

Honorable Martin Looney
Senate President Pro Tempore
Connecticut State Senate
Legislative Office Building, Room 3300
Hartford, CT 06106

Honorable Matt Ritter
Speaker of the House
Connecticut House of Representatives
Legislative Office Building, Room 4106
Hartford, CT 06106

Honorable Stephen Harding
Senate Republican Leader
Connecticut State Senate
Legislative Office Building, Room 3400
Hartford, CT 06106

Honorable Vincent Candelora
House Republican Leader
Connecticut House of Representatives
Legislative Office Building, Room 4200
Hartford, CT 06106

April 19, 2024

Re: Connecticut Senate Bill No. 148 and House Bill No. 5312

Dear Senate President Looney, Speaker Ritter, Senator Harding, and Representative Candelora:

As authors from the State of Connecticut, we write to express our deep concern about a pair of bills under consideration in the Connecticut state legislature that would unconstitutionally threaten our exclusive rights under the U.S. Copyright Act and directly threaten our ability to make a living from our craft.

Connecticut Senate Bill 148 and House Bill 5312 seek to usurp authors' exclusive rights under federal copyright law by dictating the terms on which publishers and authors can license books to Connecticut libraries. Bill proponents claim to only regulate libraries, but the fact is that this legislation impacts our ability to license books, affects our livelihood, and places the penalties of non-compliance on publishers and authors. Such measures are [clearly unconstitutional](#) and preempted by federal law, as they create a form of compulsory license under copyright law, the exclusive provenance of Congress. Similar legislation has failed in other states for that very reason. A New York State bill was vetoed by Governor Hochul, a Maryland law was struck down by the district court, and other states dropped similar legislation for the reason that constraints on the ability of authors and publishers to exercise their copyrights are so clearly preempted by federal law.

The harm that the bills may cause to authors' incomes is far from de minimis. We authors earn a living from royalties from book sales and shares of licensing income. The unconstitutional restrictions on publishers' ability to license to libraries would impact the market for ebooks and authors' earnings, which is already at historic lows—with median earnings coming in at just \$20,000 a year, a figure well below the [minimum income required to live in Connecticut](#). For many of us, practicing our profession is already becoming untenable, and if authors cannot afford to write, they don't, which has a direct impact on the quality and diversity of our future literature.

To be clear, as authors we are passionate supporters of our libraries and sympathetic to their plight due to chronic underfunding in many states. Connecticut, in spite of its considerable wealth, ranks #46 in the country in state funds provided to its lending institutions, according to 2023 testimony by Ellen Paul, Executive Director of the Connecticut Library Consortium.

Moreover, only 3% of total Connecticut library budgets are spent on licensing ebooks, audiobooks, and other digital literary works. In recognition of these basic facts, we call on the Connecticut state legislature to identify mechanisms to support its libraries, so that they can afford to buy books at market prices, rather than shift the economic burden onto authors who can least afford it.

We strongly oppose SB 148 and HB 5312 for the reasons discussed above and respectfully request that you reject this legislation in light of the broader legal context, disruptions to the copyright system, and the likely serious repercussions for Connecticut's authors.

Sincerely,

Marguerite Shore, Clinton, CT

Mark Allen Baker, Hebron, CT

Sarah Albee, Watertown, CT

Richard Conniff, Lyme, CT

Janice Trecker, Hampton, CT

Carol Ascher, Sharon, CT

Amy Zipkin, Westport, CT

Adriana Hernandez Bergstrom, New Haven, CT

Courtney Maum, Norfolk, CT

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Carolyn Jack, Danbury, CT
Laurie Lisle, Sharon, CT
Marjorie Beausoleil, Monroe, CT
Gregory Goodman, Ridgefield, CT
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