
Novelists' Ink

The official newsletter of Novelists, Inc. — a professional organization for writers of popular fiction

Volume 6, Number 7

July 1995

A Moral Dilemma

About two months ago members began reporting a new clause in the Harlequin boilerplate: a “moral rights” clause. The meaning of the clause was unclear, over-the-phone explanations from agents and Harlequin personnel sometimes muddier yet, so NINC commissioned a legal opinion on the clause from a well-respected and experienced literary attorney. What follows is the clause, responses from Harlequin’s legal department and the legal opinion. What follows *that* is a summary of more clause changes now appearing in the Harlequin boilerplate. One clause detailing an improvement in some foreign royalty rates, already reported in *Novelists' Ink*, is an improvement; most, if not all, of the remaining 18 are quite the opposite. As one writer said, it’s hard to be creative with someone’s boot on your neck.

Those of you who publish with other houses may wonder why you should care about onerous changes in another house’s contract. Keep in mind that boots come in all sizes and are readily available in New York. Clauses disadvantageous to the writer seem to emigrate easily from house to house while, oddly enough, advantageous clauses don’t enjoy the same open door policy. Remember that author-disenfranchising electronic rights clause in Random House contracts that started appearing in other houses’ contracts soon after? Another example of negative migration is at HarperPaperbacks now. Because many incoming authors were from houses where royalty rates were lower, HarperPaperbacks, knowing these authors were getting less elsewhere, lowered their rates from 8 to 6 percent for new authors. To paraphrase—badly—John Donne: Never send to know from whom the contract clause takes; it may soon take from thee.

Paragraph 9, page 5 — “moral rights” clause:

Notwithstanding anything contained in the Agreement to the contrary, Author hereby expressly waives in favor of Publisher, its licensees, assigns or successors in title, as the case may be, all moral rights in the Work, accruing to her now and in the future, by virtue of statute or otherwise howsoever throughout the world.

However, Publisher shall use its best endeavors to procure that the name/pseudonym of Author will appear on the jacket (if any), cover and title page of every copy of the Work published by it.

*...we will always use
our best efforts to
acknowledge the
author's name (or
pseudonym)
wherever the work is
published.*

— Bernard A. Stevenson

Explanation by Bernard A. Stevenson, Vice-President, Administration & Legal Affairs, Harlequin Enterprises Limited:

Iwould like to state at the outset that I trust you appreciate that the purpose of Harlequin issuing the new agreement was to standardize the terms under which authors are treated on a worldwide basis. In essence, Harlequin wanted to ensure that whether an author lived in Africa, Europe, North America or anywhere else in the world, no matter where her book was sold, she would be governed by the same terms and conditions as every other one of our authors. With this concept in mind, we wished to ensure that the terms and conditions met our worldwide needs. One of these terms and conditions deals with the issue of moral rights.

Moral rights in general can be defined as the author’s right to protect against distortion of her work such that it would prejudice her reputation. Tied in with this right is the author’s right to have her name associated with the work where it is reasonably practical to do so.

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Advisory Council

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If you have questions regarding
Novelists, Inc., please contact a
member of the Board of Directors.

1995 Board of Directors

PRESIDENT

William Bernhardt
6420 S. Richmond Ave.
Tulsa OK 74136-1619
(918) 588-4571

VICE PRESIDENT

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604 Brookwood Dr.
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TREASURER

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Pembroke Pines FL 33026

NEWSLETTER EDITOR

Patricia Gardner Evans
14201 Skyline Rd. N.E.
Albuquerque NM 87123-2335
PHONE: (505) 293-8015
FAX: (505) 296-9139

ADVISORY COUNCIL
REPRESENTATIVE

Marianne Shock
251 Lothrop
Grosse Pointe MI 48236-3405

MEMBERSHIP CHAIRPERSON

Karen Crane
102 W. 31 Place
Sand Spring OK 74063-3513
(918) 245-8230

CENTRAL COORDINATOR

Randy Russell
Novelists, Inc.
P.O. Box 1166
Mission KS 66222
(816) 561-4524

Send Address Changes to the P.O. Box

† Founder

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PRESIDENT'S COLUMN

The Morality of Fiction

In 1978, John Gardner published a book of criticism titled *On Moral Fiction*.

The principal thesis of the book was that most contemporary literary fiction was not "moral," as defined by Gardner, meaning that it did not address the fundamental dilemmas that define the human condition. Although he did not use

precisely these terms, by repeatedly condemning literary writers, while at the same time praising many writers of popular fiction, he may have been the first to call into question the biases of the modern academic/literary establishment. Why, Gardner asked, is fiction which, although art-

fully written, has nothing to say about these critical human issues consistently praised and elevated, while fiction which does examine what it is to be human is consistently vilified and ridiculed?

I read *On Moral Fiction* at an early age, almost immediately after it was published, and it has stayed with me throughout my life. Make no mistake—my books are intended to be read and enjoyed. At the same time, I've never written one without first asking myself: What is the point of this book? What can a reader take away after the story is over? What aspect of this story could be enriching or life-affirming? Gardner's book made a big splash when it was published, and since often has been cited as "influential," but when I consider the fiction and

the authors that are lionized by the literary establishment, I find it difficult to determine where that influence has been felt. Most of what Gardner said seventeen years ago is still true. Literary critics champion the obscure and inaccessible; they prefer subtlety to effectiveness. And they dislike anything that has proven to be "popular."

The reasons are not difficult to see. Gardner pointed them out himself, which was rather courageous for a man writing principally for a literary audience. Elitism is always attractive. Everyone wants to be a snob; everyone wants to think that what they read is more impor-

tant than what the *hoi polloi* read. The perception of superiority may be particularly necessary if you are promoting or writing fiction that is in fact read by less than two percent of the reading public. Given the obvious lack of audience for your work, there are only two possible explanations: either you missed the boat, or you're better than everyone else. It isn't hard to deduce which explanation is the most appealing. Especially if your academic career depends on the supposition that what you're doing is important.

Don't misunderstand this as a jeremiad about academics or the *literati*. I often read and love what is called literary fiction, and have written a novel that was labeled as such by many critics. My favorite contemporary authors include Anne

*The accepted
wisdom is that
some people write
good books, and
some people write
popular books,
and never the
twain shall meet.*

Tyler, Alice Hoffman, and Louise Erdrich, just to name three of the best. When I speak publicly, I tell my audiences there is good and bad fiction in all categories, and encourage them not to limit themselves, but instead to seek the best of everything. What I don't understand is why so many others find it necessary to condemn popular fiction in order to promote their own.

You may have read the notice in the last newsletter about the proposed "People's Choice" awards for popular fiction. I have spoken to Clive Cussler about the project, and he believes there is a realistic possibility that it will happen. The justification is obvious. Colleges and endowed committees from coast to coast have created a seemingly endless number of awards for what they call "literary fiction" (a label which necessarily suggests that that which is not included is not literary). Dozens of these awards are given each year, usually to the same handful of books by the same handful of writers. What awards are given to popular writers, those who write books that influence millions of people? Not many. The accepted wisdom is that some people write good books, and some people write popular books, and never the twain shall meet. Sad to say, even some writers accept this diminishing rationale. How many times have I heard an author reduce his or her work by referring to it as "enter-tainment"—as if a book that one enjoys reading cannot possibly be of any value.

Critics often belittle that which is popular, and not just in books but in film and music and other art forms as well. Apparently the theory is, if you've got an audience, you don't need critical accolades. I think this has more to do with the inherent elitist appeal of disliking the popular. In the previous century, no one used the term "genre fiction"; fiction was fiction. In this century, the term "genre fiction" has been devised, principally so it can be distinguished from "serious fiction." And once certain books were lumped into the abysmal category of genre fiction, the struggle for critical acceptance became slow and tortured. Crime fiction has finally gained some respectability, and science fiction is beginning to do the same. It is not surprising that romance fiction is the major whipping boy of literary critics. After all, romance fiction is also the most popular genre, and there is no snob appeal in praising the popular.

You may be saying, Yeah, but so what? Life is unfair, wah, wah, wah, what else is new? After all, popular books are still, by definition, popular. So it's not as if this hurts anyone. Right?

Let me tell you a story.

I cannot say that I have read many romances in my lifetime. It's a type of fiction that I didn't know existed when I was growing up and consequently I never developed a taste for it. And let's face it, like quiche and ballet recitals, real men don't do romances. Still, when a good and talented friend like Karen Crane (Karen Toller Whittenburg) takes up the pen, I pay attention. I had read one of her earlier books, so when my wife told

me I should read her newest one, *Nanny Angel*, I did. In fact, I read it in a weekend.

Nanny Angel is a wonderful book. It is well-written, heart-warming, funny, and deeply affecting. It is, to use Gardner's phrase, moral fiction of the highest order, because it addresses the fundamental issues of humanity, and it does so in a manner that is engaging and not the least pretentious. It is positive and life-affirming. It was written for human beings, not the dissertation committee. I defy you to read it without crying happy tears at the end.

This is a book, I thought as I finished it, that should be read by everyone. It should have a huge, wide, broad-based audience, men and women, young and old. Everyone who slogged through *The Bridges of Madison County* should be instructed, if not required, to read *Nanny Angel*. And yet, even as I thought these thoughts, I knew it would never happen. Why? Because *Nanny Angel* was published as a romance. A Harlequin, in fact. So a lot of people will never even consider reading it, libraries won't stock it, *The New York Times* will not review it—and the world will be poorer as a result.

Is this important? I think it is. I think the world needs more *Nanny Angels*. I think the people who are writing books that genuinely touch people and change their lives deserve recognition. And I think whatever seeks to diminish their creative work, be it false elitism or anything else, is evil. What we writers do is important, and we should not sit placidly while others who have never created anything suggest that it is not. That's wrong.

In fact, it's downright immoral.

— William Bernhardt

INTRODUCING...

The following authors have made application for membership in NINC and are now presented by the Membership Committee to the members. If no legitimate objections are lodged with the Membership Committee within 30 days of this NINC issue, these authors shall be accepted as members of NINC:

New Applicants:

Olivia Rupprecht (*Mallory Rush*), Menomonee Falls WI
Michael Lee West (Ms.), Lebanon TN
Anne Holmberg (*Anne Avery*), Colorado Springs CO
Kim Hansen, Milwaukee WI

New Members:

Annegret (Anne) Hansen (*Anne Peters*), Newcastle WA
Shirley T. Hailstock, Plainsboro NJ

LETTERS TO THE EDITOR

Letters to the Editor is the most important column in our newsletter, since it is the monthly forum in which we can all share our views and express our opinions. Anonymous letters will never be published in NINK. Upon the author's request, signed letters may be published as "Name Withheld." In the interest of fairness and in the belief that more can be accomplished by writers and publishers talking with one another rather than about each other, when a letter addresses the policies of a particular publisher, the house in question may be invited to respond in the same issue. Letters may be edited for length or NINK style.

Small Print+Aging Eyes=No Sale?

I want to alert fellow Zebra authors about a change in packaging that I'm afraid is going to hurt our sales. I opened my galleys for my September Lovegram to discover that the type size and leading had been shrunk to what I consider to be an unreadable size.

When I expressed concern to the production editor, she informed me that it had been Steven Zacharias's decision that all the fall books have type reduced to 10/11½ in order to save on the costs of paper. My previous Lovegram was a comfortable reading size and came in at 448 book pages. This new title has uncomfortably small type with letters that are squeezed too tightly together. The book comes in at 400 book pages. I phoned Steven to discuss it.

He said the new type size was going to be used in all their mass market paperbacks beginning in the fall. So this is not just a romance issue. He also claimed that the type size is typical of what the other houses are doing. I commiserated about the costs of paper but asked if we couldn't write fewer words to cut the length of the books and have a more readable type size. He said that some authors complained that they wanted to write longer books, and so the smaller type was the only solution.

Treasured has a stunning Pino cover with many endorsements. But I'm afraid that when readers pick it up in the stores, they'll look at the small print and put it back on the shelf. I think this type size decision is going to hurt our sales. When I talked to him, Steven had not seen the September galleys and agreed to go take a look. It is my hope that when he sees them, he will change the situation. It may be too late for my September book, but if other authors have this concern and voice it, we might be able to rectify the situation for the future.

As the baby boomers get older, they/we are not going to want to struggle over books they/we read for pleasure. Our eyesight isn't going to readjust just because paper costs more. Please, Steven, make our type bigger again so readers can enjoy our books.

— Patricia Werner

Editor's note: The cost of paper is about one-ninth of the total cost of a book. Some authors are talking to their editors about writing shorter manuscripts in hope that print size will be raised, but, if the aim is to save paper and therefore costs, a shorter manuscript will likely not guarantee larger print, just fewer pages with the same small type. The marketplace will probably determine the publishers' response: if readers are willing to pay higher prices, print will stay larger; if price increases are resisted, print may downsize even more. One course of action for authors is to memorize the telephone number of their house—if they haven't already—and/or have a few postcards always available with the CEO's name and address to give to readers who complain about print size so they can let publishers know of their dissatisfaction. There may even be an even better way. A recent letter to Dear Abby, the writer the delegated representative for a group of older readers, complained of the small print now in their favorite reading matter—romance novels. Why was this happening and how could they get the message that they didn't like it to publishers? the writer asked. Abby explained the increase in paper prices, suggested buying a magnifier but didn't give any advice on how to communicate unhappiness to publishers. Perhaps a letter to Abby—and her sibling Ann—could start one of the campaigns they do so well. The letter could suggest that unhappy readers send a postcard to the Editor-in-Chief, at the address on the flip side of the eye-straining book's title page, with the simple message: "MAKE THE PRINT LARGER!" After all, isn't the customer always right?

Evan's Looking for Trouble

Since Evan is so obviously looking for trouble, I thought I'd supply a modicum of it. In the June issue he states his preference for a bookstore with \$800,000 worth of inventory over one whose shelves are nearly bare, apparently meaning superstores versus independents. If we debate only the standpoint of inventory, he is unquestionably correct. Unfortunately, inventory is not the only factor at play here.

Yes, superstores may carry romances, and yes, superstores are a booklover's dream when it come to browsing. But superstores are wholly, entirely impersonal with their ever-changing Kroger-style personnel and supermarket tactics. They cannot possibly replace the independent owner who knows his clientele, informs them of the latest releases that might interest them, stocks inventory to suit his customers, and personally tracks down books he may not carry but a customer requests of him. The staff of independents can make a book a bestseller by word of mouth. I'm much more inclined to buy a book recommended by someone

LETTERS TO THE EDITOR

more inclined to buy a book recommended by someone I trust than from the impersonal bestseller racks at superstores. I'm also too much in a hurry to work my way through 800,000 books looking for one that might catch my interest. I can walk into some of my favorite independents and they'll know instantly which books I ought to look at because they've read them themselves and know what I like. If I'm looking for costume books, my independent will lead me directly to the few they have and if they aren't what I want, will go to their catalogs and order anything on the market. I might spend days in a superstore tracking down all the places they might hide costume books and still come away with nothing.

The point here is not whether one kind of store is better than another. The point is that we must have *choices*. I don't want to be deprived to choosing an independent over a chain. I like living in a small town. I don't want to live in a big city. I'll put up with the disadvantages of one because, to me, the advantages outweigh the disadvantages. I don't want my little town gobbled up by a big town leaving me with no choice in the matter.

Hasn't this world become homogenized enough that we would consider sacrificing still one more area of diversity in the interest of bigger is better?

— Pat Rice



Conference Update

Agents already confirmed for the conference (October 12-15) are Steven Axelrod, Maureen Moran, Damaris Rowland, and Karen Solem. Editors who lost no time in saying they were coming are Beth de Guzman (Bantam), Barbara Dicks (Fawcett/Ivy/Ballantine), Ellen Edwards (Avon), Carrie Feron (Avon), Ann LaFarge (Kensington), Denise Little (Kensington), Dianne Moggy (Mira), Hilary Ross (Penguin USA/Dutton/Signet), Jennifer Sawyer (Kensington), Judith Stern (Berkley), Jeanne Tiedge (Warner), Leslie Wainger (Silhouette), Elisa Wares (Fawcett), Marsha Zinberg (Harlequin).

Start exercising your autographing hand now for the two group signings scheduled during the conference. The only requirement is that you have a book available for order in October. The first signing will be Thursday, noon to 1:30, at Media Play, a multi-media superstore that is very author-friendly. There will be newspaper and other publicity by Media Play for the event. Authors unable to attend the signing can sign stock afterward. A Saturday afternoon signing from 1:30 to 3:30 will take place at the Rocky Mountain Book Festival. Attendance at the 2-day Festival last year was 40,000, and several booksellers are already interested in nabbing us for their booths. One of them, King Soopers, donates its profits to the literacy campaign. There will be plenty of publicity for this, too, and both signings are within easy walking distance of the conference hotel. All you have to do to reserve a spot at either or both is send me your name and pertinent book information (title, author, line if appropriate, publisher, ISBN) by AUGUST 1. Because of the ordering policies of the booksellers and the Festival, NO LATE RESERVATIONS WILL BE ACCEPTED. (One former husband and students who forgot their homework will tell you I have no heart.) Mail/fax your reservation to 14201 Skyline Rd. NE, Albuquerque NM 87123-2335/ 505-296-9139.

Please also mail/fax the name of anyone from your publishing house who is attending the Book Festival so that they can be invited to the Thursday night Booksellers/Reps cocktail buffet and schmooze.

— Patty Gardner Evans

POINT/COUNTERPOINT

Each month features a new *POINT*. Agreements and disagreements—the *Counterpoint*—will be published two months later to allow everyone time to respond. *POINTS* are always published anonymously to allow members to bring up controversial issues related to the writing industry without concern. Send the *POINT* you want to bring up for discussion and your response to this month's *POINT* to the editor.

POINT

Question — What seems to be becoming the favorite social event of more and more authors these days?

Answer — A whine and cheese party.

For some writers, a little venting goes a long way. For others, there's simply not enough time, conferences & on-line services to air all their grievances.

I'm not saying networking isn't important. Especially in this business where so many of us are physically isolated from the power centers of New York and Toronto. And granted, there are more and more legitimate reasons to gripe these days. Yet unfortunately, like flu, there seems to be a contagion to the anxiety and depression underlying all the complaints I've been hearing lately.

How much does complaining actually help one's situation? By repeatedly bemoaning their fate, don't chronic complainers cast themselves as victims? Isn't this emotionally disempowering? And couldn't it, in turn, sabotage career goals?

While on the other hand, high achievers—in business, sports, as well as in writing—appear to be positive-thinking people who focus on opportunity instead of on problems.

Is the seemingly continual information exchange making some of us obsess too much about print runs, advances, promotion, etc.? How much sharing is too much?

In COUNTERPOINT to May's POINT that a "Miss Manners for Writers" is needed:

Re: "Miss Manners" for Authors, Point 5 under Booksignings; "Buying fellow signers' books is a personal decision, but try to do so if the other author needs a boost."

What?!? I hope that any author who shares a book-signing with me will buy my books because he or she enjoys reading them, not because they feel sorry for me. I am a professional writer, and I don't expect to be coddled. And neither should any of the rest of you if you want to survive in this business.

— Pamela Browning

...COUNTERPOINT

The editorial "we" of May's *POINT* used to host Romper Room, right? The article was a clever lampoon of the passive insipidity of being polite while those around you are conducting business. If the boat doesn't rock a bit when you get in it, nobody's going to notice when you fall out.

Specifically, though, I must address the ludicrous idea that authors should thank reviewers, who have "donated their time for [us]." This is funny. Rather than just giggle, I do wish to pounce on this bit of satire. There's someone out there to take most anything seriously if it's in writing. Letting satire be printed unchecked is, I believe, exactly how the Jim Crow laws came into being.

Let's be honest about the beasts, shall we? Reviewers are to be ferreted out and set immediately on fire whenever possible. If you call their kids ugly, you may be able to entice them to dart outside into the yard where you'll have a chance to run over their piss-filled little faces with your snow tires. God, I love the smell of run-over reviewer in the morning. Their skulls are no more difficult to crush than the shell of a walnut...an author of book-length fiction can manage it with the mere effort of snapping your fingers. There's only stale air inside a reviewer's head, however. Were there something worthwhile to be done with the corpses, all reviewers would have been killed long ago.

While being sweet to other authors doesn't put any chocolate milk in my fridge, being polite to reviewers is like handing over my bare ass to a blind butcher. No thank you. Why don't we send candy and thank-you notes to IRS auditors instead? At least, they know how to read fiction. And government agents, by the way, sign their names on all indictments.

— Randy Russell

Honors and Laurels

Patricia Coughlin, Janice Davis Smith, Eileen Dreyer and Emilie Richards McGee are finalists for the Janet Dailey Award. The \$10,000 prize is funded equally by author Janet Dailey and HarperCollins and is awarded to a romance novel addressing a social issue. \$1000 of the prize will be donated automatically to the Romance Writers of America's literacy program.

Missing from last month's list of RITA finalists was Deborah Martin Gonzales.

A Moral Dilemma

(Continued from page 1)

Enforceability of moral rights is dependent upon the legislation of the applicable country in question. In order for Harlequin to operate on a worldwide basis and consistently treat authors on an equal basis, we decided that we would follow the U.K. approach that has such a clause in the author agreements.

In the U.S. since the law does not provide for moral rights for authors, the U.S. authors are being asked to waive rights that the U.S. law does not give them. However, we are requiring U.S. authors to sign since we are an international company doing business in a variety of places and we need to ensure consistency in our approach.

After having discussions with authors on why the waiver might be of concern, we realized that the foremost preoccupation was with the issue of attribution. So we've added a clause to state that we will always use our best efforts to acknowledge the author's name (or pseudonym) wherever the work is published.

I trust this will provide you and the authors that have expressed their concern or lack of understanding of the intent of the clause with enough of an explanation to feel comfortable in what they are signing.

Legal Opinion by Elaine P. English

You have been alerted to the fact that Harlequin is adding a new paragraph to its standard contract in which authors are asked to waive all moral rights in their work. As with waivers of any kind, an author should fully understand the scope of what is being given up before signing. To appreciate what Harlequin is proposing, it is essential to have some understanding of what moral rights encompass and how the laws in the United States and elsewhere protect these rights. This article will present information from which each of you may draw your own conclusions.

Moral rights are reputational, not economic rights, and are derived from the concept that the creator has invested his or her personality in the work which deserves protection separate and apart from any economic interest the creator may have. Under French law, where these rights were founded and are best protected, moral rights are conceived as perpetual, inalienable and imprescriptible (i.e., under French law, no waiver is possible).¹

"Le droit moral" encompasses four distinct concepts: attribution, integrity, dissemination, and retraction. Attribution includes the rights to be known as author of a work, to prevent others from falsely attributing to an author a work not written by him or her, to prevent others from being named author of a work actually written by author, to prevent others from using the work or the author's name in such a way as to adversely reflect on the

...an author should fully understand the scope of what is being given up before signing.

author's professional standing, and the right to publish a work anonymously or pseudonymously or at a later date, to change and use the author's real name. The right of integrity preserves the work from deforming changes by others. Dissemination and withdrawal recognize the rights of the author to control when a work is ready for first publication and permit an author to withdraw any published work which no longer represents the author's current views.

A form of moral rights has been embodied in the international treaty governing copyrighted works since it was written in 1887 (the Berne Convention). As most of you know, the United States finally became a signator to the Berne Convention in 1988. One of the reasons for U.S. reluctance to sign this international treaty was its concern about the adoption of moral rights.

The Berne Convention, however, does not go as far as French law in defining or protecting moral rights. Article 6bis of Berne Convention states:

Independently of the author's economic rights and even after the transfer of said rights, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to the said work, which shall be prejudicial to his honor or reputation.

As you can see, the Berne Convention recognizes only the concepts of attribution and integrity as moral rights. Berne also gives each country broad discretion in implementing and protecting moral rights by allowing each country to provide by separate legislation its own form of redress to protect these rights. Furthermore, nothing in the Berne Convention suggests that →

¹ Moral rights are also strongly protected in Germany and Italy.

A Moral Dilemma

(Continued from page 7)

moral rights cannot be waived.

Countries which are signators to Berne have taken different positions on moral rights. India and Switzerland have expressly adopted the language of the Berne Convention (section 6bis) into their statutory law. The United Kingdom, including Great Britain, Canada, and

other U.K. countries, according to most international copyright experts, have generally not provided very effective moral rights protection.²

The opposition from publishers and others in the U.S. was so strong that in its adoption of Berne Congress the United States made it clear that:

...common law principles exist in most every state which provide some measure of protection for an author to receive credit for his work and to protect the integrity of it.

adherence of the United States to Berne does not expand or reduce any right of an author to assert the rights of attribution and integrity in any copyrighted work.

Despite this language, which can be (and has been) reasonably interpreted to say there are no moral rights for creators under U.S. law, the United States had to guarantee that its laws would accord protection for attribution and integrity rights at least to the extent set forth in Berne Section 6bis to works whose country of origin is not the United States. Congress and the U.S. government made this required representation.

How can this be so, one might ask? While the copyright laws in the United States do not provide protection for moral rights, common law principles exist in most every state which provide some measure of protection for an author to receive credit for his work and to protect the integrity of it. Unfair competition laws, including Section 43(a) of the Lanham Act (the federal trademark statute) protect against a "false designation of origin" in the ad-

² Mr. Stevenson, Vice President for Administration and Legal Affairs at Harlequin wrote that Harlequin was "following the U.K. approach." While U.K. publishing contracts have contained moral rights clauses for many years, in my experience, those clauses typically deal only with guaranteeing limited credit and waiving remaining attribution rights; other moral rights are not waived. Thus far, I have not seen a trend among other U.S. trade publishers to include waivers of moral rights.

vertisement or offering for sale of a product or service. In some cases, this statute has provided relief when an author's name was removed, particularly when the name of another was substituted. Libel laws have also been successfully used when the name of a well-established author was taken and inappropriately used as a designation for a work not authored by him. Likewise, misappropriation, a form of privacy invasion, prohibits the use of a person's name or likeness to market a product without that person's consent. Other claims, including those relating to the editing or changing of a work, have been successful when based upon a breach of an implied contract theory.

In at least one case, *Gilliam v. ABC*, a Court of Appeals in New York strongly recognized that the federal copyright and trademark laws protect against the "mutilation" of a work. In *Gilliam*, the producers of *Monty Python*, a British television show, successfully sued ABC for cutting some 24 minutes out of its original 90-minute program and airing it in what they claimed to be such an inferior manner that the reputations of the producers were damaged. My research, however, turned up no cases from the United States Supreme Court on this subject. So while this protection for moral rights may not be completely uniform throughout these United States, there are theories under which the moral rights of a creator can be, and are, protected. However, that portion of the Harlequin clause that reads "Notwithstanding anything contained in the Agreement to the contrary" can reasonably be construed to mean that the author waives all rights otherwise granted in the contract to the extent that they are contradictory to the waiver of moral rights. **Something that could be interpreted as granting you moral rights, such as editorial review or credit obligation rights,**

Something that could be interpreted as granting you moral rights, such as editorial review or credit obligation rights, elsewhere in the contract will be superceded—negated—by this clause.

elsewhere in the contract will be superceded—negated—by this clause.

What does the future hold for moral rights? While there are no reliable crystal balls to predict the future of any legal theory and opposition to moral rights remains strong among the powerful publishing industry, one could reasonably say there appears to be a trend toward recognition of and greater protection for moral rights.

Case law under the theories outlined above continue to develop in a positive manner, and at least with respect to visual and fine arts, legislatures are enacting statutory protections for moral rights. Nine states have statutes protecting the integrity of works of fine art and Congress in 1990 passed the federal Visual Artists Rights Act providing recognition of strong moral rights for artists who produce works of fine art (at least in limited editions). On the other hand, film producers have tried unsuccessfully for years to get Congress to enact legislation to protect against colorization as a mutilation of the integrity of the original film. Existing statutory and case law focus primarily on visual creations, the concepts, however, should be the same for textual works.

There is one important caveat to this positive trend in legal protection. Most of the courts which have addressed the issue of moral rights have in the process also closely examined any contracts between the parties for the licensing of economic rights. Any contract provisions regarding attribution or editing rights will be strictly construed and given full effect. Therefore, it is reasonable to assume that any waiver, such as the one Harlequin is asking its authors to sign, will be given full effect.³

Harlequin has suggested that its proposed contract provision is necessary to ensure fair and impartial treatment of its authors in all countries.⁴ What Harlequin is offering will certainly accomplish that—it will take away from all authors whatever moral rights currently exist or may later come to be recognized. Harlequin's problem is that the laws currently are not

...reducing everyone to the lowest common denominator does not seem a fair resolution.

uniform, leaving it with greater risks in its dealings with some authors than others. This problem, however, is not the authors', and reducing everyone to the lowest common denominator does not seem a fair resolution. Any individual author may decide that the compensation offered in a particular publishing contract is appropriate (or perhaps generous) for the rights granted, including moral rights; in that case, the author should definitely sign. But now that you understand what you are giving up, only you (with the help of your agent) can make that determination for your next project.

Elaine P. English is an attorney in private practice in Washington, D.C., where she specializes in publishing and media law. She has over eight years' experience reviewing and negotiating publishing contracts for authors of both nonfiction and fiction projects.

³ You should also be aware that a waiver of moral rights can be accomplished in more subtle ways. For example, a contract that does not guarantee credit to an author, will in effect, be a waiver of that author's attribution rights. Also, a contract giving a publisher unfettered editorial control over a manuscript could be viewed as a waiver of the right of integrity.

⁴ Under most choice of law principles, it seems clear that the law of the country in which a work is created will control regardless of where the work may later be published. An exception would be a country which has a law applying its moral rights law to all works published in that country regardless of country of origin.

Mr. Stevenson's response:

There is nothing in the opinion that I think requires me to provide a rebuttal from a legal standpoint but rather there are a few items that could benefit from some further clarification.

When I mentioned that Harlequin would like to follow the U.K. approach, I was referring to the agreements that our U.K. authors have been executing for over a decade. I was not attempting to imply that this was necessarily the approach taken by all U.K. publishers.

Ms. English was impartial enough to point out that the laws around the world are not uniform. This presents Harlequin with risks that other publishers may not have to bear. We publish in over 100 countries and you can imagine the difficulty it creates. The author executes one agreement in order that a book be published around the world. The time and effort required to execute separate agreements for each individual country based on the status of their moral rights legislation or other legal impediments would be too cumbersome for this organization, and those of its licensees and partners, to administer. At the moment, authors in the U.S., as Ms. English points out, generally have their moral rights construed on the basis of the law as it exists in the U.S.A. and therefore are generally waiving a right which is not protected. ➔

A Moral Dilemma

(Continued from page 9)

Harlequin, since its beginnings in 1949, has attributed the works it publishes to either the author or the author's selected pseudonym and have always worked on a close author/editor relationship in order to produce the highest quality work possible. We have no intention of changing this operating process now or in the future. I do not think it fair to say that reducing our legal risk on an international basis is our problem and not the authors'. We have listened to the author community and have made some changes to the contract that authors are enthusiastic about, including some royalty rates. We tried to create a document that best protects all of our interests within the confines of international publishing based on a single contract.

18 Other Changes to the Harlequin Boilerplate in the Order in which They Appear:

1. Copyright in perpetuity
2. Only publisher has right to sue for copyright infringement and to collect damages
3. Publisher increases time to publish work from 24 to 36 months
4. Publisher may hold up publication of all work if any work is in litigation
5. In settlement of a suit for violation of author's warranty where author and publisher cannot agree on how to divide damages and expenses, publisher will divide costs equally
6. Grants publisher exclusive right to any pseudonym or, if author using own name, author cannot use own name on another category romance by another publisher for 18 months; also grants non-exclusive right to author's real name
7. Instead of receiving advance on signing, proposal and delivery of manuscript, payments will be made on signing, delivery of manuscript and publication
8. For royalty purposes, "net copies sold" will not include copies "shipped for which payment has not been received and has been deemed a bad debt and uncollectible"
9. Digest royalties in U.S. lowered to 2%
10. Publisher may use excerpts of up to 7500 words instead of 750 words without author compensation "for the purposes of advertising and promotion pertaining to the Work."
11. No limit on the reserve against returns publisher can keep
12. Overpayments on the book covered by the contract may be recovered from the profits on any other book
13. Reduces the time required for a book to go out of print from 7 to 6 years but increases the time publisher has to respond to a reversion-of-rights request from 9 to 18 months.
14. Option review period increased from 60 to 90 days
15. Missing language: language stating what happens to book in the event of a bankruptcy removed
16. If any provision of contract declared invalid by a court, other provisions still valid
17. Details of delivery of manuscript have been moved to Schedule A: increases manuscript review time from 60 to 90 days
18. Decreases author's rewrite time from 60 to 30 days; increases publisher's rewrite review time from 60 to 90 days

Agents Respond to Contract Changes

Several agents with a number of romance writers among their clientele are taking a hard-nosed stand against the changes in the Harlequin boilerplate. As one of them commented, it is always the author's decision to accept any publisher's terms because it is the author who signs the contract; nevertheless, the agent adds, "*I encourage Novelists, Inc. and all your authors to hang tough. You have so much power if you work together.*"

Advocacy Report

By DEBORAH CAMP

Remember last issue when I warned, eh, alerted you that I would need each and every one of you to help Novelists, Inc. in an informal survey?

Now is the time. So, consider yourself drafted.

(Don't you dare stop reading now!) Your assignment is simple. If you have a "superstore" in your area, pop in for a look-see. Take along a pen and pad and jot down a few notes while you check out the different sections of fiction and look to see if they are representative of the current titles/lines/series on the market. Not just reprints or the bestsellers, mind you. But are there midlist books? What about the series: are all the books there or only a couple? Are *all* the Silhouette Desires or Harlequin Superromances or Loveswepts there for the current month?

Send your conclusions to the Novelists, Inc. P.O. Box. Mark your envelope "Superstores" so we can route it to the right person. Me.

Next check out the area used book stores and new book stores. Look to see if any new hardback novels and/or ARCs are being rented out. If so, jot down the title and author and ask the bookseller to give you an idea of how many customers have rented that book. Also list the amount charged for renting it. While you're in the used book stores, check to see if any romances are on the shelves which are not yet available at retail outlets. If so, ask the bookseller how many times that title has been bought. An estimate is fine. Send that information to the post office box and mark the envelope "Rentals." Yes, you can combine all these into one envelope, but mark it accordingly, okay?

What are we up to? Simple. We're trying to get an idea of what is happening out there in our friendly neighborhood book stores. We know that hardbacks and ARCs are being rented, but we'd like to know if this is a widespread practice. We know that used book stores sell book club romances (shipped months early) before they are available in retail outlets, and we'd like to know how this might impact an author's sales.

There's nothing sinister going on—we hope. We would like to determine if we should be concerned or shrug off these practices. Your legwork, time and a postage stamp can help yourself and your fellow authors

immensely. So, please, don't read this then forget it. Follow through.

Depending on the response, we will issue a report on these findings.

While I'm at it, what's on *your* mind? What's bothering you? Any complaints or concerns? Your advocacy committee is here to address those, so write a letter detailing your beef and we'll look into it and get back to you. Honest. Maybe we won't change a darn thing, but we *will* consider each matter and respond.

Until then, your advocates will be waiting for those cards and letters, so get busy!

After a brief hiatus due to major client dissatisfaction, Eugenia Panettieri was agenting again under the name Genie Fulton. The hiatus will be longer this time: in late June Panettieri was arrested and indicted for embezzling thousands of dollars on charges brought by NINC member Connie Laux. Present or past clients who wish to relate their Panettieri experiences should call Detective Taylor of the Hampton, Virginia Fraud Squad, 804-727-6602.

Whenever you are agent-shopping, remember to consult the NINC *Guide to Agents* and the Advocacy Committee—Deborah Camp, chairman.

Highlights of the May 3, 1995 Novelists, Inc.

Board of Directors' meeting:

1. Responding to a member request that *Romantic Times* reviewer Melinda Helfer be invited to attend the conference, the board decided they could not violate NINC policy of inviting only editors, agents and speakers.
2. The board was made aware that restrictions established by the Authors Coalition preclude that money from being used on the conference.
3. A new membership brochure design and mass mailing to prospective members was approved.
4. As a result of a protest filed by a photographers' organization, a small portion of the Author's Coalition money will be placed in escrow until claims are decided. New monies will not be affected and will be distributed as planned.
5. An updated Agent's survey will be conducted.

To obtain a copy of the full minutes of the Board of Directors' meeting, send \$2 plus SASE to the P.O. Box. For an updated copy of the Bylaws, send \$2 plus SASE. For a copy of the Treasurer's Report, Send \$1 plus SASE to the P.O. Box.

Science The Easy Way

By MARJ KRUEGER

How to research science the easy way? To be honest, there is no easy way, but there are some short cuts.

But why, you may ask, do you want to use science in your work? The quick answer to that is, to make your work better. To avoid errors. To solve plot twists. But you can't, unless you know enough.

Suppose your character has adopted the child of a friend who has died. Now a man comes, claiming he's the child's father; what do you do?

Well, grin, if you want to make it easy on yourself, have him claim that he has type AB blood—the same as little Gardenia—and since that is an extremely rare blood type, what more proof does he need? After all, the mother was type O, and everyone knows that's recessive, so the child inherited only from him.

If you know your genetics (or your character knows to do a little research) you know he's whistling Dixie through a solid wall. O is recessive, as he claims. O will not be visible in the child if a dominant gene is present. Nonetheless, an AB father and an O mother will not have an AB child. (And if you really know your genetics, you'll know that there's a Gotcha in this. Grin. Keep reading.)

How about prostheses? Some of the new ones are totally fantastic. Have you read about the ear implants? The voice driven wheelchairs? The experiments on electrodes in the visual area of the brain that someday may make a blind person see? Perhaps one of your characters can be saved from the villain when a character with a prosthesis uses the extra abilities of the device to save the day.

What about anthropology? Most folk have heard about voodoo, but that's only one well-known form of cultism. There are a myriad of obscure customs practiced by various small groups, and even today some people still believing in them can have immigrated to this country. (Or more important. A couple of years ago, a UT student taking his spring break in Mexico was tragically killed—sacrificed—by a small cult there.)

Then there's computers. Advances in medicine. Flood control. You name it.

How do you find out?

As I said, there is no one easy way, but there are short cuts. If you're lucky, the local library, or better still, the local university, will have researchers willing to help. The best source is always an expert willing to share time and knowledge. Or pass you on to the specialist who can explain it all, simply and understandably. Lucky you, if you can find one. A lot of those folk think in pure sesquipedalianese. (My favorite definition of sesquipedalian? A person who tends to use words like sesquipedalian!)

While looking for experts to pick their brains, don't skip the unobvious. A doctor or a nurse is obvious. A health insurance claims adjuster isn't. As an adjuster, my daughter had to memorize medical terms and the like. After working there for a while, she could rattle off diseases, treatments, side effects, etc. Similarly, many government employees have some area of expertise, and at least will be glad to send you booklets. Fish & Wildlife, NASA, Department of Agriculture, and so on and so forth.

If you live near a science museum, that's another source. Oak Ridge has a nuclear museum worth as much time as you can manage. Children's science museums are especially useful, and don't forget to check out the gift shop, which often has the newest science books for inquiring minds.

Then there's the local library, and those horrible tomes in the 500 and 600 sections. Some are meant for lay folks, but many seem written for postdocs in that particular field, ouch.

One science writer you can depend on to make it understandable is Isaac Asimov. He's dead now, sadly, but many of his books are still in print. And while time marches on with science, at the basic levels most of it stays the same, unless somebody comes along and blows Newton out of the water, the way Einstein did. The way Hawking may yet do to Einstein.

So look for any book by the sainted Isaac. Some of his will be assortments of subjects, usually from the column he wrote once a month for the *Magazine of Fantasy and SF*. These will be mixed bags. Good if you are looking for something interesting to add to a conversation, or just general knowledge. But he's a skilled writer, and makes it all both easy to understand and fascinating.

Why do you want to use science in your work? ...to make your work better. To avoid errors. To solve plot twists.

Some are on a single subject, and you can be sure it's the pure dinkum, or was at the time it was written. His encyclopedias cover the bare basics, can give you a sprinkling of technicalese. Even the best author, when trying to cover broaaaaad ranges, of necessity hits everything lightly.

Then there are the Time/Life books. You probably have seen them at your local library. They are big jobs, coffee table books. Inside, they are profusely illustrated with pictures and graphs. They don't take long to read, because of said illustrations, but once you've finished, you'll have a solid grasp of the subject.

...don't skip the obvious

There are several series of these. One on natural history, one on science, one on early man...the science in them is always meticulous, the explanations aimed at the total lay person, and they are fun and interesting reads. The one down side is, the science series is years old, and some new discovery may have been made, or new theory validated, and what you are reading is now outdated. But to give yourself a solid grounding, in anything from optics (a wonderful field, because it is totally mathematical) to genetics, you can't beat the Time/Life books.

Another shortcut is the children's section. Not all the way down to the learn-to-read picture books. "The sun is hot. The sun makes plants grow." Not exactly the breakthrough information of the century. But YA science books are written at an easier to understand level than adult books, and the next level down is even easier.

Of course, the younger the book is intended for, the less usable info it's likely to have. But pick the lowest level you can easily absorb, and then work your way up until you are gleaning in fertile fields.

Once you've learned something, it's yours. Maybe you can use a twist on it again, or more than once or twice.

You may even find yourself enjoying browsing in the 500s. There is some wonderful stuff there. I'll never forget the first time I picked up a Jane Goodall book. The next best thing to living among the chimpanzees (and baboons) yourself.

One word of warning for the browsers: you may occasionally find yourself reading something that tears at your heart. I started a book called *The Mountain People*, by Colin Turnbull, a well-known anthropologist who is still writing excellent, readable books. But this one was about a successful genocide. A culture and tribe that were deliberately destroyed by their government. It was sick making. Worse, by the time I read it...by the time he wrote it...it was done. Finished. The culture was gone, and the few individuals who survived were scattered out, lost and alone. It was a scarifying experience, just reading about it, and I can't guarantee that there might not be another mine field or two lurking in

those innocent-seeming 500s.

Which reminds, a word to the wise re interns' syndrome. If you read too many medical texts, you will undoubtedly start finding symptoms of the most obscure but horrible diseases, in yourself and your loved ones. Don't worry. This always seems to happen. If it really looks like the symptom needs checking out, do so. Otherwise, don't worry about that leprosy. You almost certainly don't have it, unless you've eaten an undercooked armadillo lately. (Another odd scientific fact: Armadillos do carry leprosy; they are the only animal that I have heard of that does.)

Speaking of medical texts, your local AMA probably has a zinger of a medical library tucked away somewhere quiet. If you want to do really deep research, they're wonderful resources. My local one includes even British medical publications going back at least a century.

But this isn't intended to be about deep research. It's intended to be helps to getting into the subject, for people whose last brush with science was in 9th grade, with the required Intro-to course.

But science, or knowing about it, can be personally useful. My father was a chemist, and he and his best friends were on their way out to dinner. His friend commented, "Say, Jerry, my son David sure enjoys that chemistry set you gave him. Tonight he's working with carbon, sulfur, and, oh yes, saltpeter." My father didn't say a word, just turned around and headed back to their house ASAP. In case somebody doesn't recognize it, those are the ingredients of gunpowder. And yes, that's what the brat was trying to make.

Which reminds, don't overlook the obvious. If you or a close friend have kids, those kids will have textbooks. And those textbooks can be interesting sources of usable info.

Then there is always the weekly magazine, *Science News*. This is just what it sounds like, a short roundup of this week's discoveries.

Most of it will be some little addition to what you already know, but who knows what gems are lurking. But this is only for those who have worked their way up.

DISCOVER and *The Futurist* are other good sources. Trouble is, they have chosen the subjects; if you're looking for something specific, stick to texts.

Source Texts? I like the *AMA Medical Encyclopedia*, and *Van Nostrand's Scientific Encyclopedia*. My husband still has his *Mark's Mechanical Engineers Handbook*, just about every detail about everything for the engineer. The *Visual Dictionaries* of various kinds, and the *Cross sections* books, *The Way Things Work*, and the other Macauley books (*City*, *Pyramid*, *Castle*, etc.) can be very useful. (How did they build those pyramids?) for ➔

Another short cut is the children's section.

Science The Easy Way

(Continued from page 13)

a real laugh, read *The Motel of the Mysteries*, which is “an archaeological dig of several hundred years in the future,” including an ROTF parody of Frau Schlieman and the treasure of Troy. (OK. She has a toilet seat around her neck. Sue me; I have a dreadful sense of humor.)

Who else? John Gribbon writes clearly and logically, and has good popular science books out on a variety of subjects, including the latest in quantum mechan-

ics. Young’s *Life of the Vertebrates* is an older work, but tells you just about everything you need

...browse, and find out what interests you.

to know about animals, living and dead.

Don’t forget the *Physicians Desk Reference*, though you’ll need a good medical dictionary to go along with it.

For astronomy, you can’t beat Patrick Moore’s illustrated books. *Travellers in Space and Time* and *Stars and Planets* are favorites of mine, a little dated by now, but beautifully done. (Want to gasp in awe? Just flip through any of his!)

My best advice is to browse, and find out what interests you, and work on from there. Biology, genetics, the soft sciences such as anthropology and archaeology fascinate me. Chemistry leaves me cold, though it shouldn’t.

I don’t have one yet, but CD-ROMs are going to be the next best way to research. There’s one that has cross sections of a human and his organs. (Male, of course. Sigh.)

And the online networks continue to develop useful stuff. Prodigy has just come out with a sector called *Homework Helper*, which claims to be able to tell you everything you want to know about anything. I haven’t tried it yet, but it sounds like pure gold!

Finally, what is wrong with the AB father claiming the AB child? Since the mother is O, and everybody knows that O is recessive, i.e., if the recessive is present along with its dominant, only the dominant “expresses,” that is, shows up. OK. Short lesson in genetics. All genes are part of matched sets; they line up in matching chromosomes. (Except for the sex pair, which is another story.)

In other words, whatever the gene, you have two of them, and those two, together, control whatever it is, from blood type to freckles or lack thereof.

There are only three kinds of blood type genes, A, B, and O, and six possible combinations of those three genes. If you have AA (both genes are A), or AO (one gene A, one the recessive O), your blood will test as A type blood. Period. If you have BB or BO, likewise, your blood will test as plain B. If you have AB (one each A and B) your blood will test AB because A and B are co-dominant, each showing even if the other is present. Only if you have OO, will your blood test as O.

The rules of genetics are strict. You get one of each pair from each of the parents, except in the sex genes where boys get shortchanged on one chromosome. That’s what makes them boys and not girls. So a child of an AB parent and an OO parent only has two possible gene combinations: AO and BO. Voilà. Little Gardenia, type AB canNOT be the child of someone with O blood. Her mother must be A, B, or AB.

Either the person who was supposed to be Gardenia’s mother isn’t, or she didn’t have O type blood as claimed. QED.

Marj Krueger is the author of Leviathan’s Deep.

With the full merger of Borders and Waldenbooks this fall, there has been concern about the status of Walden’s weekly genre bestseller lists. Judy Spagnola, Waldenbooks’ romance buyer, assures that the romance list will continue, and, hopefully, so will the other genre lists. Less certain is the future of Walden’s “Weekly Top 50 Bestselling Titles by Category” lists. On a recent mass market list, one third of the titles—including a number of series romance titles—were by NINC members. Many publishing houses and authors monitor these lists, finding them useful for gauging sales and contract negotiations. The traditional bestseller lists like *Publishers Weekly’s* and *New York Times’* are inadequate; Ingram has replaced its 800# with BookFax, a fee service that no longer provides adequate information, and the *USA Today* list, while better, isn’t enough. NINK will report next month on best-seller lists in general and the merger effects on Waldenbooks’ and Borders’ lists in particular.



Online is going to be edited by Brenda Hiatt Barber. Brenda is—literally—in transit at the moment and does not have a mailing address. Her e-mail address is permanent, however: BrendaHB@aol.com and k.barber2@genie.geis.com. If you have any news on new computers, components, programs, peripherals, online shortcuts and services or anything else computer-related, send it along to Brenda. Another member is learning the ins and outs of Internet Assistant and may be able to facilitate getting Novelists, Inc. a home page on Internet's World Wide Web.

If you want to sample the options available in the online world, you might be interested in Online Discovery, a \$49 CD-ROM that has a communications and fax program as well as software and free trial subscriptions to CompuServe, America Online, Prodigy, GEnie, Netcom (for an Internet access) and several other services.

Information is available by calling 800-329-9675. America Online offers a free trial membership by calling 800-782-9500. CompuServe offers a free trial membership by calling 800-487-8942.

Two current actions may quiet some online conversation. A New York court ruled recently that Prodigy will be considered a publisher in a \$200 million lawsuit, thereby responsible for an allegedly libelous message posted by one of its users. Prodigy is appealing. Senate Bill 314, the Communications Decency Act of 1995, now working its way through Congress, seeks to control minors' access to the sexual material available online by making service providers, carriers and, possibly, publishers control access or face fines and possible prison terms. Many view this as a threat to freedom of speech.

DISPATCHES FROM THE FRONT

Dispatches from the Front is a "war stories"-type feature. If something funny, black comedy to slapstick, happens to you, send it in. Anonymity will be preserved, of course, if you desire it.



R-E-S-P-E-C-T

By LAURA RESNICK

I'm at a party. It's the early part of the evening, the part where everyone tries to remember everyone else's name and, as conversation stalls, asks what they do.

"I'm a writer," I answer.

Two people who look quite sensible ignore this improbable response. A gullible-looking guy says with a slightly baffled smile, "Oh, how nice. Have you ever had anything published?"

"Um, yes. You asked what I do for a *living*, right?"

A woman wearing too much mascara and a really little spandex top says, "I've always thought I would make a great writer."

"Oh, really?" I can't remember her name. Bambi? Buffy? "Are you interested in writing?"

"I just think it would be so *neat*."

The two sensible-looking people slip away. The gullible guy corners me and says, "I've got a great idea for a book. My life story."

"Sorry, I'm a novelist," I say. I decide I must be clearer about this from now on.

I'm in a restaurant, exchanging news over dinner with an old friend. As we are leaving the restaurant, our waiter rushes over to talk to us.

"Excuse me, are you ladies writers?" he asks.

My friend says, "*She's* a writer."

"A novelist," I say quickly.

"I overheard you talking, and it's just that...I'm so interested in writing. I'm working on a novel."

"That's great," I say. "Good luck to you!"

"Tell me about your novels."



DISPATCHES FROM THE FRONT

(Continued from page 15)

Where to start? "Well, I write romance and fantasy."

His smile fades. He looks like he's just eaten some bad fish.

I ask, "What kind of writing are you interested in?"

"Oh, I'm writing a *real* novel, you see."

He turns away, disappointed not to have met a *real* novelist.

I'm at an outdoor dinner party on a beautiful, breezy summer night. The man who's just sat down next to me asks what I do for a living. I cut to the chase and tell him I write romance novels.

"Good God! Not those Harlequin-type things!"

"Well, not anymore, but, yes, that's how I got started."

"Good God!" He snorts and takes his plate inside.

In an airplane somewhere over the Great Plains, I am prepared for the question asked by the passenger sitting next to me.

"I write science fiction/fantasy," I say, tired of snorting men.

"Really?" He's thrilled. He just happens to be some sort of aerospace engineer who desperately wants to share his great idea for a science-based alternate worlds novel, an idea somebody *must* write.

"Sorry," I say. "I'm a fantasy writer and I have *no* interest whatsoever in science and technology."

He explains his idea enthusiastically for the next two hours, chuckling every time I insist I don't understand a word of this and am really, truly, honestly never going to write this book.

I'm at a party. Someone asks what I do for a living. This time, I am prepared.

"I wait tables," I say.

"Hard work, I'll bet!" he responds.

"Yeah, I really respect waitresses. The patience and stamina they must have!" another person chirps.

"Boy, I'll bet you get some tough customers on a Saturday night! I don't envy you dealing with that!"

"Do you like the job?" someone else asks.

"Well, you know," I say, "it beats a poke in the eye with a sharp stick."

Laura Resnick is currently writing two fantasy novels for Tor Books. Her next romance novel, Fever Dreams, will be released by Zebra in 1996.

For a one-year subscription to *Novelists' Ink*, send your request and \$50.00 to Novelists, Inc., P.O. Box 1166, Mission KS 66222-1166.

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