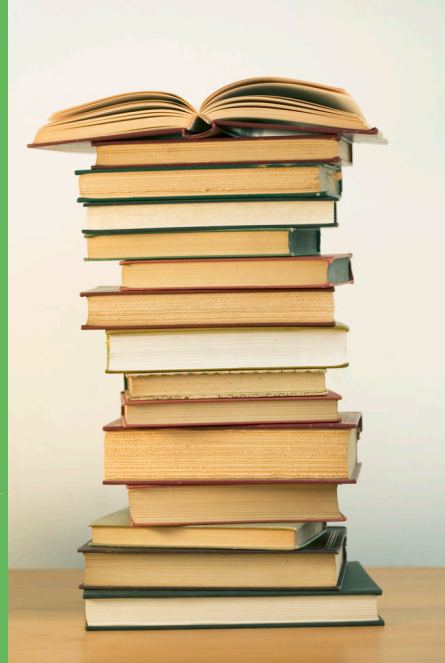


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Annual Report

Fiscal Year 2006/2007



AAP ANNUAL REPORT FISCAL YEAR 2006-2007

HIGHLIGHTS OF 2006/2007

Among the highlights of the year in publishing:

- AAP and Cornell University announced a new set of cooperatively-developed copyright guidelines for the use of electronic course materials;
- AAP's 2007 Honors went to *The View* for their outstanding work in promoting American books and authors;



Photos by: Focused Images, Inc.

New AAP Chairman Richard Sarnoff

- The Miriam Bass Independent Publishing Award went to Dennis Loy Johnson and Valerie Merians, Co-Publishers of Melville House;
- Richard Sarnoff, Executive Vice President of Random House, Inc., was elected to a two-year term as AAP Chairman;
- The R.R. Hawkins Award for the outstanding professional, scholarly or reference work went to Harvard University Press for *Evolutionary Dynamics* by Martin Nowak;
- Egyptian publisher Mohamed Hashem, was the fourth recipient of the Jeri Labor International Freedom to Publish Award;
- AAP hosted a broad-ranging seminar on Accessible Books for Readers with Print Disabilities;

- The AAP Smaller and Independent Publishers Group held a West Coast seminar;
- AAP's 2006 Compensation and Personnel Practices Survey Report reflected the growing influence of the digital environment in publishing;
- AAP leadership in the fight against overseas piracy was highlighted in a special exhibit at BookExpo in Washington;
- AAP continued to oversee the copyright infringement lawsuit filed by five member publishers against Google in the fall of 2005;
- In addition to its regular newsletter, in the fall of 2006 AAP inaugurated *The AAP Insider*, a weekly electronic news bulletin for member publishers;
- Two AAP staff members traveled as guests of the government of Antigua and Barbuda, to present a workshop on Get Caught Reading at the Caribbean Literary Festival;

- Author and humorist John Lithgow, New York Yankees centerfielder Johnny Damon, the cast of the Broadway hit *Avenue Q*, and illustrator/author Sandra Boynton, were among the celebrities who posed for Get Caught Reading posters in 2006;
- AAP presented the publishing industry’s views to Congress regarding changes to the Copyright Act to accommodate the use of “orphan works”;

Photos by: Focused Images, Inc.



Outgoing AAP Chairman Tony Lucki

- In 2006 AAP launched its Digital Issues Working Group (DIWG) as a forum for publishers to share information and learn about business opportunities and strategies in the digital world;
- At a program co-sponsored by AAP at the National Press Club in Washington, eight journalists and librarians recounted harrowing experiences in standing up for the First Amendment;
- AAP’s international copyright piracy program made impressive gains in 2006 and continued to expand its global reach;
- In California, AAP lobbying efforts helped secure an 11.3 percent increase in funding for the state’s Instructional Materials Reform Program;

- In Florida, as a result of AAP’s advocacy efforts, Instructional Materials category funding increased to \$266.6 million, a 7.5 percent increase (\$18.6 million) over the previous year’s full funding level--the ninth consecutive year of full funding in Florida;
- AAP expanded its Adopt-A-School program with the New York City Department of Education. The program has expanded to an additional 25 schools since its launch in 2004;
- With more than 1,000 members, AAP’s Young to Publishing Group continued to foster educational and networking programs for the industry’s young professionals;

CORPORATE MEMBERSHIP AT YEAR’S END STOOD AT 331

The following is a breakdown by category:

MEMBERSHIP CATEGORY	TOTAL MEMBERS
Regular Member Companies	181
Not-For-Profit Associates	64
University Press Associates	33
Affiliate Membership	53
	<hr/>
Total	331

GOVERNMENT AFFAIRS

AAP's Washington office is the industry's front line on matters of federal legislation and government policy. Washington keeps AAP members informed about developments on Capitol Hill and in the Executive Branch, to enable the membership to develop consensus positions on national policy issues. AAP's government affairs professionals serve as the industry's voice in advocating the views and concerns of American publishers on questions of national policy.

A report on legislation and regulatory actions affecting book publishers in 2006 is available from the AAP Washington office and can be found online at: http://www.publishers.org/main/GovAffairs/govAbout_01.htm.

COMMUNICATIONS/PUBLIC AFFAIRS

The Communications and Public Affairs program informs the trade press and other media, the AAP membership, and the general public, about the Association's work, and serves as the industry's voice on a host of issues. Through the program's regular publications, press releases and advisories, op-ed pieces, and other means, AAP disseminates the publishing industry's views and provides up-to-the-minute information on subjects of concern to its members. The Communications/Public Affairs program has primary responsibility for the AAP web site.

AAP's public affairs activities include outreach and cooperative programs with such organizations as The Center for the Book in the Library of Congress, the Arts Advocacy Alliance (supporting the National Endowment for the Arts and other federal arts programs), PEN American Center and its International Freedom to Write Program, and a host of literacy and reading promotion efforts including the early childhood literacy initiative, Reach Out and Read.

In addition to the AAP *Monthly Report*, the association's regular newsletter, in the fall of 2006 the Communications program inaugurated a weekly electronic news bulletin for AAP members—*The Insider*—

The AAP web site is: <http://www.publishers.org>.

BOOKEXPO AMERICA

AAP is a co-sponsor of BookExpo America (BEA), the premiere English-language book event. BookExpo 2006 was held in Washington, DC from May 18-21.

AAP's leadership in the effort to combat book and journal piracy across global markets and to educate the public about the connection between copyright protection and creativity was highlighted in a special BookExpo exhibit. In addition, AAP co-sponsored (with the British Publishers Association and the Publishers Association of China) a symposium on China's role in the international publishing marketplace.

Photo by: AAP



AAP's anti-piracy work as highlighted in a BookExpo exhibit

AAP joined with the American Booksellers Foundation for Free Expression and the ALA-affiliated Freedom to Read Foundation in sponsoring a First Amendment program on "Threats to Press Freedom in the War on Terrorism." Featured panelists were journalist/author Myra McPherson, Pulitzer Prize-winning political cartoonist and author Doug Marlette, and former *New York Times* executive editor Howell Raines.

GET CAUGHT READING

In 2006, AAP continued to promote a love of reading with the Get Caught Reading/¡Ajá, leyendo! campaign. New Get Caught Reading celebrities included children's author and humorist John Lithgow, New York Yankees center fielder Johnny Damon, the cast of the Broadway hit *Avenue Q*, illustrator and author Sandra Boynton, along with Manga super-character Naruto and Yoda of *Star Wars* fame. Plans for 2007 include photo shoots of the celebrity-author rock band "The Rock Bottom Remainders," and another "Get Caught Reading Day on Capitol Hill," to capture members of the new 110th Congress.

AAP continued Get Caught Reading outreach through airings of the Whoopi Goldberg PSA on ABC/TV, NBC and Fox networks. Print PSA's appeared in *USA Today*, *The New York Times*, *VIBE*, *Good Housekeeping*, and other publications.

In November, AAP staff members Tina Jordan and Deidre Huntington traveled to Antigua as guests of the government of Antigua and Barbuda, to present a workshop on Get Caught Reading held in conjunction with the first Annual Caribbean International Literary Festival. Baldwin Spencer, the Prime Minister of Antigua and Barbuda, was photographed for his own Get Caught Reading poster.

Get Caught Reading exhibits were part of the 2006 New York ComiCon Show, the Harlem Book Fair, and Book-Expo.

Booksellers, educators and librarians continued to use www.getcaughtreading.org as a resource to initiate Get Caught Reading campaigns in their communities and to order artwork. AAP continued its reading promotion partnership with the National Basketball Association and American Booksellers Association.

AAP is gearing up for the forthcoming launch of "Get Caught Listening," a brand extension campaign highlighting audio books.

COPYRIGHT

The AAP Copyright Committee coordinates efforts to protect and strengthen intellectual property rights and enhance public awareness of the importance of copyright as an incentive to creativity. The Committee monitors intellectual property legislation in the U.S. and abroad, and serves as an advisory body to the AAP Board of Directors in formulating policy on legislation and compliance activities, including litigation. The Committee coordinates AAP's efforts to promote understanding and compliance with U.S. copyright law on America's college and university campuses. Bob Bolick (McGraw-Hill) chaired the committee in FY 2006/2007.

The Committee continued to monitor the Google Print Library Project and to oversee the lawsuit filed in federal court in 2005 by five AAP member publishers (The McGraw-Hill Companies, Pearson Education, Penguin Group USA, Simon & Schuster, and John Wiley & Sons). The suit, which was filed in U.S. District Court for the Southern District of New York, seeks a declaration by the court that Google commits infringement when it scans entire books covered by copyright, and a court order preventing Google from doing so without permission of the copyright owner. It was initially anticipated that the discovery phase (including depositions and expert witnesses) would consume most of 2006. At the request of both parties, however, the time line was revised and the deadline to complete document production extended for several months. Throughout 2006, the Committee monitored a number of important court decisions in cases against Google, mostly occurring in the international arena, along with domestic and foreign news media coverage of Google's views and business transactions that may have an impact on the publishers' pending litigation. The majority of these developments were seen as helpful for the publishers' position in the lawsuit.

The Copyright Committee continued to monitor issues arising from the use of copyrighted works in digital formats on college campuses, including library e-reserves. More than eight months of negotiations between AAP and Cornell University resulted in an agreement on substantive guidelines for the use of electronic course content that were satisfactory to publishers. As part of the follow-up activities, the university agreed to participate in a joint press release in September. Although Cornell seemed willing to take certain actions to facilitate monitoring compliance, it continued to oppose any formal transparency arrangement regarding continued access to bibliographic data on e-reserves postings. With respect to future projects, the E-Reserves Task Force of the Committee is monitoring next steps for focusing on other universities and generally advocating broad acceptance of the Cornell guidelines in the library and academic communities.

As in the first two rounds in 2000 and 2003, AAP participated in the third triennial rulemaking proceeding under

Section 1201(a) of the Digital Millennium Copyright Act (DMCA). The rulemaking process examines whether the provision in the DMCA making it illegal to circumvent technologies employed to control access to copyrighted works is likely to have an adverse effect upon non-infringing uses of particular classes of copyrighted works. In February 2006 AAP filed comments jointly with other trade associations representing the major copyright-based industries. Late in 2006, acting on recommendations of the Register of Copyrights, the Librarian of Congress authorized six exemptions from the prohibition, including a renewal (with modifications) of a previously-adopted exemption covering “literary works distributed in ebook format when all existing ebook editions of the work (including digital text editions made available by authorized entities) contain access controls that prevent the enabling either of the book’s read-aloud function or of screen readers that render the text into a specialized format.” While questioning the need for this exemption, (as it did in the previous rulemaking proceeding in 2003) AAP did not oppose its renewal in essentially the same form because it could not be shown that the situation had changed from 2003 regarding the enabling of the read-aloud and screen reader functionalities, nor that publishers were actually harmed by the exemption. However, for the first

time since the rulemaking proceedings began in 2000, a court action has been filed challenging the results of a rulemaking and the constitutionality of the rulemaking requirement itself. The copyright community is somewhat ambivalent about the case, concerned that a court ruling could adversely affect copyright interests in certain procedural aspects of the rulemaking, but not averse to seeing the court eliminate the burdensome triennial rulemaking proceedings on constitutional grounds. The Committee will closely follow the progress of the case.

AAP and several other copyright-based industry trade associations joined in filing an *amicus* brief in *Electra Entertainment Group v. Barker*, opposing the defendant’s motion to dismiss a peer-to-peer music file sharing infringement suit brought by the Recording Industry Association of America. The defense motion, which was supported by the Electronic Frontier Foundation and others, argued that the distribution right was not infringed by the defendant’s action in uploading various sound recordings because merely “making available” such works, without actual transmission, did not constitute distribution. The brief joined by AAP responded that the “making available” right established under the WIPO Copyright Treaty was confirmed to be encompassed within the distribution and performance rights under U.S. copyright law when the Digital Millennium Copyright Act was enacted to implement the WIPO Treaty in 1998, and that uploading sound recordings for P2P exchange – even without transmission of a copy – constitutes distribution.

The issue of “orphan works” (works whose copyright owners cannot be located by third parties seeking permission to use them) continued to engage the Committee’s attention. Although the industry and the Copyright Office continued to disagree on some issues, AAP supported the orphan works bill introduced by Congressman Lamar Smith, Chairman of the House Judiciary Subcommittee on Intellectual Property and was disappointed in Con-



Photo by: Focused Images, Inc.

Tom Rubin (Microsoft) speaking on the need to advance technology and respect copyright

gress' failure to pass the legislation. This will continue to be a legislative priority for AAP in the 110th Congress.

The Rights and Permissions Advisory Committee (RPAC), which operates under the aegis of the Copyright Committee, sponsors educational programs for rights and permissions professionals. Chaired by Bonnie Beacher (McGraw-Hill), RPAC collaborated with the Higher Education Critical Issues Task Force and the AAP School Division in sponsoring a full-day seminar in July on "Accessible Books for Readers with Print Disabilities," which brought together publishers, librarians and disability services providers. In May, RPAC hosted its Annual Conference in New York attended by rights and permissions professionals from around the country covering such topics as electronic copyright transfer, copyright and permissions "basics," and orphan works, as well as updates from the U.S. Copyright Office and the AAP Washington office. RPAC maintains the AAP Imprints List—which can be found at <http://www.publishers.org/member/imprints.cfm> and which provides contact information and information on various imprints for those seeking permission. RPAC members have begun a revision of the *New and Updated Copyright Primer* for release in 2007.

The Copyright Education Committee (CEC) worked on AAP's FAQ's on E-Reserves and other revisions for a new edition of the *Q & A on Copyright for the Campus Community*, scheduled for publication in 2007. The committee has also been in contact with Copyright Clearance Center to discuss joint copyright education and compliance activities on university campuses.

DIGITAL ISSUES

In 2006 AAP launched its Digital Issues Working Group (DIWG) as a forum for publishers to share information and learn about business opportunities and strategies in the digital world. Maja Thomas (Hachette Book Group USA), and Keith Titan (Random House) served as co-chairs.

Digital Issues Working Group meetings featured speaker presentations on a range of subjects including: discovery and search of publishers' digitized book content databases; digital marketing of publishers' products; development of web sites that engage readers as interactive participants, provide a wealth of information via hyperlinks, tap into online communities, and distribute content for promotion and consumption both on PCs and on mobile devices; legal issues in the digital world; and digital initiatives in other media industries, including gaming, music and film.

AAP also formed the Subcommittee for Books Online, whose mission is to define a standard for discovery, browsing, searching, and rendering of book content online. The standard will help publishers communicate content and data with syndication partners (search engines, retailers, distributors, online communities, and other third-party Web sites). It will be a platform-independent, open standard to enable easy implementation by any publisher or syndication partner. The Subcommittee met six times from October through December and made substantial progress on a draft requirements and use cases document, which will be shared with syndication partners in a continuing, collaborative development effort among all industry participants in 2007.

AAP's Online Piracy Working Group, under the chairmanship of Keith Titan (Random House), continued to study the extent and nature of online book piracy, monitoring the Internet to find instances of online trading of electronic files containing the full texts of copyrighted books without the publisher's authorization. Over the course of separate two-week scanning periods in March, September, and December, the effort identified a total of more than 450,000 files constituting likely infringements of books. Detailed infringement findings were reported to AAP member publishers to enable them to determine the best individual courses of action to deal with the infringements.

DIVERSITY/RECRUIT & RETAIN

AAP's Diversity/Recruit & Retain Committee continued to fulfill its mandate of attracting a talented and diverse workforce to book publishing with its "Book Yourself a Career" campaign. The committee was chaired in 2006/2007 by Bridget Marmion (Houghton Mifflin). College Outreach chair was Francine Rosado-Cruz (Penguin).

During the year, AAP expanded its outreach to college students at five New York area schools with diverse student populations: City College of New York, City University of New York, Baruch College, Queens College, and Medgar Evars College, participating in career fairs and informational sessions highlighting publishing as a career option. Outreach efforts emphasized the viability of publishing as a career choice for students beyond those majoring in English. AAP also visited Pace University in New York, and colleges outside the New York area, including Temple University, Howard University and Rutgers University. Visits are scheduled in the coming year to Hobart/William Smith in Geneva, NY, Union College in Schenectady, NY, Penn State University, and Wagner College (on Staten Island). A majority of visits outside the New York area grew out of a mailing to members of the National Association of College Recruiters.

In 2007 AAP will also participate in the National Association of College Recruiters annual meeting, exhibiting at their event in New York at the end of May, and will continue to develop relationships with the professionals who oversee career center programs at universities and colleges across the country.

The past year witnessed the heaviest traffic to the bookjobs.com site since its inception. The heightened traffic is attributed to continued participation in Google Adwords and increasing promotion of the site at college fairs and in informational sessions.

Sharpening the diversity message, AAP developed and launched a redesigned bookjobs.com web site, adding new photographs and copy to appeal to a diverse talent pool. Plans are underway to stream the AAP's *Voices of Diversity* video on the site. Other enhancements include a "Featured Job of the Day," chosen by an electronic lottery system, an automatic expiration option for publishers, and information on AAP informational sessions and college visits.

EDUCATION PROGRAM

AAP's education program is designed to provide educational opportunities for publishing industry personnel.

The creation and development of AAP's Introduction to Publishing Course, previously carried out with the help of an outside consultant, was taken over this year by the Diversity/Recruit and Retain Committee. To accommodate the anticipated increase in attendance, the course was moved to Random House. The event was sold out, with approximately 150 young professionals attending the full day program, almost three times the attendance of previous years. Entitled "Book Publishing Inside and Out," the course highlighted a number of areas of interest including the agent/editor relationship, how sales departments work with booksellers, the art of jacket design, how books go into production, the world of online publicity, and marketing in electronic formats. In light of the enthusiastic response, AAP is considering the possibility of offering the course twice a year.

FREEDOM TO READ

The mandate of the AAP Freedom to Read Committee is to protect the free marketplace of ideas for American publishers. The Committee serves as the publishing industry's early warning system on issues such as libel, privacy, school and library censorship, reporter's privilege, Internet censorship, government regulation of protected speech and third-party liability for protected speech. The Committee coordinates AAP participation in First Amendment court cases, sponsors educational programs, plays an active role in Media Coalition (a trade association of business-oriented groups concerned with censorship issues), and works with groups within and beyond the book community to advance common interests in the area of intellectual freedom. Lisa Drew (Lisa Drew Books/Scribner) chaired the Committee until her retirement from Simon & Schuster in June, when the chair was taken over by Nancy Miller (Random House Publishing Group).

The Campaign for Reader Privacy

When publishers, authors, librarians, and booksellers came together four years ago in an effort to restore reader privacy safeguards that had been stripped away by the USA Patriot Act, initial lobbying efforts focused on changing Section 215, the provision which allows the FBI to seize business records, including those of libraries and bookstores, simply by asserting to the secret Foreign Intelligence Surveillance Act (FISA) court that they were "relevant" to an investigation. The lobbying effort was broadened to include National Security Letters under Section 205 when it became evident that these administrative subpoenas, which FBI field agents can issue themselves without approval of the FISA court, were being used to circumvent even the limited protections afforded by Section 215.

The Patriot Act reauthorization bill, passed in March 2006 under intense pressure from the White House, was a disappointment. Despite some improvements, including new reporting requirements to Congress, the reauthorization lacked what the Campaign for Reader Privacy sought as key safeguards: a requirement that the FBI show a connection between the material and suspected terrorist activity, and provisions that would allow for meaningful challenges to Section 215, National Security Letters, and their accompanying gag orders. A signing statement by President Bush saying in effect that despite the new reporting requirements the White House would continue to withhold information on implementation of the Patriot Act from Congress whenever it deems necessary, strengthened the Campaign's resolve to continue the fight.

Changes in Congress in the wake of the November 2006 elections and a call by Senator Patrick Leahy, the new Chairman of the Senate Judiciary Committee, for legislation to restore civil liberties and repair the "erosion of privacy" re-energized the Campaign. In early 2007 representatives of the Campaign's four sponsoring organizations (AAP, the American Library Association, the American Booksellers Association, and PEN American Center) met with a member of Senator Leahy's Judiciary Committee staff to lay out ongoing concerns. The meeting was well-timed, coming just days after the release of a report by the Justice Department's Inspector General documenting widespread abuse of National Security Letters by the FBI.

The restoration of reader privacy safeguards remains a top legislative priority for AAP and the Freedom to Read Committee in 2007.

"Protecting Privacy, Challenging Secrecy, and Standing Up for the First Amendment"

One of the year's highlights was a program sponsored by the Campaign for Reader Privacy and presented at the National Press Club in Washington in September to celebrate the 25th annual observance of Banned Books Week. The panel, comprising eight people who had taken courageous stands for the First Amendment, painted a so-

bering picture of our free press and free speech rights in crisis. The panelists were Pulitzer Prize-winning *New York Times* reporter James Risen, who exposed the NSA's warrantless surveillance program and was threatened with espionage proceedings; journalist, author and teacher Mark Feldstein, who was visited at home by FBI agents attempting to ferret out "classified" documents that may have been leaked to journalist Jack Anderson decades ago, who demanded access to Feldstein's files and research for his forthcoming biography of Anderson; *ABC Nightly News* reporters Brian Ross and Richard Esposito, who broke stories on secret CIA prisons and interrogation techniques and learned in the process that their phone calls were being monitored by the government; and Barbara Bailey, George Christian, Peter Chase, and Janet Nocek--the four "John Doe" librarians from Connecticut-- who successfully challenged an FBI National Security Letter.

BookExpo America, which provided funding to record the event, posted a video of the program at: <http://book-expocast.com/video-streaming/>

Journalist's Protection

As the erosion of fundamental free press protections continued unabated in 2006, the Freedom to Read Committee brought AAP's influence to bear in a number of cases:



Photo by: Focused Images, Inc.

Panelists Doug Marlette, Myra McPherson and Howell Raines on press freedom

- AAP joined an *amicus* brief asking the Supreme Court to review a troubling 4th Circuit ruling reinstating a suit against *The New York Times* for defamation and "intentional infliction of emotional distress" brought by former army biological weapons expert Stephen Hatfill. At issue was a series of columns in which Nicholas Kristof criticized the FBI's investigation into the anthrax killings and its failure to pursue a "person of interest." Not initially named in the Kristof columns, Hatfill later identified himself as the "person of interest." The Supreme Court refused to hear the appeal and sent the case back for trial, but in January 2007 the trial judge threw the case out for a second time, saying that Kristof did not act with malice and calling the columns "cautiously worded."

- AAP joined in asking for Supreme Court review of contempt citations against reporters who refused to name confidential sources in a civil suit brought by former Los Alamos scientist Wen Ho Lee. Lee sought to have reporters from *The New York Times*, the Associated Press, and CNN identify officials who might have leaked information from his personnel files, in violation of the Privacy Act, while he was under investigation by the government. In upholding the contempt citations, the federal appeals court made no attempt to balance the public's interest against Lee's privacy rights. After the Supreme Court refused to hear the case, the news organizations agreed, as part of a comprehensive settlement, to pay Lee \$750,000, saying they had little recourse in the absence of a federal shield law.

- AAP joined an *amicus* brief to the 9th Circuit supporting *The San Francisco Chronicle* and two of its reporters cited for contempt for refusing to identify confidential sources who provided grand jury transcripts which led to a series of articles and a book exposing the widespread use of steroids among professional athletes. Stressing the historically important role of confidential sources in reporting on matters of public concern, the brief argued that the federal appellate court should recognize a common-law reporters privilege in light of the widespread recognition of such a privilege under state law. In the wake of admissions by one of the defense attorneys that he was the source of leaked grand jury testimony, the government withdrew its subpoenas and the contempt citations against the reporters were dropped.

These cases underscore the urgent need for federal legislation to provide some degree of protection to journalists against compelled testimony in federal court. The Freedom to Read Committee actively lobbied for a federal

shield law which failed to pass the last Congress. Enactment of federal shield legislation will be a legislative priority in the 110th Congress.

In the Courts

- AAP welcomed a ruling by the California Supreme Court in April in *Lyle v. Warner Brothers*. AAP had joined an *amicus* brief asking the court to dismiss this sexual harassment suit brought by a former writer's assistant on the television show "Friends" who claimed that the sexually explicit conversation in the writers' room, although not directed at her, created a hostile work environment. Our brief argued that such a sweeping definition of a "hostile work environment" would chill the free exchange of ideas and information that are part of the creative process and inhibit the production and distribution of First Amendment-protected works. While the California Supreme Court dismissed the suit on statutory grounds before reaching the First Amendment issues, a concurring opinion by one of the justices cited the same First Amendment concerns and quoted directly from the *amicus* brief.
- In September AAP joined in filing an *amicus* brief in federal district court in New York supporting a legal challenge to the National Security Letter provision of the Patriot Act. The challenge was brought in an amended complaint filed by the ACLU in July which argued that changes made by Congress in the USA Patriot Act do not bring the NSL provision into compliance with constitutional requirements.
- Along with other media groups, AAP joined an *amicus* brief attacking "libel tourism," and supporting U.S. author Rachel Ehrenfeld's effort to have a British libel judgment against her declared unenforceable in the U.S. Issued in default because Ehrenfeld declined to fight a libel suit brought by Saudi businessman Khalid Bin Mahfouz, the British judgment imposed substantial damages, an injunction against U.K. publication of Ehrenfeld's book *Funding Evil*, and a "declaration of falsity" against the book. In April a federal court in New York dismissed Ehrenfeld's motion on jurisdictional grounds. Ehrenfeld appealed to the 2nd Circuit, which heard the case in November. The *amicus* brief argues that even without U.S. enforcement, Ehrenfeld has suffered damage and that American authors need "a means to affirmatively counter such attacks and relieve themselves of the stigma and financial threat posed by such judgments."
- In October AAP led an *amicus* effort representing publishers, booksellers, and librarians in urging the Texas Supreme Court not to review a lower state appeals court's dismissal of a libel suit brought by a group called The Local Church against Harvest House Publishers. At issue was Harvest House's *Encyclopedia of Cults and New Religions*. The 730-page book makes mention in its introduction and appendix of unflattering characteristics of some cults and new religions and while The Local Church did not challenge any portion of the *Encyclopedia* that mentioned them directly, they claimed their inclusion in the *Encyclopedia* was defamatory because of general comments regarding cults. A Texas trial court failed to dismiss the case, but the Texas Court of Appeals in Houston did, holding that a "reasonable reader" would not believe that all of the characteristics cited applied to all of the groups listed. The Texas Court of Appeals also ruled that determining that a group is a cult is not actionable "because truth or falsity of the statement depends upon ones' religious beliefs, an ecclesiastical matter which cannot and should not be tried in a court of law." Calling the Texas appeals court ruling "correct in all respects" and citing The Local Church's history of suing its critics, AAP's *amicus* brief points out that libel suits without merit have a profound chilling effect "...because publishers are deterred from engaging in truthful or non-defamatory speech by the enormous costs of defending defamation lawsuits." On December 1 the Texas Supreme Court denied the Local Church's petition for review.
- In November the U.S. Court of Appeals for the 7th Circuit held unconstitutional an Illinois statute prohibiting the sale of video games with sexual content to minors and ordering retailers to post in-store signs informing customers about video game ratings. AAP had joined in filing an *amicus* brief pointing out that while it is permissible to restrict the sale of sexually explicit material to minors, the Supreme Court has ruled that such restrictions must take into account the serious literary, artistic, political or scientific value of the work as a whole, which the

Illinois statute failed to do. The brief also argued that the mandated signs were compelled speech.

Educational Programs

Two Freedom to Read Committee educational programs were co-sponsored with the American Booksellers Foundation for Free Expression and the ALA-affiliated Freedom to Read Foundation:

The first, held at BookExpo America in Washington, DC, looked at “Threats to Press Freedom in the War on Terror.” Panelists were former *Washington Post* reporter Myra McPherson, Pulitzer Prize-winning political cartoonist Doug Marlette, and former *New York Times* executive editor Howell Raines, and the discussion focused on attacks on press freedom and how they threaten our ability to hold the government accountable.

The second program— “Nothing But the Facts”— held in New Orleans during the ALA Annual Conference, featured Reverend Barry Lynn, executive director of Americans United for Separation of Church and State, and Dr. Michael Ruse, Professor of the History and Philosophy of Science at Florida State University, both of whom eloquently argued that keeping “intelligent design” out of science classrooms is not a violation of the First Amendment.

HIGHER EDUCATION

AAP’s Higher Education Committee serves the needs and interests of AAP members who publish for the post-secondary educational market. John Isley (Pearson Education) chaired the Higher Education Executive Committee in 2006/2007.

The focus of activity over the past year was in blocking ill-advised state legislative initiatives that would limit the ability of textbook publishers to develop the best materials for faculty, restrict the sale of instructional materials by placing constraints on “bundling” and the release of new editions, or mandate disclosure of pricing information. AAP monitored activity in 24 states, lobbying to amend or defeat legislative proposals that would adversely affect college textbook publishers and their ability to support the education of post-secondary students. All indications point to continuing legislative problems in 2007/2008.

The genesis of much legislative activity was disinformation generated by the Public Interest Research Group (PIRG) via a series of “reports” based on PIRG’s own “data.”

A third PIRG report, “Required Reading: A Look at the Worst Publishing Tactics at Work,” was released in October 2006. Misleading at best, the report illustrated the group’s lack of understanding that the essential goal of higher education is educating students. While AAP remained willing to respond to inquiries about the report, media coverage tapered off with the realization that the release was a rehash of the same information.

At the federal level, in June Congressman David Wu (D-OR) and Congressman Howard P. “Buck” McKeon (R-CA) sent a letter, citing news reports on the price of textbooks and the 2005 U.S. Government Accountability Office (GAO) report on college textbooks, asking the Advisory Committee on Student Financial Assistance (ACSFA) to conduct a one-year study of the cost of college textbooks and its impact on students, and to provide recommendations on ways of making textbooks more affordable.

AAP staff and Higher Education Executive Committee Chairman John Isley met with ACSFA to provide background and specifics on what the industry is doing, and will continue to do, to provide quality educational materials at a range of prices. In September, AAP President Pat Schroeder participated on a panel at the first of four planned ACSFA hearings. In December, ACSFA held a second hearing in Chicago and Edward Stanford,

president of McGraw Hill Higher Education, spoke on behalf of the industry. Two additional field hearings are scheduled for early 2007 in California and Oregon.

In strengthening its public outreach, in September the AAP Higher Education group launched a new website, www.textbookfacts.org to provide post-secondary students, their parents, legislators and other policy makers, and academics with facts about college textbooks, textbook pricing, and student spending. Recent news coverage and third-party reports and research are also available on the site.

The issue of “accessibility”—providing print-disabled post-secondary students with better, faster access to their educational materials—remained central in 2006. Legislative initiatives on textbook accessibility surfaced in a number of states. Addressing these concerns, in March AAP launched its Alternative Formats Solutions Initiative (AFSI), a national effort to identify ways to provide print-disabled postsecondary students with specially-formatted course materials in a timely manner. AFSI brings together colleges and universities, students, disabled students support services professionals, national and state disability advocacy groups, and technology providers in a multi-step program to create a national framework of specific, practical solutions for print-disabled students. Initial efforts focus on finding short-term solutions that can be implemented quickly, in addition to developing longer-term and comprehensive solutions that will be deployed as soon as practicable. AFSI’s work is being carried out in three stages:

1. Researching problems with current systems to aid in developing practical, collaborative solutions;
2. Identifying individual solutions that, together, will form a coordinated national accessible materials solutions framework; and
3. Assuring that solutions continue to evolve by embracing new technologies and aligning with the needs of the rapidly changing post-secondary environment.

Higher Education Critical Issues Task Force

The Higher Education Critical Issues Task Force (CITF) consists of representatives from publishers of textbooks and other instructional materials for the post-secondary educational market in the U.S. The CITF works exclusively on issues involving the provision of accessible instructional materials to post-secondary students with disabilities.

Under various federal and state laws, colleges and universities must provide disabled students with equal and effective access to instructional materials. While educational institutions sometimes provide services such as human readers, an alternative is making the materials available in specialized formats (such as Braille, audio, or digital text). Consequently, a number of states have passed additional legislation – known as “e-text” laws – mandating that when instructional materials are adopted for use in a course in which a disabled student is enrolled, the publisher will deliver the material to the college in an electronic format that can be either used directly or converted into another specialized format for use by the student with a print disability. Most publishers already voluntarily provide e-text to campuses in states without such legislation.

Fulfilling electronic file requests often presents publishers with challenges. In some instances the publisher may not have electronic text for an older title that was not produced with a digital file. If the author, illustrator, or photograph licensor withheld electronic distribution rights in licensing publication rights, the publisher may not possess necessary copyright licenses to distribute the book electronically. Converting a production file into the specific format requested can also be very costly. Added to these difficulties are publishers’ concerns about the security of electronic files against unauthorized reproduction and use by students for whom they were not intended.

The CITF's efforts in 2006 included:

- Supporting the formal launch of AFSI.
- Hosting a nationwide meeting in July to discuss critical issues pertaining to the provision of accessible instructional materials.
- Continuing work with the New York State Education Department to provide state-wide training sessions for campus disabled student support services (DSS) professionals regarding requirements created by New York's postsecondary e-text legislation and the implementation of guidelines developed by the CITF, DSS officials, the Education Department, advocacy organizations, and others.
- Responding to legislative proposals in Georgia, Idaho, Maryland, Minnesota, Utah and Wisconsin.

INTERNATIONAL COPYRIGHT PROTECTION

AAP's International Copyright Protection Committee (ICPC) works to combat international copyright piracy, to increase fair access to foreign markets, and to strengthen foreign copyright law regimes. The program made significant progress in some markets in 2006 and continued to expand its global reach. Deborah Wiley (John Wiley & Sons) chaired the International Copyright Protection Committee in 2006/2007.

Photo by: Focused Images, Inc.



AAP President Pat Schroeder at a symposium on China's role in the international marketplace

In carrying out its overseas anti-piracy campaign, AAP, working closely with regional representatives of member publishers and in cooperation with local authorities, generated a series of raids, educational campaigns, and policy initiatives. AAP and member publishers are pursuing legal actions growing out of the raids. In addition, the program sought to influence policy decisions that would benefit American publishers in a variety of global markets, including Brazil, Russia, and Vietnam.

The People's Republic of China was the primary focus of AAP's anti-piracy efforts in 2006 and the program made significant strides in generating an official response to the problem by the Chinese government. Working with colleagues in the British Publishers Association (PA), AAP successfully engaged the Chinese government in two key areas: the systematic copying of textbooks on China's university campuses, and Internet piracy. Following complaints from AAP and the PA, national and regional authorities in China investigated and sanctioned seven universities for unauthorized reproduction of books. In one instance involving Tongji Medical College/Huazhong University (Wuhan), after its textbook center was caught with thousands of infringing copies of books in a raid instigated by AAP and the PA, Chinese officials imposed the maximum fine--about US \$12,000—and ordered the university to cease all infringing activity. Penalties have been imposed on other schools, including some of China's most prestigious universities: Tsinghua University in Beijing, Fudan University in Shanghai, South China Normal University in Guangzhou, and Wuhan University, among others.

The enforcement actions were strengthened by a new level of cooperation among Chinese government authorities. In late 2006, the National Copyright Administration and the General Administration of Press and Publication joined forces with the Ministry of Education in issuing a series of warnings alerting their regional and local bureaus and universities throughout China to the crackdown on illegal copying. The notices, issued in August, September and November 2006 ordered universities to cease unauthorized activities and to implement measures that would ensure the use of legal materials by students and faculty. All universities were directed to monitor

implementation to see that textbook centers were free of infringing materials by the end of December and warned that failure to comply would be punishable.

AAP welcomed progress on Internet piracy issues in China. After nearly a year of effort, publishers succeeded in working with authorities to block a major group of websites offering illegal downloads of books and other materials. Other cases are pending. In addition, AAP was one of four industry groups to sign a Memorandum of Understanding with Chinese copyright authorities specifying methods of cooperation in Internet enforcement efforts. AAP, working with the PA, conducted extensive research on the scope of online infringement of published materials in China. The results of that survey are being used to develop specific enforcement actions. AAP continued a number of policy initiatives involving China, participated in the U.S. Ambassador's Intellectual Property Rights Roundtable in Beijing in November, and joined with other copyright-based industries in a visit to China that included meetings with high level officials including Vice-Premier Wu Yi.



Photo by: Focused Images, Inc.

Debbie Wiley reports on AAP's anti-piracy fight

Efforts in China involved not only extensive lobbying by AAP and the PA, but a heightened degree of cooperation with the Publishers Association of China. Following a successful program at the Beijing International Book Fair in 2005, AAP, the PA and the Publishers Association of China organized a program on China's role in the international marketplace at BookExpo in Washington in May 2006. Featured speakers included high level Chinese and U.S. government officials and industry representatives. AAP also sponsored an exhibit on overseas piracy at BookExpo.

In Korea, AAP, working with government authorities and the Korea Reprographic and Transmission Rights Center, followed up on raids in March with additional action in September that resulted in the seizure of hundreds of illegal copies. AAP continued to work with the Korean Ministry of Education in its crackdown on illegal campus copying and to work with U.S. government officials to insure that piracy remains high on the agenda in ongoing government-to-government dialogue.

In Taiwan, AAP and member company representatives (working through the local AAP group, the Taiwan Book Publishers Association) and local police, under the supervision of the Ministry of Justice, raided pirate operations in the spring and fall to coincide with the start of the university terms. AAP worked closely with the Taiwan Intellectual Property Office on a number of educational and policy initiatives relating to Ministry of Education involvement with on-campus infringement.

Cooperation between local AAP member publishers and the Hong Kong Customs & Excise Department resulted in a series of raids throughout the year, the seizure of copying and bookbinding machines, the confiscation of thousands of illegal copies and the arrest of suspected pirates. In addition to these successful enforcement actions, AAP has been working with Hong Kong government authorities on revising the Hong Kong copyright statute and has submitted comments on such subjects as criminal liability, exemptions from liability, and the application of copyright in the digital environment.

In Malaysia, enforcement actions continued with the cooperation of the Ministry of Domestic Trade and Consumer Affairs and a major raid on a photocopy shop at University College Sedaya International in June resulted in seizure of a new digital copy machine and illegal books. AAP conducted raids in Malaysia in late 2006 and early 2007. In March 2007 authorities searched fourteen premises in Sunway College, the Multimedia University in Cyberjaya and the University Putra Malaysia Seri Kembangan, seizing more than eleven hundred infringing copies, and 20 copy machines. AAP continued educational efforts in Malaysia targeting university administrations, students and copy shops.

AAP succeeded in focusing the Philippine government's attention on book piracy in 2006, working with Philippine law enforcement authorities in a December raid on a bookbinding and photocopy facility located in Quezon City on the campus of the University of the Philippines. AAP also lobbied for prosecutorial and judicial reform

in the Philippines.

In Thailand, AAP initiated investigations of a new and troubling phenomenon in the wake of discoveries by AAP member publishers that pirated books of Thai origin were coming into the United States. AAP has kept U.S. government officials up to date on book piracy and related issues including the problem of an overly broad fair use provision in Thailand in preparation for U.S.-Thailand Free Trade Agreement negotiations.

AAP undertook new initiatives in India and Pakistan in 2006. AAP President Pat Schroeder joined ICPC Chair Deborah Wiley as part of a joint U.S.-U.K. delegation to India, meeting with Indian government representatives, including copyright policy officials, judicial and prosecutorial officials, and border patrol officials. These efforts are ongoing.

The U.S. government has taken an interest in book piracy in Pakistan, and AAP has recently begun a dialogue with government officials on a number of issues, including rampant piracy by booksellers in the Urdu Bazaars and unauthorized copying by the National Book Foundation. These initiatives are expected to expand in the coming year.

AAP and its member companies were active in education, policymaking, and related initiatives in Brazil, Russia, Vietnam, Indonesia, and elsewhere and worked throughout the year on legal reform and enforcement issues in an expanding global arena, with intensified efforts in Canada, South Asia and Africa.

In February 2007 AAP joined with six other copyright-related trade associations in submitting its annual Special 301 Report to the Office of the United States Trade Representative. The report, completed under the umbrella of the International Intellectual Property Alliance (IIPA), details copyright piracy and related intellectual property rights and market access problems around the world. This year's report highlights copyright protection and enforcement problems in 61 countries and territories, and recommends that 47 of them be placed on an appropriate USTR "watch list."

INTERNATIONAL FREEDOM TO PUBLISH

AAP's International Freedom to Publish Committee defends and promotes freedom of written communication worldwide. The IFTP Committee monitors human rights issues and provides moral support and practical assistance to publishers and authors outside the United States who are denied basic freedoms. The committee carries on its work in close cooperation with other human rights groups, including the International Publishers Association's Freedom to Publish Committee, Human Rights Watch and PEN American Center, and maintains its own web site at www.IFTPC.org. Hal Fessenden (Viking Penguin) served as Committee chairman in 2006/2007.

Several years ago the Committee established the Jeri Laber International Freedom to Publish Award, to be given annually to a book publisher outside the United States who has demonstrated courage in the face of political persecution. The award, which carries a cash prize, is named in honor of human rights activist Jeri Laber, one of the IFTP Committee's founding members, who continues to direct its work as an AAP consultant. In 2006 the fourth annual award went to Egyptian publisher Mohamed Hashem, owner and managing director of Merit Publishing House, established in Cairo in 1998. Despite threats of censorship and banning, Merit continues to publish works of critical thinking that call for freedom of thought. The award was presented in April 2006 at the PEN Gala in New York.

The IFTP Committee lodged a strong protest with the government of Zimbabwe over the seizure by the secret police of the passport of Trevor Ncube, publisher of two Zimbabwe weeklies, *The Standard* and *The Zimbabwe Independent*, known for their outspoken political views.

In July 2006 the IFTP wrote to the Turkish government condemning the ongoing harassment and persecution of writers, publishers, and journalists through the “continued indiscriminate application” of Article 301 of the Turkish penal code, which makes it a crime to “insult Turkishness.” Citing the more than 80 writers, publishers, translators, and journalists who were under indictment or threat of indictment under Article 301, the letter focused special concern on the plight of best-selling author Elif Shafak, scheduled to go to trial for remarks regarding the Armenian genocide made by a fictional character in her book *The Bastard of Istanbul*.

In October 2006 AAP issued a statement expressing outrage at the murder of Russian journalist Anna Politkovskaya, who was shot to death in her apartment building in Moscow on October 7. A harsh critic of the war in Chechnya and a fierce advocate for human rights, Ms. Politkovskaya was readying an article about torture in Chechnya when she was killed. Joining publishing colleagues throughout the world, AAP demanded a thorough investigation into her death and a serious commitment to bring her murderers to justice.

On December 2006 AAP wrote to the President of Iran expressing the U.S. publishing industry’s deep concern over “Procedural Guidelines for Publication” issued by the Iranian Ministry of Culture and Islamic Guidance. Intended to eliminate “unhealthy products” from books, the Guidelines require a permit from the Ministry for the distribution of all books. AAP said that the Guidelines “effectively support the censorship—or banning altogether—of dozens of literary masterpieces and international bestsellers, many published for years in Iran without repercussion.”

In January 2007 AAP joined international colleagues in expressing outrage at the assassination of journalist and editor Hrant Dink, a Turk of Armenian descent, who was shot outside the offices of his newspaper in Istanbul. In letters addressed to the Turkish Prime Minister, the Turkish Ambassador to the U.S., the Minister of Justice, and Turkey’s Permanent Representative to the United Nations, AAP welcomed the “immediate and emphatic” condemnation of the murder by the Turkish government and the prompt arrest of the individual suspected of pulling the trigger, and encouraged the government to carry out a full and far-ranging investigation to “bring all the conspirators to justice.”

INTERNATIONAL SALES COMMITTEE

The International Sales Committee represents a broad cross-section of the AAP membership with interests in overseas markets, focusing on issues relating to the export of mass market paperbacks. Composed of export sales directors from AAP member houses and chaired in 2006/2007 by Dan Vidra (Simon & Schuster), the group’s major concerns are piracy, export on-line, distribution, and currency issues associated with U.K./US territorial exclusives, as well as other issues relating to export sales to and from the U.S., overseas schools, hotels, bookstores and airports. The committee participated in a presentation on the UK/US territorial issue at BookExpo in May. The group works to facilitate publisher/bookseller/distributor dialogue at major book fairs. In addition to the International Sales Committee’s bi-annual meetings, members continued a series of meetings begun in 2002 with former Frankfurt Book Fair Director Volker Neumann and Frankfurt Book Fair Marketing Director Thomas Minkus to keep open lines of communication and give AAP members input into future Fair changes. The committee is currently researching the viability of tracking rights revenue outside the United States, broken down by type of revenue and country of origin, particularly China. In 2006, the committee worked to strengthen communications with Chinese publishers as the industry is expanding overseas.

POSTAL

AAP’s Postal Committee coordinates activity in the area of postal rates and regulations, monitors developments at the U.S. Postal Service and the independent Postal Rate Commission and intervenes on the industry’s behalf in formal proceedings before the Commission. The committee also directs AAP lobbying activities on postal is-

sues. Dan Duncan (McGraw Hill) chaired the Postal Committee in 2006/2007.

In 2006, AAP participated as an intervener in a postal rate case that is still pending. However, the exciting news of the year was the eleventh-hour passage of the Postal Accountability and Enhancement Act (H.R. 6407, enacted as P.L. 109-435), the first comprehensive overhaul of U.S. postal law since 1970. The legislation included provisions that will help stabilize mail volume and postal rates by allowing the U.S. Postal Service to price its products in response to market developments, as ordinary businesses do, and by giving the USPS the freedom to customize existing products and introduce innovative new products. The legislation will aid USPS finances by repealing the current law that makes USPS the only agency in the federal government responsible for its employees' military pension benefits and returning this obligation to the U.S. Treasury, while correcting a flawed pension formula that resulted in massive overpayments that contributed to higher postal rates.

PROFESSIONAL/SCHOLARLY PUBLISHING

The Professional/Scholarly Publishing Division (PSP) is composed of AAP members who publish books, journals, looseleaf, and electronic products in technology, science, medicine, business, law, humanities, the behavioral sciences and scholarly reference. Professional societies and university presses play an important role in the division. Brian Crawford, (American Chemical Society) chaired the PSP Executive Council in 2006/2007.

The 2007 PSP Annual Conference was held in Washington in February. The R.R. Hawkins Award for the Outstanding Professional, Reference or Scholarly Work of 2006 was given to *Evolutionary Dynamics* by Martin A. Nowak, published by Harvard University Press.

The Hawkins Award and awards in 30 categories for outstanding books, journals and digital products covering a wide range of academic disciplines were presented February 6 at a special awards luncheon. The award for Innovation in Journal Publishing was given to the American Chemical Society for its ACS Chemical Biology. PSP donated more than 250 books to the Charles Evans Inness Memorial Library, a part of Medgar Evers College in Brooklyn, NY. Each year, PSP donates scholarly works covering 30 different disciplines that have competed for PSP Awards.

Among the division's educational activities in 2006: the PSP American Medical Publishers Committee sponsored two seminars, "Texts vs. Tools: Medical Publishing in the Coming Age of Digital Healthcare" and "The Annual Medical Publishing Practicum" a concentrated one-day workshop for editorial, production, and marketing staff. The PSP Books Committee sponsored its second and third "Basics of Books Boot Camp" and the PSP Journals Committee sponsored two roundtables, "Is Everything In Order? The Changing Role of Subscription Agents in the 21st Century" and "Implementing XML: Experiences Shared."

The PSP Public Issues Task Force has developed and maintains a PSP Issues *Glossary*, an online reference and research tool for PSP members. This glossary is available through a new link on the home page of the PSP web site (www.pspcentral.org).

The PSP Executive Council directs an ongoing campaign to improve relationships between the PSP communities and user and scholar communities. The campaign explains the role that PSP members play and the value they add to the dissemination of scholarly information.

On other government fronts, PSP has been actively representing publisher and public interests dealing with confiscatory attempts to use publisher investments in peer review on government websites that want to republish, modify and freely deliver articles based in part on government funded research.

On January 31, 2007 PSP co-sponsored a demonstration of patientINFORM on Capitol Hill as part of the kickoff of the Congressional Internet Caucus “State of the Net” event. In line with their commitment to make research information available to patients and caregivers, medical publishers joined with the American Diabetes Association, the American Cancer Society, the American Heart Association, the National Organization for Rare Disorders and other leading organizations to create patientINFORM, a free service offering easy and comprehensible access to some of the most up-to-date diagnostic and treatment research available. The patientINFORM web site can be found at: <http://www.patientinform.com/>

In line with its commitment to encourage racial, ethnic, and cultural diversity in professional and scholarly publishing, PSP increased its scholarship fund to \$10,000. This year the fund was divided among three college publishing certificate programs.

PSP joined with 45 international publishers and publishing organizations in signing on to ten principles (see “The Brussels Declaration” <http://www.stm-assoc.org/brussels-declaration>) issued by the International Scientific, Technical and Medical (STM) Association in response to the European Commission’s February 15 “Communication on Scientific Communication in the Digital Age.” Neither pro- nor anti-open access, the declaration of principles emphasizes the strength, breadth, and unity of the scientific, technical and medical publishing community, how it conducts business, and how its activities benefit science and society, and seeks to respond to intervention by governments worldwide which would force unfunded mandates on the publishing community.

In other countries, PSP has cooperated with international publishing associations to find the right balance between fair use of intellectual property and rights holders’ needs to be able to realize a fair return for their works. The Division has worked with the Publishing Association of the UK and the International Scientific, Technical and Medical Association to produce ongoing international annual journals statistics surveys.

RESOURCES FOR THE BOOK PUBLISHING INDUSTRY

Compensation Reports

AAP publishes a variety of resources for the book publishing industry, including a *Survey on Compensation and Personnel Practices in the Book Publishing Industry*, widely regarded as the most comprehensive and reliable source of data in this area. AAP’s Compensation Committee, composed of senior compensation and human resources professionals, met throughout the year to create job descriptions and manage the survey process. In 2006 the report included nearly 50 participants, with more than 130 jobs surveyed. Compensation data was based on 16,436 employees in the 2006 survey versus 14,888 in 2005, an increase of 10.4 percent.

Total Compensation Solutions, which produces the report for AAP, presented highlights of the 2006 report at the AAP’s Annual Human Resources Seminar: *Compensation and Human Resources Practices in the Book Publishing Industry* in November. Trends in salary administration and human resources related to book publishing were also addressed in keynote sessions and roundtable discussions.

Annual Statistics

AAP publishes Industry Statistics for all segments of book publishing, on a monthly and annual basis. Committees in the areas of Consumer, Trade, Higher Education, and Professional Publishing met throughout 2006 to revise the program and develop a seamless system for the distribution of electronic monthly reports.

In 2006 AAP expanded its database of publishers participating in revenue submission for the monthly and annual programs via association partnerships with the Evangelical Christian Publishers Association and the International Digital Publishers Forum. In addition, AAP enlisted inaugural participation by Penguin Group USA.

For 2007, AAP has commissioned a third party contractor to write front matter for the Estimated Net Industry Sales of 2006 as an informational support mechanism for the investment and press communities. AAP is also working in concert with the Book Industry Study Group on methods in which statistics throughout the industry and methods in which they are communicated are more streamlined.

SCHOOL DIVISION

2006/2007 was a year of transition for the AAP School Division. Following the retirement of School Division Executive Director Stephen Driesler in March, Jay Diskey, a communications and public policy professional with extensive experience in the field of education, took over as Executive Director in June.

The School Division took a number of steps to improve communications, including the creation of a new mission statement highlighting the important role publishers play in the development of instructional solutions that help students, teachers, and schools succeed; development and distribution of *School Division Weekly*, a new electronic newsletter for AAP members; and the addition of two new state-specific (Texas and California) websites on instructional materials.

Photos by: AAP



Attendees register for the School Division Technology Summit

In 2006 the Division created a new Federal Relations Committee to develop policy options for the reauthorization of the No Child Left Behind Act. Plans call for the launch of a testing industry public relations initiative in the spring of 2007.

In July the School Division, along with AAP's Rights and Permissions Advisory Committee and the Higher Education group, sponsored a well received seminar on "Accessible Books for Readers With Print Disabilities." In October the division held a successful joint Technology Summit with SIIA that addressed current and emerging issues relating to digital delivery of instructional content.

2006 was a challenging year in terms of instructional materials funding.

The situation in Texas remained uncertain. The Texas state legislature ended its special session in May with a requirement that the State Board of Education forego issuing textbook proclamations until the state restructures the textbook adoption process, which is expected to occur in 2007.

Legislative sessions in California and Florida ended on a more positive note. In California, AAP's lobbying efforts produced an 11.3 percent increase in funding for the state's Instructional Materials Reform Program. In addition, there were \$130 million in one-time revenues for instructional materials such as supplemental instructional materials for English language learners, educational technology, and library materials. When Proposition 20 Lottery revenues are included, funding totaled \$722 million or \$115 per pupil.

In Florida, the legislature agreed to full funding for the Instructional Materials category. As a result of AAP's advocacy efforts, Instructional Materials category funding increased to \$266.6 million, a 7.5 percent increase (\$18.6 million) over the previous year's full funding level. This marks the ninth consecutive year of full funding in Florida.

In Washington, reauthorization of the No Child Left Behind Act gained momentum. The Bush Administration and the new Democratic chairs of the congressional authorization committees (Sen. Ted Kennedy and Rep. George Miller) have all pledged to seek reauthorization of NCLB in 2007.

As the Administration and Congress began preparations for NCLB reauthorization, Reading First came under scrutiny as the U.S. Department of Education's Inspector General released a report in the fall documenting problems within the department over implementation of the program. In a statement issued in September, the School Division welcomed release of the report which called for substantive changes in the administration of the program, saying the IG's recommendations "will go a long way in correcting a number of problems with Reading First." The statement urged the Department of Education to move quickly to implement the recommendations and to follow the Department of Education Organization Act, which "prohibits Department officials from exercising any direction, supervision, or control over the curriculum of program instruction of any educational institution, school, or school system."

SMALLER AND INDEPENDENT PUBLISHERS

AAP's Smaller and Independent Publishing Committee was created in 1998 to serve the special needs and interests of AAP's small and independent publisher members. Gene Gollogley (Booklight, Inc.) chaired the Committee in 2006/2007.

AAP's Ninth Annual Meeting for Smaller and Independent Publishers, held March 7, 2007 at New York University's Kimmel Center, drew more than 100 independent publishers from all over the country.

The event opened with presentation of the Miriam Bass Award for Creativity in Independent Publishing to Dennis Loy Johnson and Valerie Merians, co-publishers of Hoboken-based Melville House Publishing. In one of the most moving acceptance speeches in recent memory, Johnson paid tribute to all of the independent voices in publishing, particularly in the wake of the PGW meltdown. "Let me tell you, there are a lot of publishers out there right now who deserve an award for creativity by simply staying alive," he said. The award is co-sponsored by AAP, Rowman & Littlefield Publishing Group, and National Book Network (NBN) and carries a \$5,000 cash prize, fully funded by Rowman & Littlefield and NBN. "News that someone was giving me a check for \$5,000 has apparently resulted in a long line of angry printers waiting just outside the door..." he quipped.

AAP's Smaller and Independent Publishing Committee held its first West Coast conference in five years in September 2006. The all-day program—"Be Small, Think Big: Big Ideas for Small Publishers"—was held in San Francisco and attended by more than 100 small and independent publishers, garnering excellent coverage in *Publishers Weekly*. The seminar featured special sessions on niche marketing, branding, premium and special market sales, bilingual publishing, outside sources of funding, publicity, and Hollywood tie-ins.

TRADE PUBLISHING

AAP's Trade Publishing Group comprises publishers of fiction, general non-fiction, poetry, children's literature, religious and reference publications, in hardcover, paperback, and electronic formats. Robert Miller (Hyperion) chaired the Trade Executive Committee in 2006.

As book review space dwindles across the country and media becomes increasingly dependant on wire service feeds for art and leisure content, the Trade Publishing Group's major focus in 2006 was on expanding publicity via the wire services. AAP met with Bloomberg and Reuters to explore the possibility of creating partnerships to facilitate formalized content submission of recommended titles built around monthly thematic calendars during the year. AAP is continuing its ongoing development of other formats for submitting content to the wire services, such as quarterly industry issues breakfast programs and networking events with the senior publicity staff of the trade houses. For 2007 the Trade Executive committee will also host an event in concert with the National Book Critics Circle.

The Trade Group works on the “AAP Honors” program, nominating and selecting candidates from outside the publishing industry who have helped promote American books and authors, to be honored at the AAP Annual Meeting. Selection of the 2006 honoree, *Good Morning America*, reflected the impact of the electronic media’s influence on reading.

Publishing Latino Voices of America

AAP works to increase awareness of Latino books through its Publishing Latino Voices for America Task Force, which is responsible for the ¡Ajá, leyendo! campaign. The Task Force produced a Publishing Latino Voices brochure featuring selected Spanish-language titles, and English titles written by Latinos, which was distributed to booksellers and librarians during Latino Books Month in May and in celebration of Hispanic Heritage Month. PLVA also hosted a Latino Voices author program at the New York consumer book event “Great Read in the Park,” produced by *The New York Times*.

A series of sessions for the Spanish and Latin American market in concert with PLVA is planned for BookExpo America 2007. In 2007 PLVA is also creating a cooperative program with the grass roots organization Las Comadres Para Las Americas (www.lascomadres.org).

Photos by: Focused Images, Inc.



New York educators hear a presentation on the AAP Adopt-a-School program

Adopt A School

AAP expanded its Adopt-A-School program with the New York City Department of Education. The program has grown to include an additional 25 schools since its launch in 2004, giving publishers an opportunity to support city schools by providing specific resources requested by the schools through AAP, including books, guidance in developing literary publications and yearbooks, author visits and events, field trips to publishing houses, and participation in career fairs at schools. AAP presented the program at a reception for school representatives at the AAP New York office in May, and matched some 50 elementary, middle and high schools with publishers for author visits during Children’s Book Week in November 2006.

Trade Libraries Committee

AAP’s Trade Libraries Committee, chaired by Talia Ross (Holtzbrinck) comprises representatives of major book publishing houses in partnership with organizations including the American Library Association, Friends of Libraries U.S.A (FOLUSA) and *Library Journal*. In 2006 AAP redesigned the website, Authors @ Your Library, (www.AuthorsAtYourLibrary.org), which links publishers and librarians to simplify the process of scheduling library events. Authors @ Your Library is a free online matchmaking service for librarians who want to schedule author events, and for publishers seeking enthusiastic audiences for their authors. Committee members discussed the value of the web site at a “How to Book Authors at Your Library” session at BookExpo America 2006 in Washington, DC.

Other activities included a partnership with the Public Library Association through which AAP supplies PLA with an aggregate list of available authors from member publishers for PLA events.

The committee also invited a series of guest speakers to meetings throughout the year, representing groups such as the Massachusetts Library Association, New York Public Library, American Library Association, and Bookreporter.com. The group is exploring the possibility of reciprocal arrangements with the American Library Association for ALA meetings.

YOUNG TO PUBLISHING GROUP

With more than 1,000 members, AAP's Young to Publishing Group continues to create educational and networking development programs for young professionals who have been in publishing for five years or less. The group's planning committee oversaw the development of new content for its web site in 2006. The group hosted a number of brown-bag lunches for YPG members featuring speakers from every area of publishing. Among the guest speakers in 2006 were Newmarket Press publisher Esther Margolis, literary agent and former *LA Times Book Review* editor Steve Wasserman, and *Publishers Weekly* editor-in-chief Sara Nelson.

2007 ANNUAL MEETING

The View Gets AAP Honors



The crew from "The View" accepting the 2007 AAP Honors Award

ABC's award-winning talk show, *The View*, was chosen to receive the 2007 "AAP Honors" award, for its outstanding work in promoting American books and authors, and was presented with the award on March 6 at the AAP Annual Meeting.

Recipient of the 2003 Daytime Emmy Award for "Outstanding Talk Show," *The View* is broadcast live Monday through Friday, and features a team of four dynamic—and very different—women discussing contemporary events. AAP President and CEO Pat Schroeder said that "Despite the differences in age, background, and experience among *The View's* hosts, they are all passionate about reading, and this passion comes through every time the discussion turns to books and authors." In the 10 years it has been on the air, *The View* has featured authors covering a broad range of

subjects including politics, finance, autobiography, and fashion.

The show's Executive Producer Bill Geddie, and Talent Producer Sue Solomon, along with two of the show's hosts, Joy Behar and Elisabeth Hasselbeck, were on hand to accept the award, which comes with a \$5,000 donation to a charity of the winners' choosing. *The View* designated First Book, an international nonprofit organization that provides children from low-income families with new books, often the first books they have ever owned.

The AAP Honors were inaugurated in 1997 to acknowledge the contributions of individuals and organizations outside the book industry who have helped focus public attention on American books and their importance in our society. Previous winners have included C-SPAN's Brian Lamb, country music star Dolly Parton who created the "Imagination Library" literacy program, and Oprah Winfrey.

Highlights

Digital was the name of the game on March 6 as some 250 attendees crowded the ballroom at the Yale Club in New York to hear a roster of speakers explore the ways in which traditional media is being redefined and reconfigured by the digital landscape, from changing business models, to content access and delivery, intellectual property rights management, and market strategies.

TIME Inc. CEO Ann Moore emphasized the strategic importance of getting their strongest brands onto digital platforms. She stressed the huge power in collaboration, with traditional media bringing the "great, trusted editing skills" to online news and information. She did admit that TIME Inc. tries to hang on to its print readers, who generate about \$118 in annual revenue compared with \$5 for online users, as long as possible.

Quoting the late Charles Clark’s observation that “the answer to the machine is the machine,” Mark Bide of Right-scom Ltd. described the work of ACAP (Automated Content Access Protocol) to develop a standard system that will allow publishers to express digital content access and usage policies in a language that search engines can be programmed to recognize. AAP subsequently announced that it had joined ACAP.

In a spirited dialogue with Richard Sarnoff of Random House, Adobe CEO Bruce Chizen highlighted the growing demand for free web content accessed through mobile devices, and the scramble to upgrade wireless technology in the U.S., which he said is far behind that of Japan and Europe. Adobe innovations—including new desktop software to be launched on March 27-- will make it easy for publishers to take their content and re-purpose it but he cautioned publishers to remain focused on the fact that their true strength lies in producing quality content. “Somebody needs to filter out all the garbage out there.” Addressing the serious threat of digital piracy, Chizen said that Adobe and other members of the Business Software Alliance lose one-third of their revenue annually to piracy and those losses represent more than the total losses of AAP, RIAA, and MPAA members combined. Fighting back, he maintained will require new initiatives in education, digital rights management, and enforcement, and a willingness to “continue to prosecute and to publicize those prosecutions.”



Photo by: Focused Images, Inc.

AAP Chairman Richard Sarnoff (Random House) with Adobe CEO Bruce Chizen

Tina Sharkey, CEO of BabyCenter, LLC, stressed the importance for “GenY” of social media connecting people with one another. While previous generations “went online” GenY “lives online,” a critical difference she stressed. These sites, while not creating content themselves are powerful “buzz” generators, and Sharkey emphasized the importance of getting users to “act passionately on your behalf,” and to harness the power of bloggers.

In a speech that generated a good deal of media interest even before the meeting began, Microsoft’s Associate General Counsel Tom Rubin hammered Google for “making money on the backs of others” in its online book search project and contrasted their approach with Microsoft’s, which he maintains grows out of a “common understanding of the creative process.” Stressing the need to advance technology in ways that respect copyright, Rubin spoke of the need for collaborative efforts to address a host of issues, including a process or safety net to deal with the problem of “orphan works.”

Peter Bloom, managing director of private equity giant General Atlantic, delighted his luncheon audience with technological sleight of hand, including a demonstration of the power of digital watermarking, the efficacy of clustered search engines, the amazing accomplishments of robotic surgery, and the philanthropic potential for public education of a donor-directed charity called Donors-Choose.org.

The Business Meeting: FY 2007/2008 Budget Approved

The membership approved an operating budget of \$ 9.0 million for fiscal year 2007/2008, with \$ 5.2 million allocated to Core. \$1.1 million was allocated to Higher Education; and \$ 2.7 million to the two divisions (\$ 1.5 million for School Division and \$ 1.2 million for PSP). A shortfall of \$0.7 million will be drawn from cash reserves.

Publishers Elect Sarnoff, Ethridge, Sargent to Head AAP Board

Richard Sarnoff (Random House), Will Ethridge (Pearson Education) and John Sargent (Holtzbrinck Publishers) were elected as AAP officers for fiscal year 2007/2008, which began April 1, 2007. Sarnoff will serve a two-year term as Chairman of the AAP Board of Directors, succeeding Anthony Lucki, with Ethridge as Vice-Chair and Sargent as Treasurer.

Photos by: Focused Images, Inc.



AA P President Pat Schroeder presents outgoing Chairman Tony Lucki with the traditional gavel

Association of American Publishers, Inc.
Consolidated Budget Fiscal Year April 1, 2007-March 31, 2008

	2007/2008 Budget	2006/2007 Estimated Actual	2007/2007 Budget	2005/2006 Actual
TOTAL AAP				
Dues/Assessments	\$6,339,508	\$6,210,708	\$5,846,000	\$5,680,504
Other Receipts	1,656,900	1,858,966	1,614,500	2,270,392
Portfolio Income, Net	302,000	302,000	267,000	336,420
Total Available	8,298,408	8,371,674	7,727,500	8,287,316
Expenses (A)	(\$9,016,777)	(\$13,923,455)	(\$11,301,230)	(\$7,276,559)
NET	(\$718,369)	(\$5,551,781)	(\$3,573,730)	(\$1,010,757)
TOTAL CORE				
Dues/Assessments	\$4,531,800	\$4,339,000	\$4,139,000	\$3,800,860
Other Receipts	1,113,900	1,351,868	1,147,500	1,747,295
Portfolio Income, Net	302,000	302,000	267,000	336,420
Total Available	\$5,947,700	\$5,992,868	\$5,553,500	\$5,884,575
Expenses (A)	(\$6,318,330)	(\$11,675,225)	(\$9,128,955)	(\$5,078,416)
NET	(\$370,630)	(\$5,682,357)	(\$3,575,455)	(\$806,159)
(A) Budget for 2007/2008 Google Legal Fees				
TOTAL DIVISIONS				
Dues/Assessments	\$1,807,708	\$1,871,708	\$1,707,000	\$1,879,644
Other Receipts	543,000	507,098	467,000	523,097
Total Available	\$2,350,708	\$2,378,806	\$2,174,000	\$2,402,741
Expenses	(\$2,698,447)	(\$2,248,230)	(\$2,172,275)	(\$2,198,143)
NET	(\$347,739)	(\$130,576)	(\$1,725)	(\$204,598)
SCHOOL DIVISION				
Dues/Assessments	\$1,277,708	\$1,277,708	\$1,200,000	\$1,318,146
Other Receipts	120,000	120,000	120,000	119,906
Total Available	\$1,397,708	\$1,397,708	\$1,320,000	\$1,438,052
Expenses	(\$1,547,121)	(\$1,248,295)	(\$1,327,775)	(\$1,477,070)
NET	(\$149,413)	(\$149,413)	(\$7,775)	(\$39,018)
PSP DIVISION				
Dues/Assessments	\$530,000	\$594,000	\$507,000	\$561,498
Other Receipts	423,000	387,098	347,000	403,191
Total Available	\$953,000	\$981,098	\$854,000	\$964,689
Expenses	(\$1,151,326)	(\$999,935)	(\$844,500)	(\$721,073)
NET	(\$198,326)	(\$18,837)	(\$9,500)	(\$243,616)

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Learning.com

Mark Vineis
Mondo Publishing

Allen Wheatcroft
Holt, Rinehart & Winston

AAP Staff
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Appendix Seventeen

Committee of Smaller and Independent Publishers

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Red Rock Press

Kathleen Calhoun Nettleton

Pelican Publishing Company

John Crutcher

Bloomberg Press

Mike Laddin

Whitson Publishing Company, Inc.

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Melville House

Juliana Magloire

Sea Hawk Publishing

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Soft Skull Press

Ellen Reid

Little Moose Press

Lynne Rienner

Lynne Rienner Publishers, Inc.

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Algora Publishing

Joy Segmon

White Rhino Press

Jennifer Thomas

Stoeger Publishing

Jan Yager, Ph.D.

Hannacroix Creek Books, Inc.

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Hyperion

Leticia Barnes
Penguin Group (USA)

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Harcourt Trade Publishers

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Scholastic, Inc.

Laurie Brown
Harcourt, Inc.

Allison Devlin
Watson-Guption Publications

Page Edmonds
Workman Publishing

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Simon & Schuster, Inc.

Beverly Horowitz
Random House

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Reader's Digest Association

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Houghton Mifflin Company

Esther Margolis
Newmarket Press

Bridget Marmion
Houghton Mifflin

Tracey Menzies
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Rodale Books

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Penguin Group (USA)

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Maggie Richards
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Sally Richardson
St. Martin's Press

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Liate Stehlik
Avon Books/HarperCollins

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Turtle Books

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