

For immediate release

## CONGRESS SUED TO ABOLISH OPRESSION OF AUTHORS AND SMALL PUBLISHERS

America is the country of opportunity. You have oil on your land? Drill for it, sell it – and the profits are yours to keep. Have a great cookie recipe? Start a bakery, advertise and sell your cookies – you may become an American success story.

It will not occur to anyone to demand of you that your oil be sold only by a company that is not your own; that your cookies be marketed only under someone else's brand name.

Unless you are in book publishing. You published your book yourself? Yours is a “vanity press publication.” The book is “self-published,” is nothing more than a “book-like object.” It will not be reviewed in the press, it will not be stocked by the retailers. Your business is “dead in the water.”

Needless to say, this arrangement suits big publishers nicely. Because there can be no competition from an entrepreneurial author, intrinsic merit is of no particular value to a big publisher and favoritism can reign supreme: there is nothing to lose by rejecting a book that has merit, no incentive to seek it out. Big publishers have exclusive access to reviewers, to booksellers – and even to the government agencies that deal with book publishing.

To be of use to a public library, to be announced to the bookstores as “forthcoming” and ready to be ordered, a new book needs to be catalogued by the Library of Congress via a process called “cataloging in publication.” The Library of Congress is an agency of the U. S. Government and one would expect it to grant its services equally to both the big and the small. Not so. Its rules explicitly deny eligibility to the small fry – only books published by large publishing houses are considered and catalogued.

Which is the focus of the present lawsuit (number 05-775 C, filed on July 22, 2005 in the Court of Federal Claims in Washington, DC, on behalf of both the author and the publisher by attorney Norman Finkelshteyn). The facts are as follows: Overview Books published a book entitled “The Pitfall of Truth: Holy War, its Rationale and Folly” by Vel Nirtist that deals with the role of religion in religious violence – a subject that is very poorly understood, yet of crucial importance for winning the war on terror. Notwithstanding the huge importance of the book, its highly original argument, and its vast superiority over other books on the subject, the Library of Congress rejected the publisher's CIP application.

That flagrant denial of the author's property rights and of the rights of free speech by a Government agency will now be examined in the court. The suit seeks abolition of the discriminatory rules of eligibility for the CIP program and \$500,000 for recovery of damages to the author and publisher.

This lawsuit will make sure that any entrepreneurial author's first amendment and property rights do not fall victim to the arbitrary decisions of government bureaucrats. It is the first step in leveling the publishing playing field so that a book published by its author has a chance of success with critics and the public exactly equal to its chance of success were it published by a large “recognized” book publisher. How to effect such transformation of the publishing industry will require further thought, and perhaps some further legal action.

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