

BOOKSELLING **THIS** Week

AMERICAN BOOKSELLERS ASSOCIATION

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Sales Tax Efforts Heat Up in California, Connecticut, and Rhode Island

June 25, 2009 -- ¹ With state budget deadlines looming at the end of June and legislatures scrambling to complete their work, the Campaign for E-Fairness is urging booksellers to ramp up efforts in support of pending state legislation that would level the playing field for the collection of sales tax on online sales and ensure the equitable enforcement of existing Internet sales tax laws.

Rhode Island Moves a Step Closer

In Rhode Island, state lawmakers in the House debated late into the night on Wednesday, June 24, as they hammered out final approval of the 2010 budget. The budget included a provision that would clarify state law so that so that out-of-state retailers with online affiliates in Rhode Island would be required to collect and remit sales tax. At press time, it was expected that the budget would be voted on by the state Senate on Thursday, June 25, as reported by the *Woonsocket Call*.

"We are close to a significant victory in Rhode Island," said ABA CEO Oren Teicher, "but there are still hurdles to clear, and there's

never been a more important time for indie booksellers in Rhode Island to contact their state senators to urge them to keep the Internet sales tax provision in the final, approved budget."

To help booksellers in this important advocacy outreach, NEIBA and ABA have prepared a template letter ² that booksellers can adapt and send to their legislators. Booksellers can find their Rhode Island senators here ³. ABA also asked booksellers to notify NEIBA ⁴ and David Grogan ⁵, ABA public policy liaison, when they have sent their letters. This will help both NEIBA and ABA compile information to support their sales tax lobbying efforts.

Outreach to the Governor in California

This week, ABA President Michael Tucker of San Francisco's Books Inc. and ABA CEO Oren Teicher wrote to urge Governor Arnold Schwarzenegger to support the Internet sales tax provision in the proposed California budget.

In their letter to the governor ⁶, Tucker and Teicher wrote: "The time for California to act is now. The results of sales tax inequity can be seen in the many empty storefronts on Main Streets throughout California. Sometimes, however, it doesn't result in a store closure, but in lost sales tax through decreased sales and lost income tax through job cuts. A downturn on Main Street creates a ripple effect that is felt throughout our state's economy. When out-of-state retailers with affiliates in our state shirk their responsibility to collect and remit sales tax, it hurts the state's entire economy, as well as undermines essential support for critical local services."

The letter to Gov. Schwarzenegger is just the latest move in the continuing campaign for e-fairness in California. Last week, the Northern California Independent Booksellers Association, the Southern California Independent Booksellers Association, and ABA again strongly urged California booksellers and other independent retailers to contact their state assemblymember and senator as soon as possible to ask them to support the Internet sales tax provision ⁷ in the proposed California budget.

The groups provided a template letter ⁸ that booksellers can adapt and send to their elected officials. They also asked that David Grogan ⁹, ABA public policy liaison, be notified when letters have been sent, to help compile information to support future lobbying efforts.

Connecticut Lawmakers Urged to Support E-Fairness

The New England Independent Booksellers Association and ABA this week urged Connecticut booksellers and other independent retailers to contact their state representative and senator as soon as possible to ask them to support the Internet sales tax provision in the proposed Connecticut budget.

NEIBA and ABA have provided a template letter ¹⁰ that can be adapted and sent to Connecticut lawmakers, and to state Senator Eileen Daily, chair of the state Finance Committee, who has been a strong supporter of the Internet Sales Tax provision. In addition to e-mailing the letter or calling state legislators, NEIBA and ABA encouraged members to reach out to other like-minded independent retailers in their communities -- possibly through local independent

business alliances or via Twitter followers and Facebook friends -- to ask them to join the e-fairness effort.

Initiatives are also underway in Hawaii and North Carolina:

Hawaii

Last week, ABA CEO Oren Teicher wrote to urge Gov. Linda Lingle to sign HB 1405, legislation that would clarify the state's general excise tax so that out-of-state retailers with online affiliates would be required to collect and remit sales tax. The legislation ¹¹ is modeled after the New York State bill that went into law last year.

North Carolina

Four North Carolina booksellers last week exhorted their bookseller colleagues to urge their state legislators and chairs of the state Senate and House of Representatives Conference Committees to support an Internet sales tax provision in the state's Appropriations Act of 2009.

In an e-mail to North Carolina booksellers, Sally Brewster of Park Road Books ¹² in Charlotte, Tom Campbell of The Regulator Bookshop ¹³ in Durham, Linda Barrett Knopp of Malaprop's Bookstore/Cafe ¹⁴ in Asheville, and Nancy Olson of Quail Ridge Books & Music ¹⁵ in Raleigh, wrote: "[The Internet sales tax provision] is great news for indie booksellers, but we need to make sure that this provision remains in the budget as the conference committee readies the bill for the governor's signature. Please join with us, SIBA, and ABA, in this important effort. We are writing to you as fellow booksellers because we believe that there exists a real opportunity for us to make a difference -- and we'd be remiss if we didn't stress this point."

To help booksellers in this important advocacy outreach, the Southern Independent Booksellers Alliance and ABA have prepared a template letter ¹⁶ that booksellers can adapt and send to their senator ¹⁷, and representative ¹⁸, and House and Senate Conference Committee chairs ¹⁹. ABA and SIBA also ask booksellers to notify David Grogan ²⁰, ABA public policy liaison, when they have sent their letter. This will help both SIBA and ABA compile information to support their sales tax lobbying efforts.

Gearing Up for Independents Week

June 25, 2009 -- ²¹ Indie bookstores have joined with a growing number of retailers, local independent business alliances, and community organizations to create Independents Week (July 1 - 7) celebrations, aimed at getting the word out about their unique contributions to the local economy.

"We have great participation from IBAs this year, and we also have a healthy number of Main Street, Downtown, and other groups joining in as well," said Jennifer Rockne, executive director of American Independent Business Alliance ²² (AMIBA), the sponsor of the event. "Many mayors around the country are proclaiming Independents Week publicly and getting involved directly with events. Several groups are marching in Fourth of July parades and distributing leaflets to the masses on why supporting local independents matters. Others are hosting community picnics, film screenings, essay contests, and conducting scavenger hunts with drawings for prizes from local independent businesses."

AMIBA provides information and promotional materials for Independents Week free of charge at amiba.net ²³.

Since the first Independents Week celebration in 2002 ²⁴, when some 20 independent businesses in Tampa, Florida, led by

Inkwood Books ²⁵, joined together for a weeklong sales event to promote and celebrate independent businesses, the movement has grown significantly. "Over the years, the level of sophistication of community celebrations has increased," said Rockne. "So many more in recent years have moved beyond the commercial-based activities to creating community events and tapping into community sentiment and emotion to connect people with their local independent businesses and the people who own them or are employed by them."

²⁶ Tom Lowenburg of Octavia Books ²⁷ in New Orleans said Independents Week is "an opportunity for any independent business to define what they do for the community." This year, Octavia Books is partnering with independent business alliance StayLocal.org ²⁸, a neighboring bakery, and other businesses to mark the week. On July 1, as the week's lead event, the groups will screen *Independent America: Rising From the Ruins*, a documentary "about New Orleans and the role independent businesses, including bookstores, have played in rebuilding the city," said Lowenburg. "It really highlights how vital such businesses are to our community. In the face of a disaster, it shows how the whole community came together."

More businesses are expected to join in the weeklong event to publicize the importance of local first, said Lowenburg, who emphasized that it's "about more than just offering discounts. It's really about how independent businesses offer so much more for the community."

²⁹ In Frisco, Colorado, The Next Page Bookstore ³⁰ is joining with close to 100 fellow members of the Summit Independent Business Alliance ³¹ (SIBA) for a countywide celebration of Independents Week. The Next Page will offer story times, a children's author event, and coupons, said co-owner Amy Yundt. "Nearly all of [SIBA] membership takes part and pitches in with creating floats [for the community's Fourth of July parade] and posters." Yundt, a SIBA board member, said that since the association formed a year ago, it has significantly helped raise awareness about the importance of supporting local businesses.

Quail Ridge Books & Music ³² in Raleigh, North Carolina, will be holding its annual Fourth of July sale as part of a larger community Independents Week. "We always have good results," said Quail Ridge owner Nancy Olson. "We're putting ads in everywhere." Quail Ridge offers 25 percent off to those who are members of its Readers Club and 20 percent off to everyone else. Readers Club members are invited to bring out-of-town guests to receive the same discount.

³³ The bookstore's IBA, Shop Local Raleigh ³⁴, is heavily promoting Independents Week through its members on e-mail, Facebook, and Twitter. They're also inviting all members to hold promotions and to participate in a press conference with Mayor Charles Meeker on July 2 to announce National Independents Week. The mayor, along with officials from Shop Local Raleigh, will be available to field questions from the media regarding the role of independent businesses in the community.

Talking Leaves Bookstore ³⁵ in Buffalo, New York, recently participated in a citywide, 200-participant-strong shop local campaign, and the store also plans to hold an Independents Week event. "We're calling it Celebrate Independent Choices," said Talking Leaves' Lucy Kogler. The store is offering a discount on staff picks list, along with the Indie Next List.

"We really want to focus on choices. What makes us different is that the people who work here all have different ways of looking at

the world, and our staff picks reflect that and is what we pride ourselves on," said Kogler.

IndieBound ³⁶ Outreach Liaison Paige Poe, who along with ABA Chief Marketing Officer Meg Smith, moderated the panel "Independents Week: Creating a Community-Wide Local First Celebration at Any Time of the Year" at BEA, said, "The best thing you can do for a week-long celebration is create a list of events that get customers into your town's independent businesses." Among her recommendations for booksellers are providing free events co-hosted by more than one business and focusing on local offerings, like local food, music, and art. "Kids' events are always a hit, but all the events should be about having fun!" Poe said. "If your Independents Week celebration is fun, more people shopping locally will be the lasting effect."

To help booksellers interested in creating their own Independents Week promotion materials, IndieBound staff has designed a poster for a hypothetical Indieville Independents Week celebration, with a week full of events, and another using the "Here's What You Just Did" talking points on healthy local economies to highlight some of Indieville's local businesses. Stores are encouraged to use the posters as templates and to e-mail Poe ³⁷ for help with customization.

IndieBound's list of PR shortcuts to get Independents Week off the ground includes:

Personalize the Independents Week poster for each participating business. Add in the business name, print, and pass it around to your business neighbors.

Use the "Here's What You Just Did" facts as talking points when promoting Independents Week to the media.

Create a Facebook event for Independents Week, and include a link in all your e-mails about Independents Week.

Create an Independents Week Twitter account to announce news, remind people about planned events.

Use your blog to promote your Independents Week, and create an Independents Week blog to highlight and talk about Local First issues, profile businesses, and write about Independents Week events.

Send out press releases and event notices to media contacts, your customer e-mail list, and your friends. Don't forget to add it to your website and blog!

Make a contact at all your local papers, free weeklies, and community-focused websites and tell them about Independents Week personally. Let them know you'd be happy to give them further information for a full article to be released before the event.

Make sure your PR list is up to date, and includes community bloggers, local radio, your publisher contacts, and business reporters.

Use your blog to promote books on shopping independent, books on local subjects, or by local authors

Obituary: Sam Weller of Sam Weller's Zion Books

June 25, 2009 -- Legendary Salt Lake City bookseller Sam Weller died on Wednesday, June 24, 2009. He was 88.

Sam Weller was born on April 23, 1921, in Schneidemuhl, Germany. His family immigrated to Salt Lake City in 1925, where

his father, Gus, opened a secondhand furniture store. In 1929, spurred by the purchase of a collection of old Mormon books, Gus Weller transformed the secondhand furniture store on First South in Salt Lake City to Zion's Bookstore ³⁸.

Sam Weller served in the U.S. Army during World War II in Europe and North Africa. After the war, the 24-year-old Weller, who wished to study music and musical theater, was pressed by his father into taking over the struggling family bookstore, which he was able to put on solid footing through hard work and high energy.

In 1953, Sam Weller married Lila Nelson. In 1961, Sam and Lila, who managed the store's finances, inventory, and bookkeeping, moved the Zion Bookstore to its present location at 254 South Main Street, where it has grown to 37,000 square feet. Shortly after the move, the store's name was changed to Sam Weller's Zion Book Store.

Sam and Lila were instrumental in helping found the Intermountain Booksellers Association. He also served on the Board of the American Booksellers Association, and was a proud participant in the ABA's presentation of books to the White House Library over the course of several administrations (photos of the presentations are on display at the bookstore). In the 1980s, Sam became a member of the Antiquarian Booksellers Association of America. His reputation as a rare book dealer was built primarily on his expertise in the fields of Western Americana, Mormonism, Indians, Geology, and Writers of the West.

When Sam's eyesight failed in 1997, his son, Tony, who had worked in the bookstore for most of his life, took over ownership and operations. Today, Sam Weller's Books, which will celebrate its 80th anniversary in August, is headed by Tony and his wife, Catherine Weller.

Sam Weller is also survived by his wife, Lila, granddaughter Lila Ann, and a large extended family of siblings, nieces, and nephews.

Sam Weller's influence on the book community is reflected in tributes from his fellow booksellers. Betsy Burton, co-owner of The King's English ³⁹ and an ABA Board member, who worked for Sam Weller for the better part of a year while she was in college, told *BTW*: "Sam read widely and with passion and could pluck the perfect book for almost anyone off his shelves. He was the consummate bookseller and he taught me (and everyone else who sells books in this city) everything important they know about the book business and the fine art of bookselling. Besides, his obvious passion made the whole thing look fun -- which it emphatically is, despite everything. He was an icon in this business both in Salt Lake and across the nation. Thank you Sam. We already miss you."

Linda Brummett, manager of the General Book Department at BYU Bookstore ⁴⁰, said, "Sam was a powerful influence on my life as a bookseller starting in 1977, when I began this job as manager of the General Book Department of BYU Bookstore. He was kind enough to visit our store when I was 6 months into the job, and his approval meant so much to me! I had been a customer of his store during my student years, but he immediately treated me as a peer, another bookseller! He was the pre-eminent bookseller in the state. Legendary. Energetic (meaning "driven"). Opinionated. Visionary. He set the standard for independent booksellers in our state for superb customer service, book knowledge, and independence."

Memorial services are pending.

The Google Book Search Settlement: An Overview

June 25, 2009 -- In 2004, Google announced⁴¹ that it had entered into agreements with the New York Public Library and the libraries of Harvard, Stanford, the University of Michigan, and the University of Oxford to digitize books in their collections to form a searchable electronic database that would allow users to see snippets or a few lines from the scanned books. The company described the new initiative as "an expansion of the Google Print# program, which assists publishers in making books and other offline information searchable online."

However, the announcement elicited strong reactions from groups representing authors and publishers, who objected to Google's plans to digitize not just books in the public domain but also titles still under copyright. In September 2005, the Authors Guild filed a class action suit⁴² claiming that Google was "engaging in massive copyright infringement." In October 2005, the Association of American Publishers (AAP) announced a separate lawsuit⁴³ against Google. AAP noted that the suit "was filed only after lengthy discussions broke down between AAP and Google's top management." The suit, filed on behalf of five AAP publisher members -- the McGraw-Hill Companies, Pearson Education, Penguin Group (USA), Simon & Schuster, and John Wiley & Sons -- sought a "declaration by the court that Google commits infringement when it scans entire books covered by copyright and a court order preventing it from doing so without permission of the copyright owner."

Google countered that its actions were permitted under the U.S. copyright law's doctrine of "fair use." Rather than have the courts determine whether Google's actions fell under "fair use," in October 2008, the groups announced a negotiated settlement agreement⁴⁴, subject to approval by the U.S. District Court for the Southern District of New York.

The settlement applies to U.S. copyright holders of books published on or before January 5, 2009. Out-of-print books are automatically included in the settlement unless an author or publisher requests that specific books be removed. In-print books can be included in the settlement at the approval of the author or publisher.

Google agreed to pay a minimum of \$45 million into a Settlement Fund for copyright holders whose books were digitized on or before May 5, 2009, and \$34.5 million to establish a Book Rights Registry, a nonprofit entity with authors and publishers equally represented on its Board of Directors, to oversee the resolution of claims and the distribution of payments. Google also agreed to pay the plaintiffs' legal fees and other administrative costs.

Under the terms of the agreement, Google will allow users to see excerpts from books at no charge, and it will sell both access to individual books and institutional subscriptions to the database. Rightsholders will receive 63 percent of all revenue from sales, advertising placed on any page dedicated to the book, and other commercial uses. (Full details of the agreement are available on the Google Settlement site⁴⁵.)

Calling it a landmark settlement, AAP and the Authors Guild issued a statement noting that, if approved by the court, the agreement would provide:

- More Access to Out-of-Print Books -- Generating greater exposure for millions of in-copyright works, including hard-to-find out-of-print books, by enabling readers in the U.S. to search these works and preview them online;
- Additional Ways to Purchase Copyrighted Books -- Building off publishers' and authors' efforts and further expanding the

electronic market for copyrighted books in the U.S., by offering users the ability to purchase online access to many in-copyright books;

- Institutional Subscriptions to Millions of Books Online -- Offering a means for U.S. colleges, universities, and other organizations to obtain subscriptions for online access to collections from some of the world's most renowned libraries;
- Free Access From U.S. Libraries -- Providing free, full-text, online viewing of millions of out-of-print books at designated computers in U.S. public and university libraries; and
- Compensation to Authors and Publishers and Control Over Access to Their Works -- Distributing payments earned from online access provided by Google and, prospectively, from similar programs that may be established by other providers, through a newly created independent, not-for-profit Book Rights Registry that will also locate rightsholders, collect and maintain accurate rightsholder information, and provide a way for rightsholders to request inclusion in or exclusion from the project.

In October 2008, AAP Chairman Richard Sarnoff said⁴⁶, "The agreement creates an innovative framework for the use of copyrighted material in a rapidly digitizing world, enables broader access to a huge trove of previously hard-to-find books, and establishes an attractive commercial model which offers both control and choice to rightsholders."

By this spring, however, concerns about the settlement were being voiced by diverse groups and individuals, ranging from Microsoft to library associations, from law professors and authors to Consumer Watchdog, a public interest group in Southern California. "The dilemma for many of the critics," observed the *New York Times*⁴⁷, "is that virtually all agree that the settlement does a lot of good, and [those voicing concerns] don't necessarily want it struck down." On May 4, the *Times* reported⁴⁸ that the American Library Association, the Association of College and Research Libraries, and the Association of Research Libraries "asked a federal judge to exercise 'vigorous oversight'" over the class-action settlement. Although the groups do not oppose the settlement, the *Times* noted that in a court filing they asked the court "to provide continuing oversight of it, to ensure that the prices Google charges for subscriptions to its digital library aren't artificially high because of a lack of competition." They also asked the judge overseeing the settlement to "ensure that the privacy of readers of books made available online by Google is protected."

In April, a group of authors and heirs of authors asked the court to delay the deadline for rightsholders to decide whether or not to participate in the settlement, then set at May 5, for four months to give them more time to determine whether to participate in the agreement. In response, the deadline to opt out of the settlement was moved to September 4, 2009.

Brewster Kahle, co-founder of the Internet Archive, a nonprofit organization that has made a large body of public domain books available online, gave voice to some of the concerns of those opposed to the settlement in a May op-ed in the *Washington Post*⁴⁹. Kahle wrote that the settlement "provides a new and unsettling form of media consolidation" and would "also create a class that includes millions of people who will never come forward. For the majority of books -- considered 'orphan' works -- no one will claim ownership.... Google would get an explicit, perpetual license to scan and sell access to these in-copyright but out-of-print orphans, which make up an estimated 50 to 70 percent of books published

after 1923. No other provider of digital books would enjoy the same legal protection."

On June 24, in an open letter to members ⁵⁰, Authors Guild President Roy Blount, Jr. responded to concerns that the settlement would give Google a monopoly on orphan books. "Some dissenters are so alarmed at this prospect that they'd rather have the settlement fail," wrote Blount. "In that case, these 'orphan books' would remain in limbo for everyone. And so would all the other out-of-print books that the settlement would make available, and marketable, online."

Of the orphan book, he observed, "No one can get it, except at the library or in a used book store. So Google is essentially being accused of cornering the market on the unmarketable." In addition, the number of "orphans" will diminish every year, Blount said, "as the new Book Rights Registry is obliged to locate authors."

And on June 25 in an open letter, AAP President and CEO Tom Allen wrote to counter what he termed the "heated rhetoric from opponents," much of which he characterized as "hyperbolic and misleading." In the letter, Allen reiterated that "the settlement offers enormous benefits and represents our best hope of remaining competitive and vibrant in the digital environment."

This month the Justice Department, which began an inquiry into the potential antitrust implications of the settlement in April, sent a civil investigative demand (a formal request for information) to Google, a move the *Wall Street Journal* ⁵¹ said "was the strongest sign yet that the Justice Department may seek to block or force a renegotiation of the settlement." Despite the Justice Department's recent actions, Google's chief legal counsel told *WSJ* ⁵² that the company still expects the settlement will be approved.

In May 2009, AAP's Allen told *BTW* ⁵³ that finalizing approval of the Google settlement was an important priority. "The delay is not really a surprise given the complexity of the settlement," Allen said. "The more authors and other rightsholders understand it, the more comfortable they will be with the settlement. People can look at it and say, I don't like one point here or there, but Google has the capacity to make an extraordinary number of books available to the public.... There were bound to be objections, there were bound to be concerns, but this is a good, solid agreement between the three parties. I think it works."

Even as the Justice Department looks into the settlement, Google continues to roll out new features, as reported this week by *Publishers Weekly* ⁵⁴, and the company continues to assert claims the settlement is anticompetitive are unfounded. Last week Michael Healy, executive director of the Book Industry Study Group (BISG), who is expected to become the first executive director of the Book Rights Registry, said in an interview ⁵⁵ with Christopher Kenneally of the Copyright Clearance Center: "The critical thing, I think, about this settlement, and particularly about the Book Rights Registry is that it introduces into the environment a new organization, which is really determined to give an unprecedented degree of control for authors, publishers, and other rightsholders, on how their copyrights are exploited and distributed in this new digital world."

The Final Fairness Hearing on the settlement is scheduled for October 7, 2009. --*Rosemary Hawkins* ⁵⁶

SBA Announces Changes to the 504 Loan Program

June 25, 2009 -- ⁵⁷ Small businesses seeking to expand will be able

to refinance existing loans used to purchase real estate and other fixed assets as a result of permanent changes to the U.S. Small Business Administration's 504 Certified Development Company loan program. The changes will allow small businesses to restructure eligible debt to help improve their cash flow, which, it is expected, will enhance their viability and support growth and job creation. The 504 loan program can be used to purchase business real estate or fixed assets, such as heavy equipment or machinery, and to expand current development projects. The changes were authorized in the American Recovery and Reinvestment Act of 2009.

"This is one more piece of the Recovery Act that is going to have a direct impact and put more money in the hands of small business owners just when they need it most," SBA Administrator Karen G. Mills said in a statement. "Lower interest rates mean lower payments and less money going out the door each month in debt repayments. That means more cash on hand to keep their doors open, their employees working, and to even expand and create more jobs."

Mills pointed out that the 504 program's refinancing changes are the latest in several Recovery Act provisions that have been implemented by the SBA in recent weeks.

On March 16, the agency temporarily raised to 90 percent the guarantee level on many of its 7(a) program loans and reduced fees on both 7(a) and 504 loans, and also doubled to \$5 million the surety bond guarantee level for small businesses competing for construction and service contracts.

Additionally, on June 15, SBA ARC loans became available for viable small businesses facing immediate financial hardship.

"All of these steps, along with other Recovery Act provisions, are aimed at increasing access to capital and giving small businesses just what they need to help lead our nation's economic recovery," Mills said.

The legislation announced this week allows 504 program projects to include a limited amount of debt refinancing if there is a business expansion and the debt refinanced does not exceed 50 percent of the projected cost of the expansion. "Expansion" includes any project that involves the acquisition, construction or improvement of land, building, or equipment for use by the small business. Some of the conditions under which borrowers will be eligible for refinancing include:

- The debt being refinanced was incurred to acquire land, to construct a building, or to purchase equipment. The assets acquired must be eligible for financing under the 504 program.
- The existing debt is collateralized by fixed assets.
- The existing debt was incurred for the benefit of the small business.
- The new financing provides a substantial benefit to the borrower when prepayment penalties, financing fees, and other financing costs are taken into account.
- The borrower has been current on all payments of existing debt for one year prior to the date of refinancing.

The 504 loan program is administered through 271 Certified Development Companies across the nation. For more information and eligibility requirements, go to www.recovery.gov ⁵⁸ or www.sba.gov/recovery ⁵⁹.

Health Care Report Reveals Problems

With Status Quo

June 25, 2009 -- Congress, voters, and the President all continued to focus on the issue of health care reform this week, and a major player in the political debate -- the Obama administration -- issued a report on how the escalating costs of health care adversely affect small businesses.

The Obama administration report "Helping the Bottom Line: Health Reform and Small Business"⁶⁰ points out how the "high cost of health care burdens small businesses, weakens our economy, and leaves millions of Americans without the affordable health care they need and deserve."

According to the study's findings:

- A large fraction of uninsured workers are in small businesses: Nearly one-third of the uninsured -- 13 million people -- are employees of firms with fewer than 100 workers.
- Fewer small businesses are offering insurance: From 2000 to 2007, the proportion of non-elderly Americans covered by employer-based health insurance fell from 66 percent to 61 percent. Much of this drop stems from a decline in coverage for employees of small businesses. The percentage of small businesses offering coverage dropped from 68 percent to 59 percent, while large firms held stable at 99 percent.
- Workers not offered coverage are at great risk: Approximately 50 percent of the workers in small firms that do not offer health benefits are uninsured. About a third of such workers in firms with fewer than 50 employees obtain insurance through a spouse.
- Reform is a top priority for small businesses: Nearly half of small business owners in a recent survey said that "making health care more affordable" is the idea Washington should address first. The National Small Business Association adds, "Relief from escalating health insurance premiums ... can only be achieved through a broad reform of the health care system with a goal of universal coverage, focus on individual responsibility and empowerment, the creation of the right market-based incentives, and a relentless focus on improving quality."

As part of ABA's efforts to represent the interests of independent booksellers regarding health care reform, ABA CEO Oren Teicher last week traveled to Washington, D.C., to meet with the staff of the U.S. Senate Committee on Small Business and Entrepreneurship.

Topics of the discussion included affordable health care for independent booksellers, as well as sales tax fairness. "I was very pleased with this initial meeting," Teicher said. "It is clear that the committee and the Obama administration both understand the priorities of small businesses and take them very seriously. I believe that we have taken an important first step in ensuring that the concerns of independent booksellers regarding both health care and sales tax equity are heard in Washington."

Bookseller Testifies Against Bill Authorizing Civil Suits

June 25, 2009 --⁶¹ Last week, Tom Lowenburg of New Orleans' Octavia Books⁶² testified against a Louisiana Senate Bill (S.B. 152)

that would authorize civil suits against booksellers who are accused of selling a book that depicts nudity to a minor. The bill was, in effect, defeated on Thursday, June 18, when the state's Committee on Commerce voted 12 - 2 to involuntarily defer action after the attorney general reported that enforcing the law could cost the state up to \$1.6 million. But American Booksellers Foundation for Free Expression⁶³ (ABFFE) President Chris Finan warned that the Louisiana bill was part of a disturbing new trend in censorship legislation. Earlier this year, the Utah legislature passed a bill similar to S.B. 152, which was later vetoed by the governor.

"These laws are extremely dangerous," said Finan. "Private individuals and groups could bring legal action to pressure retailers to stop selling legal works that they consider offensive or harmful. The legislators are trying to make an end-run around the First Amendment."

Louisiana's S.B. 152 would have authorized a civil suit even if the book sold did not meet the legal definitions of "obscenity" or material "harmful to minors," and even if it were written for minors. The bill also required that an attorney general send a warning letter to the retailer whenever a complaint was received alleging that such a sale had occurred. After five complaints had been received, a private citizen or the attorney general could then sue.

"This bill would make our job hell," Lowenburg testified on June 18. "It makes individuals mini-police in enforcing content."

This week, Lowenburg told *BTW*, "We were able to defeat a very bad bill, which would have made our role of providing a diversity of books to the public very difficult to carry out. A bill that was parading as a family values bill, in effect, would have been anything but."

Appearing before the commerce committee, Lowenburg offered a show-and-tell of books that could be affected by S.B. 152. "I had books ranging from a guidebook to Louisiana that had statuary in a museum sculpture garden... to the American Girl book [*The Care & Keeping of You: The Body Book for Girls*, American Girl Publishing]," he said. "I showed them that all kinds of books could trigger a challenge, and said it would be impossible to determine what we could carry. Someone could challenge us on almost anything."

In addition to his relief that the legislation was killed in Louisiana, Lowenburg said he was happy that the bill wouldn't serve as a precedent for other states. "It really could not have had a more satisfactory ending," he said.

Other New Orleans booksellers who worked towards defeating the bill include Judith Lafitte, Lowenburg's wife and Octavia co-owner, and Britton Trice, owner of Garden District Book Shop⁶⁴. -- Karen Schechner⁶⁵

Using IndieBound.org Book Lists for Your Store's Book Groups

June 25, 2009 --

⁶⁶ Recent updates to IndieBound.org in the form of multiple book lists and widgets⁶⁷ give customers new ways to shop indie bookstores. Booksellers can use these new features in interesting ways, too, even as tools for book group administration.

Using multiple book lists and the new book list widgets is an easy way to administer several book groups at once and to link to each book group's reading list from your store's website or blog. Or you

can let book groups administer their own lists, either on the group's website or blog or via their profile on IndieBound.org.

All ABA member stores are listed on IndieBound.org, but to create book lists you'll need to create an individual profile (user account) by joining the IndieBound Community, and then become a fan of your own store. (Here's a tutorial for ABA Members on the basics of the IndieBound Community ⁶⁸.) Take your book group reading lists and create a book list for each one (see Creating Book Lists ⁶⁹). You can create as many book lists as you have groups.

All your book lists can be found from the My Book Lists link on your profile. For each list, there are several sharing tools available:

- Link book group members to the page with their individual list
- E-mail the list from IndieBound.org to all your members
- Print the list to hand out to members, complete with the contact information for your store (since you've added it as a favorite)
- Share an RSS feed of the list, with full book descriptions, on your store's website or blog

If your store website has e-commerce capabilities, a purchase link to your store will appear next to each title on the book group reading list.

Additionally, you can create a widget ⁷⁰ for each list. Add it to your website's book group page or to your store blog. You can also share the code with your book groups for use on their sites.

Book groups, too, can do all of these things to administer their own book group lists. By creating an account on IndieBound.org under the book group name and adding your store as their favorite, they can create lists and easily share them -- with all their members, with the outside world, and with their favorite store.

Stay tuned to *BTW* for more ideas and walkthroughs on how to use IndieBound.org features for store functions and promotion. If you have questions, contact IndieBound Outreach Liaison Paige Poe ⁷¹.

ABACUS in Jeopardy: ABA Board Urges Member Participation

June 25, 2009 -- ⁷² ABACUS, one of the American Booksellers Association's most valuable services to members, has become one of the most threatened, due to sharp declines in participation in 2007 and 2008. The ABACUS financial survey of ABA member store operations will only continue if enough booksellers submit their data -- via a completely secure and confidential electronic form ⁷³ -- to this year's project before the August 15 deadline.

Last week, in a letter to members ⁷⁴, the ABA Board said, "Whether it's creating a business plan for a start-up loan or preparing to renegotiate a lease, ABACUS is a unique and powerful tool for success. In other industries, people routinely pay hundreds of dollars for comparable research, and ABA is pleased to provide ABACUS as a benefit of membership." However, the Board said, "If bookstore participation does not increase significantly this year, the project's future is threatened."

ABACUS submissions are completely confidential. Former ABA CEO Avin Mark Domnitz, who is overseeing this year's survey, will be the only person who will see any individual store's numbers.

"In a financial landscape that has become far more challenging, the

business roadmap that ABACUS provides is essential," said the Board. "But it can only be created if together more of us make the decision to participate. Please, don't assume that other booksellers will be the ones to help sustain this incredibly important resource. Join with them today. Completing the easy-to-use ABACUS online form takes about an hour."

Here's a link to more information and the survey form ⁷⁵ and a contact form ⁷⁶ where booksellers can submit questions.

BTW News Briefs

June 25, 2009 --

ABFFE Welcomes New Board Members

The two newest members of the American Booksellers Foundation for Free Expression Board of Directors are Becky Anderson and Dan Cullen. Anderson was elected to a one-year term as ABFFE vice president. She is part of the fifth generation of Andersons at the helm of Anderson's Bookshops ⁷⁷ in Naperville, Aurora, and Downers Grove, Illinois. Anderson is also the vice president of the American Booksellers Association. Cullen, ABA's senior director of editorial content, has been reporting on First Amendment issues since he joined the association in 1986. Elected for a three-year term, he replaces Oren Teicher, ABA's new chief executive officer.

Deadline for NEIBA's Rusty Drugan Scholarship June 29

The New England Independent Booksellers Association ⁷⁸ is encouraging members to submit applications for the Rusty Drugan Scholarship for Emerging Leaders. The scholarship is awarded annually in memory of Wayne "Rusty" Drugan, Executive Director of the New England Independent Booksellers Association from 1992 to 2006.

Applicants must be working full-time for at least a year in a NEIBA member bookstore. The scholarship includes two nights at the NEIBA Trade Show Headquarters Hotel and two tickets to each meal function.

Candidates may apply directly for the scholarship or may be nominated by others in the book industry. Booksellers nominating themselves are asked to describe their backgrounds and the reasons for their interest in the award. A resume should also be included. Nominations submitted on behalf of someone else should indicate in detail why that person is being nominated. Nominations/applications must include all the following information for both the applicant and the nominator: Name, Store Name, Current Position, and Store Address.

The deadline for e-mail submissions, which should be sent to NEIBA Assistant Executive Director Nan Sorensen ⁷⁹, is June 29.

SCIBA Accepting Applications for Glenn Goldman Scholarships

The Southern California Independent Booksellers Association ⁸⁰ is now accepting applications for Glenn Goldman Booksellers Scholarships, honoring Glenn Goldman, founder and owner of Book Soup ⁸¹, in Los Angeles, who died in January 2009.

This year two scholarships will be awarded: one scholarship is to the SCIBA's Authors Feast & Trade Show, October 24, 2009, and the second scholarship will be for the ABA's Winter Institute in San Jose, February 4 - 7, 2010.

Applicants must be currently employed in a bricks-and-mortar bookstore that is a member of SCIBA, and they must have a minimum of two years experience in bookselling. (The scholarships are not available to owners or senior managers.)

A downloadable application ⁸² and full details are available on the SCIBA website. Applications are due by September 1.

Gerhard Weinberg Wins Pritzker Military Library Literature Award

Gerhard L. Weinberg was selected to receive the 2009 Pritzker Military Library Literature Award for Lifetime Achievement in Military Writing. The \$100,000 honorarium, citation and medallion, sponsored by the Chicago-based Tawani Foundation, will be presented at the Library's annual Liberty Gala on October 24, 2009 at Chicago's Palmer House Hilton Hotel. The announcement was made last week via Internet webcast at www.pritzkermilitarylibrary.org ⁸³. Weinberg is author of many books including *A World at Arms: A Global History of World War II* (Cambridge University Press) and *World in the Balance: Behind the Scenes of World War II* (University Press of New England).

The Pritzker Military Library Literature Award recognizes a living author for a body of work that has profoundly enriched the public understanding of American military history. A national panel of writers and historians -- including the first and second recipients, James M. McPherson and Allan R. Millett -- reviewed nominations and definitive works submitted by publishers, agents, booksellers, and other professional literary organizations.

The Indie Comics & Graphic Works Bestseller List

June 24, 2009 -- For the eight-week period ending June 23, 2009, and based on sales at independent book stores nationwide.

1.	Watchmen Alan Moore, Dave Gibbons, DC Comics, \$19.99, 9780930289232
2.	The Photographer: Into War-Torn Afghanistan With Doctors Without Borders Emmanuel Guibert, et al., First Second, \$29.95, 9781596433755
3.	The Beats: A Graphic History Harvey Pekar, et al., Hill & Wang, \$22, 9780809094967
4.	Chicken With Plums Marjane Satrapi, Pantheon, \$12.95, 9780375714757
5.	V for Vendetta Alan Moore, David Lloyd (Illus.), Vertigo, \$19.99, 9781401208417
6.	Naruto, Volume 43 Masashi Kishimoto, Viz Media, \$7.95, 9781421529295
7.	Naruto, Volume 44 Masashi Kishimoto, Viz Media, \$7.95, 9781421531342
8.	What It Is Lynda Barry, Drawn & Quarterly, \$24.95, 9781897299357
9.	American Born Chinese Gene Luen Yang, Lark Pien (Illus.), Square Fish, \$8.99, 9780312384487
10.	A People's History of American Empire: A Graphic Adaptation Howard Zinn, et al., Metropolitan, \$17, 9780805087444

11.	Naruto, Volume 42 Masashi Kishimoto, Viz Media, \$7.95, 9781421528434
12.	Studs Terkel's Working: A Graphic Adaptation Harvey Pekar, Paul Buhle, New Press, \$22.95, 9781595583215
13.	The Adventures of TinTin in the Land of the Soviets Herge, Little Brown, \$10.99, 9780316003742
14.	Maximum Ride: The Manga, Vol. 1 James Patterson, NaRae Lee (Illus.), Yen Press, \$10.99, 9780759529519
15.	Britten and Brulightly Hannah Berry, Metropolitan, \$20, 9780805089271
16.	Naruto, Volume 38 Masashi Kishimoto, Viz Media, \$7.95, 9781421521749
17.	Naruto, Volume 41 Masashi Kishimoto, Viz Media, \$7.95, 9781421528427
18.	Shortcomings Adrian Tomine, Drawn & Quarterly, \$14.95, 9781897299753
19.	Secret Identity: The Fetish Art of Superman's Co-Creator Joe Shuster Craig Yoe, Joe Shuster (Illus.), Abrams, \$24.95, 9780810996342
20.	Bleach, Volume 27 Tite Kubo, Viz Media, \$7.95, 9781421523859
21.	Stephen King's Dark Tower: Treachery Robin Furth, et al., Marvel Comics, \$24.99, 9780785135746
22.	Supermen! The First Wave of Comic Book Heroes 1939-41 Greg Sadowski (Ed.), Fantagraphics, \$24.99, 9781560979715
23.	Preludes & Nocturnes: The Sandman Volume 1 Neil Gaiman, et al., Vertigo, \$19.99, 9781563890116
24.	Fruits Basket, Volume 22 Natsuki Takaya, TokyoPop, \$10.99, 9781427806833
25.	The Best American Comics Lynda Barry (Ed.), et al., Houghton Mifflin, \$22, 9780618989768

MARKETPLACE

Classifieds

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Beautiful Hill Country Location (Boerne, Texas)
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Established Customer Base
Contact: Darla or Rebecca (830) 249-7323 or e-mail readit@gvtc.com ⁹⁴.

Book Soup, West Hollywood's landmark, independent general interest bookstore on Sunset Blvd. , is for sale. Founded in 1975

by Glenn Goldman, this iconic bookstore hosts almost daily author events featuring acclaimed literary as well as Hollywood celebrity authors. Known both nationally and internationally for its fine selection of books with specialties in art, photography, pop culture, and literary fiction, the store also maintains a busy newsstand. Glenn's sudden passing in January necessitates the sale of the store. To learn more about this once-in-a-lifetime opportunity, please contact broker Brian Gunshor @ (310) 539-8300, or e-mail bgunshor@business-team.com⁹⁵.

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Liquidation of the Armchair Bookstore in Dennis, MA has resulted in sale of 11 **Franklin Fixtures bookcases of varying sizes**. All white and in like-new condition. Purchased 6 years ago. Dimensions and pictures available on request. Prices vary based on size. Fixtures currently located in Dennis. Contact Dawn at dmarie398@comcast.net⁹⁸.

Store closing in Bergen County, New Jersey. Two-year-old custom-made Franklin Fixtures bookshelves, sales counter, and jewelry/glass display for sale. Bookshelves are 4ft wide with counters; some have doors on bottom. Color is off-white. Please call Debbi at (201) 664-5188 or e-mail debbiatpeace@gmail.com⁹⁹.

POSITIONS AVAILABLE

Book buyer opening at Brookline Booksmith, 48-year-old healthy, independent, general bookstore in Boston, MA area. Frontlist, backlist, floor work, and customer service are part of the job. Good benefits. Salary depends on experience. E-mail dana@brooklinebooksmith.com¹⁰⁰.

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SHALL I TELL THE DOG? And Other Final Musings by Miles Kington (Newmarket Press, July 2009). To take advantage of this special offer on 5 copies or more, your order must be placed by August 31, 2009. This offer applies to one order only and is available only to retailers. Please indicate **Promo Code DOGR3** on your P.O. and do not include other titles on this order. Minimum order 5 copies.

All Regular ABA Member Bookstores in good standing may have up to four 2-week Classified Ad insertions per year in *Bookselling This Week* at no charge (50-word limit). For more information on booking a classified ad, click here¹⁰¹.

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