might be non-infringing.

The Authors Guild Will Channel Your Complaints to Amazon

What can you do if you find summaries of your book being sold online?

As a member, you can contact the Authors Guild, and we will determine if it infringes either your copyright or constitutes actionable unfair competition. If so, we will contact Amazon for you to request that they take the infringing book down.

The Guild will not be able to successfully resolve every instance, of course; we will have to convince Amazon that the “summary” at issue is a violation of your rights. As we understand it, Amazon’s current position is that not all summaries infringe copyright (which is true, though many do) and that if the summary publisher puts the word “summary” on the cover, then it is not misleading (which is sometimes, but certainly not always, true). The more actual instances of infringement we can show Amazon, the better argument we will have.

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**LEGAL WATCH**

* BRAMMER V. VIOLENT HUES

In April 2019, the Fourth Circuit Court of Appeals took a step back from the disturbing judicial trend of interpreting fair use in an overly expansive way. In Brammer v. Violent Hues, defendant Violent Hues, a video production company, copied a photograph that commercial photographer Russell Brammer took of a neighborhood in Washington, D.C., from the photo-sharing website Flickr and used a cropped version of that photograph on a brochure promoting a D.C.-area film festival. The lower court's summary judgment, which was strongly criticized by copyright experts and artist advocates, held that Violent Hues' uncompensated use of Brammer's copyrighted photograph was fair use. The Fourth Circuit's reversal of that decision has righted the ship by reaffirming and strengthening the core principles of copyright protection and fair use.

The district court had based its decision in part on the defendant's claim that it used the photograph in "good faith," since the defendant's owner saw "no indication that" the photograph was copyrighted. (This argument is one of the reasons why it's highly advisable to prominently feature a copyright notice on your work, especially on the internet.) The Fourth Circuit correctly stated that "[a]s a basic matter, copyright infringement is a strict liability offense, in which a violation does not require a culpable state of mind." Even taking at face value the defendant's owner's claim that he believed the photo was freely available to use, the Fourth Circuit found this simple statement insufficient, since (i) all contemporary photographs are presumed to be under copyright protection, and (ii) the defendant admitted that he had downloaded the photo from Flickr, "which stated ‘© All rights reserved’ in the photo caption." If Violent Hues' good-faith argument had been allowed to stand, copyright holders would have had little defense against infringers claiming that they "just didn't see the copyright symbol" or know what the symbol meant.

The Fourth Circuit's decision pointed out that unauthorized, uncompensated use of copyrighted work necessarily harms a work's market potential because artists would be unable to make a living if such use became the norm. It also found that creators have a case for copyright infringement, even without wholesale duplication of the work, if "the heart of the work" is duplicated. The Authors Guild applauds the Fourth Circuit's accurate...
application of the copyright law to Brammer’s case in particular and its affirmation of general principles that will protect creators in future cases.

CHINA TARIFFS

With the Trump administration’s imposition and threatened expansion of tariffs on goods imported from China, the publishing industry is poised to be hit hard, since so many books published in the United States are printed in China. From June 17 through June 25, the Office of the U.S. Trade Representative held hearings on these proposed tariffs, and on June 18 and 19, representatives from the Association of American Publishers (AAP), American Booksellers Association (ABA), the District of Columbia Public Library and other affected members of the book sector spoke out on how the proposed tariffs will affect them. On June 18, the AAP issued a statement opposing any tariffs on books, noting that “works of fiction and nonfiction that support and celebrate American voices . . . are printed in China” and that “[t]here are no viable alternatives [for book printing] either inside or outside of the United States at this time.” Currently, the applicable proposed tariffs are scheduled to take effect as of September 1, 2019.

Higher prices on books printed in China would have a seriously detrimental effect on authors, publishers, libraries, booksellers and readers. Publishers and booksellers would be forced to increase prices stateside to make up for the hiked prices on imported books, and already underfunded libraries would have to pay more for these books or forgo particular titles. Likewise, as higher prices force readers to purchase fewer books, authors will see sales drop. And if publishers don’t raise prices, authors’ advances and royalties will take a hit, since the amount paid to authors is often the one line in a publisher’s budget that is not a fixed or hard cost.

Books do not fall under the “technology transfer, intellectual property, and innovation” category cited by the Trump administration as the locus of China’s alleged improper trade practices, and exempting them from these tariffs would not have a material effect on the administration’s trade aims vis-à-vis China. The Authors Guild calls on the administration to exempt books and other cultural and educational materials from the proposed tariffs, as it has chosen to exempt other products.

REQUEST LEGAL HELP

The Authors Guild legal department can help you navigate the legal and business aspects of writing.

To initiate a query, go to www.authorsguild.net/services/account/legal_help/new

Be sure to include all relevant information related to your query (for example, copies of your contract, correspondence, website screenshots, etc.). This will help expedite your request. Our staff attorneys will communicate with you directly, and may request further information as needed.
**AUTHORSHIP NEWS**

**GUILD ON THE HILL**

It’s been a busy time for the Authors Guild and its advocacy efforts. In addition to multiple trips to and from Washington, D.C., to lobby for the CASE Act, we have provided comments to the U.S. Department of Commerce to assist it in combating piracy and to the U.S. Copyright Office in connection with its efforts to create a viable process by which authors can register copyright for collections of short works that have been published online (such as blog posts and freelance articles). Through the Copyright Alliance, we have signed amicus curiae briefs in two copyright cases, one of which is before the U.S. Supreme Court.

**CASE ACT**

The Guild has long insisted on the need for a copyright small claims tribunal, and on July 18, the Senate Judiciary Committee agreed, passing S. 1273, the Copyright Alternative in Small Claims Enforcement Act of 2019 (CASE Act) with no opposition. This legislation, if passed by the entire Congress (and signed by the President, of course), will provide U.S. creators with a viable means for defending their copyrighted works. The bill was cosponsored in the Senate by John Kennedy (R-LA), Thom Tillis (R-NC), Dick Durbin (D-IL), and Mazie Hirono (D-HI). The original cosponsors for H.R. 2426 (the House version of the bill) include Rep. Hakeem Jeffries (D-NY), House Judiciary Chair Jerry Nadler (D-NY), and Subcommittee Chair Hank Johnson (D-GA), as well as Martha Roby (R-AL), Judy Chu (D-CA), Ben Cline (R-VA), Ted Lieu (D-CA), and Brian Fitzpatrick (R-PA). As of September 25, the bill had 100 cosponsors in the House and 14 in the Senate.

The CASE Act would provide copyright owners with an alternative to the expensive process of bringing copyright claims in federal court. This small claims tribunal—which would be located within the Copyright Office—would allow plaintiffs to recover up to $15,000 in statutory damages per work infringed, with a $30,000 cap in total damages per case. The process would be entirely optional for both parties, and although defendants could opt out, we hope that the cap on damages and the lower legal fees would give defendants a reason to participate, if only to discuss acceptable settlement/licensing terms. The parties would not need to hire attorneys, and all proceedings would be conducted remotely, significantly reducing the cost.

The legislation is fair, balanced, and—most importantly—passable. Interested parties have been working on the bill for several years, and any complaints made by the Electronic Frontier Foundation1 and other similar groups have already been addressed in the current version of the bill. The bill discourages bad-faith claims by imposing fees on bad actors and barring chronic offenders from initiating new claims for a period of time. It also ensures fairness by stipulating that the three “judges” (actually Copyright Claims Officers) be appointed and removable by the Librarian of Congress and by requiring that two of the three have experience representing a diversity of copyright interests. The Copyright Office has itself expressed support for the current version of the bill.

With the many threats authors face today—in particular the proliferation of large-scale digital piracy—a small claims court is more necessary than ever before. Federal court litigation is unaffordable to most authors and other creators because the cost of litigation vastly outstrips the value of most copyright claims. As a result, most creators have been left with unenforceable rights. With the help of Congress and the thousands of small creators out there fighting and lobbying for this bill, we hope that’s about to change.

“A right without a remedy is no right at all,” says Authors Guild executive director Mary Rasenberger. “On an individual level, the inability to enforce one’s rights undermines the economic incentive to create new works. On a collective level, it corrodes respect for the rule of law and deprives society of the benefits of creativity.”

**DOC PIRACY REPORT**

On July 29, the Authors Guild submitted comments to the Department of Commerce (DOC) in connection with the DOC’s pend-
ing report *Combating Trafficking in Counterfeit and Pirated Goods*. In response to a presidential memo issued on April 3, the DOC asked copyright owners and other stakeholders for comments to help it address counterfeiting and piracy, which increasingly occur in online third-party marketplaces. The more the DOC understands about the impact that counterfeiting and piracy have on authors, the better it will be able to help craft potential remedies.

The Guild’s comments focused on how counterfeit and pirated books harm authors. For example, we pointed out that the piracy of a single book is the theft of years of an author’s work, which can have a devastating emotional effect on writers and feels to many like a violation. More authors are suffering than ever before due to the ease with which inexpensive but high-quality counterfeit copies can be made using print-on-demand services and the expansion of physical book piracy from higher education (where it has long been present) to trade fiction and nonfiction.

The Guild explained that a major contributing factor to the rise in book piracy and counterfeiting is that the law does not hold internet platforms accountable for illegal activities that occur in their marketplaces, whereas physical marketplaces can be held liable for copyright and trademark offenses that take place on their premises. Online marketplaces take a reactive approach to policing the sale of pirated and counterfeit products, meaning that the author or publisher—not the platforms—bears the burden of policing for infringement, even though the latter are far better positioned to identify and stop commercial-level counterfeiting and piracy on their services.

The Guild recommended changes in the law and in enforcement policies that would better protect copyright holders, including the allocation of more resources to criminal law enforcement and regulation of the major monoply-like internet platforms, and we suggested that passage of the proposed CASE Act would be helpful in this area as well.

We will review the DOC’s report once it has been issued and will factor its conclusions into our advocacy efforts.

**GROUP REGISTRATION FOR ONLINE PIECES**

At the behest of the Authors Guild and other author groups, the U.S. Copyright Office issued a proposed new regulation that would permit writers to register short literary pieces (such as blog posts or articles) published within any 90-day period as a group. Although writers can currently register as a group “works…first published as contributions to periodicals, including newspapers, upon the filing of a single application and fee,” the Copyright Office does not currently allow most online works to be registered under that definition, as it does not consider online works to be “contributions to periodicals.” This means that works published online and in other venues that do not fit the narrow definition of “periodicals” must be registered individually, each with a separate fee of $35 or $55.

The result is that most freelance writers do not register their works before their copyrights have been infringed, and as such, they forgo court-awarded statutory damages (and instead have to prove actual damages) and the opportunity to be reimbursed for their attorneys’ fees.

The proposed group registration would be vastly cheaper and more efficient than registering each work individually, especially for freelance journalists and authors who write multiple short pieces in a calendar quarter. The Authors Guild believes its members should have the right to register their works easily, inexpensively, and promptly, so that they can enforce their rights when they are infringed, as we stated in the comments filed with the Copyright Office on February 19.

We met with the Copyright Office in 2018 to explain why authors needed this regulation and to discuss what it might look like. The Copyright Office took most of our suggestions, but not all, and in our recent comments on the proposed regulation, we recommended several changes that would make the process clearer and even more cost-effective for authors. For example, while the proposed regulation would permit an author to register 50 works published over a 90-day period in one group, we recommended increasing the maximum number of works to 100. Given that some authors write daily blog posts, this increase would permit them to register a group of 90 works in a 90-day period. We concurred with the 90-day frame because the law requires that works must be registered within 90 days of publication in order to receive the benefits of statutory damages and attorneys’ fees. We also recommended increasing the maximum number of words in a “short” piece from 17,500 to 40,000, since freelance journalists can write pieces of more than 17,500 words in length, and contributions to fiction anthologies can easily run as long as 40,000 words.

Conversely, we suggested lowering the 100-word minimum to 50 words, which would allow group registration of short blog posts and poems.

Additionally, we raised some long-standing legal issues with the Copyright Office specifically with respect to the regulation’s “publication” requirement. We pointed out that it can be legally unclear what works are deemed “published” on the internet and that the “publication” requirement was unnecessary for the purposes of this group registration. We also asked that all requirements for this group registration be spelled out explicitly in the application, and that if there are discrepancies or errors in an
application, the examiner should reach out to the applicant to see if the problem can be resolved rather than reject the application. Authors should not have to be legal experts to register their copyrights. Once the regulation is promulgated and becomes law, the Authors Guild will provide a new service to help authors file these registrations.

**AUDIBLE’S “CAPTIONS” FEATURE**

The Authors Guild is alarmed by Audible’s July announcement that it intends to display text synced with audiobook narration. While Audible states that its new “Audible Captions” feature will only display “small amounts of machine-generated text,” existing Audible Creation Exchange (ACX) and Audible agreements do not grant Audible the right to create text versions of audiobooks, whether delivered as a full book or in segments. Nor is there an exception to the copyright law that would permit Audible to do this.

On August 23, 2019, seven publisher members of the American Association of Publishers sued Audible in the Southern District of New York, asking the court to enjoin (essentially prevent) Audible from implementing the “Captions” program. In a stipulation entered with the Court on August 28, Audible agreed not to enable its “Captions” feature for all audiobooks published by the plaintiff publishers until the Court ruled on the publishers’ motion for a preliminary injunction.

In dismissing Dr. Seuss Enterprises’ claim of copyright infringement, the district court found that **Boldly’s** mimicry of the original Seuss work was “highly transformative” because of the original elements that transformed the work into a Star Trek–themed riff on the original. The court also looked at the third factor of the fair use analysis, namely the amount and实质性 of the portions of the copyrighted work used; here the district court found that while there was a deliberate and direct effort to mimic the original in its look, feel, tone and tenor, ComicMix copied no more than was necessary for its transformative purpose.

In its analysis of the fourth and final fair use factor, the court examined the effect of defendant’s use depriving Dr. Seuss Enterprises of income or undermined a new or potential market for Seuss’s work. On this point, the district court found that Dr. Seuss Enterprises failed to adequately show that competing sales of **Boldly** would cause substantial harm to the market for the original work. Dr. Seuss Enterprises presented evidence that it had an active practice of licensing authors and illustrators to publish similar spinoff-style works under the Dr. Seuss brand—for example, an Oh, the Places You’ll Go! derivative titled Oh, the Pets You Can Get!—to show that **Boldly** did in fact undermine a market for its work. However, the district court found the harm “speculative” and concluded that “Plaintiff has failed to introduce evidence tending to demonstrate that the challenged work will substantially harm the market.” By reaching this conclusion, the district court arguably raises the standard for rights holders trying to protect their copyrighted original from an infringing adaptation. Because three of the four fair use factors weighed in favor of defendant ComicMix, the court ruled that **Boldly** was indeed fair use and dismissed the plaintiff’s claim.

Requiring a plaintiff to show “substantial” market harm is likely to prove difficult if not impossible for most small creators, and this is the precise argument made in the **amicus curiae** brief submitted by the Copyright Alliance, of which the Authors Guild is a member. This brief was filed on August 12 and urged the Ninth Circuit Court of Appeals to reverse the lower court’s decision based upon its misinterpretation of the extent of the “market harm” caused by the defendant’s actions.

**QUEEN ANNE’S REVENGE**

Is a state bound by U.S. copyright law? What if the videos and photos the state copied were of the ship of the notorious pirate Blackbeard? What if Congress had enacted a law...
specifically saying that a state can be sued in federal court for violating the copyright law?

In Allen v. Cooper, plaintiff Frederick L. Allen and his production company were the photographers and videographers with exclusive rights to document the exploration of the Queen Anne’s Revenge, Blackbeard’s shipwrecked vessel. Allen subsequently learned that the state of North Carolina had allegedly been using his photos and videos online without his consent. Although the parties entered into a settlement agreement requiring the state to compensate Allen for its use of copyrighted material prior to the settlement date, Allen found out that the state had continued to use the copyrighted works without compensation after the date of the settlement agreement.

Apparently this type of dispute had already arisen between states and copyright holders, since 1990, when Congress saw fit to pass the Copyright Remedy Clarification Act, which provides that a state “shall not be immune” from being sued in federal court “for a violation of any of the exclusive rights of a copyright owner” under federal copyright law. To make matters even murkier here, the state of North Carolina passed a law making all photographs and video material of shipwrecks in the custody of the state of North Carolina a matter of public record and available for use without limitations.

Allen filed suit, arguing that the North Carolina statute was unconstitutional; the state then argued that the Copyright Remedy Clarification Act was also unconstitutional, and therefore did not eliminate the state’s sovereign immunity from copyright claims. After the lower court ruled in the plaintiff’s favor, the state appealed to the Fourth Circuit Court, which then held in the defendant’s favor, stating that the Copyright Remedy Clarification Act did not remove the state’s immunity from liability for copyright infringement.

The Supreme Court granted certiorari to review the case, and the Copyright Alliance filed an amicus curiae brief on August 13, urging the Supreme Court to find that states can be held liable for acts of copyright infringement.

**NEW YORK STATE RIGHT OF PUBLICITY LAW, ONCE AGAIN**

In what has become as regular as the changing of the legislative seasons, another bill proposing an expanded “right of publicity” was proposed before the New York State legislature this past year—and again failed to pass. The legislation that was under consideration would have dramatically curtailed writers’ and other artists’ ability to portray real-life persons. While recent New York law allows individuals to sue those who misappropriate their image for commercial gain, the proposed legislation would have extended this right to individuals’ estates—even if the individual in question is long dead.

It is true that the digital age has enabled unscrupulous individuals to attack and misappropriate someone’s image. Perhaps the most significant of these tactics is “deep-fakes,” altered videos that make it look like a person is doing or saying something they never did. Recent examples, such as a video altered to make Speaker of the House Nancy Pelosi sound intoxicated, show the harmful potential of deepfakes. But it’s never a good idea to use the most egregious examples of an activity as an excuse to ban all such activity. This bill would have blown past any reasonable boundaries by banning any unauthorized use of any individual’s “name, portrait or picture, voice, or signature” for 40 years after their death.

Controversy over the recent Quentin Tarantino film Once Upon a Time . . . in Hollywood shows how this bill could play out in real life. Set in 1960s Hollywood, the film portrays numerous real-life personalities, including Steve McQueen, Sharon Tate, and Bruce Lee. A post-mortem right of publicity could open up the filmmakers to liability for portraying these deceased individuals. In fact, Bruce Lee’s daughter, Shannon, complained in June that Tarantino had not asked her permission before portraying her father in his film, and she protested the portrayal itself after the film was released.

Under current New York law, Tarantino did not have to seek Shannon Lee’s permission to make his film, just as an author writing a book about the same period is free to make Bruce Lee a character because there is no post-mortem right of publicity in the state. This bill would have changed that.

Many of the bill’s problems were the result of shoddy drafting. New York privacy law encompasses Sections 50 and 51 of the state’s civil rights statute. Amendments to the law must be consistent across both sections to avoid confusion. Unfortunately, the bill’s drafters did not seem to keep this in mind.

First, the bill covered both living and deceased persons, and Section 50 would have defined a “deceased person” as someone who died while domiciled in New York. However, there was no domicile limitation on “living persons,” opening up the possibility of non–New Yorkers flooding the state courts with lawsuits.

Second, while the bill did provide an exception for certain expressive works such as books and plays, these exceptions fell only under Section 51, making it unclear whether these exceptions applied to the rights delineated in Section 50 as well.

Third, the bill attempted to carve out exceptions for expressive works by listing all possible expressive media. Attempting a comprehensive list of existing expressive media runs the risk of forgetting some existing form of media or leaving out some future form of media.
The Authors Guild Announces a New Translators Group

The Authors Guild is delighted to announce the formation of a Translators Group within the Authors Guild, headed by Council member and translator Julia Sanches. The goal of the Translators Group will be to support the work of the Authors Guild, with a focus on translators’ rights and visibility.

The group will host webinars and reinforce existing communities by way of online discussion forums and conference calls, as well as in-person meetings at translators’ conferences and other locations, all with the aim of sharing information about literary translation as a profession and discussing issues faced by working literary translators today, including fair pay rates, the Guild’s new Literary Translation Model Contract, and much more.

If you are a translator and would like to join or receive information about the new Translators Group, email us at staff@authorsguild.org, subject line Translators Group.

Legislative Hearings

Register of Copyrights and Director of the U.S. Copyright Office Karyn A. Temple has testified twice before Congress in 2019. Her first appearance, on June 26, was before the House Judiciary Committee at its Copyright Office Oversight Hearing. Her second, on July 30, before the Senate Judiciary Committee’s Subcommittee on Intellectual Property, marked the first time in ten years a Register has testified at the Senate’s Copyright Office Oversight Hearing. Her testimony touched on several topics of interest to authors, including:

* The U.S. Copyright Office’s modernization efforts to “re-imagine and re-engineer how the public interacts with the Office, from submitting registration applications, to recording ownership and licensing information, to accessing Office data and records.”
* The Copyright Office’s support for the creation of a small claims tribunal within the Copyright Office (i.e., the CASE Act, which is discussed in further detail on page 40)
* Combatting digital piracy, which is often treated as a lesser crime (“the Copyright Office long has supported statutory amendments to both the Copyright Act and the U.S. Criminal Code to bring greater parity to penalties for illegal streaming”)
* Reducing copyright registration pendency time
* Digital Millennium Copyright Act exemptions (which the Copyright Office has been studying for at least two years, and for which it plans to make recommendations to Congress by the end of this year).

Fourth, the bill covered all individuals, not just those whose image has commercial value.

The bill’s most deplorable aspect, however, was no drafting error: extending the right of publicity for 40 years postmortem. The right of publicity, like the right against defamation, is a personal right and should die with the rights holder. A person cannot be defamed after death, because the individual is no longer able to suffer damages from a blemished reputation. It would be illogical to allow a decedent’s estate to reap damages from defamation.

Similarly, estates of deceased individuals should not be able to collect damages for violations of that individual’s right of publicity. The right against defamation protects one’s reputation, the right of publicity protects one’s identity. Shannon Lee should not have the right to sue over portrayals of her father because her identity is not at stake.

While this bill, thankfully, did not become law in this most recent legislative session, it will likely be reintroduced next year. Without major revisions, the Authors Guild strongly opposes its passage now and in the future. If the New York legislature wants to protect the state’s creative community, it would be better served by not imposing the chilling threat of lawsuits on writers and artists.

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LAUNCHING YOUR BOOK AND CONNECTING WITH READERS ON KICKSTARTER

By Margot Atwell
Head of Publishing, Kickstarter

Writers and publishers have a long history of raising funds from the reading community, dating back at least to the 17th Century, when a subscription model was used to produce iconic works of literature such as the first illustrated edition of Milton’s Paradise Lost. In the past decade, crowdfunding has become a major source of funding for creative projects, including books.

Kickstarter is the oldest crowdfunding platform focused on funding for literature and the arts. In 2015, Kickstarter reincorporated as a Public Benefit Corporation with a mission of helping bring creative projects to life. In the platform’s decade-long history, over 13,000 publishing projects have been funded, with over $165 million pledged to publishing projects by almost two million backers.

In addition to raising money, crowdfunding can be an excellent way to connect with a community that will love your book, even before that book is made. I’ve seen the power firsthand with two books I’ve funded on Kickstarter, where I also work as the Head of Publishing. I’ve helped hundreds of authors and publishers run successful projects, and I really believe in the power of crowdfunding to help literary folks build excitement around their work. Here are a few ways authors and publishers can use crowdfunding to achieve their goals.

Tell Your Story

As a writer, you are expert at crafting and conveying a message. Publishing projects on Kickstarter tend to be successful when they speak to a community. It helps when they are beautifully presented with arresting imagery and a compelling video. It’s also key for the creator to explain why their project is exciting or important, whether it’s a book, event, zine, or something entirely different. Your Kickstarter page gives you the space to create context around your project and get potential readers and backers excited about it in a way that’s not really possible with e-commerce platforms.
Do Things Your Way

When you run a Kickstarter project, you are in the driver’s seat and get to make the choices about what your book should look like, how many to print, and more. Though some writers might find this intimidating, others love having the freedom to create exactly the book that they want to make and that readers want to buy and read.

Publisher Collaborations

Many people wonder if Kickstarter is trying to disrupt publishing. Absolutely not! Kickstarter is a tool available to writers and publishers and can be used in myriad ways that work well with the traditional publishing timeline and model. Zachary Weinersmith collaborated with his publisher, Penguin Random House, and independent bookstores including The Strand to run a very successful Kickstarter-hosted pre-order campaign for his PRH-published book, *Soonish*. More than 8,000 readers pledged to his project, which generated thousands of pre-orders for his book.

Test an Idea

Kickstarter project funding is “all-or-nothing,” which means that if you don’t hit the goal you set, your project does not fund and nobody’s credit card is charged. That means you can use it to see if there’s a big enough audience for something you want to do, such as republishing your out-of-print backlist in beautiful new hardcover editions. If the community isn’t there yet, you can spend your time and resources on a project that appeals more to readers. Plus, fun fact: Kickstarter publishing projects with at least 25 backers reach or exceed their funding goal 80 percent of the time.

Understand Your Audience

It can often be challenging for writers and publishers to know who is buying their books and how those readers are finding them. Kickstarter has a robust creator dashboard that provides information about how backers are finding a project. Creators can also use custom links to gain even more insight into that question by learning which of their promotional efforts are most successful.

Own Your Work

Writers who use Kickstarter retain full rights to their work. The platform costs nothing to use, and fees are only charged for successful projects: 5 percent for Kickstarter and around 4 percent for payment processing. Creators keep over 90 percent of the money raised on the platform.

Build a Community

A Kickstarter campaign is a great way to connect with your fans and turn fans into evangelists. You can use backer updates to build awareness of what you’re doing, share cool behind-the-scenes peeks at the project, introduce your collaborators, and more. You can also use unique rewards to create a special experience that your backers will never forget, such as including their name in the book, naming a character after them, or doing custom illustrations of their pets.

Try Something New

Writers and publishers can use crowdfunding to do something a little unusual that will resonate with their community, such as funding an event, a tour, a box set, or a literary collaboration. Amy Goldwasser and Peter Arkle ran a campaign to host a black cat-themed launch party at The Strand Book Store for their book, *All Black Cats Are Not Alike*. The party featured black cat cookies, costumes, and even adoptable black kittens, and the authors were able to celebrate their book in Instagram-worthy style.

Connect with New Readers

Sixteen million, six hundred thousand people from countries all around the world have backed a Kickstarter project, and over 1.9 million have backed at least one publishing project, which makes Kickstarter a great place to gain visibility for your work.
KICKSTARTER PROJECT FUNDING IS “ALL-OR-NOTHING,” WHICH MEANS THAT IF YOU DON’T HIT THE GOAL YOU SET, YOUR PROJECT DOES NOT FUND, AND NOBODY’S CREDIT CARD IS CHARGED . . . IF THE COMMUNITY ISN’T THERE YET, YOU CAN SPEND YOUR TIME AND RESOURCES ON A PROJECT THAT APPEALS MORE TO READERS.

In addition, Kickstarter’s all-or-nothing funding model encourages readers and members of your community to share the project with friends and on social media to make sure you reach your goal.

Once your project has launched, you can send updates to your backers, who can respond with questions, comments, and words of encouragement on the project. And while the conventional advice online is to not read the comments, on Kickstarter, I’ve found them to be pretty positive and inspiring.

Kickstarter is an extremely flexible tool that can be used to help generate interest and connect with an audience, no matter how you plan to publish your book. For more information about how to use Kickstarter for your book or publishing project, visit bit.ly/KSPublishing.

Library ATM Beta Available to Members

The Authors Guild is partnering with OverDrive, the largest digital distribution service for libraries and schools, to provide a new free resource for Authors Guild members. The Library Author & Title Map (ATM) platform provides live data on the e-book and digital audiobook titles that public libraries purchase to e-lend to their patrons. This new online data resource graphically displays the locations of the libraries, with data on the number of units purchased for each title.

This sales data is basic information every author should have—but most don’t. It will help you understand what revenue you have earned (or should be earning) from libraries on a per-title basis and will provide an overview of where in the U.S. you are developing and reaching an audience. With such a premium placed on how readers discover an author or title, the Library ATM is a great source of market intelligence.

The Library ATM lists those titles for which publishers and other suppliers have entered into a distribution agreement with OverDrive. It does not provide information about what price or under which library access model(s) titles have been purchased. You should ask your publisher directly for this information. For more information, please visit company.overdrive.com/publishers/.

Author Guild members can simply log in with their Authors Guild online account credentials and search to discover where their books are available for borrowing in public libraries.

AG members will be the first to use the Library ATM, so please share with us any feedback you have at Staff@authorsguild.org.
The Authors Guild held its annual meeting on March 15 at Scandinavia House in Midtown Manhattan. Outgoing president James Gleick opened the meeting, welcoming all present and calling for a motion to approve the minutes of last year’s meeting, which unanimously passed.

Mr. Gleick reminded the audience that this would be his last appearance as Guild president and added a personal note. “I can tell you that I’m going to continue to support the Authors Guild with all of my heart and all of my energy, and I hope you will too. I know you will, because the Guild occupies a unique place in American letters, fighting for authors, fighting for authorship, at every level. . . . I know that my successor, whomever you elect tonight, is going to hit the ground running. The Authors Guild has a great and grand tradition going back a century, and it’s more important than ever that we act like a young and nimble upstart, for a new generation of authors. So now, down to business.”

After voting proxies were introduced and ballots distributed, executive director Mary Rasenberger took the podium. She thanked the members who had turned out for the meeting and those who were listening by phone and webinar. “We are a national organization, and we’re doing everything that we can to make this really feel like a national organization, through things like having all our meetings available online.” She thanked Mr. Gleick “for his last two years of really amazing service to the Guild. I want to thank him for his passion, for his intelligence, and his leadership. He’s been incredibly generous with his time in every way. He is responsible, personally, for many of our biggest successes these last two years, including our author income survey and a white paper on the state of authorship that’s being worked on now. The new online communities were Jim’s brainchild, and he worked hard on getting them right. We also have Jim to thank for our growing and improving web content. He’s really pushed us to be better about communicating and has upped the quality. I am especially grateful to Jim for his willingness to write and edit blogs and statements literally on a last minute’s notice. So Jim, thank you very much. It’s been a pleasure.”

In a welcome change, Ms. Rasenberger announced that she would not be slogging through the full annual report, which has been posted to the website for members to read in full. Instead, she said, “This is what I want to talk about: how mad I am.” Mad about all the ways that authors are being ripped off; mad about Open Library, which has been digitizing and e-lending books without authors’ permission; mad about the “legal theory” Controlled Digital Lending advocates developed to justify those practices and extend them to libraries around the country; mad about ongoing rampant internet piracy (through sites such as Ebook.bike); mad about the disappointing court developments that have left copyright owners with nothing but the whack-a-mole takedown notice system to combat it; and mad about the Amazon book marketplace, which James Gleick has aptly described as a “cesspool polluted with cut-rate copies of unknown provenance, ARCs masquerading as new, overseas copies improperly sold in the U.S. market, and stolen or pirated editions,” in addition to “stuffed” and “cut-and-paste” books that game the Amazon algorithms.

To address these problems, Ms. Rasenberger announced that the Guild is taking a number of actions, including lobbying for much-needed changes to Section 512 of the copyright law, which has been interpreted to permit internet pirates to act with impunity and service providers to profit from the piracy on their systems. The legal staff is working directly with Amazon on behalf of Guild members and is requesting that the company revise some of its policies and procedures. The Guild’s new Model Trade Book Contract, which is currently out for review, includes new provisions to prevent overstock and returns from being sold at remainder prices or deep discounts into the reseller marketplace, where they compete with full-royalty-bearing copies. She ended by imploring members to let our adversaries know that “we won’t take it anymore!”

Mr. Gleick reported that the proposed slate of Officers and Council members had been tallied, with the result that Douglas

1 “Stuffing” of e-books refers to slipping selections of previously published works into purportedly “new” e-books. Because Kindle Unlimited pays participating authors based upon the number of pages read, scammers can benefit significantly from fraudulently increasing the page count of their books.
Preston was elected as Guild president, Rachel Vail was chosen as our new Council secretary, and five new Council members were elected: W. Ralph Eubanks, Lauren Groff, Brendan Kiely, Min Jin Lee and Julia Sanches.

**NEW COUNCIL MEMBERS**

**W. Ralph Eubanks** is the author of *Ever Is a Long Time: A Journey into Mississippi’s Dark Past and The House at the End of the Road: The Story of Three Generations of an Interracial Family in the American South*. He has contributed articles to *The Washington Post* Outlook and Style sections, *WIRED*, *The Hedgehog Review*, *The Wall Street Journal*, *The American Scholar*, *The New Yorker*, and National Public Radio. A graduate of the University of Mississippi (BA) and the University of Michigan (MA, English Language and Literature), he is a recipient of a 2007 Guggenheim Fellowship and has been a fellow at the New America Foundation. Mr. Eubanks lives in Washington, D.C. with his wife and three children. Currently he is a visiting professor of English and Southern Studies at the University of Mississippi.

**Lauren Groff** is the author of the novels *The Monsters of Templeton*, *Arcadia*, a finalist for the *L.A. Times* Book Award, and *Fates and Furies*, which won the 2015 American Booksellers Association Indies’ Choice Award for Fiction, France’s Grand Prix de l’Héroïne and was a finalist for the National Book Award in Fiction, the National Book Critics Circle Award, and the Kirkus Prize. She has published two collections of stories, *Delicate Edible Birds* (2009) and 2018’s *Florida*, which was a finalist for the National Book Award, the Story Prize, the Kirkus Prize, and the Southern Book Prize. In 2017, she was named one of the Best of Young American Novelists by *Granta*. In 2018, she received a Radcliffe Fellowship and a Guggenheim Fellowship in Fiction. She lives in Gainesville, Florida.

**Brendan Kiely** is *The New York Times* best-selling author of *All American Boys* (with Jason Reynolds), *Tradition*, *The Last True Love Story*, and *The Gospel of Winter*. His work has been published in more than ten languages, and he has received a Coretta Scott King Author Honor Award, the Walter Dean Myers Award, and the Amelia Elizabeth Walden Award. His work has been selected twice as one of the American Library Association’s Best Fiction for Young Adults and was a Chicago Public Library Best of the Best. Originally from the Boston area, he now lives with his wife in New York City.

**Min Jin Lee** is a recipient of fellowships in Fiction from the Guggenheim Foundation (2018) and the Radcliffe Institute of Advanced Study at Harvard (2018–2019). Her novel *Pachinko* (2017) was a finalist for the National Book Award for Fiction, a runner-up for the Dayton Literary Peace Prize, winner of the Medici Book Club Prize, and a *New York Times* bestseller. *Pachinko* was listed as a Top 10 Book of the Year by the BBC, the Canadian Broadcasting Corporation, *The New York Times* and the New York Public Library, made it on to 75 best books of the year lists and was a selection for “Now Read This,” the joint book club of PBS NewsHour and *The New York Times*.


**Julia Sanches** is a translator of Portuguese, Spanish, French, and Catalan. Her book-length translations are *Now and at the Hour of Our Death* by Susana Moreira Marques (And Other Stories, 2015) and *What Are the Blind Men Dreaming?* by Noemi Jaffe (Deep Vellum, 2016). Her shorter translations have appeared in *Suelta*, *The Washington Review*, *Asymptote*, *Two Lines*, *Granta*, *Tin House*, *Words Without Borders*, and *Revista Machado*, among others. A former literary agent, she is a founding member of Cedita & Co, a collective of translators that aims to bolster the presence of international literature in English by putting translators at the forefront of the publishing process. Besides translating, Julia also works part-time at a bookstore in Providence, RI.
The Authors Guild Foundation, the charitable and educational arm of the Authors Guild, held its 27th annual benefit on Wednesday, May 15, at the historic Beaux-Arts restaurant and ballroom Capitale in New York City. Authors Guild Foundation Board Vice President Laura Pedersen served as master of ceremonies.

This year’s recipients of the award for Distinguished Service to the Literary Community were children’s author Mary Pope Osborne and Anthony W. Marx, president and CEO of the New York Public Library. U.S. Congressman Hakeem S. Jeffries, who represents New York City’s Eighth District, was honored with the award for Exceptional Advocacy for the Literary Community.

Mary Pope Osborne is the author of more than a hundred children’s books, including novels, picture books, biographies, and retellings of mythology and folktales. She is best known for the Magic Tree House series, which has sold more than 134 million books worldwide and has been translated into 33 languages. A former president of the Authors Guild, she currently serves on the Guild Council and is a strong advocate for copyright protection, fair publishing contracts, and freedom of expression. Osborne has traveled extensively in the U.S. and abroad, speaking about the need to get books in the hands of underserved children.

Tony Marx heads the nation’s largest library system, with 88 neighborhood libraries and four
recently introduced the Copyright Alternative in Small-Claims Enforcement (CASE) Act, bipartisan legislation that establishes the Copyright Claims Board at the Copyright Office to make it easier and less expensive for independent creators, including book authors, to better defend their intellectual property from piracy and other copyright theft.

“Each of these hard-working and highly successful professionals has made and will continue to make enormous contributions to the rich intellectual culture of New York and to the U.S. literary community as a whole,” said Mary Rasenberger, executive director of the Authors Guild. “Through their efforts, these three honorees exemplify the mission of the Authors Guild and the Authors Guild Foundation to advance the rights of today’s writers and foster an ongoing commitment to the artistic and educational benefits that a vibrant American literary culture offers. We are

Brooklyn-born Rep. Hakeem S. Jeffries serves as a member of the House Judiciary Committee and House Budget Committee and is chair of the House Democratic Caucus. A passionate advocate for the rights of artists, Rep. Jeffries played a key role in the House’s passage of the historic 2018 Music Modernization Act (MMA) and most

Mary Pope Osborne, children’s book author and recipient of this year’s Distinguished Service to the Literary Community Award.

Representative Hakeem Jeffries spoke via video to accept the award for Exceptional Advocacy for the Literary Community.
immensely proud to have recognized their contributions at our 2019 Foundation benefit and gala.”

The evening featured an auction that offered something for all comers—signed books, a vacation in a Santa Fe casita, manuscript reviews, naming rights to a character in a novel. Live entertainment was provided cabaret style by four of our best-known authors, Laura Pedersen, Scott Turow, Rachel Vail, and Meg Wolitzer, who generously shared their texts with us.

AG Cabaret: On the Road with Laura, Scott, Rachel and Meg

Nothing but a Two-Bit Tour
Laura Pedersen

Book events, for better or worse, are when a writer leaves the Cone of Solitude, a little office where sometimes you don’t converse with anyone for days on end, and when a food delivery comes, you try and make a little conversation: “Crazy weather we’re having, huh? Nice bike—is that a Schwinn? Oh, no English. Where are you from? Oh, no English at all, okay then.”

The author tour, where the writer goes out and tries to sell a book to an unsuspecting public, is sometimes equated with prostitution. But I think while hawking my first book, Play Money, I may have actually crossed the line. It was 1989 and the book was about Wall Street. The first event in San Diego went well. I had a day off before flying to New Orleans and so met up with a teacher friend who needed to go to Tijuana to buy marionettes for her school class. I’m waiting for her on a street corner in shorts, a shirt and sandals when the police come over and say I’m under arrest for prostitución. They say I have three choices: 1) Spend the night in jail and go before a judge on Monday. 2) Pay a $200 fine. Now we’re talking. Classic shakedown. Let’s do number two. But I’m intrigued, what’s behind door number three? It turns out I can purchase a licencia de prostitución para veinticinco dólares. Fabulous. I sign up to be a licensed prostitute for 25 bucks.

We drive back to San Diego. My next stop is New Orleans, where I’ll be speaking to the Chamber of Commerce at an awards ceremony for young entrepreneurs. Coming out of my hotel room to go for a sound check in the ballroom, I see a young woman in the hallway struggling with boxes and two life-size mannequins dressed in lingerie. I say, “You look like you could use some help.” Turns out she’s an award-winner for her lingerie business and is bringing all this to the ballroom. “I’m going there too,” I say. “I’ll carry a mannequin and meet you since first I have to find Tim, my ‘author escort,’ in the lobby.”

The publisher said that in New Orleans they’d had some bad experiences with authors finding their own way to events, even ones in the same hotel, so they send a babysitter.

My bag in one arm, mannequin under the other, I set off to find Tim. It’s an enormous Marriott lobby, and clearly a wedding is happening, with people everywhere dressed in their finery. I start going up to single men and asking if they’re Tim Dawes. They shake their heads no. Now picture how this looks with no soundtrack. I’m 24 and approaching a middle-aged man in a suit, carrying a mannequin dressed in lingerie under my arm. I say something, he smiles and shakes his head, “No, thanks.”

Lo and behold, on my third approach, two detectives whisk me into a back room and inform me that solicitation isn’t permitted in the lobby. Well, twice in two days—perhaps I’ve missed my true calling. I set the mannequin down and explain that I’m giving the keynote speech to the Chamber of Commerce. It’s 1989. They don’t believe me.

I tell them we need to find my escort. A bad word choice. Suddenly, I remember I have a copy of my new book in my bag. Because my publicist, Susan Magrino, made it clear that on tour you always carry a copy of your book. Maybe the TV station didn’t get it, or lost it, or maybe you meet Oprah in the ladies’ room (and what—pass it to her underneath the stall divider?).

I hand them the book and point to my photo. However, there’s another paper in my bag—and
I wonder if this is the moment to show them I’m fully licensed for prostitución, but decide no.

They release me, and I pick up the mannequin. I’m now 30 minutes late finding Tim. He was worried I’d disappeared on Bourbon Street. He says there have been some problems with authors disappearing on Bourbon Street. A true gentleman, Tim offers to carry the lingerie mannequin to the ballroom.

So, what’s the moral of this story? Always carry your book. A week later I was at the Palmer House restaurant in Chicago, and whom do I run into in the ladies’ room? That’s right, Oprah.

Book Tour
Scott Turow

Let me start by telling the truth. When it comes to book tours, I have always lived by this motto: The only authors I know who complain more about the book tours their publishers send them on are the authors whose publishers don’t.

Translation: It’s a privilege. I have never forgotten that when One L, my memoir of being a law student, came out forty-plus years ago, my publishers refused to repay my train fare from Boston to New York for the one national broadcast appearance they had booked for me, on Howard Cosell’s radio program, Speaking of Sports. (Cosell had been to law school.) The publishers said there was no money left in the publicity budget, a shock because, so far as I could tell, there had been no publicity budget at all.

So I remember: it’s a privilege to eat and sleep and travel on the publishers’ dime, to occupy the brain space of journalists, and, most important of all, to actually meet face-to-face those imaginary creatures a writer always dwells with for months or years, namely readers.

Are there bad experiences? Yes. A United flight to Providence that arrived 14 hours late, on which the final indignity was that they could not get the front door open, causing sixty-some passengers, including several who needed wheelchairs, to exit through the emergency hatch.

But there are also exciting moments, the fascinating people I’ve met in green rooms, and a lot of laughs in retrospect. In Lexington, Kentucky, I got to meet Seattle Slew at the breed farm where he was housed. Seattle Slew, for those of you do who not follow the Sport of Kings, was a racehorse, the former winner of the Triple Crown. Seeing the life of a Triple Crown winner out to stud, I suddenly began thinking seriously, for the first time in my life, about my prospects for reincarnation.

You are sometimes the victim of a publicist’s view that all publicity is good publicity, which can make for unique encounters. When my novel Identical came out, I was booked for a webcast at a Chicago restaurant. In front of an audience of a couple of hundred diners, three so-called celebrities ate dinner onstage and talked about their work. The three that night were me, prominent rock critic Jim DeRogatis—and a stripper, Michelle L’amour. When it was Michelle’s turn to talk about her art, she did a demonstration, and then in front of the amazed audience, sat down to dinner immediately to my right wearing nothing but her pasties. (Parenthetically, she proved to be incredibly thoughtful about self-presentation and sexuality.)

Still, the moment that stays with me most indelibly came in 1993, when my tour started with my beloved publishers arranging for me to throw out the first pitch at the Chicago Cubs game. I practiced for weeks. And to my own amazement, I managed to throw the ball over the plate. As I was walking off the field exultantly, a security person ran up to me and said, “Mr. Bonilla would like a word with you.” When I looked up, there was Bobby Bonilla, a terrific ballplayer, then near the end of his career and playing right fielder for the New York Mets. He is an oak of a human being, at least six foot three, and he was running toward me with such determination that I was paralyzed trying to remember what I’d written about him, or the Mets, or even right fielders, that he might have misconstrued.

Instead, Bonilla arrived at the plate breathlessly and said, “I heard your name on the public
address system. I just bought your book. I have it in my locker and I wonder if you’d sign it for me.” Thrilled, I said yes, but when the clubhouse attendant ran off to the locker room, I realized that my tour was about to start with a publicity catastrophe.

Bonilla, in those days, stalwartly refused to speak to the New York sporting press. As a result he was described in every story as a mute, glowering thug. Now, the fact that he was at home plate, talking to me, brought every reporter in the ballpark, including the literary press and sportswriters, to home plate to encircle us. As Larry Kirshbaum said, the sports reporters didn’t care about me or my book. They just wanted to know what Bonilla’s voice sounded like.

As we waited, I realized that such a thug would never have my new novel in his locker. Whatever came out of the bag the attendant brought back was going to be supremely embarrassing. Somebody else’s book: Paul Theroux’s. Henry David Thoreau’s. Or even worse, it was not going to be my new book, but the last book, which Bonilla had bought off the remainder table, sporting one of those giant orange price stickers that say to buyers, in substance, We will pay you to take this goddamn thing home.

But it was my new novel. The so-called meeting between the right fielder and the writer was commemorated in places like Sports Illustrated. And from that I learned important life lessons. First, that the press is not always right. Second, that Bonilla is not a thug, but a person of discerning literary sensibility.

Why We Like to Book Tour
Rachel Vail

Hello, I’m Rachel Vail. I write books for teens and kids, so our book tours are a little different. We go to schools a lot, and our potential readers generally have, well, zero disposable income.

Still: WE ALL WANT TO GET SENT ON A BOOK TOUR. Why? We’re WRITERS. We built our lives around getting to stay home alone in our pajamas. So why would we be so desperate to get sent out to talk with thousands of strangers? Maybe it’s the GLAMOUR.

Recently, I got sent on tour to McAllen, Texas. I was getting ready for my first event in a bit of a rush for various normal reasons—flight delays, left my phone in the Uber—and I couldn’t zip up the back of my dress. How am I grown and still can’t dress myself? It’s okay, I decided: I’ll just put on my jacket and nobody will know. I’m an AUTHOR of LITERATURE; I have priorities: MAKEUP. One eye of mascara in, I spot one of those big, luxurious, wooden coat hangers in the closet! Perfect. Good thing I’m a creative person! I’ll just slip the metal part of the hanger through the hole in the zipper’s pull tab and it’s—snagged. Through the zipper, yes, but also through the lacy bit of the dress and my hair. Now I can’t look down or get the hanger off and there’s no way to slip my jacket over that, so how do I play this off? I look like something out of Clockwork Orange. Laughing hysterically and sweating like I’m having a heart attack, I think: First things first; do the other eye of mascara. Maybe they’ll think this murder-scene-looking style is the fashion in Manhattan. Luckily, booksellers are THE BEST, so the bookstore woman I had never met before didn’t run screaming away, but freed me from the coat hanger and zipped my dress.

At least I didn’t accidentally watch porn there. That was a whole different tour.

I was in Missouri, and the librarian who brought me to the hotel was warning me about the next day’s events, that it was a very conservative community, that people in the community, which was VERY CONSERVATIVE, were a little worried about having an author “from New York”—which sounded like a euphemism. I was so tense before bed, I was prepping by alternately reminding myself JUST DON’T CURSE and giving myself positive affirmations like WHY WOULD I CURSE? I AM A FUCKIN’ DELIGHT. DON’T CURSE, DON’T CURSE, THESE PEOPLE ARE VERY CONSERVATIVE!
So I decided to watch the news to calm down. This was years ago, when that was a thing a sane person could do. I’d watch Headline News. They cycle through the nothing news, and by the second time, it was so boring that nobody could make it more than twice through without passing out. Which I did. I woke up in the dark a while later with the same news cycling and turned off the TV. OR DID I? Were people suddenly having sex? On Headline News? YIKES. Oh! That wasn’t the off button I pushed. Couldn’t find the light, afraid of pushing any other buttons. WOW, those people on the TV sure liked each other or, maybe, didn’t? I finally got the TV off, and it was three a.m., and I was frantically reading the billing rules for PORN IN THE HOTEL ROOM. They don’t charge you unless—some of you are nodding; you know this rule, okay—how long had the TV been on the PORN? I think I got it turned off within the 15-minute grace period, but maybe I’d fallen asleep after I pushed what I thought was the off button and—the LIBRARY in this CONSERVATIVE town was paying for my hotel room! I went down to the front desk to ask about the bill. How long were you watching the pornography? the guy asked me. I WAS WATCHING HEADLINE N—I don’t know! Can I just pay? Any amount, it doesn’t matter. By the time the librarian picked me up, there was still no porn on the bill, but would it show up later? She was showing me the sights of the conservative town, and all I could think was PORN ON THE TV. So I blurted out a confession: “I have to tell you, oh-my-goodness-gracious, the most horrifying, embarrassing thing happened to me last night.” She listened in silence, white-knuckling the drive through town. I was about to offer to just cancel the visit when she said, “The same exact thing happened to me and my husband last summer on vacation! Travel—it’s full of experiences!”

Maybe that’s why we want to go on book tour. The experiences. Well, that and the prestige. Possibly going the sales, of course! And the fact that if you’re on tour, it means your publisher is investing in you, invested in you. Which means the world. It’s worth whatever hassles you go through, just knowing that your publisher believes in your book enough to send you somewhere. That’s what I always tell myself on the Author Bus.

I don’t know if adult authors have those buses at festivals, where they pick you up from the airport or the hotel and bring you to the convention space? The Author Bus is its own specific hell. Most of us are scrunched next to the windows, regretting all our life decisions that brought us here—and then the woman with the puppets and the purple hat boards the bus. Let’s go around and introduce ourselves to Daffodil the Dragon! Tell Daffodil a sentence about your latest book! We are INTROVERTS, lady! I just hauled myself on to this bus like Willy Loman, lugging two tote bags (one from Westside Market, one from last year’s Authors Guild gala, thank you) full of my own books and various swag I had made to give out to children who don’t want it, so I can spend an entire day smiling, pretending I’m having an awesome, awesome time neatening up the stacks of these books I poured my SOUL into that nobody wants to buy, as I sit, inevitably, beside a best-selling author with a line stretching to the next county. I am not introducing myself to your scary frickin’ puppet.

And then you get there.

Nobody shows up, or a few if you’re lucky—or you go to the school and kids say things like: Where do you get your ideas? Or, How much money do you make? Or, What’s really scary is when my daddy gets angry. Or, When your character walked away from her best friend, it broke my heart. Or, Please tell me they end up together because I think they actually really love each other. Or, My question is, Yesterday? I lost a tooth.

And it’s like your characters, who you imagined while sitting alone in your pajamas, have magically walked into the room. But more than that. Your readers aren’t imaginary. The world you sketched out is alive in their minds. It’s real. It mattered to them. It matters to them.

So you go home and you’re suddenly expected to write something other than your name—again. You have to revise the current garbage book now and make it worthy of your readers’ time, their tears, their hopes. So you can get sent on a book tour again!
I went to the premiere, where I actually found in my hotel room not a tote bag, and not a mug that said “Keep On Bookin,’” but a bag full of French skin-care products. I got so giddy—I’d never been given such a thing—that I slathered all of the lotions on my body and face. I was like those people who are lost in the woods and experience hypothermia, and when they’re rescued they come into the logger’s heated shack and are so overexcited that they let themselves get warmed up much too fast, and die.

Then there are the readers who show up at your events and give you more things. Once a woman came to my reading and waited in the signing line and gave me a copy of her oversized picture book. I seem to remember it was called *The Happiest Latke*. I just want to make a sidenote here about anthropomorphic food in books. There are some children’s books in which the food wants to be eaten, and some in which the food feels ignored and gets sad if it isn’t eaten. I think this book was in the latter category. It got eaten, so it was happy. Needless to say, there was no sequel. But I didn’t have extra room in my bag, and though I felt bad about it, I tried to leave the book in the women’s bathroom at the Minneapolis-St. Paul airport one day in “winter/spring.” But I just couldn’t do it. Someone had written this book, and even though I’m still two books behind in the Elena Ferrante, I couldn’t leave it there.

My time is up now and I still haven’t addressed unpacking. That’s because the luggage from my last trip is still on my bedroom floor, unopened. Maybe I just want an ongoing memento of that wonderful tour I went on, and all the wrong things I carried.
The Authors Guild Foundation is the charitable and educational arm of the Authors Guild. It educates, supports and protects American writers to ensure that a rich, diverse body of literature can flourish. The Foundation believes that an abundance of free literary expression is essential to our democracy, and that it can be achieved only by protecting authors’ constitutional and moral rights to benefit from their work. It is the sole group of its kind dedicated to empowering all U.S. authors. The Foundation’s founding members included Saul Bellow, John Hersey, Madeleine L’Engle, Sidney Offit, James A. Michener, Elizabeth Janeway and Barbara Tuchman.

The Foundation board has grown considerably since we last posted a list of eight board members (AG Bulletin, Fall ’17–Winter ’18). We are pleased to introduce our most recently appointed members here.

**Alafair Burke** is the author of 13 crime novels, including *The Wife* and *The Better Sister*. She is co-author with Mary Higgins Clark of the Under Suspicion mystery series. Throughout her writing career, she has continued to teach criminal law and procedure subjects as Professor of Law at the Maurice A. Deane School of Law at Hofstra University. A graduate of Reed College and Stanford Law School, she previously served as a Deputy District Attorney in Portland, Oregon and writes extensively about the discretionary decision making of prosecutors. She is a former president of the New York branch of Mystery Writers of America.

**Sylvia Day** is the #1 *New York Times*, #1 *USA Today*, and #1 international best-selling author of over 20 award-winning novels sold in more than 40 countries. She is a number-one best-selling author in 28 countries, with tens of millions of copies of her books in print. Visit the author at sylviaday.com.

**Roland DeSilva** is the co-founder of Oaklins DeSilva+Phillips, an investment firm whose core focus is to provide Mergers & Acquisition services to companies and investors that operate at the intersection of Content, Technology, and Service, with deep expertise in six key sectors: Media, Marketing, Technology, Data & Information, Education, Healthcare, and Private Equity.

Prior to his investment banking career, Roland served as Chief Executive Officer, Chief Operating Officer, International Director and Publisher with Thomson Corp., McGraw-Hill, and Capital Cities/ABC, Inc. (Chilton Company). He is also the founder of U.S. Business Press, a nine-magazine business-to-business publishing company.

Currently, Mr. DeSilva serves as Vice Chairman of World Information Transfer (WIT), a not-for-profit, non-governmental organization in General Consultative Status with the United Nations (UN), dedicated to health and the environment. He is a Board Member Emeritus of the Smithsonian Libraries Advisory Board and a former Member of the Board of Trustees of Long Island University.

**Lynn Goldberg** has spent her professional life connecting writers with readers and bringing authors to the attention of the public. She was Publicity Director of Farrar, Straus & Giroux and Pantheon Books and was Associate Director of Publicity for Random House before opening her own company. She founded Lynn Goldberg Communications in 1981 and later changed the firm name to Goldberg McDuffie Communications. Among the authors she worked with are Ron Chernow, Susan Sontag, Harold Bloom, Alan Greenspan, Jerome Groopman, Arlie Hochschild, Susan Isaacs, Ian Bremmer, Nicole Krauss, John Lahr, Peter Peterson, Jodi Picoult, Roxana Robinson, Dava Sobel, Maurice Sendak, Joseph Stiglitz, and E.O. Wilson. She also worked with The National Book Awards, The PEN Writers
Katherine Neville’s early career as an international consultant in computers took her to live and work in multiple countries on three continents and half the states in the U.S. She numbered among her clients and employers IBM, OPEC, the Bank of America, the Algerian government, and the U.S. Department of Energy. Between jobs, she supported herself in a bevy of professions, including commercial photographer, portrait painter, waiter, busboy, and fashion model.

Neville’s colorful, swashbuckling adventure novels in the epic “Quest” tradition have graced the bestseller lists in forty languages. Her work has received awards in categories as diverse as Mystery, Thriller, Historic, Romance, Science Fiction and classical literature. Publishers Weekly described Neville’s works as having “paved the way for books like The Da Vinci Code.”

Neville is honored to be the first author chosen to become a member the Advisory Board of the Smithsonian Libraries in Washington, D.C. As a devotee of reading and research herself, Neville has co-created several awards and grants, including Art in Literature, the Mary Lynn Kotz Award presented by the Library of Virginia and the Virginia Museum of Fine Arts, and the Neville-Pribram Mid-Career Grant presented by the Smithsonian Libraries.

Neville resides in Washington D.C. and Virginia, where she is restoring a fabled Japanese house from the 1960s while writing her new novel set in the art world of the 1600s.

Toni K. Goodale founded the fund-raising and management consulting firm of Goodale Associates in 1979. She has worked closely with multiple clients in the fields of education, the performing and visual arts, social services, public affairs, and health care. She has provided counsel for capital campaigns and other fund-raising programs for a wide range of non-profit institutions, including Middlebury, Brown University, the Fashion Institute of Technology, Wheaton College, City University of New York, Hunter College, Cooper Union, Andover-Phillips Academy, Allen-Stevenson, the YWCA New York City, and The Brearley School.

She has also advised a wide range of medical centers, environmental organizations, and many of New York’s leading institutions, including the Whitney Museum, The Museum of the City of New York, Congregation Emanu-El of the City of New York, WNET-Channel 13, and the New York Historical Society.

A cum laude graduate of Smith College, Ms. Goodale is a frequent speaker on the subject of American philanthropy on talk shows and before community and business groups, both here and abroad. She is a member of the Women’s Forum, Inc. and has served on the Board of Directors of the New York Public Library, The Brearley School, the New York City Outward Bound Center, PEN America Center, Metropolitan Museum Business Committee, and others. She is married to James Goodale, former Vice Chair of The New York Times, and has three children.

Robert M. Pesce is a Partner in Marcum Accountants & Advisers’ Tax & Business Services division and the National Partner-in-Charge of its Accounting Services Group. He provides a wide range of accounting, business management, consulting and tax planning services to clients that enable them to become more profitable and efficient.

Mr. Pesce has long standing ties to the creative world and its special needs. Over the last 30
years, authors and agents have represented half his clientele and he has been an adviser to both the Authors Guild and the Association of Authors Representatives. As a tax expert, he takes the view that authors are entitled to the same exemptions as anyone else running a business: “They’re not buying iMacs or Standing Desks for the tax deduction; they’re buying it to make beautiful books. A writer is in business just like anybody else. Whatever equipment is necessary for their business is either deductible in full or depreciable—because it’s used in their business.”

Mr. Pesce regularly addresses creative industry groups on a variety of tax topics and has published in a wide range of industry journals. He is also deeply involved in the New York City community, volunteering his time and serving on committees for multiple cultural and community-minded nonprofits.

R.L. Stine is one of the best-selling children’s authors in history. In July 1992, Scholastic introduced his Goosebumps book series with Welcome to Dead House. These many years later, Goosebumps is now one of the best-selling children’s series of all-time—with more than 350 million English language books in print, plus an additional 50+ million international copies in print in 32 languages.

The Goosebumps series made R.L. Stine a worldwide publishing celebrity (and Jeopardy answer). His other popular children’s book series include Fear Street, (recently revived with all new books), Mostly Ghostly, The Nightmare Room, and Rotten School. Other titles include: It’s The First Day of School Forever, A Midsummer Night’s Scream, Young Scrooge, and two picture books with Marc Brown—The Little Shop of Monsters and Mary McScary.

The Goosebumps TV show was the number-one children’s show in America for three years. The episodes can still be seen on Netflix. More recently, R.L.’s anthology TV series, R.L. Stine’s The Haunting Hour, won the Emmy Award three years in a row as Best Children’s Show. Two Goosebumps feature films starring Jack Black as R.L. Stine were released in 2015 and 2018. The first film became the number-one film in America.

R.L. Stine lives in New York City with his wife Jane, an editor and publisher. You can connect with him on Twitter @RL_Stine. Also Facebook: facebook.com/rlstine. For more information, visit rlstine.com.

Wendy Strothman founded The Strothman Agency in 2003 after seven years as publisher of Trade & Reference at Houghton Mifflin Company, where she oversaw all adult, reference, and children’s publishing and edited books by Philip Roth, Arthur Schlesinger, and John Kenneth Galbraith. She began her publishing career at the University of Chicago Press and was director of Beacon Press in Boston for 12 years. As an agent, she represents serious nonfiction by scholars and journalists. In the past five years, two of her clients, David Blight (Frederick Douglass) and David Kertzer (The Pope and Mussolini), have won Pulitzer Prizes, and two others, James Scott (Target Tokyo) and Wendy Warren (New England Bound), have been Pulitzer Finalists.

Ms. Strotham was a trustee of Brown University for six years and served as Secretary of the Corporation of Brown University for 10 years. She currently serves on the Board of the Association of Authors Representatives and the Copyright Clearance Center. She is based in Greenwich Village. 

Summer–Fall 2019
**BOOKS BY MEMBERS**

Michael H. Agar: Culture: How to Make It Work in a World of Hybrids; 
Elise Allen: Twinchantment; Kathi Appelt: Angel Thieves; Kathi Appelt (and Penelope Dullaghan, Illus.): Max Attacks; 
Robert Bagg (Transl.): Four by Euripides: Medea, Bakkhai, Hippolytus, and Cyclops; David Bell Layover; Greg Belliveau: Imago; 
Melanie Benjamin: Mistress of the Ritz; Betty G. Birney: Exploring According to Og the Frog; Andrew Blum: The Weather Machine: A Journey Inside the Forecast; 
Aaron Bobrow-Strain: The Death and Life of Aida Hernandez: A Border Story; Rosalind Brackenbury: Without Her; Edith Brady-Lunny and Steve Vogel: The Unforgiven; 
Jeanne M. Dams: & Coming Out; Naomi Danis (and Parwinder Singh, Illus.): Littlest Sister; Eloise Greenfield: Serena: The True Story; 
Rosalind Brackenbury: Without Her; Edith Brady-Lunny and Steve Vogel: The Unforgiven; 
Dori Hillestad Butler: The Accident of Color: A True Story of Race in Reconstruction; 
James Buckley Jr.: Michael Collins; Dori Hillestad Butler (and Nancy Meyers, Illus.): King & Kayla and the Case of Found Fred; 
Stephanie Calmenson (and Aaron Blecha, Illus.): Our Principal Breaks a Spell!; Colleen Carroll Campbell: The Heart of Perfection: How the Saints Taught Me to Trade My Dream of Perfect for God’s; 
Robert A. Caro: Working; Elisa Carbone: Poison in the Colony; James Town 1622; Eric Carle: What’s Your Favorite Food?; Mary Kay Carson (and Tom Uhlan, Illus.): The Tornado Scientist; 
Lorene Cary: Ladysitting: My Year with Nana at the End of Her Century; Oscar Cássares: Where We Come From; Ted Chiang: Exhalation; 
Penelope Childers (and Debra Rush): A Cry of the Heart: Human Trafficking, One Survivor’s True Story; Chima: Poems for My People; Rachel Cline: The Question Authority; Mark B. Constantian: Childhood Abuse, Body Shame, and Addictive Plastic Surgery; 
Dave Cullen: Parkland: Birth of a Movement; Don Cummings: Bent But Not Broken; Pat Cummings: Trace; Clive Cussler (and Dirk Cussler): Celtic Empire; 
William Dameron: The Lie: A Memoir of Two Marriages, Catfishing & Coming Out; Jeanne M. Dams: A Dagger Before Me; Naomi Danis (and Junghwa Park, Illus.): While Grandpa Naps; Fiona Davis: The Chelsea Girls; Sylvia Day: Butterfly in Frost; Melissa de la Cruz: All for One; Yvonne Wakim Dennis: Native American Landmarks and Festivals: A Traveler’s Guide to Indigenous United States and Canada; Lisa Doan (and Marta Kissi, Illus.): The Pennypackers Go on Vacation; 
John Domini: The Color Inside a Melon; James Donovan: Shoot for the Moon: The Space Race and the Extraordinary Voyage of Apollo 11; Alyssa Drake: A Perfect Plan; 
Elizabeth Fackler-Sinkovitz: In the Shadow of a Crazy Cat; KJ Fallon: Zen and the Rescue Dog: Journeying with Your Dog on the Path to Enlightenment; Eve B. Feldman (and Parwinder Singh, Illus.): Seymour, the Formerly Fearful; Joy Fielding: All the Wrong Places; Norman H. Finkelstein: Union Made: Labor Leader Samuel Gompers and His Fight for Workers’ Rights; Paul Fleischman (and Julie Paschkis, Illus.): Feats of Feats; Fearless Child: A Worldwide Jack and the Beanstalk Story; Brian Floca: Moonshot: The Flight of Apollo 11 (expanded edition); 
Dennis Gaffin: The Divinity Inquiry; Laura Gehl (and Marcin Piwowarski, Illus.): Dibs!; Amy Gibson (and Jenn Harney, Illus.): Never Trumpet with a Crumet; 
Robert Franklin Gish: Twilight Troubadour: Stories Sederating the American Southwest; Paul Goldberger: Ballpark: Baseball in the American City; Susan Jane Goodman: Donna Has Left the Building; Susan Graham: Born Biracial: How One Mother Took on Race in America; Karlin Gray (and Monica Ahanonu, Illus.): Serena: The Littlest Sister; Eloise Greenfield (and Ehsan Abdollahi, Illus.): Thinker: My Puppy Poet and Me; 
Lisa Grunenwald (and Rick Lieder, Photog.): Hello, I’m Here!; 


MEMBERS MAKE NEWS

Judy Light Ayyildiz won first place in the 2018 Virginia Writers Club Golden Nib Awards in the Nonfiction category for her manuscript CEREDO, WV, 1949. Liam Callanan’s Paris by the Book won the Edna Ferber Award from the Council of Wisconsin Writers. Michael Fedo’s Don’t Quit Your Day Job: The Adventures of a Midlist Author was a finalist for the Northeast Minnesota Book Awards in the category of Memoir. Joan Frank’s Where You’re All Going won the 2018 Mary McCarthy Prize for Fiction. It is expected to be published in February 2020 by Sarabande Books.

Eliza Griswold’s Amity and Prosperity: One Family and the Fracturing of America won the Pulitzer Prize in the category of General Nonfiction.

Lauren Groff’s Florida won the 2018 Story Prize.

Jo Hackl’s Smack Dab in the Middle of Maybe has been awarded the 2019 Southern Book Prize in the category of Children’s Books.

Tayari Jones won the 2019 Aspen Words Literary Prize for An American Marriage. The prize was established “to honor a work of fiction that illuminates a vital contemporary issue and demonstrates the transformative power of literature on thought and culture.” An American Marriage also won the 2019 Women’s Prize for Fiction, formerly known as the Orange Prize. Roger Kemp received a certificate from the California State Assembly in recognition of his “community and civic engagement and the profound difference [he has] made in California” through his “nearly 50 books dealing with local government policy and administration.”

Carol Kino was selected as part of the 21st class of Fellows at the New York Public Library’s Dorothy and Lewis B. Cullman Center for Scholars and Writers, for 2019–2020.

Jan Maher’s Heaven, Indiana was selected as one of Kirkus Reviews’ Best Indie Books of 2018.


Michael Mann received the 2019 Tyler Prize for Environmental Achievement for his “commitment to public policy” and for making climate change accessible to the public.

Ivan Obolensky’s debut novel, Eye of the Moon, won 2nd Place/Silver in the Mystery/Thriller/Suspense/Horror category of the 2019 Feathered Quill Book Awards.
Roxana Robinson was the recipient of the 2019 Barnes & Noble Writers for Writers Award for “her long-standing, fierce, and outspoken advocacy on behalf of authors.” Lynne Sharon Schwartz’s translation of Run for Your Life by Silvana Gandolfi was an American Library Association Batchelder Award honoree. The award honors outstanding children’s books originating in a country other than the United States, in a language other than English, and subsequently translated into English for publication in the United States. Nathan Szajnberg’s short story “How Fishele Died” received second place in the Stanford Kalanithi Writing Award. Tina Truax’s Girl on the Right: Memoir of a Life Upside Down was named a finalist in the 2018 Wishing Shelf Book Awards in the category of Adult (Nonfiction). Richard Vetere’s The White Envelope was selected as an Honorable Mention in the Absolutely Amazing Whodunit Mystery Contest.

IN MEMORIAM


Allan Cole, 75, died March 29 in Boca Raton, Florida. The international best-selling author, screenwriter, and prize-winning newsmen was best known for the Sten science fiction series, which he coauthored with his late partner, Chris Bunch, as well as the critically acclaimed Vietnam novel, A Reckoning for Kings.

Rachel Held Evans, 37, died May 4 in Nashville, Tennessee. The author was known for her books on Christianity, including Evolving in Monkey Town (later republished under the title Faith Unraveled), A Year of Biblical Womanhood and Searching for Sunday.

Dorothea Benton Frank, 67, died September 2. The New York Times best-selling author and former fashion executive launched her writing career at 47 with Sullivan’s Island and followed it with a new work every year for the last 19, all of them set in the Charleston area, including Lowcountry Summer, and her most recent work, Queen Bee.

W. E. B. Griffin, 89, died February 12 at his home in Daphne, Alabama. The best-selling author—whose real name was William E. Butterworth III—wrote under several pseudonyms and penned more than 150 books, many under the Griffin name.

Paule Marshall, 90, died August 12 in Richmond, VA. The author was best known for her debut novel Brown Girl, Brownstones, set in Bedford Stuyvesant, Brooklyn and published in 1959. She won multiple awards, including MacArthur and Guggenheim Fellowships and the Anisfield-Wolf Book Award. Brown Girl, Brownstones was cited in The Norton Anthology of African American Literature as “the novel that most black feminist critics consider to be the beginning of contemporary African American women’s writings.” Her other works include The Chosen Place, the Timeless People, and Praisesong for the Widow.

W. S. Merwin, 91, died March 15 at his home near Haiku-Pauwela, Hawaii. He was the winner of two Pulitzer Prizes, for The Carrier of Ladders and The Shadow of Sirius. He also won the National Book Award for Migration: New and Selected Poems and was the U.S. Poet Laureate from 2010 to 2011.

Rosamunde Pilcher, 94, died February 6 in Dundee, Scotland. The British novelist of romance and women’s fiction was best known for The Shell Seekers, which was adapted into a film for television starring Angela Lansbury.

Anne Rivers Siddons, 83, died on September 2 in Charleston, South Carolina. The American novelist known for stories set in the Southern U.S. wrote many best-sellers, most recently The Girls of August in 2014, Burnt Mountain, Off Season and Sweetwater Creek. Stephen King, in his review of the horror medium Danse Macabre, named her 1978 novel The House Next Door as “one of the finest horror novels of the 20th Century.”

Gene Wolfe, 87, died April 14 in Peoria, Illinois. The science fiction and fantasy author’s many awards include the Nebula Award, the Locus Award, the Campbell Award, and the World Fantasy Award. He wrote more than 30 novels, including his best-known work, The Book of the New Sun.

Herman Wouk, 103, died May 17 at his home in Palm Springs, California. He was best known for such novels as Marjorie Morningstar, The Winds of War, and The Caine Mutiny, which won the Pulitzer Prize in 1952. He published his memoir, Sailor and Fiddler: Reflections of a 100-Year-old Author, in 2016.

DECEASED MEMBERS

Adam Clymer
Allan Cole
Patrick Durantou
Robert B. Merkin
J. Robert Moskin
Carl Posey
Raymond J. Rasenberger
Al Silverman
Elmer Sprague
B. Gayle Twiname
Frances Vaughan
Patricia Winter
Herman Wouk
Regional Chapters Update

This June marked the one-year anniversary of our Regional Chapters program, a Guild initiative designed to meet the needs of members in many different parts of the country and one we continue to expand. We began the year with 14 chapters, and by the end of 2019, we expect to have 20 chapters up and running.

This year’s programming kicked off with an event in the Bay Area. In January, ambassador Laird Harrison hosted best-selling author Sheila Bethel at Green Apple Books in San Francisco, where Bethel presented her insights about what makes readings memorable. About 50 people attended on a cold and rainy night, and Guild member Donna Allrecht commented via e-mail, “I’d had high hopes for your presentation last night and you truly exceeded them!” January events also included a science writing panel in Los Angeles and a talk in Seattle about submitting to the traditional book market.

In February, our Chicago chapter mounted an author reading that included Valerie Wallace, Nami Mun, Amy Timberlake and David Jay Collins, with an open mic for chapter members to read from their work. The event was hosted by ambassadors Arnie Bernstein and Alta Price, who recently landed on the Chicago Lit 50 list for their advocacy of the Guild’s Fair Contract Initiative and for calling attention to copyright and piracy issues. In their own words, Bernstein and Price “have ambitious plans for the upcoming year… championing Chicago as one of the most literary and engaged cities in the United States.” In February, the Tampa/St. Petersburg chapter offered a session to discuss copyright issues and author platforms.

As spring began, three members of the Guild’s legal team worked their way up the West Coast, visiting chapters in Los Angeles, San Francisco and Seattle and hosting question-and-answer sessions that tackled a wide range of topics, including online forums and communities, authors’ incomes, contracts and strategies for dealing with publishers. They capped off the tour by attending the annual Association of Writers & Writing Programs (AWP) conference, held this year in Portland, Oregon, and hosting two panels on writers’ legal rights. Portland has been very much on our radar, as we hope to include it in an emerging slate of new Regional Chapters this year. We also look forward to chapters being established in Phoenix, Arizona; Southeast Florida; Spartanburg, South Carolina and St. Louis, Missouri.

Other springtime chapter events included a Washington, D.C., conversation on genre-writing, during which panelists offered practical publishing and promotional advice; a talk in Raleigh-Durham on how to successfully self-publish; and an intensive online self-defense training session in Los Angeles in association with PEN America. In April, the Philadelphia chapter’s first public event, a panel about finding and working with agents, drew an enthusiastic crowd of 70-plus writers who learned how to get their work into an agent’s hands. The event was followed by a cocktail hour where agents and members had a chance to mingle. Afterward, member Miriam Seidel tweeted her thanks to ambassadors Sally Wiener Grotta and Janet Benton: “Thanks @sallywgrotta and @janet_benton for organizing a great, packed @AuthorsGuild event with 4 literary agents extraordinaires @Ludington Library!”

We are happy to welcome our two newest chapters, New York City and Las Vegas, both of which held their first events in May. In New York, members and friends joined ambassador Marina Aris at WeWork in the Financial District as she led a discussion with Adam Woods from PublishDrive, an e-book publishing platform. Topics covered in a talk titled “Develop Your Going Wide Strategy” included book production, current industry trends and marketing in the independent marketplace. Members in Las Vegas gathered at the Writer’s Block bookshop to discuss current projects and future events they’d like to see in their city. Ambassador Teri Emory and the Authors Guild’s vice president of programs, Andrea Bronson, were on hand to greet everyone and discuss the Guild’s mission.

We look forward to our next round of site launches, opening up fresh opportunities for members who want to be active in a vibrant community of writers. If you live in or near one of our chapter cities, we urge you to sign up to receive emails at www.authorsguild.org/member-services/regional-authors-guild-chapters/.

* 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.
DO\'T MISS THE
AUTHORS GUILD
FOUNDATION FALL
WEBINARS

We\’re pleased to announce our fall webinars. In this engaging new series, experts offer authors advice on a variety of important topics, including estate planning for authors, how to land early book reviews, and more.

To see full details, register for an upcoming webinar, or watch a recording of a past webinar, visit authorsguild.org/featuredevents.

It is important to sign up early as these sessions often fill up quickly. All webinars last approximately an hour and include a live Q&A session. All are free to AG members.

Please feel free to contact us at staff@authorsguild.org with any questions.

\* The CASE Act and Why It Matters to Authors
September 18, 1 p.m. ET

\* Attract More Readers and Sell More Books: How to Promote Your Own Book (Without Feeling Sleazy)
September 19, 1 p.m. ET

\* Four Strategies to Gain Early Reviews (and Build Buzz!)
September 24, 1 p.m. ET

\* Bad Contracts Are Not Forever: A Review of the Statutory Right of Termination in Section 203 of the Copyright Act
October 22, 1 p.m. ET

\* Estate Planning for Authors
November 6, 1 p.m. ET
Did You Know the Authors Guild will review your contracts and more?

Our legal experts will assist you with:

- Contractual Negotiating Points
- Contract Disputes
- Reversion of Rights
- Defamation and Privacy Rights
- Copyright Questions
- Nonpayment of Royalties
- Copyright Infringement
- Publishing Contract Reviews

Contact us at staff@authorsguild.org to learn more.