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Authors League of America (1973): Correspondence 01

Jerome Weidman

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The Authors League of America, Inc.

234 WEST 44TH STREET • NEW YORK, N.Y. 10036 • TELEPHONE (212) 736-4811

March 14, 1973

The Honorable Claiborne Pell
United States Senate
Washington, D. C. 20510

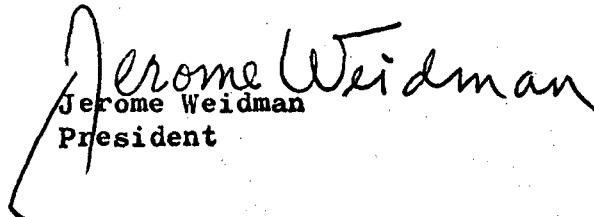
Dear Senator Pell:

We enclose for your information a copy of H.R. 4850, introduced on February 27th, by Congressman Reid. This Bill would establish a Commission to study and recommend methods by which the Federal Government could pay authors compensation - "lending royalties" - for the use of their books by libraries. As you know, Sweden and Denmark now make such payments to their authors; and Great Britain is working toward the establishment of such a system. Any method of payment recommended by the Commission would not be part of, or affect, the Copyright Act.

We enclose herewith a copy of the statement made by Congressman Reid when he introduced the Bill and a copy of The Authors League's statement. We very much hope that you will introduce the Bill in the Senate. We would appreciate hearing from you.

Kindest personal regards.

Sincerely yours,


Jerome Weidman
President

JW/eap
Encls.

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February 28, 1973

FOR IMMEDIATE RELEASE

The attached Bill - H.R. 4850 was introduced by Congressman Ogden R. Reid on February 27th, at the request of The Authors League of America.

This Bill creates a Commission to study methods for paying authors "lending royalties" for uses of their books through libraries. Funds for the royalties would be provided by the Federal government and any system recommended by the Commission would not affect the Copyright Act.

As some European countries recognize, authors are not adequately compensated when their books are used through libraries. No matter how valuable his book, an author's income from it depends on the number of uses, under the royalty system. However, when his book is used through public libraries, he is not compensated fairly since his royalties are not based on the number of times it is used. Although a copy of his book may be read by 30, or 40, or 50 people, he receives only one royalty when the copy is purchased by the library.

Recognizing this inequity, some European countries now pay authors royalties for the uses of their works through public libraries; and Great Britain is now studying the establishment of such a system.

The eleven member Commission appointed under this Bill would consider alternative methods for determining lending royalties. The Bill does not direct the Commission to study a particular method or confine its enquiry to one set of criteria for computing or allocating royalties. The Commission is asked to consider some of the alternative factors and standards that might be employed. But it is free to study, evaluate and recommend any methods and criteria it deems appropriate. SEE Sections 4(a) and (b).

The Commission would also consider various problems and questions listed in Section 4(d). Among these: whether lending royalties should be paid for works published prior to the time a system is established; whether royalties should only be paid for a limited number of years following the publication of a book; whether minimum and maximum limits should be placed on the amount of lending royalties payable to an author in any year; and whether, and to what extent, publishers would share in lending royalties.

The Congress has appropriated millions of dollars each year for "the Arts." But the most significant and enduring of all American "arts", literature, has benefited little from this generosity. Indeed, the Council on the Arts has been hard put to find meaningful literary "projects" to allocate funds to. Yet authors of books, especially those of artistic and social value, are not fairly compensated for their contributions. The appropriation of Federal funds for library lending royalties would aid the literary arts - but not "subsidize" them. The payment of lending royalties is not largesse; it is payment of compensation the author is entitled to have. And it avoids all the pitfalls of subsidy. Since payments are based on the public's use of books, through libraries, there is no opportunity for government influence or control over the contents of literary works.

The members of the Commission would be appointed by the President from authors, publishers, librarians and members of the public. SEE Sec. 5. They would serve without compensation. A limited staff would be under the direction of the Librarian of Congress who is the eleventh member of the Commission. SEE Sec. 7. The Commission would make its report to the President and Congress within 18 months after its first meeting.

93^d CONGRESS
1ST SESSION

H. R. 4850

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 1973

Mr. REID introduced the following bill; which was referred to the Committee on House Administration

A BILL

To establish a commission to study and make recommendations on methods for compensating authors for the use of their books by libraries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 ESTABLISHMENT AND PURPOSE OF COMMISSION

4 SECTION 1. There is hereby created in the Library of
5 Congress a National Commission on Compensation of Au-
6 thors for Library Uses of Their Works (hereinafter called the
7 Commission).

8 SEC. 2. (a) The purposes of the Commission are—

9 (i) to study and compile data on methods by which
10 the United States may compensate authors for uses of

1 their books by public libraries, college and university
2 libraries, and similar institutions; and

3 (ii) to recommend procedures for determining and
4 paying such compensation from funds to be appropriated
5 by Congress or from a trust fund established for such
6 purpose.

7 (b) The Commission shall consider methods and pro-
8 cedures that shall not be incorporated into, and shall not
9 affect the provisions of, the United States Copyright Act
10 (17 U.S.C.).

11 (c) The library uses for which compensation shall be
12 paid to authors includes lending of copies for use outside
13 the library premises, interlibrary loans, and consultation on
14 library premises. The compensation to be paid to authors for
15 such uses shall be known as lending royalties.

16 SEC. 3. In carrying out its purposes, the Commission
17 shall evaluate and report on the systems which are employed
18 or are under consideration in Sweden, Denmark, Great
19 Britain, and other countries for compensating authors for
20 library uses of their work.

21 SEC. 4. In carrying out its purposes—

22 (a) the Commission shall consider various criteria
23 for determining the amount of lending royalties, includ-
24 ing the following, and any others it deems appropriate:
25 the number of copies sold to libraries, the number of

1 copies stocked by libraries, and the number of
2 circulations;

3 (b) the Commission shall consider various methods
4 for accumulating data required to apply the criteria rec-
5 ommended, including the following, and any others it
6 deems appropriate: reports from libraries, reports from
7 publishers, use of copyright office registrations, and the
8 use of sampling methods based on reports and records of
9 selected libraries in various categories and areas, during
10 designated periods;

11 (c) the Commission shall consider whether any
12 categories of works other than books shall be eligible for
13 lending royalties;

14 (d) the Commission shall consider the following
15 questions:

16 (i) Whether lending royalties shall be paid for
17 works published prior to the effective date of the Act
18 establishing a system of compensation.

19 (ii) Whether payment of lending royalties shall
20 be limited to copyrighted works; and to works by
21 citizens of the United States and aliens domiciled
22 in the United States.

23 (iii) Whether lending royalties shall be paid
24 only for a specified number of years following the
25 publication of a work.

1 (iv) Whether any maximum or minimum
2 limits should be placed on the amount of lending
3 royalties payable to an author during a calendar or
4 fiscal year.

5 (v) Whether, and to what extent, publishers
6 should be permitted to share in an author's lend-
7 ing royalties; and whether payments should be made
8 to actual writers, or their employers, in the case
9 of works-made-for-hire.

10 (vi) Whether lending royalties shall be paid
11 directly to the widow and children of deceased au-
12 thors; and whether such royalties may be be-
13 queathed or inherited.

14 (e) the Commission shall consider whether a
15 lending royalty system should be administered by the
16 Librarian of Congress, the Department of Health, Educa-
17 tion, and Welfare, or other existing agency or depart-
18 ment, or by a new agency created for such purpose; and

19 (f) the Commission shall consider and make esti-
20 mates, assuming various levels of available funds, for the
21 cost of administering the system and the amount of lend-
22 ing royalties that would be paid (i) in the aggregate,
23 and (ii) on the average, to individual, eligible authors or
24 their successors, to the extent the Commission finds such
25 estimates feasible.

MEMBERSHIP OF THE COMMISSION

1
2 SEC. 5. (a) The Commission shall consist of eleven
3 voting members; one shall be the Librarian of Congress and
4 ten shall be appointed by the President, as follows:

5 (i) two members selected from authors;

6 (ii) two members selected from publishers;

7 (iii) three members selected from librarians; and

8 (iv) three members selected from the public
9 generally.

10 (b) The Commission shall select its Chairman and Vice
11 Chairman, who shall act as Chairman in the absence of the
12 Chairman for any cause; and may fill a vacancy in either
13 office.

14 (c) Six members of the Commission shall constitute
15 a quorum.

16 (d) Any vacancy in the Commission shall be filled in
17 the same manner as the original appointment was made.

COMPENSATION

18
19 SEC. 6. Members of the Commission shall serve without
20 compensation, but shall be reimbursed for travel, subsistence,
21 and other necessary expenses in connection with the per-
22 formance of their duties.

STAFF

23
24 SEC. 7. (a) The Commission may appoint a staff, not
25 to exceed four members, which shall be an administrative part

1 of the Library of Congress, and its operations shall be di-
2 rected by the Librarian of Congress who shall be responsi-
3 ble to the Commission for the administration of the duties
4 of the staff.

5 (b) The Commission may procure temporary intermit-
6 tent services to the same extent as is authorized by section
7 3109 of title 5, United States Code, but at rates not to exceed
8 \$60 a day.

9 EXPENSES OF THE COMMISSION

10 SEC. 8. There are hereby authorized to be appropriated
11 such sums as may be necessary to carry out the provisions of
12 this Act.

13 REPORTS

14 SEC. 9. (a) Within eighteen months after the enact-
15 ment of this Act the Commission shall submit to the Presi-
16 dent and the Congress a final report of its study and investi-
17 gation which shall include its recommendations and such
18 proposals for legislation and administrative action as it may
19 deem necessary to carry out its recommendations.

20 (b) The Commission shall append to such report any
21 statements commenting on its report and recommendations
22 submitted by organizations representing authors, publishers,
23 librarians, and others interested in the subject; and for that
24 purpose, the Commission shall make available to interested

1 parties a draft of its report no less than forty-five days before
2 its submission to the President and the Congress.

3 (c) In addition to the draft report and final report re-
4 quired by this section, the Commission may publish such
5 interim reports as it may determine, including but not
6 limited to consultant's reports, transcripts of testimony,
7 seminar reports, and other Commission findings.

8 POWERS OF THE COMMISSION

9 SEC. 10. (a) The Commission, or with the authorization
10 of the Commission, any three or more of its members, may,
11 for the purpose of carrying out the provisions of this Act,
12 hold hearings, administer oaths, and require, by subpoena or
13 otherwise, the attendance and testimony of witnesses, and the
14 production of documentary material.

15 (b) With the consent of the Commission, any of its
16 members may hold any meetings, seminars, or conferences
17 considered appropriate to provide a forum for the discussion
18 of the problems with which it is dealing.

19 TERMINATION

20 SEC. 11. On the sixtieth day after the date of the sub-
21 mission of its final report, the Commission shall terminate
22 and all offices and employment under it shall terminate.

93^d CONGRESS
1ST SESSION

H. R. 4850

A BILL

To establish a commission to study and make recommendations on methods for compensating authors for the use of their books by libraries.

By Mr. REID

FEBRUARY 27, 1973

Referred to the Committee on House Administration