



THE Authors Guild

NEW YORK STATE LEGISLATURE
JOINT LEGISLATIVE BUDGET HEARING
ECONOMIC DEVELOPMENT/ARTS

To: Sen. Liz Kreuger, Chair Finance Committee
Assemblywoman Helene E. Weinstein, Chair Assembly Ways and Means Committee

From: Cheryl L. Davis, General Counsel

Date: February 9, 2023

Dear Senator Krueger and Assemblywoman Weinstein,

We appreciate the opportunity to submit written testimony on behalf of the Authors Guild to the Economic Development Committee in connection with the public hearing on the 2023-24 Executive Budget. With 13,000 members, the Authors Guild is the nation's oldest and largest professional association of published writers of all genres including historians, biographers, academicians, journalists, and other writers of nonfiction and fiction. Since its founding in 1912, the Guild has worked to promote the rights and professional interests of authors in various areas, including copyright, freedom of expression, and fair contracts. While the Guild is a national organization, our headquarters are located in New York State, as are over 2,400 of our members. The financial health of NY State's cultural community and the State's support for its writers is therefore of vital concern to our organization and our members.

Many of our members engage in journalism and other paid writing projects on a freelance basis – and, like many other freelancers, they have had great difficulty in receiving their due (and agreed upon) compensation. We therefore request that the budget for the Department of Labor (“DOL”) be increased to allow the passage of the “Freelance Isn’t Free Act.” The passage of this Act would allow the DOL to establish a large-scale program to investigate and adjudicate disputes involving service contracts between business and independent contractors. The passage of this bill would be of inestimable value to authors and other freelance service providers, but Gov. Hochul did not approve the bill, in part because “the program created by this legislation would require an expense of at least several million dollars annually and require a significant increase in DOL staff. None of these costs are accounted for in the State financial plan.” This is precisely the time for the legislature to account for and allocate for such an expansion in DOL’s budget and commensurate services.

While there are a number of ways to recognize the importance of authors and the literary industry to New York State, we would like to suggest one specific option:

Enhanced Support for NYSCA. As Assemblymember O'Donnell said about the FY 2022 budget, "The arts are the beating heart of New York." That is no less the case in 2023, and governmental support is just as greatly needed. The author community has suffered great harm not only as a result of COVID, but as a result of a general decline in authors' income since 2009. As our 2018 nationwide survey of author income showed, full-time authors' median incomes from writing-related activities fell 42% between 2009 and 2018 to a median of \$20,300; half of that was from books and the other half came from writing-related activities including speaking fees, teaching, writing and journalism. Most writers' incomes have been further decimated by the pandemic. We conducted surveys of our members throughout the pandemic and conducted a two-year look back in April 2022, which reflected that almost 70% of the respondents had lost income due to the pandemic, and on average, respondents lost half of their pre-pandemic income – mainly from the loss of speaking engagements, journalism and teaching. The survey further showed that for roughly 55% of respondents their incomes have remained down relative to pre-Covid levels, suggesting the slow pace of recovery and its possible long-term impact on the writing profession. Enhanced NYSCA support is needed to provide support for authors and other artists, who are not only the historians of our times, but the keepers of our collective culture.

We thank you for your consideration and urge the legislature to value the contribution authors and the literary industry make to New York State and to our culture as a whole.

Respectfully Submitted,



Cheryl L. Davis
General Counsel