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Library Marketplace -- Where Books Come From: An Interview with Toni Brandmill of the National Writers Union

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BLUNDER, BLUSTER AND BUREAUCRATS

by Pamela M. Rose (University at Buffalo)

Media coverage of the looting and destruction of Iraq's museums and libraries may have obliterated the good news: three weeks before the U.S. attack began, Iraq's Ministry of Culture employees secretly removed over 8,000 precious objects to a secret location, revealed only after the 6th of July to U.S. investigators. The fascinating tale of "misunderstandings, mistakes, surprises and bureaucratic infighting" is revealed in this excellent recounting that chronicles the unfolding of events from January through July.

See — "Mayhem in Mesopotamia" by Andrew Lawler in *Science*, August 1, 2003, pp.582-589.

Library Marketplace — Where Books Come From

An Interview with Toni Brandmill of the National Writers Union

Column Editor: John Riley (Sales Manager, Eastern Book Company)
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It seems as though the writer's perspective has gotten lost in the current debates about the future of publishing, libraries and bookselling. Since writers are where books and journals originate, it seems only fair that we hear from them regarding these debates. In order to find out more about what writers are thinking, I contacted my friend Toni Brandmill, member and trustee of the National Writer's Union.

The National Writer's Union (NWU) was started in 1981 as a UAW Local Chapter that was created for such non-traditional workers as writers and artists. The union now counts over 7,000 members worldwide. Americans, including those living abroad, make up the bulk of their membership. Services that the union offers include working to obtain fair contracts for their members, offering group health insurance, maintaining a database of literary agents, and offering trained advisors in contract negotiation and grievance procedures. NWU has four major divisions: Books, Journalism, Business and Technology, Grievance and Contracts. Within the Books Division there are also caucuses for fiction and poetry. The cost to join is \$95.00 for an author who earns less than \$5,000 per year from his or her writing. Most of the Union's operating funds come from dues, but they also receive some royalty payments from European Union libraries for copies made of NWU members' works. Now that's a novel idea! Picture U.S. libraries paying royalties to authors for copies made of their works on library machines!

ATG: Toni, could you give us some background, aims, history of the Writer's Union and your specific involvement with it?

TB: The NWU was formed 21 years ago as Local 1981 of the UAW/AFL-CIO. One of its main purposes was to organize non-traditional workers, i.e., freelancers and other writers who do not work

for an employer. I have been a member of the NWU for about five years. I became active in the Union initially as a grievance officer and contract advisor (using my law background for the side of good). I have since become the chairperson of my sub-local/unit which includes about 210 members in Western New England. I am also in my second term as one of the Trustees for the National Union.

ATG: Could we discuss some current issues: i.e., "Tasini," changing contracts with publishers (i.e., giving up electronic rights), print on demand and the prospect of books never going out of print and how that might affect the usual practice of copyright reverting to authors when books go out of print?

TB: *Tasini v. Times*, the landmark copyright case which was decided by the Supreme Court of the U.S. in 2001, confirmed that freelancers (journalists who are not staff writers for publications) own the rights to their works, unless they have signed them away by contract. It is therefore a copyright violation for a publisher like the *New York Times* to create a searchable electronic database without first obtaining the rights from the author. One of the repercussions of the *Tasini* decision, however, is that publishers are now demanding electronic rights, in fact, all rights, from writers. Thus, if one wants to write for the *Times*, the *Boston Globe*, the *Washington Post*, indeed most publications, all rights must be turned over, very often without additional compensation. Gone are the days when a writer could substantially supplement her income by reselling her work after the initial publication.

An innovation in the publishing industry is self-publishing and print on demand books. Some authors think of these new "publishers," who are paid by the author for production of a book or the maintenance of a database which makes a book available in a print-on-demand or electronic

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Public Speaking Handbook for Librarians and Information Professionals

Sarah R. Statz. 2003, \$39.95 softcover, appendices, references, bibliography, index, 0-7864-1546-0.

Revolting Librarians Redux

Radical Librarians Speak Out

Edited by Katia Roberto and Jessamyn West. Introduction by Celeste West; Illustrated by Katherine West. 2003, \$35 softcover, illustrations, index, 0-7864-1608-4.

In North Korea

An American Travels through an Imprisoned Nation

Nanchu with Xing Hang. 2003, \$29.95 softcover, photos, appendix, index, 0-7864-1691-2.

North Korea at a Crossroads

Suk Hi Kim. 2003, \$29.95 softcover, tables, readings list, reader aids, appendices, index, 0-7864-1741-2.

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format, as nothing more than a twenty-first century version of "vanity presses." Others think that the current publishing climate makes it more difficult than in the past to get published. With magazines, journals and publishers going out of business or being merged, book prices rising and mega-bookstores stocking primarily best sellers and turning over inventory weekly, many writers are looking to self-publishing as a way to get their material into the mix. Self-publishing is sometimes an option, but it's just as dicey in terms of commercial success as it was before.

ATG: *Would you care to give some examples of changing compensation problems with publishers (i.e., fewer advances, difficulty getting good accounting)? Can the average author make a living anymore? Has the Internet opened up new possibilities for compensation (i.e., lecturing, consulting, teaching, etc.)?*

TB: Publishers are giving fewer and smaller advances. Getting a good accounting and getting royalties paid on time have long been a problem for authors. Now, however, getting compensated when the publisher has sold the work to an online Web site or database is a bigger problem. Publishers think they have the right to sell the works, sometimes they even offer money to the author, but they don't unless that's set forth in a written agreement. Getting them to realize it and do something about it is difficult. Most authors just want to be paid. The first threat the publishers make, however, is always, "well, okay, if we can't have all the rights to your work we'll take it off the site".

Writers also rarely get either their rights back or money from a bankruptcy, since the bankruptcy courts that have control really don't understand copyright law for the most part.

ATG: *Could you discuss any issues regarding librarians pro or con (i.e., shared issues on censorship and reading promotion, but differences on copyright infringement and "fair use")? Should writers be compensated for books that circulate in libraries?*

TB: I personally don't know any writers who believe that royalties should be paid for books circulated in libraries, or re-sold in used book stores. I have heard over and over that authors are happy to have their work being read and believe every person who reads and finds value in a particular work will recommend it to friends and colleagues and look for the author's future work.

In fact, since writers are not the best compensated working people, they access libraries for their entertainment reading as well as using libraries extensively for research.

Libraries are a national resource, in fact, here in Western Massachusetts every little town has an exquisite library building where the librarians offer after school programs, summer reading programs and literacy projects.

Fair use by libraries, which is reasonably lenient under the copyright law, is not disputed by the NWU. Most libraries now have self-serve copying machines which make it possible for

individual users to violate the law by copying entire works. However, with most libraries under the gun financially, it would be unreasonable to expect librarians to remove those machines or police their use. At some point you have to believe in the goodness of people and learn to accept that those who wish to violate the law are going to find a way to do so.

It is important to note that current copyright law is being written to protect corporate holders of copyright. Corporations have introduced, promoted and pressed Congress to pass laws favorable to them, but not especially for the individual author.

ATG: *What's going on with Contentville, Copyright Clearance Center, etc?*

TB: Contentville went out of business, mainly because of copyright problems with writers. The Union is proceeding with its own royalty program — **Publishers Rights Clearinghouse**. A writer can register works and those wishing to post them to sites can get permission and pay a royalty through PRC. It works like ASCAP and BMI really.

ATG: *What does the Union think about Amazon selling used books? Do publishers share your opinion?*

TB: The NWU has no position, to the best of my knowledge, on **Amazon.com**. I personally wish that readers would shop at their independent new or used book stores. Access to small press books, books with small printing runs or with non-mainstream content will cease to be available (and possibly to even be published) without small, local independent store making them available to the consumers. I also believe, personally, that an integral part of the culture of literature, reading and enjoying the company of other lovers of books, is kept alive by the owners of used book stores who spend their lives recycling books and other reading material which would otherwise be forgotten, lost or sent to the landfill. (Disclaimer: my hus-

band owns and operates a used book store here in the Pioneer Valley of Massachusetts, as does the interviewer).

ATG: *What are some of the future plans, issues, projects for the Union?*

TB: The NWU is currently pursuing two major national campaigns. One is to get **AOL/Time-Warner** to offer fair contracts. The second is a legislative campaign. In the last Congress, **Representative John Conyers** of Michigan introduced a bill which would protect freelancers, including artists as well as authors, by allowing them to collectively bargain. This is a right we artists, writers and other creative independent contractors do not now have, because we are not traditional employees and do not create in a traditional "workplace" for the same employer. The struggle with **AOL/Time-Warner**, an entity which encompasses many publishers and other entertainment and intellectual companies (and growing all the time), underlines the need for the **Conyers Bill**, which will be reintroduced in the current legislative session. Currently, every writer negotiates separately with every publisher and editor. The power of writers as a collective bargaining unit would enhance their ability to protect their rights, including their right to make a living.

Toni Brandmill is an activist for the National Writers Union, UAW Local 1981/AFL-CIO and serves as chairperson of her local unit, as a grievance officer and contract advisor, and as a national Trustee. In a former life she was a criminal defense attorney and she also practiced in the areas of family law and mediation. She lives in the Pioneer Valley of Western Massachusetts where she runs a used bookstore along with her husband, Bob. Toni is the mother of an eighteen year old daughter, Ayla. <tonibrandmill@attbi.com>.

And They Were There

Reports of Meetings — ACRL National Conference and NEDCC Workshop

Column Editor: **Sever Bordeianu** (University of New Mexico) <sbordeia@unm.edu>

Learning to Make a Difference

ACRL 11th National Conference, April 2003, Charlotte, North Carolina

Report by **Cassandra Osterloh** (University of New Mexico)

With record-breaking attendance, the **Association of College and Research Libraries (ACRL)** held its **11th National Conference** in Charlotte, North Carolina this past April. "*Learning to Make a Difference*" was this year's theme. With over 250 programs, workshops, and pre-conferences from which to choose the conference was both educational and invigorating. The conference theme was broad enough that every program seemed a

good fit and the sessions I attended were informative and interesting. There were a few troublesome points — too many good programs running concurrently and virtually no sessions in fields such as cataloging, acquisitions, special collections, or preservation. Reference, instruction, collection development, and technology, however, were areas well represented.

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