



WHAT'S NEWS

MONTHLY
REPORT
A NEWS BULLETIN FOR MEMBERS OF THE ASSOCIATION OF AMERICAN PUBLISHERS
ISSN07488-8173

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AAP ANNUAL MEETING

National Book Critics Circle To Receive AAP Honors Award

The publishing industry will pay formal tribute to the National Book Critics Circle for its unique role in the nation's literary life. The NBCC has been named to receive the 2008 AAP Honors, an award given annually to individuals and institutions outside the publishing industry for significant achievements in promoting American books and authors. The AAP Honors will be presented to NBCC President John Freeman during the Association's Annual Meeting in New York on March 5, 2008.

Founded in 1974, the NBCC comprises nearly 800 active book reviewers joined in common cause to promote quality writing and enrich the nation's literary dialogue. In addition to its prestigious annual book awards program, each year the organization honors outstanding work done by an NBCC member with the Nona Balakian Citation for Excellence in Reviewing. Members of the NBCC Board of Directors speak out on the country's premier literary blog, *Critical Mass*. As newspapers across the country slashed book review space and fired experienced book editors in the name of belt-tightening, the NBCC decided to fight back and earlier this year launched the *Campaign to Save Book Reviews*, featuring blog posts by concerned writers, interviews with book editors "in the trenches," Q&A with newspaper editors and owners, a boots-on-the-ground protest in Atlanta, and

more than a dozen panel discussions around the country to raise awareness of the issue. Since then the NBCC has fought to foster a national literary culture, creating a Best Recommended List, made up of the votes of its members and former book prize finalists and winners, and kicked off several new essay series on *Critical Mass*.

In announcing the award, AAP President Pat Schroeder said: "Since its founding more than three decades ago, the NBCC has played a central role in this country's literary dialogue, but never has its voice been stronger or more urgently needed. We're delighted to honor the NBCC for its passionate commitment to our favorite cause—spreading the word about great books."

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, National Public Radio, country music legend Dolly Parton who created the "Imagination Library" literacy program, *The Today Show*, Oprah Winfrey, Latino television journalist Jorge Ramos, and *USA Today*.

NEWS FROM WASHINGTON

AAP Applauds Passage of Freedom of Information Act Reform Measure

AAP welcomed the overwhelming approval by Congress of legislation to strengthen the Freedom of Inform-

ation Act. The Open Government Act of 2007 was passed by the House on a unanimous voice vote on December 18, following unanimous Senate approval on December 14. The legislation, the first FOIA reform bill adopted by Congress in more than a decade, would re-assert the 20-day statutory deadline for responding to FOIA requests and penalize agencies that miss the deadline. The legislation would also bring private government contractor information under the scope of the Act, strengthen the ability of those who bring FOIA lawsuits to collect attorney's fees, and create an FOIA Ombudsman to hear citizen complaints and provide alternatives to costly litigation. AAP has been lobbying hard for FOIA reform as a member of Open the Government.org.

Publishers Praise Congress' Attention to Intellectual Property Protection

In a statement issued on December 13, AAP welcomed recent moves in Congress to strengthen intellectual property protection and enhance the resources available to the federal government for this purpose. The most recent results of these bipartisan efforts was the introduction of the PRO IP (Prioritizing Resources and Organization for Intellectual Property) Act of 2007 in the House. The legislation, which was the subject of hearings before the House Judiciary Committee's Subcommittee on Courts, the Internet and Intellectual Property in mid-December, would strengthen enforcement measures against intellectual property theft and provide additional resources to support Administration efforts to combat piracy and counterfeiting at home and abroad.

AAP President Pat Schroeder expressed the publishing industry's thanks to House Judiciary Committee Chairman John Conyers, Jr. (D-MI) and Ranking Member Lamar Smith (R-TX), who joined with 10 other members of the House in introducing the bill. "We're particularly gratified that support for America's creative industries crosses party lines, geographical boundaries, and political philosophies. American jobs and America's competitive edge depend on our ability to protect our creative resources," Mrs. Schroeder said.

Among the things "we're doing right," Mrs. Schroeder cited Reading First and Early Reading First, federal initiatives that support effective reading instruction from pre-school through third grade. "These programs **work**. They've yielded impressive results not only in improving reading skills but in creating demonstrable enthusiasm for reading in young children. Unfortunately, at current funding levels Reading First reaches only about 6 percent of the kids most at risk, and it looks as though our skewed national priorities are going to result in further funding cuts," she said.

or subject matter 'offensive'," she said.

While teenagers and young adults were cited as particularly vulnerable to what NEA Chairman Dana Gioia called "a general culture which does not encourage or reinforce reading," Mrs. Schroeder pointed to the fact that sales of books written specifically for the Young Adult (YA) demographic have never been stronger, experiencing double-digit growth in recent years. Bookstores such as Barnes & Noble, which have removed YA literature from their children's sections and placed it into its own area, report impressive increases in sales. "Teenagers and young adults *will* read books that are relevant to their lives, that can help them understand and deal with tough questions. Books offer a unique safe and non-threatening environment in which they can explore issues surrounding sex and sexual identity, drug and alcohol abuse, violence, child abuse, and other difficult topics. We need to be sure that these books remain available to them. We need to stand up in our communities and oppose demands for the removal of good books from school libraries and reading lists because someone finds their language

READING AND LITERACY

AAP President Says NEA Reading Report is a Wake-Up Call

Responding to a National Endowment for the Arts report showing a troubling decline in the amount of time Americans spend reading and a corollary decrease in reading proficiency, especially among teenagers and young adults, AAP President & CEO Pat Schroeder urged parents and policy-makers to "pay attention to what we're doing right in order to understand what we can and should be doing to re-create a nation of readers." Mrs. Schroeder's remarks followed the November release of a 99-page report, *To Read or Not to Read: A Question of National Consequence*, which expanded on the earlier NEA survey *Reading at Risk*.

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SMALLER & INDEPENDENT PUBLISHERS

Indie Publishers Spotlight Titles at the "Indie Book Talk"

Nearly 100 collection development librarians from the New York Public Library system got a sneak preview of new Winter/Spring 2007 titles from five of the nation's premier independent presses courtesy of AAP's Smaller and Independent Publishers Committee. The event, held at the New York Public Library on December 14, featured speakers including Johnny Temple (Akashic Books), Scott Watrous (Globe Pequot Press), Dennis Loy Johnson (Melville House), Richard Nash (Soft Skull Press), and Michael Rockliff (Workman Publishing). For more information on the SIP Committee contact Tina Jordan at tjordan@publishers.org.

HIGHER EDUCATION

AAP and Higher Ed Groups Develop Resources for Students and Parents

In recent months, AAP has held meetings with the American School Counselor Association (ASCA) and the National Association for College Admission Counseling (NACAC) to underscore AAP's position

as a member of the higher education community and as a resource on the value of course materials. Both organizations focus on helping high school students and their parents prepare for the transition to college. As an outgrowth of these meetings, AAP developed a one-page paper with guidance on budgeting for college, including textbook costs, which ASCA posted in its online resource center and used in its “For Parents” column in the November/December issue of *ASCA School Counselor* magazine.

AAP also worked with NACAC to produce articles on course materials and budgeting, and on good study skills. Both can be found on the NACAC’s *Steps to College* Newsletter website at:

<http://www.nacacnet.org/MemberPortal/News/StepsNewsletter/Texbooks21stCentury.htm>

<http://www.nacacnet.org/MemberPortal/News/StepsNewsletter/StudyStride.htm>

NACAC is referencing the articles on its homepage and announcing them in their monthly e-newsletter. For more information: Stacy Skelly (sskelly@publishers.org).

AAP Briefing Paper Informs Higher Ed Press Seminar

In line with its mission to provide education journalists with the knowledge to produce fair and accurate reporting, the Hechinger Institute on Education and the Media at Teachers College, Columbia University, hosts seminars at which selected reporters receive training and issues background. Hechinger holds an annual seminar for higher education report-

ers, covering a wide range of issues including college costs, spending trends, and the ongoing debate over the *U.S. News and World Report* rankings.

Recognizing the forum, which was held last month, as an opportunity to provide an in-depth briefing on college textbook issues, AAP submitted a briefing paper which was included in the conference materials distributed to the 30 reporters in attendance. The forum represented a unique moment of outreach to higher education reporters and gave AAP an opportunity to highlight publisher perspectives on student success, transparency, textbook prices and options, new publisher initiatives and their role in the learning process.

A copy of the briefing paper is available from Stacy Skelly (sskelly@publishers.org).



Ruling in Ehrenfeld Case Disappointing

A December 20 ruling that New York courts lack jurisdiction to hear Rachel Ehrenfeld’s case was a deep disappointment for publishers, but AAP vowed to continue the fight against “libel tourism.” AAP was one of a number of media organizations who filed a friend-of-the-court brief urging the New York Court of Appeals to allow Ehrenfeld to proceed with her case.

Ehrenfeld, the U.S. author of *Funding Evil: How Terrorism*

is Financed and How to Stop It, was sued in Great Britain under their notoriously plaintiff-friendly libel laws by Saudi billionaire Khalid bin Mahfouz. The suit was brought despite the fact that neither Ehrenfeld nor bin Mahfouz lived in England and her book was never published there. After refusing to participate in the suit and being hit with a default judgment of liability and monetary damages, Ehrenfeld went into federal court in New York seeking to have the foreign judgment declared unenforceable in the United States. In April 2006, a federal district court dismissed her case, saying it lacked personal jurisdiction over bin Mahfouz under New York’s “long-arm statute.” That statute allows courts to exercise personal jurisdiction over non-residents who “transact business” within the state where the lawsuit arises out of the non-resident’s contact with the state. The district court found that bin Mahfouz’s actions taken in New York in connection with his U.K. libel suit (serving legal papers, sending emails) did not constitute transacting business. On appeal, the Second Circuit of Appeals found that New York courts had not addressed application of the long-arm statute in this context. Recognizing that there were important First Amendment implications, the Second Circuit asked New York State’s highest court to rule on whether the actions alleged constituted “transacting business” in New York.

The ruling handed down on December 20 by the New York Court of Appeals found that bin Mahfouz’s actions in connection with the U.K. suit did not meet the statutory standard of a “sustained and substantial transaction of business in New York.”

“Although the court ruled on a very narrow issue, stressing that they were not asked to address the propriety of English libel law, we are very disappointed that Ehrenfeld’s case can’t proceed on the merits,” said Judith Platt, who directs the work of AAP’s Freedom to Read Committee. “Cynical ‘libel tourists’ such as bin Mahfouz represent a very real threat to American authors and publishers, and AAP will continue seeking every possible means to defuse that threat,” Ms. Platt said.

AAP Urges Florida Not to Allow “False Light” Claims

AAP joined with other media organizations including *The New York Times*, *The Orlando Sentinel*, and the Florida Press Association, in a brief to the Florida Supreme Court urging that “false light invasion of privacy” not be recognized as a cause of action under Florida law. The brief was filed in connection with a lawsuit, *Rapp v. Jews for Jesus*, in which Florida’s intermediate appellate court asked the state Supreme Court to rule on the viability of “false light” claims under Florida law.

“False light” claims, which are recognized in a number of states, allow plaintiffs to bring what are essentially defamation suits without having to surmount the substantive and procedural protections afforded defendants under defamation law. Such protections include the burden of proving the speech false and intended to damage the plaintiff’s reputation, and the requirement that media defendants be given written notice and an opportunity to issue a correction or retraction before a suit is brought. The vague and ambiguous nature

of the “false light” tort makes it a particularly serious threat to media defendants. The brief argues that “False light provides plaintiffs who cannot succeed under the law of defamation with the ability to... protract litigation without any justification” a situation which is “highly detrimental to free expression.”

New York Appeals Court Dismisses Right of Publicity Case

As reported previously in the *Monthly Report*, last fall AAP joined a media group *amicus* brief urging the New York Court of Appeals to dismiss a right of publicity lawsuit filed by a man whose photo was taken by a professional photographer shooting images of passers-by in Times Square and later used in a book of art photographs and a gallery exhibition catalogue. Under New York law the right of publicity only applies to unauthorized use of an image for advertising or “purposes of trade,” and our brief argued that this does not apply to First Amendment-protected expressive or newsworthy uses, even if they are made to earn a profit. The case had been dismissed by the trial court on statute of limitations grounds, and on November 15, without reaching the First Amendment issues, the New York Court of Appeals threw out the lawsuit on the same grounds, affirming the single publication rule which dictates that the statute of limitations began when the work was released and not when its existence was discovered by the plaintiff.

AAP Welcomes Return of *The Chocolate War* to Maryland Classrooms

AAP welcomed the news that the

School Superintendent of Harford County, Maryland has reversed an earlier decision to ban the use of Robert Cormier’s *The Chocolate War* from the 9th grade social studies curriculum. The award-winning book was removed last spring after some parents complained about language and references to homosexuality. In April, AAP in sending a letter to Harford County school officials protesting the book’s removal, stating, in part, “The practical effect of acceding to any request to censor materials will be to invite others to demand changes in the curriculum to reflect their beliefs and to leave school officials vulnerable to multiple, possibly conflicting, demands.”

According to reports in *The Baltimore Sun*, in the wake of the School Superintendent’s decision, teachers will have the option of using *The Chocolate War* as required reading in studying school bullying and harassment, but will have to inform the school system’s central administration and obtain permission from parents of all students in a class in order to do so.

AAP Opposes Book Rating Proposal in West Virginia

In the wake of a book banning controversy involving two of Pat Conroy’s most popular works, AAP joined in sending a letter which was published in the *The Charleston Gazette* on December 13, calling a proposed rating system for books used in an honors English class unwise and unworkable.

The controversy arose when several parents in Kanawha County, West Virginia raised objections to the use of *The Prince of Tides* and *Beach*

Music in a 12th Grade Advanced Placement English class. Use of the books was suspended at one county high school, prompting outraged students to form an anti-censorship coalition and threaten the Kanawha County Board of Education with a lawsuit if the ban were not lifted. Conroy, who got into the fray after being contacted by a student, wrote a scathing letter saying, in part "...Because you banned my books, every kid in that county will read them, every single one of them. Because book banners are invariably idiots, they don't know how the world works—but writers and English teachers do."

SCHOOL DIVISION

Registration Now Available for the 2008 Annual Meeting

Registration is now available for the School Division's 2008 Annual Meeting. The meeting, titled *Innovations and Transformations*, will be held February 7-8, 2008 at the Sheraton Grand Hotel in Sacramento, California. Online registration is available at: <http://www.aapschool.org/conferenceform.html>. Check the School Division website at <http://www.aapschool.org/conferences.html> for updates on the agenda and more information on a special new awards program to be announced soon.

INTERNATIONAL COPYRIGHT PROTECTION

Chinese Authorities Take Action Against Illegal Textbook Reproduction

AAP and the Publishers Association of the UK (PA) applauded the issuance of administrative Punishment Decisions (PDs) against three universities in China's Hubei and Shan'xi provinces for the illegal reproduction of thousands of books without permission of the copyright owners. The books, many of which are published by AAP and PA member companies, were primarily professional, medical, scientific and technical titles.

The PDs follow successful raids by provincial copyright authorities earlier this year carried out with the cooperation of right holder representatives and national authorities. The targeted universities were Wuhan University and Wuhan Huazhong University (both in Hubei Province) and Jiaotong University in Xi'an (Shan'xi Province).

In a November 15 decision, Hubei authorities fined Wuhan University RMB 50,000 (about US\$6,800) and ordered the destruction of 5,324 books seized in the April 2007 raid. The Bureau also instructed the university to cease all infringement. This follows a similar order issued on October 28, fining Wuhan Huazhong University RMB 5000 (about US\$680) as a result of a smaller seizure. That decision also ordered the destruction of all infringing copies and an end to illegal activity.

Shan'xi provincial authorities acted with even greater dispatch, and PA and AAP praised the timely issuance of a PD against Xi'an Jiaotong University, only a few weeks after an early October raid. The decision, dated October 25, ordered destruction of the 1,916 copies seized, directed the university to cease all infringing activity and imposed a fine of RMB 30,000 (approximately US\$4060).

"This was the authorities' first raid in Shan'xi Province," stated Patricia Judd, who directs international affairs at AAP. "We're pleased with the quick action taken. We hope the dedication of the Shan'xi Bureau sends a signal that illegal reproduction of books will not be tolerated in Xi'an."

AAP and the PA have worked closely with authorities at the national, regional and municipal levels in recent years to ensure that Chinese universities are offering legitimate versions of textbooks to their students and look forward to continuing constructive cooperation with the Chinese authorities.

PROFESSIONAL & SCHOLARLY PUBLISHING DIVISION

PSP Meetings and Seminars for 2008

The PSP Division will sponsor a number of seminars in 2008 beginning with the PSP Annual Conference, *Interactivity 2008: Communities, Content, Connectivity* February 6-8 in Washington, D.C. Other planned programs include a webinar on elec-

tronic health records presented by the American Medical Publishers Committee in May; the Books Committee's *Basic Books Boot Camp* in May; and a seminar on e-marketing in November. In the spring, the Journals Committee is planning to sponsor a metrics seminar and a half-day program focusing on web presence that will include editorial content, fulfillment, marketing and sales, and actual implementation.

As more information becomes available details of the program will be posted on the PSP web site, www.pspcentral.org.

PUBLISHING LATINO VOICES FOR AMERICA

“Reading with Las Comadres” Getting Rave Reviews

An innovative book club program initiated this fall by AAP's Publishing Latino Voice for America Task Force and Las Comadres, an Internet-based group that builds community and connections among Latinas across the country, is drawing rave reviews. After reading a selected book each month, members of Las Comadres book clubs are invited to participate by teleconference in a discussion with the author. The first two selections were *Dancing to 'Almendra'* by Mayra Montero and *Daughters of Suarez* by Teresa Rodriguez.

One of the program's enthusiastic participants, Celeste Mendoza at the University of Texas Press, wrote to let AAP know how well the program

is working:

As a writer and an employee of a university publisher, I am EXTREMELY passionate about books and even more passionate about disseminating information about books written by Latinas. So many people in our community would read so many more books if they knew that they were represented not only in the content but in the byline...Thank you and the Association for helping to share the great info and for sending those of us that sign up early free copies of the books!!! I feel like I'm winning a contest every month..... please feel free to share my email with anybody else at the Association as I would love for them to know that this program is fabulous!!

TRADE PUBLISHING

AAP Hosts Another Successful *Introduction to Publishing*

The next generation of industry leaders recently assembled at the Association of American Publishers 2007 *Introduction to Publishing: Advance your Titles, Advance Your Career* on November 28th, hosted at Random House. The program was targeted to those who have been in the industry a relatively short time, and featured a day long schedule of various speakers from the book publishing industry. The program featured sessions on how to simultaneously work in publishing and be a writer, sales and co-op techniques, the independent bookselling community, and different types of marketing. This year's seminar also featured afternoon breakout publicity sessions focused respec-

tively on blogging, book reviews, and television. The day opened with greetings from Random House COO Edward Volini and closed with a presentation featuring *Reservation Road* author John Burnham Schwartz.

Highlights of the day included career advice from Hyperion Editor-in-Chief Will Schwalbe and editors Lorin Stein of Farrar Straus & Giroux and Brant Ramble of Scribner; Len Vlahos of Booksense gave attendees a marketing case study on the best-selling novel *Water for Elephants*; Sarah McNally of McNally Robinson Booksellers also spoke about the independent bookstore, and its role in the community and Kelly Leonard, Online Executive Editor for Hachette Book Group USA gave a primer in online marketing techniques. The day's discussion also turned to television and the importance of making a book come alive in visual format. The conference concluded with a keynote presentation on “Books to Film,” in a Q&A with John Burnham Schwartz and Peter Gethers, President of Random House Films.

For more information please contact Christina Rodriguez at crodriguez@publishers.org.

CALENDAR

DECEMBER

*AAP offices are closed from
December 24-January 2*

JANUARY

January 7th – 11th, Monday – Friday
PSP Judging, Rooms 1 and 2 (ROMINA NAVEIRA)

January 9th, Wednesday
Freedom to Read @ Weil, Gotshal and Manges, 12:00 p.m. – 2:00 p.m., (JUDY PLATT)

January 11th, Friday
AAP School Division Test Committee @ Pearson's New York Office, 9:00 a.m. – 12:00 p.m. (JAY DISKEY)

January 14th, Monday
Copyright Committee, 12:00 p.m. – 2:00 p.m., Rooms 1 and 2 (ALLAN ADLER)

January 15th, Tuesday
Compensation Committee, 10:00 a.m. – 2:00 p.m. (both rooms reserved all day) (TINA JORDAN)

January 16th, Wednesday
Audio Committee, 9:00 a.m., Rooms 1 and 2 (TINA JORDAN)
AAP Executive Committee of the Board of Directors, Rooms 1 and 2 (TINA JORDAN)

January 17th, Thursday
Trade Executive Committee, 12:30 p.m. – 2:00 p.m., Rooms 1 and 2 (TINA JORDAN)

PSP Executive Council @ Elsevier, 12:00 p.m. – 3:00 p.m., Rooms 1 and 2 (SARA FIRESTONE)

January 21st, Monday
Martin Luther King Jr. Day – AAP offices are closed

January 22nd, Tuesday
CITF Meeting, (all day) Rooms 1 and 2 (ED McCOYD)

January 23rd, Wednesday
PSP Journals Committee, 12:30 p.m. – 2:00 p.m., Rooms 1 and 2 (SARA FIRESTONE)

January 24th, Thursday
IFTP, 12:00 p.m. – 2:00 p.m., Room 1 (MARLENE SCHEUERMANN)

January 25th, Friday
PSP Books Committee, 12:30 p.m. – 2:30 p.m., Rooms 1 and 2 (SARA FIRESTONE)

FEBRUARY

February 4th, Monday
PLVA, 3:30 p.m. – 5:00 p.m., Rooms 1 and 2 (TINA JORDAN)

February 6th, Wednesday
AAP School Division Executive Committee Meeting in Sacramento, CA (JAY DISKEY)

February 6th – 8th, Wednesday – Friday
PSP Annual Conference (Interactivity 2008: Communities, Content, Connectivity) @ the Renaissance

Mayflower Hotel, 1127 Connecticut Ave, NW, Washington, DC (SARA FIRESTONE)

February 7th – 8th, Thursday – Friday
AAP School Division's Annual Meeting titled Innovations and Transformations @ the Sheraton Grand Hotel, Sacramento, CA (JAY DISKEY)

February 12th, Tuesday
PIWOG (tentative) 12:00 p.m. – 3:00 p.m., Rooms 1 and 2 (TINA JORDAN)

February 13th, Wednesday
Freedom to Read, 12:00 p.m. – 5:00 p.m. Rooms 1 and 2 (JUDY PLATT)

February 18th, Monday
Presidents' Day – AAP offices are closed

February 19th, Tuesday
IFTP, 12:00 p.m. – 2:00 p.m., Room 1, (MARLENE SCHEUERMANN)

February 20th, Wednesday
DIWG, 11:00 a.m. – 3:00 p.m., Rooms 1 and 2 (ED McCOYD)

February 21st, Thursday
IFTP (tentative) 12:00 p.m. – 2:00 p.m., Room 1 (TINA JORDAN)

February 25th, Monday
Copyright Committee, 12:00 p.m. – 2:00 p.m., Rooms 1 and 2 (ALLAN ADLER)

International Sales, 3:00 p.m. – 5:00 p.m., Rooms 1 and 2 (TINA JORDAN)

February 29th, Friday
PSP Books Committee, 12:30 p.m. – 2:30 p.m., Rooms 1 and 2 (SARA FIRESTONE)