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February 8, 2021

Re: The Urgent Need to Support Authors and the Literary Arts

Dear President Biden and Vice President Harris:

On behalf of the more than ten thousand members of the Authors Guild, the nation's largest and oldest association of professional writers, we write to encourage you and your administration to include aid to authors and the literary arts as a key element of your Build Back Better agenda. As the DNC 2020 platform recognized, "arts are essential to our free and democratic society, to our culture, and to our local economies." During the current pandemic, the importance and the emotional value of the arts to the millions of people shut in their homes has only increased. As you both know well, our world would be a much poorer place without the words of authors like James Joyce or Toni Morrison. Poet Amanda Gorman's beautiful words at your inauguration served to uplift us all and signaled our return to a country that respects and values the arts.

Authors play a vital role in our society, as we have seen in this year of national reckoning. From the journalism that chronicles the Black Lives Matter movement and nonfiction books that explore perspectives on anti-racism, equity, and justice, to fiction that illuminates our history, culture, and society, American writers are guiding a struggling nation with their words and ideas. The books they write educate us, enable us to empathize with one another, and provide us with a shared vocabulary to discuss issues, which is at the core of our ability to function as citizens. Their books explore and exchange ideas and help us see other points of view. Authors are the ones who will keep and tell the stories of our times and help heal our collective trauma.

Our laws and policies must adequately support authors to ensure that they can earn a modest living from their work—so that they can keep on writing. Our 2018 author earnings survey found that full-time authors earned a mean income of \$20,300 from their writing, which has gone down almost 20% over the last decade. At the same time, our survey showed that authors are some of the most educated among us, with over 50% having obtained a graduate or professional degree. Their earnings already were barely sustainable, and yet more than half of the authors who took part in our COVID-19 survey reported that their income declined more than 40% from their pre-COVID-19 earnings. This matters because at some point even the most devoted and talented writer has to stop writing and find another source of income. This puts the quality of all our lives at risk.

Among some of the most critical areas where authors need the administration's support are:

1. Creating a Cabinet-Level Position for the Arts

We have long believed that arts and culture should have a cabinet-level position, and now the time is right. As Megan Beyer, the co-chair of your campaign's Arts Policy Committee, [so eloquently said](#), "as we try to heal the soul of America, and we understand the arts as being so much more powerful and interdisciplinary than we ever understood before, we think it's time to create the White House Office on Arts and Culture—and it would be, by the way, a de facto cultural ministry." We echo the recommendations of culture commentators such as Peter Marks in ["The Culture Is Ailing. It's Time for a Dr. Fauci for the Arts"](#) and Jason Farago in ["The Arts Are in Crisis. Here's How Biden Can Help."](#)

According to the International Intellectual Property Alliance's 2020 report, the core copyright industries contributed more than \$1.5 trillion to the U.S. GDP and accounted for more than 7% of the U.S. economy in 2019. These industries have also been hit particularly hard by the pandemic, because of the closing of theaters, concert arenas, and even bookstores. Where there has been great harm, there is great need for healing; a cabinet-level position would reflect the importance this administration places on the arts, and its determination to address the needs of this vital sector.

2. Creation of a New Federal Writers' Project

President Roosevelt recognized the national value and importance of the arts through his Works Progress Administration, which employed up to 40,000 artists as part of its public works projects. Our current economic crisis would be well served by the re-creation of the Federal Art, Music, Theatre, and Writers' Projects, and we understand that Rep. Ted Lieu (D-CA) intends to propose a bill establishing a new Federal Writers' Project. We would welcome the introduction of such a bill and would be honored to assist in any way to craft such legislation.

3. An Antitrust Exemption Allowing Collective Bargaining by Book and Freelance Authors

Currently, antitrust laws prevent authors from working together to set even the most basic working standards for their relationships with the entities who exercise control over the distribution and sale of their works (Amazon, to name one example). While film and television writers can unionize to establish protections for themselves, in exchange they must become employees and lose control over their copyrights. The inability to collectively bargain puts independent authors at a tremendous disadvantage, particularly given the vast disparity of power between these authors and traditional publishers and book distributors. Antitrust laws treat them as though they are competing businesses with equal bargaining power, when in fact, from a negotiating standpoint, they are positioned like employees and have a similar lack of leverage. Your campaign platform included support for the Protecting the Right to Organize (PRO) Act, recognizing the need to make it easier for workers to collectively bargain—the very we seek for freelance writers and authors. Specifically, we would like to add language to the PRO Act that would allow freelance writers and authors to bargain collectively while still retaining their copyrights, and ask for your support for this legislation.

4. Reforming Section 512 of the Digital Millennium Copyright Act

President Biden, as a [founding member](#) of the Congressional International Anti-Piracy Caucus, you recognize the great harm piracy has done to content creators. As you said at a press conference in 2010, “piracy is theft. Clean and simple. It’s smash and grab. It ain’t no different than smashing a window at Tiffany’s.”

Piracy has skyrocketed in recent years, which has decimated many authors’ incomes. Pirates have been able to post and sell copyrighted works on the internet with impunity, in part because the courts’ interpretation of Section 512 has greatly narrowed the protections the law was intended to provide, resulting in a “notice and takedown” procedure that places all burden on the copyright holder and minimal responsibility on the online service provider, resulting in an absurd whack-a-mole game of take down and put back up. As a result, authors and publishers spend an inordinate amount of time (time that could be better spent writing) continually monitoring the internet for infringing copies of their works and sending fruitless notices. Senator Tillis has already released a discussion draft of legislation that includes proposed amendments to Section 512, and we are eager to help craft legislation that will respond to the needs of creators and online service providers alike. We ask your administration to support these efforts to ensure that the copyright safe harbors work for creators as well as the service providers.

5. Increased Funding for Libraries and the Arts

The National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services all play a role in the development and support of our nation's writers and our literature; they therefore have a significant impact on our long-term economic and cultural health. Yet our total funding of the arts and humanities is a mere fraction of that spent by other developed nations. Germany and the U.K. actually increased their arts funding during the pandemic; as Germany's culture minister said, "Artists are not only indispensable, but also vital, especially now." We ask that your administration take a like approach, and enhance its support for the NEA, NEH, and IMLS and the arts in general.

These are just some of our legislative priorities. We urge you to support new legislation and other measures along these lines to provide authors and the publishing industry with much-needed support in a time of extreme need. While every U.S. citizen has been impacted by COVID-19 and the accompanying economic crisis, authors and other creators are experiencing particular hardship. It is vital that we protect and support our talented authors today. If authors cannot afford to write and are unable to protect their work, our country will be the lesser for it. We believe that helping authors will benefit our nation and truly Build America Back Better.

Since 1912, the Authors Guild has served as the collective voice of American authors and has long supported our country's rich and diverse literary culture. Our members include novelists in all genres and categories, nonfiction writers, journalists, historians, and poets. We fight for the rights of all authors to receive fair compensation for their work, and advocate for them on issues of copyright, a right so vital it is enshrined in Article I of the Constitution. We develop and shepherd legislation and often work with Congress to educate and advise on legislation and its impact on authors. Most recently, we have worked closely with Congress and other author groups to develop the Copyright Alternative in Small-claims Enforcement (or "CASE") Act, which was recently passed as part of the Consolidated Appropriations Act of 2021, as well as the Protecting Lawful Streaming Act and other provisions to ensure that freelance authors and other creators can obtain Pandemic Unemployment Assistance. We also educate authors about the business aspects writing to assist them in building a career, with a special focus on helping writers of color and other marginalized groups, as we strongly believe that we need voices from all sectors of our society to be heard and that an abundance of free literary expression is essential to our democracy.

Respectfully yours,



Mary E. Rasenberger
Chief Executive Officer
The Authors Guild