

# aap MONTHLY REPORT

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## WHAT'S NEWS

### NEW SAFE ACT INTRODUCED

Legislation to modify some of the PATRIOT Act's provisions was introduced in the Senate as the Judiciary Committee began extensive oversight hearings.

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### AAP WELCOMES SENATE RESOLUTION ON IP PROTECTION

Marking observance of World Intellectual Property Day, two Senate leaders introduced a resolution stressing the importance of protecting intellectual property worldwide.

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### CONSUMER BOOK SALES UP IN SOME CATEGORIES

While overall net sales decreased by 1 percent, some categories showed strong market growth, according to *Consumer Books and Materials* released on May 13 by AAP.

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### SOUTH CAROLINA INTERNET LAW STRUCK DOWN

In the latest in a series of successful challenges to state Internet harmful to minors law, a federal judge in South Carolina has permanently enjoined enforcement of that state's statute. AAP was a plaintiff.

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### TURKISH PUBLISHER RECEIVES JERI LABER FREEDOM TO PUBLISH AWARD

Turkish publisher Abdullah Keskin was the third recipient of the AAP International Freedom to Publish Committee's award.

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### BOOKJOBS WEB SITE EXPANDED

The Bookjobs.com web site has been expanded to include publishing job opportunities at all levels, part of the ongoing effort to diversify the industry's work force.

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## NEWS FROM WASHINGTON

### New SAFE Act Introduced as Congress Begins PATRIOT ACT Review

As the Senate Judiciary Committee began extensive oversight hearings on the USA PATRIOT ACT, a revised version of the Security and Freedom Enhancement (SAFE) Act (S.737) was introduced on April 6 by Senators Richard Durbin (D-IL), Larry Craig (R-ID), Russ Feingold (D-WI), and Ken Salazar (D-CO). The bill is a narrowly crafted bipartisan effort to modify some of the most controversial provisions of the PATRIOT Act, to re-establish civil liberties safeguards.

While taking a different approach from the Freedom to Read Protection Act introduced in the House by Rep. Bernie Sanders (see *Monthly Report* March/April 2005), the SAFE Act would address the most serious concerns with respect to Section 215. The SAFE Act would still permit the FBI to obtain “any tangible thing” under an expansion of FISA (the Foreign Intelligence Surveillance Act), but would restore a standard of individualized suspicion and establish procedural safeguards to prevent abuse. Under the SAFE Act:

- The government would need to show there was reason to believe the individual whose records were sought was an agent of a foreign power.

- The recipient of a FISA order would have the right to quash it.
- The government would need to demonstrate the need for a gag order.
- A time limit, which could be extended by the court, would be placed on the gag order.
- The individual whose records are sought would have to be notified if the government seeks to use those records in a subsequent proceeding, and would have a right to challenge the use of such records.

Testifying before the Senate Judiciary Committee on April 5, Attorney General Alberto Gonzales seemed to signal a possible softening in the Administration’s hard-line opposition to changes in the PATRIOT Act. “The department has already stated in litigation that the recipient of a Section 215 order may consult with his attorney and may challenge that order in court....The text of Section 215, however, is not as clear as it could be in these respects. The department, therefore is willing to support amendments to Section 215 to clarify these points,” Gonzales said.

### AAP Welcomes Senate Resolution on Intellectual Property Protection

AAP welcomed introduction in the Senate on April 26 of a bipartisan Concurrent Resolution stressing the importance of protecting intellectual property worldwide. AAP President Pat Schroeder expressed special thanks to Senator Richard Lugar (R-IN), Chairman of the Foreign Relations Committee, and Senator Max Baucus (D-MT), Ranking Member of the Finance Committee, who joined in sponsoring the resolution to mark the observance of World Intellectual Property Day.

Noting that the theft of intellectual property hurts the U.S. economy and costs American jobs, and citing deep concern over the failure of many U.S. trading partners to fulfill obligations to protect intellectual property, the resolution is particularly critical of China and Russia, where piracy threatens the very existence of legitimate markets for copyright products. The resolution calls on the Administration to use “all available tools provided by Congress,” and the leverage provided by bi-lateral and multi-lateral trade agreements to protect the intellectual property rights of American businesses.

### CONSUMER BOOK SALES UP IN SOME CATEGORIES IN 2004

On May 13 AAP released the 2004 edition of *Consumer Books and Materials*. The only one of its kind, the report is based on data from 20 major publishers representing global net sales in excess of \$5.5 billion.

Overall net sales fell by 1.0 percent from 2003, due largely to a \$100 million dollar, 15 percent decrease in the Children's/YA Hardcover category. Adult Hardcover net sales grew by 6 percent, and Paperback books posted 1.5 percent growth over 2003. Religious books reflected a second strong year of growth, with a 9.1 percent increase in dollar sales. The market for e-books grew by just over \$1 million to \$4.3 million, a remarkable 36 percent increase over 2003. Children's/YA Paperbacks (down 0.6 percent) and Audio (up 0.1 percent) remained fairly steady. Mass Market reflected a disappointing 8.8 percent fall in dollar sales.

The ratio of returns to gross dollar sales in the Adult Hardcover category remained steady from 2003 at 34 percent; returns for Adult Paperback books were 23.1 percent, up from 22.7 percent in 2003. Returns on mass market paperback books were 44.9 percent, up from 39.8 percent in 2003.

While still small in absolute numbers, (total dollar sales of \$4.3 million represent only 0.08 percent of the total book market), the e-book market continued its impressive growth, with a gain of 37 percent, although not up to the spectacular 45 percent increase in the market in 2003. The Religion category, which includes a wide variety of books, including some self-help titles, continued to grow well. Though the 9.1 percent increase over 2003 is more modest than last year's 40 percent, it is nonetheless encouraging.

Internet retailers claimed a larger share of the business this year, with 3.6 percent of sales conducted through this channel, up from 2.5 percent in 2003. Almost all of this growth came at the expense of brick and mortar retailers. Consumers who purchased over the Internet showed a marked preference for hardcover books; 47 percent of books sold online were in this format.

AAP publishes an extensive series of statistical reports about the Consumer, EHi, Higher Education, and Professional publishing sectors. Some of these are issued monthly, based on actual data reported by AAP members; others are available annually; still others reflect the production of published material, including manuals and brochures which are not typically sold as identifiable units.

The *Consumer Books and Materials* report issued today is based on factual data submitted by 20 of the largest publishers in the United States. All AAP reports are available to members free of charge, and can be purchased by others at the following address: <http://www.publishers.org>, where the report's Table of Contents can also be found.

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## FREEDOM TO READ

### South Carolina Internet Harmful to Minors Law Struck Down

On May 9 a federal judge in South Carolina issued a permanent injunction barring enforcement of a state statute criminalizing the digital communication of work considered to be harmful to minors, including "depictions of nudity and sexual content." The South Carolina victory is the latest in a series of successful legal challenges to state Internet harmful to minors laws spearheaded by Media Coalition. AAP was one of the plaintiffs in the South Carolina suit, *Southeast Booksellers Association v. McMaster*, brought in November 2002.

The judge held the statute to be both over- and under-inclusive: neither the least restrictive means of preventing minors from accessing harmful to minors material nor effective in preventing minors from accessing material originating outside the U.S. The court also held the statute was in violation of the Commerce Clause since it attempted to regulate commerce occurring wholly outside the state.

## INTERNATIONAL FREEDOM TO PUBLISH

### Turkish Publisher Receives Jeri Laber Freedom to Publish Prize

Turkish publisher Abdullah Keskin, whose books on politically sensi-

## A MESSAGE FROM THE AAP PRESIDENT

On May 11, a group of us from the AAP Washington office went to Capitol Hill for what we expected to be an enjoyable (and uneventful) “Get Caught Reading” photo shoot. These have grown in popularity to the point where Members of Congress actually line up and wait to have their picture taken “caught reading” their favorite books. As luck would have it, an hour or so before, a couple of lost aviators with outdated maps had wandered into Washington’s “no-fly” zone, triggering the evacuation of the White House, the Capitol and the Supreme Court. The all-clear had sounded by the time we got there and things were slowly getting back to normal, but clearly it would be a while before we could get into the Capitol. Waiting on the plaza we were approached by a group of nurses who had been lobbying on children’s health issues and came over to introduce themselves. When they learned that we too were “lobbying”—for reading—one of them, a grandmother-to-be, proudly gave me a card she had included with her daughter’s baby shower invitation. There, neatly engraved alongside a yellow duck, was the following:

*We want our new arrival to be  
very smart indeed.  
So, all of you please bring along  
a book for Mom to read!*

**That’s one lucky baby!**

*Pat Schroeder*

tive Kurdish issues have made him the target of censorship, persecution, and legal harassment by the Turkish government, was named by AAP’s International Freedom to Publish Committee to receive the Jeri Laber International Freedom to Publish Award. The award was presented at the PEN American Center gala in New York on April 20. Keskin, who with his wife and sister founded the publishing house Avesta in 1996 to publish books in Kurdish, which at the time was still forbidden by the Turkish government, has over the past decade published more than 200 books in Kurdish, Turkish, and French by writers from all over the world, covering a range of areas including women’s studies, current affairs,

Mesopotamian culture, literary classics, science, poetry, and history. More than 10 of Avesta’s books, including *After Such Knowledge, What Forgiveness: My Encounters with Kurdistan* by Washington Post correspondent Jonathan Randal, have been banned by the Turkish State Security Council. Charged with disseminating separatist propaganda, Keskin has faced imprisonment and heavy fines. Although Turkey’s laws have changed, the books remain banned.

Hal Fessenden, chairman of the IFTP Committee, said “We’re delighted to recognize Abdullah with this award for his unfaltering commitment to freedom of expression and for publishing such a rich and

varied list.” Upon being notified of the award, Keskin remarked that “Throughout the Kurds’ modern history, our ability to express ourselves and our culture freely has been repressed. I hope that the work of Avesta Publishing House and the authors we work with can, in some way, contribute to the widening of freedoms enjoyed by the Kurds. This year’s Laber Prize is a meaningful step in international recognition of the limitations placed on Kurdish cultural freedoms.”

Created in 2002, the Jeri Laber International Freedom to Publish Award recognizes a book publisher outside the United States who has demonstrated courage and fortitude in the face of political persecution

and restrictions on freedom of expression. The award is named in honor of Jeri Laber, one of the founding members of the IFTPC and the committee's professional advisor for more than twenty-six years.

### BOOKJOBS WEB SITE EXPANDED

The Bookjobs.com web site, which has previously carried only entry-level and internship postings, has been expanded to cover publishing job opportunities at *all* levels, from internships to senior executive positions.

The Bookjobs web site, which is the centerpiece of the AAP Diversity/Recruit and Retain Task Force's "Book Yourself a Career" campaign, is now being advertised on Google Ad Words, significantly expanding its potential audience. In addition, the Task Force is continuing its outreach to college campuses with diverse student populations and rigorous academic standards through a targeted print ad campaign, visits to college campuses, and participation in career fairs.

For additional information: Katie Blough, AAP New York ([kblough@publishers.org](mailto:kblough@publishers.org)).

### NOTEWORTHY

**Washington State Librarian Who Resisted FBI Search Wins PEN/Newman's Own Award**

Joan Airoidi, Director of the Whatcom County Rural Library District in Washington state, who challenged an FBI effort to search patron records, was presented with this year's PEN/Newman's Own First Amendment Award at the PEN Gala on April 20.

In June 2004 the Deming branch of the Whatcom County Library System in rural Washington state was visited by an FBI agent demanding the names of all library patrons who had borrowed a book entitled *Bin Laden: The Man Who Declared War on America*. The government sought the information after a reader informed the FBI that someone had left a handwritten note in the margin quoting a statement Bin Laden had made in a 1998 interview.

Airoidi organized and directed the library's efforts to fight the request. The branch library refused to provide the records and the FBI was informed that no information would be released without a subpoena or court order. Ten days later the library was served with a grand jury subpoena requesting names and identifying information on all patrons who had borrowed the book. The Library Board voted to quash the subpoena as an infringement on library patrons' First Amendment rights, and a month later the library learned that the subpoena had been withdrawn.

PEN Freedom to Write Program director Larry Siems pointed out

that the selection of this year's recipient could not have been more timely in light of the current debate over provisions in the USA PATRIOT Act. "If the FBI had returned not with a grand jury subpoena, but with a PATRIOT Act order, the library would have been unable to challenge the request in court and the reading records of law-abiding patrons may well have made their way into FBI files," Siems said.

**The 2005  
General Annual  
Meeting will be  
held on  
March 14, 2006,  
at the  
Millennium  
Broadway Hotel,  
145 West 44<sup>th</sup>  
Street, New York,  
New York, 10036**

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**The Smaller and  
Independent  
Publishers annual  
meeting will be  
held on March 15,  
2006. Location to  
be determined**

# CALENDAR

## MAY – 2005

### **May 17<sup>th</sup>, Tuesday**

IFTP, 12:00 p.m., Room 1  
(**MARLENE SCHEUERMANN**)

ICPC, Room 2 (**PATRICIA JUDD**)

Higher Ed Conference Call @  
2:30 p.m. EST (**BRUCE HILDEBRAND**)

### **May 18<sup>th</sup>, Wednesday**

College Outreach, 11:00 a.m. –  
12:00 p.m., Room 1 (**TRACY KAUFMAN**)  
DRRC, 12:30 p.m. – 2:00 p.m.,  
Room 1 (**KATIE BLOUGH**)

### **May 19<sup>th</sup>, Thursday**

PSP Journals Committee  
Roundtable, 12:00 p.m. – 3:00  
p.m., Rooms 1 and 2 (**SARA BRANDWEIN**)

### **May 23<sup>rd</sup>, Monday**

PSP Executive Council (tentative)  
12:00 p.m. – 3:00 p.m., Rooms 1  
and 2 (**SARA BRANDWEIN**)  
Freedom to Read/School Division  
meeting, 12:00 p.m. – 2:00 p.m.  
Weil, Gotshal & Manges, LLP  
(**JUDY PLATT**)

### **May 24<sup>th</sup>, Tuesday**

PSP Journals Committee, 12:30  
p.m. – 2:00 p.m., Rooms 1 and 2  
(**SARA BRANDWEIN**)  
RPAC Annual Conference,  
Rooms 1 and 2 (**SARAH WILLIAMS**)

### **May 25<sup>th</sup>, Wednesday**

PSP/EIC Meeting, 12:30 p.m. –  
2:30 p.m., Rooms 1 and 2  
(**SARA BRANDWEIN**)

### **May 26<sup>th</sup>, Thursday**

RPAC Annual Conference  
(tentative) Room 2 (**SARAH WILLIAMS**)

## JUNE – 2005

### **June 7<sup>th</sup> Tuesday**

AAP Board of Directors, 12:15  
p.m. – 2:30 p.m., Rooms 1 and 2  
(**KATIE BLOUGH**)

### **June 8<sup>th</sup>, Wednesday**

Freedom to Read, 12:00 p.m. –  
4:00 p.m., Rooms 1 and 2  
(**JUDY PLATT**)

### **June 15<sup>th</sup>, Wednesday**

Copyright Committee, 11:00 p.m.  
– 2:00 p.m., Rooms 1 and 2  
(**ALLAN ADLER**)

### **June 21<sup>st</sup>, Tuesday**

PSP/EIC Meeting, 12:30 p.m. –  
2:30 p.m., Rooms 1 and 2  
(**SARA BRANDWEIN**)  
Higher Ed Conference Call @  
2:30 p.m. EST (**BRUCE HILDEBRAND**)

### **June 22<sup>nd</sup>, Wednesday**

Trade Executive Council, 12:30  
p.m. – 2:30 p.m., Rooms 1 and 2  
(**KATIE BLOUGH**)

### **June 23<sup>rd</sup>, Thursday**

IFTP, 12:00 p.m., Room 1  
(**MARLENE SCHEUERMANN**)

### **June 27<sup>th</sup>, Monday**

PSP Executive Council, 12:00  
p.m. – 3:00 p.m., Rooms 1 and 2  
(**SARA BRANDWEIN**)

### **June 28<sup>th</sup>, Tuesday**

School Division Executive Com-  
mittee, 10:00 a.m. – 2:00 p.m.,  
Rooms 1 and 2  
(**STEPHEN DRIESLER**)

## JULY – 2005

### **July 6<sup>th</sup> – 8<sup>th</sup>, Wednesday – Friday**

ICPC (tentative) 12:00 p.m. –  
2:00 p.m., Rooms 1 and 2  
(**PATRICIA JUDD**)

### **July 11<sup>th</sup>, Monday**

Copyright Committee, 12:00 p.m.  
– 2:00 p.m., Rooms 1 and 2  
(**ALLAN ADLER**)

### **July 12<sup>th</sup>, Tuesday**

PSP Journals Committee, 12:30  
p.m. – 2:00 p.m., Rooms 1 and 2  
(**SARA BRANDWEIN**)

### **July 13<sup>th</sup>, Wednesday**

Freedom to Read, 12:00 p.m. –  
4:00 p.m., Rooms 1 and 2  
(**JUDY PLATT**)

### **July 19<sup>th</sup>, Tuesday**

Higher Ed Conference Call @  
2:30 p.m. EST (**BRUCE HILDEBRAND**)