

## NEWSPAPERS AND CREATORS CLASH

BY  
RICHARD WEISGRAU  
ASMP EXECUTIVE DIRECTOR

**N**ewspapers around the country have been issuing new agreements to freelance contributors that most often are unilateral declarations written by the newspapers which get the sole advantage from the agreements. This advantage usually comes in the form of increases in the rights of the newspapers to use the work created by freelance contributors more widely without any increase in the fees paid.

There is no bargaining. The newspapers usually take a tack that, if the creator does not agree, he or she will not be given any more assignments. For the creator it is a difficult choice, either sell more for the same money or stop working and doing what is so much a part of your being. It is a no-win situation for the creator. Go broke or feel exploited is not a good menu of choices.

Newspapers cite the poor economy, the decline in newspaper revenues and readership as the reason for their actions. Creators wonder why they are singled out to be the focus of savings. Newspaper executives are not taking pay cuts nor are other suppliers being forced to renegotiate their fees.



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# ASMP Bulletin

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## THE PURPOSE OF ASMP

To protect and promote the interest of photographers whose work is for publication  
To promote high professional standards and ethics  
To cultivate friendship and mutual understanding between photographers

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NEW MEMBERS

# ON COALITIONS

*ASMP will forge alliances for the common good* BY DAVE HARP

Last month I wrote here that the most prudent way the individual photographer can cope with all of the changes we're encountering in our profession is to recognize all that we have in common and to act in concert to improve our collective lives. Recent events have proven how difficult that can be, even in this era of instant and prolific communications.

For those of you who don't frequent the photographers' forums on the Internet here's a brief history. About two years ago, ASMP president Gene Mopsik invited the leaders of EP, APA, PPA, and NPPA to a meeting that coincided with Photo West in Los Angeles and I attended with Gene as a representative of ASMP. At that meeting representatives of EP, APA and ASMP talked about the similarities and differences of our organizations, discussed some of the common problems we're facing and agreed to keep in touch. To that end, Seth Resnick of EP set up a ListServ on the spot for the assembled leaders.

At a subsequent meeting in New York, the name of the group was formalized to the Coalition of Visual Artists and additional groups like the Graphic Artists Guild were invited to attend. Although no formal structure was ever agreed upon, some members of the coalition developed an agenda that included hiring a Washington lobbyist to, among other things, work to exempt photographers from antitrust laws so we could bargain collectively. This is something ASMP has investigated over the years. Recently, we had been advised by authorities very familiar with antitrust laws and the status of trade associations that there was no chance of getting any exemption for photographers. In other words, it would not be prudent to spend our money on a lobbyist for that purpose.

After thorough analysis and discussion, we pulled out of the CVA because we couldn't agree on areas of mutual interest and we felt our members would not benefit from what became the group's agenda. All of our organizations

began with a small group of photographers or graphic artists who saw a need for collaboration and collective action and each has grown into what we are today. That need for collaboration is greater now than it's ever been and despite this setback, we will continue to seek areas of mutual interest and concern with other creators' rights organizations.

When a newspaper or magazine tries to force a one-sided contract on photographers or graphic artists, we will join with others groups to counter the obvious advantage these large media corporations have and seek a fair deal for the individual contributor. The same goes with the mega stock agencies.

As you will read in this *Bulletin*, we're actually doing that right now—working with other photographers' organizations, graphic artists' organizations and writers' groups in separate actions involving *The New York Times*, *The Boston Globe* and *The Washington Post* among others. Each of these coalitions has a slightly different cast of characters. However, for the common good each has forged alliances with strategic partners based on a mutual desire to solve a specific problem that affects their members and those of the alliance's members.

At ASMP, we will continue to seek partners for similar actions that inevitably will crop up in the future. After all, the individual photographer is barely a blip on the radar screens at AOLTimeWarner, *The New York Times*-owned newspapers or even at Getty. To those giant corporations, share holders and profit margins come first.

If we are to succeed in our overarching goal to protect the interests of publication photographers we have to act in unison with the greatest possible number of partners that agree on the specific goal du jour. That specific goal might be to reinstate transmission fees for photos uploaded to *The New York Times* or liberalization of copyright regulations. Each goal requires slightly different means, perhaps a different mix of organizational strength and we will continue to search for that special mix for each and every action we take. ∞



**Dave Harp**  
**ASMP president**  
**and chairman of the board**

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**"That need for collaboration is greater now than it's ever been... we will continue to seek areas of mutual interest and concern with other creators' rights organizations."**

## NEWSPAPERS AND CREATORS CLASH *cont. from p. 1*

Can you imagine the reaction if the newspapers tried to cut the salaries of their union employees? It is easier to force people off the payroll and use freelance help to replace them. The law prohibits freelancers from banding together to bargain as a unit. The law considers them to be independent businesses, and therefore no different from the newspaper that use their services. The antitrust laws, which were written to protect the people from big business are now protecting big business from the people. Creators are looking for solutions.

Creators' associations are giving moral, logistical and financial support to the thousands of Davids that are facing off against a few Goliaths in an attempt to stop this trend of abuse. It is an uphill fight. As efforts to reverse the trend continue, creators' organizations are looking for better ways to mobilize their constituents into an effective market force. Antitrust exemptions, cooperative enterprise, and association representation are the big-ticket alternatives that are being studied or developed.

Work refusal, picket lines, letter writing campaigns, and directed public relations are the conventional tools available. In one case, legal action has been employed. The results of all of this are yet undetermined. However, one thing is certain—the newspapers aren't the good guys.

Some of the active campaigns underway, and the participants, are reported below.

- ASJA American Society of Journalists and Authors
- ASMP American Society of Media Photographers
- BGFA Boston Globe Freelancers Association
- EP Editorial Photographers
- GAG Graphic Artists Guild
- ICW Illustrators Club of Washington, DC
- NWU National Writers Union
- WIW Washington Independent Writers

## THE BOSTON GLOBE

BGFA, NWU and ASMP are working together to force the rescinding of an onerous contract that has been forced on writers and photographers under threat of signing it or never working for the paper again. The contracts terms were non-negotiable. Writers and photographers have filed a suit to block the use of the contract, since the *Globe* would not agree to drop the agreement's retroactive provision. Under that provision, the *Globe* not only secured more rights for the same fees going forward, but also

received more rights for any work done for the *Globe* in the past without additional payment. NWU and ASMP are both funding the suit and working with BGFA on grass roots efforts to reverse the *Globe's* position.

## THE WASHINGTON POST

This is another onerous contract with unilaterally decided terms and fees. Unlike *The Boston Globe* contract, the *Post's* effort contains nothing that is legally challengeable on its face. It is a legal indentured servitude agreement. Joining in the effort to reverse this contract are ASJA, ASMP, EP, GAG, ICW, NWU and WIW. Initially, the *Post* entered into some discussion with freelancers, but when freelancers expressed their need to be paid for the additional value that was being demanded of them in the contract, the *Post* became unresponsive and the talking stopped. Creators' organizations are now working on strategies to combat the *Post's* efforts and unwillingness to be fair.

## THE NEW YORK TIMES

This is the newest bad deal. It is not a new agreement. The *Times* has taken a different tack to improving profits. Instead of getting more use for the same fees, it has just cut the rate of compensation to freelance photographers by about one-third, citing the bad economy, and suggesting that it will take a look at the situation when the economy improves. Can you imagine what would happen if they did that to their staff photographers who are represented by a union? Freelancers can't have unions, and that makes them the easiest target in the supply chain. APA, ASMP, EP and PPA have teamed up to combat this one, and a joint letter has been sent to the *Times* urging them to reconsider. These coalitions have been formed out of necessity because of the actions of oppressive publishers.

Creators' groups continue to search for ways to develop market force, and until that force is developed, David has to search for rocks that can hold the giant off. When David is armed with more than a slingshot, maybe he can drive Goliath backwards. Creators are being reduced to the plight of share croppers. Eventually they are forced off the land.

New solutions are needed to preserve creators' contributions to our society. Creators' organizations are trying to find or create those solutions. ∞

# THANK NAPOLEON SARONY

*This photographer fought for our copyrights* BY LEE SCHULMAN

On a trip to Washington D.C., I decided to stop by the United States Copyright Office to see what I could learn about registering photographs. The Copyright Office is located on the 4th floor in the Madison Building, one of three buildings that comprise the Library of Congress. The Copyright Office itself was just a typical bureaucratic-looking office. But in the corridors outside the office were some very interesting displays of items that were the subject of unique copyright cases. Among the displays were a model of a Picasso statue, a Marilyn Monroe T-shirt and a Michael Jackson CD. But at the end of a poorly lighted hall was the one display that really caught my attention.

Alongside a photograph of playwright Oscar Wilde was a handwritten letter dated January 12, 1882, by a photographer named Napoleon Sarony. He was requesting the copyright registration to 11 photographs of Wilde and enclosed the fee of \$11. Also in the display was a brief text about the court's decision in this case. Just who was Napoleon Sarony and how did his case affect today's photographers?

Napoleon Sarony was a highly acclaimed, very successful and flamboyant portrait photographer in New York City. He specialized in theatrical celebrities, politicians and other famous personalities. During this period the American public was fascinated with such people and collected "celebrity cabinet cards" which were sold through a network of dealers. Sarony was so zealous in his pursuit of his subjects, who in turn desired the publicity the sales of these portraits generated, he soon claimed a collection of 40,000 theatrical portraits and 170,000 portraits of other professionals. This business was so profitable that celebrities began to demand royalties and sitting fees from photographers. Sarony reportedly paid actress Lillie Langtry \$5000 to sit for him, but did not worry about the large fee because he already had several orders waiting for her portraits including 500 in France, and they were selling well in this country for \$5 each.

Although Congress extended copyright protection to photographs in 1865, it was several years before photographers generally took advantage of it. Not so with Sarony. He regularly copyrighted his photographs and conspicuously displayed his copyright notice on his mounts.

Shortly after Sarony photographed Irish author and playwright Oscar Wilde in 1882, a printing company made 85,000 prints to cash in on the lucrative market. Sarony sued the Burrows-Giles Lithographic Company for violation of his copyright. During the court proceeding Sarony described how he alone was the "author, inventor, designer and proprietor of the photograph (and that he made it) entirely from his own original mental conception, to which he gave visible form by posing the said Oscar Wilde in front of the camera, selecting and arranging the costume, draperies and other

various accessories in said photograph, arranging the subject so as to present light and shade, suggesting and evoking the desired expression."

Sarony won the case, but was countersued by Burrows-Giles who claimed that photographs could not be copyrighted because they were the product of a mechanical production and not entitled to the same protection as the work of artists. The problem confronted by the court was the original wording in the U.S. Constitution that established copyright protection. Article 1 Section 8 states: "To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

Sarony also won this case which was the first legal test of the claim that photography was art. (Ironically, Sarony never thought of photography as art.) In writing for the majority, Supreme Court Justice Samuel Freeman Miller stated that an author is someone to whom a work owes its origin and by that a writing is meant a production "by which the ideas in the mind of the author are given visible expression." The importance of this case is that, in effect, it sets as the constitutional test not whether the medium of expression existed when the Constitution was formed but whether the Framers would have considered the medium, had it existed at the time, within the scope of the grant.

Sarony continued his fight for the copyright protection of photographers, and served as president of the Photographers' Copyright League of America. When Sarony died in 1896, the *New York Journal* wrote: "No man who has ever lived has done so much to promote photography from the domain of the mechanical arts to that of art proper as Napoleon Sarony." And now you know Napoleon Sarony and why every photographer should thank him. ∞

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© 1999 Lee Schulman. Former national director Lee Schulman is a past president of the ASMP/Ohio Valley chapter and the editor of the chapter newsletter in which this article was first printed (Summer 1999). Special thanks to attorney Susan Rector, who provided valuable research for this article. Rector is a member of the Columbus law firm Schottenstein, Zox & Dunn, and specializes in Business, Securities and Intellectual Property Law. She also edits the firm's newsletter, *Currents: Issues and Trends in Intellectual Property Law*. She can be reached at 614-462-2700.

**Editor's note:** As reported in the *March Bulletin*, Copyright Awareness Week was being held this month and it seemed appropriate to reprint this article on Napoleon Sarony, one of the pioneers of copyright protection for photographers, at this time.

# ECONOMY LOOKS BRIGHTER

*But keep saving your pennies for the unknown* BY PETER SKINNER

**T**he pundits on Wall Street are spreading heartening news that the economy is on the mend and several indicators support their optimism. But, recent history has shown how quickly the bottom can fall out so having a financial reserve, as all financial advisers encourage us to have, is good advice indeed. And they point out that the adage “a dollar saved is a dollar earned” is only partly true. The real truth is that a dollar saved is more than a dollar earned.

Why? Because, once you’ve earned that dollar, along comes the taxman looking for his share, so chances are you’ll wind up with about 70 cents in the dollar, perhaps less. While major corporations are looking to increase profits, or simply stay in business, by downsizing and laying off workers by the thousands (the jury is out on the ultimate long term economic success of these moves) small businesses, generally, don’t have the option of firing employees en masse to reduce overhead and thus increase profits.

But there are ways to keep more of what you earn. For example, if you want to earn anywhere between eight percent and 18 percent on your money, don’t have any credit card debt. Paying off your credit card is akin to having an investment earning you a healthy return regardless of what’s happening on Wall Street.

A very successful—and wealthy—friend of mine once told me that all his working life he had stuck to one basic rule: always save 10 percent of what you gross, whether that gross is \$100 or \$100,000. Put that amount away before taking anything else out of it. His advice was based on the premise that if you got a constant return of 10 percent on any long term investment, probably you’d be well satisfied. So, why not get 10 percent from your best investment – yourself and your own earning power? That advice is echoed by numerous other sources whose goals are to encourage financial security.

In this article are some down-to-earth tips from ASMP members to help you keep more of your hard-earned money. Saving money needn’t be a complex thing. As

these hints indicate, common sense plays a major part. Things as basic as packing a lunch, instead of eating at a restaurant or buying something from a store, to sharing the cost of buying or leasing equipment, can save you money.

## **GAIN CONTROL OF SPENDING**

- Do not refinance real estate equity to pay off credit card debt. By doing so you convert short term debt into long term, and even at the lower interest rate you will pay far more interest. Instead, tighten up your expenditures, use the extra money to accelerate paying off the credit balance. When the balance is paid off, start investing the extra cash.

- To gain control of your spending, get control of your cash. Cash purchases are often among the most impulsive and least necessary. Establish a cash log to record

cash expenditures. This is best done with computer software such as Quicken. When you start to see where your cash is going, you can start to reduce your spending.

- When you are out for the day shooting, selling, or doing other out-of-office work, try to eat at home and pack a lunch. Food purchased at restaurants and convenience stores costs an average of about five times as much as food at home. Get up early enough to eat a big breakfast. Carry snacks and beverages, then enjoy dinner at home.

- When dining out for pleasure, patronize “bring your own bottle” places. You will save a lot on alcoholic beverages and often enjoy better food value.

- When you are tempted to spend money, figure out the price of your intended purchase in gross income before taxes and expenses because that is the true cost, a cost which will amaze you. Then decide whether that purchase

adds enough pleasure to your life to be worth the price.

- Insurance is a billable item on your invoices. You are often required to carry insurance to help protect your clients from liability during shoots. Many locations will not issue a shooting permit without this insurance. It is also needed when you go into corporate and public environments on assignment, to cover accidents. Many photographers charge this as a per day fee on the shoot, others charge it as a flat rate or

“Paying off your credit card is akin to having an investment earning you a healthy return regardless of what’s happening on Wall Street.”

base it on a percentage of the invoice. It should be based fairly on your actual insurance expense for the year.

## HOME OFFICE AND OTHER ADVANTAGES

There are advantages in working from your home rather than maintaining an outside office/studio, particularly if your business is conducive to doing this. It helps, for example, if you photograph only on location and have the space in your home for a comfortable and efficient office. Rental studios are available in most major metro areas today, and can be rented when those studio assignments come along. This doesn't work for everyone, but at tax time can be a boon to those who do. Keep in mind that eventually, your business may outgrow your home office.

- Miser's rule of thumb: Never buy a piece of capital equipment (lens, camera, computer, scanner, copier) unless it will pay for itself within a certain period—say, a year. Some photographers insist that such purchases must justify themselves within one or two assignments. If it won't quickly save you its price in money or time, you're probably better off renting it until it can.

- Never go into debt to buy equipment. If you can't afford to pay for it with cash on hand, wait to buy it until you can. There's nothing worse than having the phone stop ringing just after you've incurred a large debt.

- Keep impeccable financial records for your business. It will save you countless hours of aggravation at tax time, when you're called in for an audit or decide to seek a business loan. A computer and good, simple financial software is probably one of the best purchases you can make for your business.

- If you do a lot of studio work, consider using film-plane metering on view cameras, and thus reducing Polaroid consumption. However, as you can charge all those Polaroids to the client, you might say "who

cares?" It's still better to spend less on the materials, and then decide what you want to charge the client. And a client does not pay for any testing or experimenting you might do.

- Remember that cameras don't take pictures, people do. Concentrate on your craft and resist the urge to update to the latest gadget, equipment, or software that come along so regularly saying "buy me."

- Considering going digital? Don't rush out and buy an expensive digital camera. Acquiring a scanner could be an excellent, and less expensive, alternative. But if you do go the camera route, stick with a well-known medium format such as a Hasselblad, knowing that a digital back will be available and you can use the camera's prime optics.

- Also, if you have to acquire a specialty piece of equipment, such as a certain type of light or lens that will not be used regularly, consider sharing the cost with some friends.

- Do not buy a new automobile. Buy a thoroughly-examined used vehicle as it has already been through its period of greatest depreciation. Drive the vehicle until it falls apart or becomes excessively unreliable. No matter what you hear, a vehicle is not an investment, it is an expense.

- Do not treat insurance as an investment. Think of investments and insurance in completely separate terms. Therefore, for most people, annuities are not a good choice due to restrictions and fees. A general investing principle is that you cannot control the market but you can control expenses.

- Instead of buying a book you might read once, offer to buy it for your local library. Then check it out and read it and take the charitable tax deduction, if you can itemize. ∞

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*Thanks to Ken Kasper, Jim Scherer, Jay Asquini, and Scott Highton, for their contributions to this article.*

## THE ASMP Foundation has been busy but help with funding is needed

- A brochure has been developed to help graduating high school seniors select a school for photography education and it has been sent to school counselors.

- The *Professional Photographic Practices* curriculum for photo educators has been revised and made more attractive.

- A CD-ROM containing the curriculum, and forms and information from the U.S. Copyright Office, has been developed and sent to SPE—Society of Photographic Educator members.

- The Foundation will again present a seminar about teaching the curriculum during the national SPE conference.

- An identity brochure has been printed to help the Foundation attract corporate and foundation funding.

- The Foundation Web site is being planned to provide on-line interactive education in areas needed by photographers.

- The *ASMP Means Business* seminar has been updated and will soon be available to ASMP chapters and other cities.

These activities are intended to benefit all photographers, but we need your help. The recession and the September 11 tragedy have all adversely affected giving by foundations and corporations. We need donations from all photographers. We request minimum \$25.00 donations, but we will accept any amount. Donors sending in \$50 will receive a special Foundation pin as thanks and to indicate their commitment to education. Please help.

Please make your donation to: ASMP Foundation, 150 North Second Street, Philadelphia, PA 19106.

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**Please note:** *Contributions or gifts to the ASMP Foundation are not tax deductible as charitable contributions. However, they may be tax deductible as ordinary and necessary business expenses.*

# THE ASMP STRATEGIC PLAN

In November 2001, the ASMP Board of Directors approved a strategic plan which is in essence the road map for the Society's operations. The plan was drafted by executive director Richard Weisgrau and then was analyzed and amended by directors before being approved in its present form. Soon after its approval the document was posted in chapter resources section of members-only on the ASMP Web site. It is reproduced here for all *Bulletin* readers to gain an understanding of ASMP's mission, goals and objectives and the sustainability of efforts in specific areas.

## ASMP'S MISSION

*ASMP will create sustainable information, advocacy and communication systems designed to empower independent publication photographers.*

## ASMP'S GOALS

### Advocacy

1. Support collective licensing efforts whose goals are to maximize the value of images and the net return to creators. (Economic Advocacy)
2. Expand monitoring of legal, legislative and regulatory bodies and continue to advocate our point of view at the federal, state and local levels whenever the need and opportunity arise. Continue development of the legal network and extend it internationally. (Legal Advocacy)
3. Intensify educational efforts by supporting the ASMP Foundation's programs to educate professional and related visual artists while providing web-based educational programming for the independent publication photographer. (Educational Advocacy)
4. Demonstrate the power of photography to communicate emotions, facts and fantasies and work with other organizations to promote a better public understanding of the value of photographers and their images as well as the importance of copyright. (Social Advocacy)

### Communication

1. Develop Internet-based systems for the collection, creation and distribution of information to ASMP members and the industry at large, with advice on how to use this information to members' advantage.
2. Improve communication with members and the creative community through an increased Internet presence, reporting events and developments that might affect them.

3. Increase service to members by improving web-based systems to help picture buyers locate suitable photographers and images.
4. Create position papers and work with business and government to establish industry standards.

### Sustainability

1. Acknowledging that future leaders will come from those members who are active at the local level, provide a means for identifying, encouraging and recruiting talented future leaders of the society.
2. Recognizing that the threat to the rights of independent creators will increase as it has in recent history, develop the financial resources necessary to combat the threat.

## ASMP'S OBJECTIVES

### Information

Information to be created, gathered or edited for publication via the Internet or other appropriate media:

#### • Business Information

1. Pricing surveys
2. Business practices surveys
3. Other statistical data
4. Information on proper insurance coverage

#### • Contracts analysis

1. Analysis of problematic contractual language
2. Suggested counter offer language

#### • Publications/software

1. Business Bible in PDF
2. ASMP Bulletin in PDF
3. ASMP eNews in HTML
4. Form agreements and an auto-primer on how to complete them on-line and in print
5. Other publications and publication offers like Allworth books (discounted)

#### • Quick Reference Guides

1. Model Releases, when and why
2. Copyright and registration guides with forms
3. Selecting a lawyer and/or accountant
4. ASMP legal assistance guidelines
5. Guidelines for business consultation by ASMP staff
6. Assignment pricing guide

#### • Legal action reports with links to Legal Action Fund

1. Statement of the issue(s) in dispute
2. Comments on the importance of the outcome

3. Latest decisions/ruling in the case
4. Advice related to the outcome of the case
5. E-commerce link to Legal Action Fund

Public Relations material and factual articles on the state of Independent Creators, to be placed in visible and appropriate media when the opportunity arises.

**Advocacy**

1. Latest information on approved cooperatives with links to join
2. Expanded use and usefulness of the Legal Network (Legal Advocacy)
  - a. Create listserv for access and use only by Network members (including staff) to allow direct communication—push and pull—of information among Network members.
  - b. Create databases with court decisions relating to valuation of lost or damaged original photographs, court decisions relating to copyright infringement awards, and expert witnesses with areas of expertise, contact information, and evaluations of them by Network members.
  - c. Create a guide to expert witnesses, with areas of expertise, contact information, and evaluations of them by Network members
  - d. Increase use of informal, issue-based coalitions with other trade associations to monitor and take advocacy positions in federal, and carefully selected state, legislation and litigation
  - e. Explore ways to expand our Federal legislative monitoring capability on an economical basis
3. ASMP Foundation recognition with links to the Foundation web site.
4. Digital image galleries on themes and rotating throughout the year displaying the best of architectural, underwater, sports, photojournalism, nature/wildlife, computer imaging, drawing attention to ASMP's specialty list serves
5. Place articles and information about the state of independent creators. (Social Advocacy)

**Communication**

1. Semi-monthly electronic newsletter with business news and advice, emailed free to member and to non-members for a fee.
2. Publication of Business Bible online
  - October—Pricing and Negotiating
  - November—Assignment Photography, Stock Photography
  - December—Book Publishing, Professional Services, Rights & Value
  - January—Copyright, Form Agreements
  - February—Business Strategies, Electronic Technology
  - March—Bibliography and Index

3. Listservs to be created and/or maintained (Members=free, non-members= fee)
  - Architectural (currently successful)
  - Underwater (currently successful)
  - Sports (resurrecting defunct SG)
  - Digital photography (new group)
  - Others as interest dictates
4. Member marketing and promotion
  - Find a Photographer
  - Member travel itineraries (posted directly by members)
  - Find a verified assistant (verified by members' testimony or chapter presidents)
  - Images and photographers wanted (posted directly by clients)

**Sustainability**

1. Revision and Expansion of recruitment tools
  - a. Create new membership brochure with printed and online versions
  - b. Create a Powerpoint presentation to recruit new members with versions online and made available to chapters
  - c. Create a membership recruitment section at ASMP's web site with online application and payment capability.
    1. "Why I am an ASMP member" testimonials
    2. Member's messages offering thanks and good words
    3. Benefits of membership explained and equated to value
    4. Fast, online application process with e-commerce payment link
    5. Tell photographers how ASMP's advocacy efforts benefit
    6. Explain the available benefits to members, show value
    7. Promote three ASMP efforts as the greatest benefits:
      - Advocacy on major issues and legal cases, explaining how each benefits; Information assets, explaining how the supply of it is beneficial; Individual consultation, explaining the individual's need is most valuable
2. Revision and explanation of the function of chapters
  - Explain the official role of chapters and their value to the mission of ASMP
    - Creating physical communities to mesh with the world-wide virtual community
    - Instill a sense of belonging, to working for the Common Good
    - Provide chapter leaders with recruitment tools to help to increase membership
    - Provide a means for leadership development
3. Develop means to assure adequate funding for ASMP
  - Dues increase
  - Sponsorship program for special projects and events.

## TALKING PHOTOGRAPHY,

Viewpoints on the Art, Craft, and Business, by Frank Van Riper, Allworth Press 320 pages, 45 B&W photos, \$19.95, ISBN:1-58115-298-6.

The author is a writer turned photographer turned photo columnist for *The Washington Post* for the past 10 years. In this easy-to-read book are collected over 100 of his columns that constitute a delightful smorgasbord of essays, interviews, reviews and personal memories. The book is neatly designed, and 70 black and white photos add to the brew. Topics run from a paean on black and white photography to his views on digital (he loves it but won't abandon film), shooting "better" portraits, capturing Venice at night, performance photography and lots more. Frank Van Riper works with his wife and partner, Judy, and they share vital enthusiasm for photography as a profession and an art. This book would be an informative and entertaining gift. —*Lou Jacobs Jr.*

## Broken Empire: After the Fall of the USSR

Photographs by Gerd Ludwig  
Text by Fen Montaigne  
National Geographic Books  
220 pages; color; hard; \$50  
ISBN: 0-7922-6432-0

On December 25, 1991 soldiers lowered the Soviet Empire's red hammer-and-sickle flag over the Kremlin and raised the national tricolor. The abrupt, tumultuous collapse of Soviet communism gave rise to a decade of glittering opportunity, poignant suffering, bold aspirations and brutal upheaval. To commemorate the 10<sup>th</sup> anniversary of the demise of the Soviet Union,

*National Geographic* created a retrospective that captures the turbulence of Russia's new beginning by Los Angeles-based photographer Gerd Ludwig and acclaimed journalist Fen Montaigne. Ludwig and Montaigne witnessed the fall and resurgence of Russia and the satellite states and their work is a stunning visual and textual record of this historic period. The book features 126 extraordinary photographs that, in conjunction with Montaigne's words, capture the poignant resilience of a country trying to find a workable middle road between capitalism and state control.

## Iridescent Light The Emergence of Northwest Art

Deloris Tarzan Ament  
Photographs by Mary Randlett  
University of Washington Press  
416 pages; duotone; color;  
cloth; \$40  
ISBN: 0-295-98147-4

Distinguished art critic Deloris Tarzan Ament profiles 21 artists who, during the 1930s and 1940s, were in an informal group known as the Northwest School. They were artists whose response to Northwest light and to the world around them created a distinctive style that continued to evolve over the next 60 years. The author blends discussion of their work with commentary on the obstacles they faced and the influences they brought to bear on one another. The essays are illustrated by Mary Randlett's photographs taken over half a century. Randlett, a longtime Northwest photographer is renown for her black and white photographs of the Washington literary community. In recognition for her contribution to the state's literary culture she received the 2001 Nancy

Blankenship Pryor award. She has photographed numerous Washington writers such as poets Theodore Roethke and Carolyn Kizer and artists Mark Tobey, Morris Graves and Imogen Cunningham and numerous others.

## Building a Photographic Library

Edited by D. Clarke Evans  
and Jean Caslin  
Texas Photographic Society  
ISBN: 1-931427-00-3  
[www.texasphoto.org](http://www.texasphoto.org)—\$14.95

If you've ever pondered the dilemma of what great books on photography to have with you while stranded on a desert island, the Texas Photographic Society has come to the rescue with this offering which provides hundreds of recommendations. One of the editors, D. Clarke Evans, probably didn't realize what a monumental task he had inflicted on himself. Initially this was Evans' personal mission to answer some of his own questions about photographers, their art, their techniques and their stories. Evans, the president of the non-profit Texas Photographic Society, began by soliciting favorite photography book lists from photographers, museum curators, collectors, photo editors and others in the industry. As his research grew, so did the project: from months to more than two years worth of information gathering and compilation. "Finally, mushrooming to 138 respondents who provided a whopping 500-plus books for the bibliography," Evans wrote. His initial request was fairly simple: "We would like to know your six favorite photography books. Please list them and include a brief description of each book and/or a statement on how the book has influ-

enced you." *Building a Photographic Library* is much more than a list of people and their favorite books on photography. The bibliography lists each author, the titles of the books, and the publishers. So, if you want to work your way through it you can build our own library from Edward Abbey and Diane Arbus to Joel-Peter Witkin and Bunny Yeager with such luminaries as Ernst Haas, Arnold Newman and Sarah Moon in between. And the book most nominated? Robert Franks' *The Americans*.

## AFRICA

Photographs by Art Wolfe  
Essays by Michelle A. Gilders  
Foreword by Jane Goodall  
Wildlands Press  
[www.WildlandsPress.com](http://www.WildlandsPress.com)  
252 pages; color; cloth; \$75  
ISBN: 0-9675918-1-3

For the first time in a single volume, Art Wolfe combines his three specialties: stunning images of wildlife, landscapes and indigenous peoples. This work is the culmination of 20 years and more than 20 trips photographing in Africa, a continent with one-fifth of the world's land area and which harbors wildlife spectacles all but lost from other continents. The book includes over 40 of these species, from lions and leopards to chimpanzees and mountain gorillas, all icons of nature wild and free. In addition the continent is home to one thousand distinct languages and countless human cultures. Jane Goodall, renown for her field research on chimpanzees, has contributed a personal view of her life in Africa where for 40 years she has explored our closest living relative and Michelle Gilder's five elegant essays offer major insights into the ecology of Africa.

## **Large Format Nature Photography**

by Jack Dykinga  
Amphoto  
144 pages; 200 color;  
paperback; \$29.95  
ISBN: 0-8174-4157-3

This is being hailed as the only how-to book available on large format nature photography and it is by one of the masters of the genre, Pulitzer Prize-winning author Jack Dykinga. For years, Dykinga has been famous for his beautiful and compelling large format nature imagery and his unique style merges photojournalism techniques with large format photography to create dynamic, spectacular images of nature and remote locations. In addition to the superb photography, Dykinga shares his expert guidance, renowned experience and images to show photographers how they can master this dramatic photographic art. Dozens of clear, step-by-step instructions show readers practical techniques for using the 4x5 camera, film, lenses, light meters, filters, color, composition, digital backs and tripods. This book is destined to be an important visual and practical reference book in many photographers' libraries.

## **The Campus Guide: University of California, Berkeley**

Text and photographs  
by Harvey Helfand  
Princeton Architectural Press  
www.paperpress.com  
360 pages; 209 color images;  
soft; \$24.95  
ISBN: 1-56898-293-3

ASMP member Harvey Helfand provides this historical and insightful architectural tour of UC, Berkeley, renowned as a the premier public university in the United States. The campus is distinguished by its Beaux-Arts master plan and classical buildings by architect John Galen Howard and

natural creekside setting opposite the Golden Gate. Organized in ten chapters, or "walks," the book features over 130 buildings, landscape elements and sculptures. This book is one of a series of guides by the publisher. Helfand, an architectural and editorial photographer, is a former Berkeley Campus Planner, and was also contributing photographer to a similar guide on Stanford University.

## **Pennsylvania Heritage: Diversity in Art, Dance, Food, Music and Customs**

Photographs by Blair Seitz  
Text by Georg R. Sheets  
RB Books 800-497-1427;  
ISBN: 1-879441-82-9  
160 pages; color; hard; \$32.

This latest offering from RB Books is an historical and pictorial perspective of how early settlers moved to Pennsylvania and adapted their customs, architecture, foods and faiths to the New World. Sheets' exploration of Pennsylvania's diversity is complemented through the visual talent of award-winning photographer Blair

Seitz whose 180 brilliant color photographs portray the diversity of his state's culture. Sheets, a former executive director of the Dauphin County Historical Society, is the author of four books. The publisher, RB Books, is a division of Seitz and Seitz, Inc., of Harrisburg, Penn., which currently has 13 other coffee table books featuring the beauty, culture and history of Pennsylvania.

## **Negotiating Stock Photo Prices, 5th ed.,**

by Jim Pickerell and Cheryl  
Pickerell DiFrank  
374 pages; \$40;  
ISBN:1-886469-05-9

This comprehensive guide contains updated prices for hundreds of uses in advertising, brochures, magazines, newspapers, textbooks and numerous others forms of publication. The negotiating tips section has been expanded in its discussion of strategies and techniques that can be used when negotiating rights protected uses. Also outlined is where the industry stands today and where it is headed.

This is an invaluable resource for established photographers selling stock or those new to the field. Information: Ph:301-251-0720

## **Beginner's Guide to Adobe Photoshop**

by Michelle Perkins  
Amherst Media  
128 pages; color; soft; \$29.95  
ISBN: 1-58428-071-9

This is a streamlined approach to Photoshop and takes readers from the basics to more advanced techniques to create successful images. Such things as determining the right resolution for images, choosing an appropriate file format, picking the right color mode, and archiving images for easy retrieval are covered. The author, a professional editor and book designer, has used before-and-after examples throughout so readers can follow along and check each stage of their work. Through full labeled palettes and dialogue boxes, readers can also match what they see on their computer screens with the techniques covered.

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# NewsLines

Please send contributions to Editor, ASMP Bulletin, P.O. Box 652, Anacortes, WA 98221  
E-mail: Bulletin@asmp.org

## Inge Morath, 78—a legendary member of Magnum

Photography has lost one of its most endearing personalities who for more than 50 years created poetic images of people and places around the world. Inge Morath, 78, was a legendary Magnum photographer and life member of ASMP. Ms. Morath, who was born in Graz, Austria on May 27, 1923, died on January 30 of lymphoma at New York Hospital in Manhattan.

As a young woman, Ms. Morath had a remarkable talent for languages and there was little in her many artistic interests and early career as a journalist to indicate that her future lay in photography. By her own admission she “personally arrived slowly at photography.” As with so many of her generation in Europe, Inge Morath’s younger years were devastated by World War II. In an interview with Joyce Wadler that appeared in *The New York Times* on March 18, 1998, she recalled walking through the countryside and witnessing the horror of war. “Everyone was dead or half dead,” she said. “I walked by dead horses, by women with dead babies in their arms. I can’t photograph war for this reason.” Ms. Morath was drafted to work in an airplane factory in Berlin which was regularly bombed. In the chaos after one attack she escaped and managed to get back to her parents’ home in Salzburg.

After the war she was able to get a job translating for the Americans and later to work as the Austrian editor of an American government-controlled magazine, *Heute*. It was about that time she met another photographer who was also to become a legendary personality with Magnum, Ernst Haas. They journeyed together to Paris in 1949 at the suggestion of Robert Capa to “meet with Magnum.” Ms. Morath originally worked with Magnum as an editor and then began photographing in London in 1951 with Henri Cartier-Bresson. Among her colleagues during those early Magnum years were great photographers such as Robert Capa, Werner Bischof, George Rodger, William Vandivert, Eve Arnold and David Seymour

She dived into photography with great enthusiasm and in it she found her medium of artistic expression, persevering in developing her technical skills and honing her eye and style. Eventually, she was sent on a variety of notable assignments one of which was shooting stills on the set of John Huston’s film *Moulin Rouge*. In the way in which she typically made friends, Ms. Morath developed a lifelong friendship with Huston. In 1960, while photographing on the set of *The Misfits* she met playwright Arthur Miller who was married to one of the film’s stars, Marilyn Monroe. Ms. Morath made a famous image of the pair, Miller with a cigarette, Monroe leaning out a window with her back turned. Soon after that, their marriage broke up. In 1962, Ms. Morath and Arthur Miller married and during the latter part of her career, they produced books together. He wrote the words and she made the pictures.



New York City 1958

© INGE MORATH/MAGNUM PHOTOS



Jerusalem 1960 © INGE MORATH/MAGNUM PHOTOS

Inge Morath’s remarkable images illustrate how she was able to blend in with the local environment and get people to respond to her. Her photography encompasses a wide range of the human condition—from portraits of celebrities and the rich and famous to photojournalistic coverage of common people in places such as Spain, the Near East, Russia, and China. She traveled extensively and had the rare ability to capture the essence of a place, a person, or a moment in a single poetic photograph.

She published numerous books of her works including *In Russia*, 1969, *In the Country*, 1977, *Portraits*, 1986, and her images are in many well known museums.

True to her indomitable spirit, Ms. Morath was making photographs up until about two weeks before she died. Ms. Morath and Arthur Miller resided in Roxbury, Conn. They had a daughter, Rebecca, who lives in Manhattan.

## FOVEON CHIP WILL RIVAL FILM, SAY EXPERTS

According to a February 11 item in The New York Times, Silicon Valley start-up company Foveon has produced a new digital image sensor that experts agree is the first to match or surpass 35mm film. The sensor is the brainchild of Dr. Carver Mead, 67, a pioneer of the chip industry. According to The Times article, the new sensor chip is being used in a Sigma 35mm SLR that will sell for about \$3,000. While the new sensor will have approximately 3.5 million pixels, its designers say the new technology's color-capturing technique makes it comparable to existing 7-million pixel sensors. The Times quoted George Gilder, an economist and an information industry analyst as saying, "It will completely transform the industry."

## INFORMATION ON MARILYN SILVERSTONE IS SOUGHT FOR BOOK ON HER LIFE

James A. Fox, is seeking help to trace anecdotes, images and other information about a former member of ASMP and member of Magnum Photos, Marilyn Silverstone who died in 1999 in the Tibetan monastery she helped found and where she worked as a Buddhist nun. Marilyn Silverstone started her career around 1956 with the Nancy Palmer Agency and during that time left on an assignment to India in 1959 where she remained and lived until 1973. In 1964 she was accepted as a member of Magnum and stayed with the agency until 1973 when she left India with her companion Franck Moraes the biographer and journalist to live in London. He died there not long after that, at which time Silverstone started to learn Tibetan and withdrew from the photographic career and was ordained a Tibetan Buddhist nun in 1977. She helped to found the Shechen Monastery near Kathmandu, and later took full ordination and devoted her time to teach student monks and helping to build a convent for Chinese nuns who were ill treated by the Chinese. Silverstone learned Chinese, and consequently also spent 20 years working on the history of a 17th century Tibetan nun. Her career spanned many magazines such as LIFE, TIME, LOOK, and she died after a long illness in 1999 in her monastery. James Fox, who had known Silverstone from 1966 when he joined Magnum's staff, said he is working with friends to try and compile a book on Silverstone's life. If you can help, please contact Fox at: (fox@magnum.worldnet.fr).

## ASMP ANNUAL MEETING IN PHILADELPHIA, APRIL 27-28

The annual meeting of the ASMP board of directors, which also serves as the annual meeting of the general membership, will be held in Philadelphia, April 27-28. The annual meeting is open to all general members.

# What's Hot

## Two incumbents, three new directors elected to ASMP board

General members have endorsed the recommendations of the Society's nominating committee by returning the two incumbent directors seeking re-election and voting for three new directors.

The incumbents, first vice-president Robert Wiley of Orlando, Fla., and Lon Atkinson, San Diego, Calif., will be joined by Judy Herrmann, Baltimore, Maryland; John Giammatteo, Middlefield, Conn.; and John Slemp, Tucker, Georgia, for three-year terms on the 15-director board. Each of these directors has served as chapter presidents and has a long record of service to ASMP at chapter or national level.

Eight hundred and thirty-three members cast their votes, with only two invalid ballots being returned. A total of 3793 members were eligible to vote, and the votes received represent 22 percent of the electorate. This percentage is higher than is typical for trade association elections of directors.

The results, with the number of votes for each candidate (in the order in which their names appeared on the ballot, and elected candidates indicated by an \*) were: Ballots received: 833; Ballots counted: 831; Ballots voided: 2 (voted for none) or (voted for more than 5); Illegal ballots: 0

### Votes per candidate:

|                  |       |
|------------------|-------|
| Neil Schierstedt | 353   |
| Judy Herrmann    | 751 * |
| John Giammatteo  | 619 * |
| Robert Wiley     | 708 * |
| Lon Atkinson     | 699 * |
| John Slemp       | 649 * |

## Instructions for group registration of published photographs

As members know, ASMP has worked closely with the Copyright Office on the group registration of published photographs and the language on how to make such registrations. One of the principal advantages is that any number of photographs published within a calendar year may be registered on the basis of a single deposit, application, and registration fee.

Although the new regulation was instituted in August 2001, the final instructions and forms were not published until recently by the Copyright Office.

The complete instructions including the procedures, the formats in which group registration can be made and the registration document, Form VA can be seen and downloaded from the ASMP Web site, see *Guides and Checklists*

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## Lou Ouzer, 88, a master of black and white portraiture

Lou Ouzer, best known for his black and white portraits especially those of musicians, died on February 16 at age 88. He had been an ASMP member since 1982 in the Western New York Chapter. A jazz concert was held at the Eastman School of Music, Rochester, New York, on February 19 and Ouzer's photographs were projected on a screen above the Eastman New Jazz Ensemble. Each musical piece was introduced by Tom Hampson, the voice of radio station WXXI's program *Mostly Jazz*. Hampson gave an account of the times, the musicians, the music and the photographs of greats such as Duke Ellington, Dizzy Gillespie, Gerry Mulligan, Paul Desmond and many other jazz notables.

Although he did a variety of work including photojournalism, Lou Ouzer's specialty was black and white portraiture and he was a master craftsman in the genre. He photographed nearly every major jazz musician who performed at the Eastman School during the last 40 years and his documentary book, *Contemporary Musicians in Photography*, published in 1979, was acclaimed as a "Who's Who" of jazz. (Contributed by *John Retallack, ASMP Western New York.*)

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# NewMembers'Zone

The following have applied for membership in ASMP. Any comments, either positive or negative, relating to these applicants should be sent to the Membership Coordinator at ASMP Headquarters. After 20 days, applicants with no unfavorable comments shall be accepted.

Alberto Oviedo ASE STUD

*Art Institute of Atlanta*

Angela Beaver ASE STUD

*Art Institute of Atlanta*

Hunter Ward ASE STUD

*Art Institute of Atlanta*

Katheryn A. Szelich-Jacobson

ASE STUD

*Art Institute of Atlanta*

Mary Katheryn Brown ASE STUD

*Art Institute of Atlanta*

Paul O'Mara ASE GM

*K. Hawkins J. Slemp*

Paul Shanks ASE SU

*B. Mahoney J. Slemp*

Sean Kelly ASE STUD

*Art Institute of Atlanta*

Timothy C. Wedig ASE STUD

*Art Institute of Atlanta*

Barbara Tyroler BLT STUD

*University of Maryland*

Kathleen Hall BLT STUD

*University of Maryland*

Sara Glik BLT GM

*J. Green K. Weber*

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*H. McCray J. Herrmann*

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James Blackley LA STUD

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Jeffrey R. Werner LA REGM

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Walter Murdock NY TRAF

*B. Katz T. Werner*

Ryan Durdella ONC AS

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*J. Millevoi M. Pilla*

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