



WORLD SERVICE BOARD OF TRUSTEES BULLETIN #26

A report on the NA literature trust

This article was generated jointly by the World Service Board of Trustees and the WSO Board of Directors in September 1990 in response to the needs of the fellowship. It represents the views of those two boards at the time of its writing.

The substance of NA's recovery message appears in its literature. There's a process that exists to allow that literature to be available to the NA Fellowship. Our adherence to this process assures the consistency of our message.

After a piece of literature is approved by our World Service Conference, it is copyrighted and published by NA's world service corporation, World Service Office, Inc. Once copyrighted, no one may publish NA literature--altered or unaltered--without the permission of WSO, Inc. Not only is this a legal condition, but it also reflects the instructions of the World Service Conference. This copyright protects our printed message, both in English and in translation, from distortion.

From time to time, questions about NA's literature copyrights are asked by members of the fellowship. Questions commonly asked include, What authority has the World Service Conference given to World Service Office, Inc., to protect our copyrights? How were the rights to NA's Basic Text initially transferred to WSO, Inc.? Why has the World Service Conference produced five editions of the Basic Text? Can NA members or groups reprint NA literature? This report serves to answer those questions.

WSO, INC.--NA'S LITERATURE TRUST

Narcotics Anonymous, as we know it today, began in 1953 in Southern California. For many years, the fellowship grew very slowly, and had little organization. In 1971, a membership business meeting at our first world convention decided that the fellowship should open a World Service Office. This office would publish NA literature, and serve as an information clearinghouse for new groups. At a similar meeting held at our fourth world convention in 1974, officers were elected to a board of directors for this office; these officers were directed to

incorporate the WSO. On January 25, 1977, the corporate charter and bylaws were filed with the State of California. The World Service Office became a legal entity.

During the 1982 meeting of the World Service Conference, participants discussed the office's place in the NA service structure. Participants found one article of WSO's bylaws particularly troubling. Though that article clearly stated that WSO, Inc. "operates under the guidelines of the Twelve Traditions," it also asserted that WSO was "fully independent of... the Narcotics Anonymous Society." A motion was passed which directed WSO to amend its bylaws by deleting language that made WSO completely independent from NA, and incorporating in its place the following language:

That the WSO, all members, directors, and officers shall be and are subject to, and will abide by, motions adopted at each WSC meeting and implement decisions reached by the WSC as they pertain to the operation of the WSO. [See Note #1 at the end of this bulletin.]

The 1982 World Service Conference participants also discussed the need to clarify WSO's role in the publication of NA literature. Another recommendation, approved as part of the motion already referred to, stated that "the WSO was legally created to be the publishing arm of Narcotics Anonymous as a means of accurately reproducing the message of recovery. It is appropriate and essential that all publications used by NA be [reproduced] under the direct control of WSO." When approving these and other recommendations affecting WSO's bylaws, the 1982 conference provided that "these changes [be held] in abeyance... [for] a period not to exceed one year. We, [the World Service Conference of Narcotics Anonymous], will at that time vote to reaffirm same."

At the 1983 World Service Conference, the chairperson of the WSO Board of Directors presented participants with revised WSO bylaws. "We at the World Service Office board have voted on these changes," the board chairperson related in his report, "and we would like the approval of the World Service Conference." (See Note #2.) The WSO board chair then proceeded to read aloud every section of the 1982 bylaws which had been revised, referring participants to printed copies of the new bylaws. The conference offered no objection to the revised bylaws.

Section 15.02 of the 1983 bylaws directly addressed some of the 1982 conference's primary concerns:

15.02. *All members, Directors and officers of this corporation shall be, and are, subject to, and will abide by, the principals of the "Twelve Traditions" of Narcotics Anonymous Society as set forth in the pamphlet identified and entitled as "Narcotics Anonymous" and shall further abide by, motions adopted, at each WSC meeting and implement decisions reached by the WSC as they pertain to operation of WSO. It is herein specifically acknowledged that WSO acts as a fiduciary [see Note #3] in its dealings with WSC and the fellowship of Narcotics Anonymous and that the net proceeds resulting from the sale and distribution of any literature and/or other materials for WSC and the fellowship is received by WSO.*

On August 15, 1987, the World Service Office Board of Directors adopted new bylaws. Those new bylaws reflected the intent of 1983's section 15.02, while providing additional detail concerning protection of NA literature and trademarks.

Article 2. Objectives and Purposes.

...A specific purpose of the corporation shall be to hold in a fiduciary capacity the rights to, by license agreement from Alcoholics Anonymous General Service Office, the use, control, publication and management of the Twelve Steps and Twelve Traditions as adapted by Narcotics Anonymous...

A specific purpose of the corporation shall be to hold in a fiduciary capacity the ownership rights to the control, use, printing, duplicating, sales, distribution, licensing for production, printing, duplicating, sales and use of all of the intellectual properties, logos, trademarks, copyrighted materials, emblems or other intellectual and physical properties of Narcotics Anonymous, the spiritual fellowship of Narcotics Anonymous as a whole and such boards and committees of the World Service Conference as may be directed by the World Service Conference.

A specific purpose of the corporation shall be to control and manage the production, printing, manufacturing of the properties of the spiritual fellowship of Narcotics Anonymous and offer said properties for sale to the fellowship and general public...

A specific purpose of the corporation shall be to publish and distribute periodicals written or prepared by and for the fellowship of Narcotics Anonymous as the corporation may be directed to by the World Service Conference...

The WSO corporate bylaws adopted in 1987 continue in force as of this writing. In accordance with the direction of NA's World Service Conference, the World Service Office corporation holds the copyrights to all NA literature in a charitable trust (see Note #4) on behalf of the entire Fellowship of Narcotics Anonymous.

SUMMARY: GENERAL TRUST FOR NA LITERATURE

In 1971, the NA Fellowship officially designated the World Service Office as its publishing house. In 1974, the fellowship directed the World Service Office to become a corporation. In 1982 and 1983, the World Service Office corporation's role as NA's literary trustee was clarified by the World Service Conference. The corporate bylaws of 1983 reflect the conference's specific intention. They state that "WSO acts as a *fiduciary*"--that is, someone who is given something, subject to the direction of the party who has given the thing--"in its dealings with WSC and the fellowship of Narcotics Anonymous." NA books, pamphlets, and service guides are developed and approved by the World Service Conference. Then, they are given to WSO, Inc., to be published for the fellowship, and to be legally protected on the fellowship's behalf from expropriation or distortion by unauthorized parties, subject to the direction of the World Service Conference.

BASIC TEXT TRUST

As for all NA literature, the copyright for our Basic Text is held in a charitable trust by World Service Office, Inc., which acts at the direction of the World Service Conference. After three years of work by the WSC Literature Committee, the text, formally titled *Narcotics Anonymous*, was approved by the World Service Conference in May 1982.

On September 15, 1982, the chairman of the World Service Conference Literature Committee executed the following document (see Note #5):

As of September 15, 1982, the World Literature Committee of Narcotics Anonymous, 890 Atlanta Road, Marietta, Ga., 30060, by authorization of [the] chairman thereof, release in full and turns over all release forms, copy wrights, and any and all material contained in pertinent to the Narcotics Anonymous Book and the stories of Narcotics Anonymous Members to be included in the Narcotics Anonymous Book, to the World Service Office of Narcotics Anonymous, Inc., Box 622, Sun Valley, Ca., 91352, ...to be used as directed by the World Service Conference of Narcotics Anonymous in session May 5 through May 9, 1982. [sic]

This document does two things. First, it satisfies the requirement of the United States Copyright Law for transfer of copyright. (See Note #6.) Second, it creates a charitable trust under California law (see Note #7), where the World Service Office is the "trustee," the WSC Literature Committee is the "trustor" or "grantor," and the members-at-large of the Fellowship of Narcotics Anonymous are the "beneficiaries."

This charitable trust, including both its trustee (WSO, Inc.) and its beneficiaries (the members of the NA Fellowship), is subject to the jurisdiction of the Superior Court of the State of California. (See Note #8.) The trust obligations of the WSO have been set forth at the World Service Conference that was held in Santa Monica in May 1982.

BASIC TEXT--FIRST THROUGH FIFTH EDITIONS

Approval form

In November 1981, the approval form of Chapters One through Ten of the Basic Text were released to the fellowship. In February 1982, the approval form of forty-seven personal stories intended for publication in the Basic Text were released to the fellowship. At the May 1982 meeting of NA's World Service Conference, the entire Basic Text was approved. (See Notes #9, #10.)

First Edition

Having no experience in publishing a full-length book, publication of the First Edition was a very difficult job for the World Service Office. In addition to major problems with the printer initially chosen to publish the book, conceptual problems arose. In the course of preparing the approval-form book for publication, it was noted that portions of the essays on Traditions Four and Nine made it appear that the NA service structure should not be considered a part of

Narcotics Anonymous. The following are the two paragraphs in question; note especially the italicized text.

From the essay on Tradition Four: "Are we truly autonomous? What about our service committees, our offices, activities, hot-lines, and all the other things that go on in NA? *The answer is that these things are not NA.* They are services we utilize to help us in our recovery and to further the primary purpose of our groups. Narcotics Anonymous is a Fellowship of men and women, addicts meeting in groups and using a given set of spiritual principles to find freedom from addiction and a new way to live. *All else is not NA.* Those things we mentioned are the result of members caring enough to reach out and offer their help and experience so that our road might be easier. *Whether we choose to utilize these services is up to the group.*"

From the essay on Tradition Nine: "The Ninth Tradition goes on to define the nature of the things that we can do to help NA. It says that we may create service boards or committees to serve the needs of the Fellowship. *None of them has the power to rule, censor, decide, or dictate.* They exist solely to serve the Fellowship, *but they are not a part of Narcotics Anonymous.* This is the nature of our service structure as it has evolved and been defined in the NA service manual."

After much discussion, the WSO Board of Directors and the World Service Board of Trustees agreed that the portions appearing above in italics should be removed from the book before publication of the First Edition. In response, the chairperson of the WSC Literature Committee attempted to revoke the earlier release of rights to the Basic Text. However, when the World Service Conference met in May 1983, no motion was made to uphold the literature chairperson's action. On the contrary, new WSO bylaws were accepted, clearly stating that NA literature should be held in a charitable trust by the corporation. The WSO-copyrighted First Edition was officially released on April 27, 1983 by the World Service Office, using the fictitious business name of CARENA Publishing Company.

Second Edition

Conference minutes of 1983 reflect that an amended motion was passed, directing "that our book be completely returned to its [original] approved form in subsequent printings." (See Notes #11, #12.) The Second Edition of the Basic Text was released on September 28, 1983, with the missing lines reinserted. The copyright holder was again listed as CARENA Publishing Co., a fictitious business name of World Service Office, Inc.

Third Edition

One year after the conference directed WSO to reinsert the missing lines, the WSC decided that the issue should ultimately be settled directly by the membership of Narcotics Anonymous. In 1984, regional service representatives were asked to poll their groups on the following question: Should the wording of the essays on the Fourth and Ninth Traditions be as reflected in both the original approval form and the Second Edition, or as reflected in the First Edition? Their responses were to be mailed to the conference chairperson within sixty days of the end of the conference, and prior to the printing of any more books by the World Service Office. A change

from the language of the Second Edition was to require a two-thirds vote. The results were to be published in the *Newsline*. (See Note #13.)

The question was submitted to the fellowship in a seven-page document which included the proposed changes, plus the reasons both for making the change and for keeping the text as approved. The response was thirty-six votes in favor of changing the text, and eight against changing the text. Therefore, at the next printing--the Third Edition--the words originally deleted in the First Edition were again deleted, this time in response to a direct vote of the fellowship. The Third Edition was formally released on October 20, 1984.

Editing ordered which ultimately resulted in Fourth Edition

On May 3, 1985, the WSC approved a motion "that the WSO be instructed to have the Basic Text professionally edited to ensure consistent and correct use of capitalization, verb tenses, gender, singular/plural endings, and other grammatical errors and that the edited text be returned to the Literature Review Committee [at the time, a division of the WSC Literature Committee] for acceptance and approval prior to printing and distribution." (See Note #14.)

One RSR suggested that, once the edit was completed, the text should be sent out for a fellowshipwide review prior to publication. The conference engaged in heated discussion of this suggestion. However, because the required editing would affect only matters of grammar, not conceptual issues, the discussion ended with the WSC strongly in favor of allowing publication of the edited text after review only by the Literature Review Committee. (See Note #15.)

Work on the editing project was begun late in 1985, but was not completed before the 1986 annual meeting of the World Service Conference.

Third Edition, Revised

At the 1986 WSC meeting, a substantially revised version of NA's Little White Booklet, developed by the World Service Board of Trustees, was approved by the conference. (See Note #16.) The motion to approve the revised White Booklet stated specifically that the Basic Text should also be revised to reflect the changes in the White Booklet. The revised text, known as the Third Edition, Revised, was released in November 1986.

Fourth Edition

While the Third Edition, Revised, was being put into production, the edit mandated by the WSC in 1985 continued. The editor, working from a typescript of the Third Edition, completed his work in mid-1986. On July 30, 1986, the WSC Literature Committee chairperson mailed the edited version to members of the Literature Review Committee. The edit was approved by the Literature Review Committee at its October 1986 meeting in Charlotte, North Carolina.

The original 1985 motion which mandated the editing of the Basic Text required only that the Literature Review Committee approve the edit prior to publication of the Fourth Edition. The conference had not asked the WSC Literature Committee to return the edited book to the World

Service Conference, nor had the WSC directed the committee to send the edited text out for fellowshipwide review prior to publication.

However, in the November 1986 *Fellowship Report*, the committee chairperson wrote, "During the course of their review, the Literature Review Committee came across six sentences which are... inconsistent with the *Newly Revised White Book*," approved by the WSC in April 1986. Those six sentences were not found in the portions of the Basic Text drawn directly from the White Booklet. However, they conflicted with the conceptual spirit behind the changes that had been made in the booklet.

Literature Review Committee minutes relate that the committee "was in favor of making these additional changes, however, the Literature Review Committee decided to request a broader group conscience by referring the matter to the World Service Office Board of Directors and the Board of Trustees. The Literature Review Committee had decided that if the Board of Directors and the Board of Trustees were also unanimously in agreement, the Fourth Edition would then be printed."

Following discussions with the directors and trustees, a decision was made to defer publication of the Fourth Edition until the World Service Conference could consider the additional changes necessary to bring the text in line with the revised White Booklet. On April 28, 1987, in his report at the World Service Conference annual meeting, the WSC Literature Committee chairperson stated that, "pending Conference action on the white book consistency motion... the World Service Office will be able to proceed with the printing of the Fourth Edition." (See Note #17.) On April 29, the World Service Conference voted to make the five suggested changes in Book One of the Basic Text, but did not approve the sixth change, which would have altered one of the personal stories in Book Two. (See Note #18.)

The edited Basic Text, incorporating the 1986 revision of the Little White Booklet and the five changes authorized in 1987 by the World Service Conference, was published as the Fourth Edition on October 27, 1987, two and a half years after the original motion to edit the Basic Text was passed by the World Service Conference.

Fifth Edition

The edited Fourth Edition text differed significantly from both the Third Edition and the Third Edition, Revised. This was due partly to the editing (which was intentional), and partly to a series of WSO production errors (which were unintentional). When the typescript of the Third Edition, from which the Fourth Edition editor worked, was created, the transcriptionist skipped a number of lines of text at a time, in twenty-five separate locations throughout the book. At no time prior to publication of the Fourth Edition was the editor's typescript proofread against the published Third Edition text; hence, the original transcription errors went unchecked.

Early in the winter of 1988, the World Service Office and the WSC Literature Committee began hearing complaints about the differences between the Third Edition, Revised, and the Fourth Edition. Early in April 1988, the entire WSO staff was diverted from its routine work to conduct three separate rounds of line-by-line comparisons between the Third Edition, the Fourth Edition

editor's typescript, and the published Fourth Edition. The findings of the WSO staff were reported in full to the World Service Conference. Following a meeting of the conference as a committee of the whole to discuss a variety of possible remedies, the WSC approved a motion to reinsert the missing lines from the Third Edition back into the Basic Text. In the meantime, "the Fourth Edition, with current errors, [was to] continue to be sold as Conference-approved literature until such time as the corrected Fifth Edition [was] ready." The conference passed an amendment to the motion which specified that the resulting Fifth Edition could not be revised any further for five years. (See Note #19.)

In the course of considering the motion which created the Fifth Edition, an amendment was proposed which would have specified that "this motion would be acted upon following a special ballot sent to RSCs.... The RSCs would be requested to reply in 30-60 days.... *Intent:* To collect a Fellowship-wide group conscience and unify this Fellowship [behind the] WSC decision." So great was the desire to put the Fourth Edition controversy in the past, the conference voted not to even consider this amendment. (See Note #20.)

Immediately following the passage of the motion creating the Fifth Edition, the conference considered--and defeated--two additional motions. Both were very similar in language, the major difference being that the second stated its intent. The motions sought to direct the World Service Office to publish the Third Edition, Revised, rather than the corrected Fourth Edition (or, as it was known, the Fifth Edition).

The second motion read: "That the World Service Conference direct the World Service Office to immediately cease the publication and sale of the fourth edition of our Basic Text, Narcotics Anonymous, and immediately begin publication and sale of the third edition revised of our Basic Text, Narcotics Anonymous. *Intent:* To prevent the sale of unapproved literature by the WSO. The editing of our Basic Text and subsequent approval by the LRC so far exceeded any reasonable interpretation of the authority granted by the motion to edit the Basic Text as to require that the fourth edition be treated as new literature, and as such, be subject to the standard review and approval process." Both motions were defeated by overwhelming majorities. (See Note #21.)

SUMMARY: THE BASIC TEXT CHARITABLE TRUST

In 1982, trust rights to the Basic Text were given unconditionally to World Service Office, Inc., to be held by the corporation in a charitable trust on behalf of the NA Fellowship, subject to the direction of the World Service Conference. Though a challenge to that trust was raised by the WSC Literature Committee chairperson early in 1983, that challenge was not placed on the agenda of the 1983 meeting of the World Service Conference, and fell moot. Successive editions have been created as the direct result of action taken by the World Service Conference to revise the original version. Those editions have also been copyrighted by the World Service Office corporation, and the Basic Text continues to be held in a charitable trust by the corporation on behalf of the members of the NA Fellowship.

CAN NA MEMBERS OR GROUPS REPRINT NA LITERATURE?

The most commonly asked question is whether members or groups of members of the fellowship at large have the right to translate, edit, and reprint the Basic Text or other NA literature on their own. The answer is "no." First of all, NA literature--including the Basic Text--is the copyrighted property of World Service Office, Inc. Under United States copyright law, only the World Service Office has the right to reproduce, translate, or prepare new versions of NA literature. (See Note #22.) Because of the international copyright protection afforded by the Berne Copyright Convention, the World Service Office has the same rights in eighty other countries around the world. (See Note #23.)

The World Service Office corporation holds these copyrights in trust on behalf of the NA Fellowship, subject to the direction of the World Service Conference. To date, the World Service Conference has not directed the World Service Office to grant permission either to individual members or groups of members of the fellowship at large who request to reproduce the text. (See Note #24.) In fact, the most recent directive from the World Service Conference has been that the World Service Office was to prosecute a party which had infringed the fellowship's rights. In 1989, a trustee from Philadelphia "requested that the Conference give general consent to the WSO Executive Director and its Board of Directors to proceed with the legal matter relating to the illegal production of NA materials or any extralegal matter relating to the situation, as they see fit. [The request was] approved by unanimous consent." (See Note #25.) While the consent given by the conference in this instance related to one particular case at hand, it also established a precedent for the kind of principles to be applied in similar cases.

If the members of the fellowship feel that their rights are being violated by the "trustee" WSO, they have the right to request that the protector of charitable trusts in California, the California Attorney General, investigate and, if appropriate, file an action to prevent the misuse of trust property. They cannot resort to simply taking the property and using it themselves. In fact, WSO has an affirmative duty to take steps that will stop actions that will result in a loss to the trust. (See Note #26.)

Therefore, under United States copyright law, only the World Service Office has the right to reproduce the Basic Text or prepare new versions of the Basic Text. (See Note #27.) The fact that the copyrights may be held in trust does not affect the legal right and responsibility of WSO to enforce the copyrights on behalf of the fellowship.

NOTES

1 Minutes, WSC'82, pp. 59-64. The published minutes of the 1982 meeting of the World Service Conference do not bear printed page numbers. For the purpose of these references, page numbers in the WSC'82 minutes have been counted from the first page of recorded proceedings. That page bears the legend, "Wednesday evening, May 5, 1982," at the top. In counting page numbers, blank pages within the body of the published minutes were also counted.

2 From a transcript of WSC'83 proceedings.

3 **Fiduciary**, as defined in the 1971 edition of the *Oxford English Dictionary* (Unabridged Version): "In Rom. Law *fiducia* denoted the transfer of a right to a person subject to the obligation to transfer it again at some future time or on some condition being fulfilled. **Adj.**

"1b. Of or pertaining to a trustee; pertaining to or of the nature of a trusteeship.

"2a. Of a thing: In trust of a person; held or given in trust.

"2b. Of or pertaining to something held in trust.

"Cf. **fiducial**, f. *fiducia* trust, confidence.

"1. *Theol.* Of or pertaining to, or of the nature of, trust or reliance."

4 *Restatement of Trusts, 2d, Sec.s 348, 349.*

5 This document is on file at the WSO and bears a notary's seal adjacent to the signature.

6 17 U.S. Code, Sec. 204[a].

7 California Probate Code, Sec. 15200 (b) and/or (e).

8 California Probate Code, Sec. 17003, 17004.

9 Record of the approval of the first ten chapters of the Basic Text appears in the minutes of WSC'82, pp. 65-67. The stories were approved separately.

10 Record of the approval of various personal stories for publication in the Basic Text appears on page 4 of the corrections to the minutes of WSC'82, published as an addendum to the minutes of WSC'83.

11 Minutes, WSC'83, pp. 14-15. The amended motion carried, 24 in favor, 15 against, 5 abstaining.

12 A later motion gave "a [vote] of confidence to WSO and WSB by approving the basic text with changes suggested by WSB and carried out by WSO as NA approved literature." The motion carried, 23 in favor, 0 against, 9 abstaining. (Minutes, WSC'83, p. 36.) According to the maker, this motion was made to insure that the First Edition would be considered conference-approved literature and, thus, appropriate for use in NA meetings.

13 Revised minutes, WSC'84, pp. 32 and 33.

14 Minutes, WSC'85, p. 36. The motion carried, 47 in favor, 1 against, 3 abstaining.

15 From a transcript of WSC'85 proceedings.

16 Minutes, WSC'86, pp. 12-17, and pp. 37-38.

17 Report of the WSC Literature Committee to the 1987 World Service Conference, April 28, 1987, page 6.

18 Minutes, WSC'87, pp. 20-21. The motion to make the five proposed changes in Book One carried, 64 in favor, 4 against, 5 abstaining. The motion to make the single change in Book Two was defeated for lack of a two-thirds majority, with 34 in favor, 25 against, 12 abstaining.

19 Minutes, WSC'88, pp. 17-20. On a roll call vote, the amended motion carried, 56 in favor, 12 against, 8 abstaining.

20 Minutes, WSC'88, p. 19. The motion to object to consideration was carried, 49 in favor, 18 against, 7 abstentions.

21 Minutes, WSC'88, p. 20. The first motion was defeated, 4 in favor, 51 against, 8 abstaining; the second was defeated, 5 in favor, 60 against, 6 abstaining.

22 17 U.S. Code, Sec. 106.

23 The Berne Convention (Paris Text, July 24, 1971), Article 5, Paragraph 1, reads, "Authors shall enjoy, in respect of works for which they are protected under this Convention, in countries of the Union other than the country of origin, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention."

24 It is true that, in the past, the World Service Conference has given assent to license agreements between the WSO and the boards of four national service offices, allowing those national offices to reprint White Booklets and information pamphlets for distribution only in their own countries. Those agreements were made to make NA literature more readily available in Europe and the South Pacific at a time when the WSO was less prepared to distribute literature to those parts of the world than it is now. Those license agreements are not currently in force, were never signed, and only certain sections have ever been implemented.

However, it is important to note that those agreements were made with *national* service offices *outside* the United States--*not* with individuals or groups of members, *nor* with any American service board--to provide for the distribution of NA literature in territory the WSO itself could not serve at the time the agreements were made.

25 Minutes, WSC'89, p. 25.

26 California Probate Code, Sec.s 16010, 16011 (Deering 1990).

27 17 U.S. Code, Sec. 106.