

WHAT IS THE AUTHORS COALITION? (and how does Ninc benefit when we fill out those pesky forms?)

BY MARIANNE SHOCK

Every year, along with your dues renewal, you receive the Authors Coalition survey form. If you've read the survey's introductory paragraph, you know that Novelists, Inc. has been working with other author groups to reclaim foreign non-title-specific reprographic royalties, has received X-number of dollars the previous U.S. year, and has used those dollars for your benefit. You are told that your prompt and accurate answers to the survey will determine how much money Ninc will receive the next year.

But just what is the Authors Coalition? Who are the other author groups? What is a non-title-specific royalty and why does it need reclaiming?

The Authors Coalition of America is a not-for-profit limited liability company. It is also a partnership, and as such,

does not have officers or a board of directors. Each of its fifteen Member Organizations (author groups) appoints a representative to speak for its interests, with the day-to-day business conducted by an Administrator who acts as Managing Partner. Because the Coalition is a "pass through" company (one in which revenues pass through to the partners) the value of each group's equity share is minimal—1/15 of the year-end cash, the unspent reserves for expenses. This year-end equity is then distributed to the part-

ners with the first distribution of the next year's royalty revenues. In other words, we forward every possible dollar to the Member Organizations for the benefit of authors. We consistently operate at less than five percent of revenue.

A Short History Lesson

The Coalition was officially incorporated in November, 1994, by ten authors' groups representing text writers, song-

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To Write or Not to Write...

BY SANDRA KITT

With acknowledgment and apologies to Shakespeare and Hamlet, *that* was the question. Whether or not it was nobler to insist on writing what I wanted to write—or to bend to the will of editors? The dilemma had become part of my reaction, in a tangential way, to the terrorist attack in New York on the morning of September 11, 2001...an event already shorthanded to 9/11.

Like the emergency it is normally used for, I had been doing my own 911 career triage for weeks prior to the 11th. My concerns, however, were quickly overshadowed by outrage and sorrow, and mourning the loss of some 6,500 lives. My author's angst became petty and irrelevant in comparison.

As a writer monitoring the sometimes odd and capricious nature of publishing, I had begun to wonder,

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Novelists, Inc.

FOUNDED IN 1989

Advisory Council

Rebecca Brandewyne†
Janice Young Brooks†
Jasmine Cresswell†
Maggie Osborne†
Marianne Shock†
Linda Barlow

Georgia Bockoven
Evan Maxwell
William Bernhardt
Victoria Thompson
Steven Womack
Julie Kistler
Carla Neggers

† Founder

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

2001 Board of Directors

PRESIDENT: Barbara Keiler
32 Atkinson Lane
Sudbury, MA 01776-1939
Ph: (978) 443-0770
Fax: (978) 443-0775
b.keiler@juno.com

PRESIDENT-ELECT: Pat Rice
4100 Kingswood Road
Charlotte, NC 28226
Ph: (704) 341-7478
Fax: (704) 341-6195
Price100@aol.com

SECRETARY: Kathy Chwedylk
1215 Fairmont Court
Algonquin, IL 60102-1946
Ph: (847) 658-0732
KChwed@aol.com

TREASURER: Linda Kay West
204 Chaucer Lane
Mandeville, LA 70448
Ph: (985) 674-9298
Fax: (985) 674-0109
l.k.west@worldnet.att.net

NEWSLETTER EDITOR: Pamela Browning
7025 Quail Hill Road
Charlotte, NC 28210
Ph: (704) 643-6930
Fax: (419) 831-1345
write2pam@aol.com

ADVISORY COUNCIL REPRESENTATIVE:
Georgia Bockoven
3324 Zircon Dr.
Rocklin, CA 95677-4725
Ph: (916) 624-7333
Fax: (916) 630-1145
gbockoven@jps.net

CENTRAL COORDINATOR: David L. Brooks
Novelists, Inc.
P.O. Box 1166
Mission, KS 66222-0166
Fax: (913) 262-6435
E-mail: ninc@kc.rr.com

Website: <http://www.ninc.com>

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THE PRESIDENT'S VOICE.....

My firstborn has flown the nest. He's a college freshman (excuse me—a "first-year student," according to current PC lingo), and his departure has me ruminating on the past eighteen years. I can't think about his life without thinking about my writing career, since they have paralleled each other. Six days after selling my first novel, I found out I was pregnant with him. He and that first novel were both October '83 releases. He has never known a life in which his mother wasn't a full-time novelist.

When he was an infant, I used to balance him across my knees, nurse him, and write simultaneously. He'd suckle and watch the amber cursor glide across the tiny black screen of my Osborne-1. Once I finished printing a manuscript on my Epson dot-matrix, I would tear off the tractor-feed strips and let him play with them. They were like confetti to him; he'd tangle himself in the paper strands, giggling with delight. When he got older, I would let him color on the backs of my rough-draft pages with his crayons. Needless to say, he had a lot more scrap paper to color on than all the other kids.

Unlike the working mothers of his friends, I was always home, my office just across the hall from his bedroom. He got to see, up close and personal, what a writer does. It never seemed strange to him that his mother spent hour after hour, day and night, lost in a make-believe world where characters and their problems were as real to me as he was. He lived through festive dinners at which I uncorked a good wine and announced a new contract, morose dinners at which I battled tears over a rejection, and three long years when my career stagnated to such an extent that I considered quitting. I didn't quit. Writing had been my lifelong dream, and I could no more abandon it than I could abandon my family.

My son learned that as much as writing was my job, and occasionally my torment, it was also my refuge. When my sister became ill, he understood that I could escape the pain of watching a loved one suffer by crawling into the cave of my writing, hiding there for a few hours a day, surrounding myself with characters and situations over which I had some control. He saw me write comedies when my heart was broken. He learned that hard work can be one's salvation.

Last spring, when I received a sample cover flat for my first single-title novel, his younger brother looked at my pen name, embossed in magenta foil across the upper half of the cover, and said, "Your name is so pink." My older son, the one who grew up with my career, looked at the cover flat and said, "Your name is so *big*." Over the years, he'd obviously figured out what was important in this business.

So now he's at college. He's a superb writer. He can skillfully bull his way through any essay a teacher might assign, and he wrote a couple of clever short stories back in primary school. But he has no interest in becoming an author.

I consider myself immeasurably lucky that I've been able to sustain a full-time career as a novelist for the past eighteen years. I consider my son equally lucky that he'd rather do other things. Writing is not his calling. As someone who has been a slave to that calling, I'm relieved. I love being a writer—it's the perfect life for me—but I wouldn't wish it on my son.

— **Barbara Keiler**

AC...AND HOW DOES NINC BENEFIT

► ► ► ► *Continued from page 1*

writers, and visual artists. Ninc was one of those founding organizations. At present, our partners are: American Society of Journalists and Authors, Artists Rights Society, The Authors Guild, The Dramatists Guild, Garden Writers Association of America, Mystery Writers of America, National Writers Union, Novelists, Inc., Romance Writers of America, Science Fiction and Fantasy Writers of America, Sisters in Crime, Society of Children's Book Authors and Illustrators, The Songwriters Guild of America, Western Writers of America, and Text and Academic Authors Association. Collectively, we represent over 105,000 published authors, artists, and creators.

There are membership requirements: An authors' organization with 500 or more published members that is national and does not discriminate will likely satisfy the Coalition's membership qualifications.

Reprographic Run-Through

Before I explain how we came to be, what we do, and how and why we do it, I should address reprographic royalties and Reprographic Rights Organizations, for without them, there would be no Coalition.

Reprographic Royalties are fees

collected world-wide from persons and institutions photocopying copyrighted materials for distribution to rights-holders. United States authors are not as familiar with this type of compensation as authors in the rest of the world. We are more familiar with signs posted in copy shops that inform the public it is unlawful to reproduce copyrighted materials. We are also more familiar with "users" (schools, governments, industry) claiming that the materials they copy for internal use are excused from compensation to rights-holders by volume or intent under the Fair Use section of the United States Copyright Act. More on that later.

Who are the collecting agencies and how do they work?

Reprographic Rights Organizations (RROs) began in the 1980s, an international response to the need to license wide-scale photocopy access to copyrighted materials when and where it was impractical for rights-holders to individually grant authority. Outside the United States (where authority to license is strictly voluntary), the goal is to accommodate institutional users and compensate rights-holders, both publishers and authors.

In many countries, RROs operate on a statutory basis by authority of national legislation. This is called *non-voluntary licensing*. If the royalty rate is determined

in the legislation, it's a "statutory licensing system;" if rights-holders can negotiate the royalty, it's a "compulsory licensing system."

Absent statutory authority, RROs operate *voluntary licensing systems with backup legislation*. Here, the RRO licenses with permission of the rights-holders. Because it is impossible to obtain express permission from every rights-holder in a country, there is legal support for collective administrations to act on the behalf of those rights-holders not individually represented. Under this system, rights-holders set the royalty compensation and retain the right to refuse permission to copy.

And then there is the United States, where, as I've stated above, authority to license is strictly voluntary. But we'll come back to this later.

Typically, there is one RRO per country. There are exceptions. In Canada, for instance, one RRO administers licensing in the English-speaking provinces, another in the Quebec area. In other countries with two or more RROs, each specializes in a specific sector. One may administer strictly in the education sector, with the second administering everywhere else.

In Sweden, BONUS is the collecting agency for text works, BUS the agency for visual arts, graphics and ► ► ►

INTRODUCING.....

The following authors have applied 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 NINK issue, these authors shall be accepted as members of Ninc:

New Applicants

Ann Schuessler (*Ann Roth*), Seattle, WA
Jen Holling, San Antonio, TX
Dennis Foley, Whitefish, MT

New Members

Marty Ambrose, Bokeelia, FL

Geri Borcz, Pensacola, FL
Barbara Hannay, Townsville, Queensland, Australia
Janelle Burnham Schneider, Kingston, Ontario, Canada
Elizabeth Doyle Fowler, Cedar Creek, TX
Claudia Welch (*Claudia Dain*), Raleigh, NC
Kris Neri, Granada Hills, CA

**Ninc has room to grow...
recommend membership to
your colleagues. Prospective
members may apply online at
www.ninc.com.**

And the winner is....

Earlier this year, Novelists, Inc. announced a contest: Any Ninc member who recommended three new members would be entered in a drawing for a year's free membership in Ninc.

Congratulations to Susan Crosby, the winner



BREAKING NEWS

BY OLIVIA RUPPRECHT

It's occurred to me in the past that by the time this column reaches its audience, it's more an update on past occurrences than a "this just in" news flash. That seems truer than ever since the events of September 11. Tracking the changes in publishing via sources such as *Variety*, *Publisher's Weekly*, *The New York Times*, *Publisher's Lunch*, *The Wall Street Journal*, and others, the mood and state of the industry reflect a noble rebounding.

Initially, some major tours were canceled, Anne Rice's included. Richard Curtis was quoted on September 22 in the *Boston Globe* as saying, "We really just got back to work this week. It has been very quiet. Most of U.S. are tending to whatever part of our garden was already growing as opposed to planting, trying to sell new projects."

Looking toward the future, he ventured, "Fantasy may emerge as an important category, and romance, as a place where readers may retreat to get away from it all. Thrillers, in some cases brutal thrillers, may satisfy readers' need for revenge through violence, as a way to work out repressed aggression fantasies." David Rosenthal, executive VP and Publisher of Simon & Schuster, observed, "It's not so much that the world has changed, as that what everybody is focused on has changed. Everybody's hearts have changed."

And this from Paul Slovak, associate publisher of Viking, located fifteen blocks from Ground Zero: "We have windows that looked out on the World Trade Center, and it has been very traumatic, a whole new world." Echoing that sentiment was Boston-based agent John Taylor Williams who said, "This is a world that has been pursuing stories on money and celebrity for the last decade. It's been the late Roman Empire—pretty decadent. Suddenly, everyone realizes how ephemeral that is. There is a lot of recalibration: What do we want to publish besides another book on Britney Spears's love life?"

And Simon & Schuster's Rosenthal maintained, "There will be fast books on this, but the best books will appear a year from now, or later. A book doesn't have to be out next Thursday. What a book offers is perspective, which is why we read a lot of nineteenth-century books but not nineteenth-century newspapers and magazines."

It wasn't long, however, before Random House president Ann Godoff announced that thriller novelist Caleb Carr will come out in December with a book on the history of terrorism entitled, *The Conquest of Terror*. Indeed, many signs soon emerged that the publishing industry wasn't going to waste a New York minute when it came to proving their spirit of resilience was in admirably fine form.

Let's Get Together: Turning Wrong Into Write

Three cheers—actually three aren't nearly enough—for Tom Dunne, Barbara Lowenstein, and ▶ ▶ ▶

THOSE PESKY FORMS?

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graphics and illustrations. RROs are collegial, not competitive.

To facilitate their management and operations, RROs united to form the **International Federation of Reprographic Rights Organizations** (IFRRO). IFRRO helps publishers and authors establish RROs in countries where none exist, provides model agreements by which RROs distribute royalties, and serves as an information-exchange center. At present, IFRRO has 36 RROs operating as collectives, of which seven do not yet report income.

There are two methods of collecting and distributing reprographic royalties: *title specific* and *non-title specific*.

Title specific, also called *individual*, is based on actual and full reporting, sampling, or objective availability.

Non-title specific, also called *collective*, is based on surveys.

I won't take up space explaining title-specific since those royalties don't flow through the Coalition but through the Authors' Registry.

There are as many survey methods by which non-title specific royalties are collected as there are RROs. KOPINOR, which is Norway's RRO and the Coalition's largest revenue producer (approximately one million USD per year), is undoubtedly the most exhaustive surveyer. They license by sectors—schools, governments, private industry, etc.—and survey each sector every five years. Their survey identifies fifteen rights-holder categories (e.g. textbook, sheet music, newspaper) and fifteen types of material (e.g. poetry, editorial, illustration).

Getting A Piece Of The Pie

Having collected the data and the royalties, how does an RRO compensate authors and publishers whose identities are unknown? In most cases, the royalties are sent to publisher and author associations to be used for the benefit of their respective members.

When, by virtue of non-title specific surveys, copied works are identified as originating in another country, RROs either forward the *foreign* royalties "cross border" to the appropriate RRO for distribution or, lacking a bilateral agreement with that country, escrow the funds until such time as an agreement is developed. Under IFRRO policy, escrowed funds can be reabsorbed by the collecting agency if no agreement is reached within three years of the collection dates.

PrevioU.S. to 1994, non-title specific royalties (or collective funds) from Norway and Germany were sent to the U.S. RRO, Copyright Clearance Center, Inc. (CCC). CCC did not distribute the funds to author groups but spent them on copyright enforcement instead. In the view of author associations, these expenditures—by a collective agency where authors were grossly underrepresented on its governing board—were not appropriate distributions. Complaints were lodged with CCC, IFRRO and the RROs in Norway and Germany. Norway supported the authors' arguments and, eventually, assisted in the formation of Authors Coalition. Norway then amended their bilateral agreement with

CCC to provide for distribution of the authors share of royalties (which, like most foreign countries is 50/50 with publishers) to the Coalition.

In 1994 and 1995, CCC forwarded to the Coalition twenty percent of the authors' share of royalties from Norway and Germany. In addition to administrative expenses, CCC reduced our distribution by a hefty "donation" to their education funds, which, they argued, by its definition benefited authors. Neither the distribution amounts nor their arguments sat well with the Coalition. Neither did it sit well with KOPINOR. Most RROs deduct their operating expenses from their direct licensing revenues, thereby distributing as close to 100 percent of reprographic royalties as possible to publishers and authors. They expected the same of us.

A Bigger Piece of The Pie

In 1996, Norway agreed to enter into an agreement with the Coalition, resulting in a direct distribution of the authors royalties. Germany did not follow suit. A number of RROs were swayed by the complaints of the U.S. author community and decided to escrow royalties rather than enter into agreements with CCC. There is a respected and long-standing policy within IFRRO that bilateral agreements will only be executed between RROs. The Coalition is not a licensing agency; therefore, it is not an RRO. While we effectively prevented the funds flowing to CCC, we were not able to receive the funds or use them for the benefit of authors.

Considerable animosity grew between CCC and the Coalition over the next three years. As an Associate Member of IFRRO, the Coalition attended their Annual General Meetings to voice our objections to CCC's distribution methods and underrepresentation of authors on their governing board. By the 1999 meeting in Acapulco, both CCC and the Coalition recognized two unfortunate responses from the international community: extreme discomfort with the angry and insulting nature of the floor debates between the Coalition and CCC, and surreptitious, if conflicting, anticipation of the verbal slug-fest that was becoming the standard closing event of the meeting.

It was time for the Coalition and CCC to sit down and work out a solution.

It was not easy. It certainly was not quick! While the Coalition approached the negotiations intent on putting more author groups on CCC's board, a statement by CCC during initial discussions replaced that goal with another. CCC argued that, because most publishing contracts in the U.S. deliver permission to license to the publisher, they had determined that 95 percent of their "represented rights-holders" were **publishers**. Therefore, authors did not deserve—and would not get—parity on their board.

Given the fact CCC is primarily a licensing agency, that most of the business they conduct and the fees they collect are the result of publisher mandated permissions, and that foreign non-title specific royalties were a meager percentage of their revenues, they'd made a valid point.

The Coalition response to their 95 percent statement was to accept its verity and counter that, therefore, CCC was not the appropriate agency to receive the authors' share of reprographic royalties. If they would agree to forward foreign non-title specific royalties to the Coalition—every single dollar of royalties—we would cede our bid for author parity.

From Adversary to Ally

It was a good deal all around. With revenues of \$80-90 million, CCC would hardly miss the percentage they'd ▶ ▶ ▶



BREAKING NEWS



Madeleine Morel, along with 50 volunteers from St. Martin's Press, for hosting an industry fundraiser just two weeks after the devastating attack on their city, and ours, took place. The event, held on September 25, was put together in an amazing five days.

Hundreds of publishing people—authors, agents, publishers, editors—gathered to support the Red Cross, NY Firefighters' 9/11 Disaster Relief Fund, the NYT 9/11 Neediest Fund, and other charities, with their presence and their pocketbooks wide open. Well over \$100K was raised, including a \$5,000 pledge from BEA and \$15,000 from California's New World Library.

For anyone who would like to contribute, please send a check made out to the charity of your choice c/o Thomas Dunne, St. Martin's Press, 175 Fifth Avenue, New York, NY 10010.

AOL Time Warner is matching employee contributions up to \$1,000 per employee, in addition to donating \$5 million to six relief organizations. Millions more have been donated by AOL subscribers online. According to *Variety*, Bertelsmann pledged \$2 million in aid and promised more to come for the families of police officers and firefighters. And just across the pond in London, PEN joined the Guardian Hay Festival to raise contributions for the Red Cross Disaster Fund.

Let The Show Go On

Frankfurt Book Fair director Lorenzo Rudolf sent this statement to U.S. exhibitors: "I am most concerned to convey to you—in the name of the entire Frankfurt Book Fair team and without doubt, the worldwide Frankfurt community—our deepest sympathy and unqualified solidarity.

"The Frankfurt Book Fair is a forum for freedom and tolerance, a forum for worldwide cultural exchange and the dialogue that brings nations together. Violence and terror, or approval or acceptance of either, have absolutely no place here! But we must also ensure that friendly links between cultures and peoples are not deliberately torpedoed and destroyed by such perfidious and brutal acts. We must do everything we can to fight against this. We will only succeed if we stand up to terrorism and its objectives, all of U.S. together in a spirit of solidarity." The October 9 event was not attended by many U.S. publishing representatives this year, some on the pretext of saving money, but spokesmen for the fair expected the most important publishers to participate.

The Association of Authors' Representatives (AAR), about 350 members strong, celebrated its tenth anniversary in style at Union Square's trendy W Hotel on September 21. A bit too soon to boogie? Not when AAR President Donald Maass puts it this way: "We thought about canceling but decided that it would be better to go ahead, that it was best in this situation, since publishing is one of the most important things done in a free **Cont. on p. 8** ▶ ▶ ▶

AC...AND HOW DOES NINC BENEFIT FROM THOSE PESKY FORMS?

► ► ► retained from the foreign royalties. And they'd turned an adversary into an ally. The Coalition would appropriate the authors' share of royalties to our member groups and could devote the time wasted on formulating the next debate with CCC to more productive endeavors.

Nine months and several meetings later, in September of 2000, the Coalition and CCC released a joint statement to the IFRRO community announcing our alliance and directing all RROs with U.S. royalties in escrow to prepare to release them. The following month, I attended IFRRO's AGM in Stockholm, where we—my Coalition colleague and representatives of CCC—met with BONUS (Sweden's RRO) and KOPIOSTO (Finland's RRO). For many years, both countries had been escrowing non-title specific royalties on behalf of U.S. authors. Now, both were satisfied with the nature of the alliance between CCC and the Coalition, and both agreed to enter into bilateral agreements with CCC which identified the Coalition as the appropriate receiving agency of the authors' share.

The bilateral agreement between CCC and BONUS was signed this past June. Sweden chose not to absorb escrowed funds after three years, so forwarded twelve years' worth of royalties. The Coalition received \$1.3 million. Agreement negotiations with KOPIOSTO are ongoing, and we are hopeful the bilateral can be signed before the end of this year.

In the years between 1994 and 2000, Spain and the Netherlands, both of which collect on a non-title specific basis, reached agreements with CCC. During those same years, CCC developed an individual distribution system for collective royalties. This makes little sense to the Coalition. As we've argued before IFRRO, they don't know if the money belongs to John, Mary, or Pat, so they pay Jim! According to our contract with CCC, these collective royalties will stay in their individual proxy system; however, the Coalition will be given the opportunity to explore their proxy method and its development and either approve or improve it.

Cross Border Funds

Now that you know what this money is and how it comes to the Coalition, you may wonder if the United States sends "cross border" funds to foreign RROs. Yes, via CCC, though it's negligible when compared to the amounts sent back to the U.S.

Logically, there is considerably less foreign, imported material in the United States than there is U.S. material in other countries. English is, after all, the international language. While this is not the primary reason we collect fewer reprographic dollars, it is the appropriate counter to countries that try to extrapolate their royalty figures and apply them to the U.S. population.

There are a lot more university classes in Europe that are taught in English and distribute English-written materials than there are university classes in the United States taught in and distributing materials written in German, Norwegian, or Swedish. Our universities do have Swedish Studies courses and the like, for which course packs are often copied. But only by mandate of the rights-holder.

Fair Use

Which brings U.S. back to my earlier references to the voluntary system of collecting in the United States and to exclusion of compensation under the Fair Use section of the U.S. Copyright Act.

There are many and varied schools of thought on each of these issues, within and beyond the U.S. borders. Some believe a nonvoluntary system should be legislated. Others argue it isn't necessary because the amount and/or type of copying that goes on in this country complies with Fair Use. Some feel that schools and governments abuse Fair Use, copying materials clearly outside the parameters or exceeding the limits. Others argue that if it's printed and internally distributed it is, therefore, "teaching material" and allowed to be copied without compensation. Or they concede an abuse of Fair Use but argue that our schools and municipal governments are already straining their budgets; fees or levies would be impossible for users to pay, equally impossible for agencies to collect.

The Coalition has broached this subject with CCC. We've done little more than agree that these arguments exist and that they may or may not be valid. While there are no immediate plans to revisit a nonvoluntary system, neither has it been permanently shelved.

Do foreign RROs resent this disproportionate reciprocation? Not that I've noticed. They do understand our legislative strictures. Some take advantage of every opportunity to encourage U.S. authors and publishers to change our system. A few see the U.S. as a gold mine of unrecovered royalties for their rights-holders; a few ignore the topic altogether. Most lie somewhere between these extremes.

Regardless of where an RRO stands on reciprocal funds, bilateral agreements go forward. The IFRRO community is committed to protecting copyrights and compensating rights-holders. If they have collected funds on behalf of U.S. authors, first and foremost they want U.S. authors to receive the benefit of those funds.

RROs enter into bilateral agreements because each is convinced the other is a bona fide collective agency and the appropriate receiver of funds. I won't kid you that the lure of money, particularly from countries with well-established systems and high use of surveys, isn't an influence when deciding whom to approach for an agreement. But the success or failure of an agreement does not rest on how many dollars you can offer the other party.

So now you know how the Coalition came to be and some of what we do. The rest of what we do is conduct our own surveys in order to distribute funds. We are bound by contracts, bilateral agreements, and membership in IFRRO to distribute non-title specific royalties to author groups in amounts that reflect the source. Ergo, the annual survey form that you fill out as a member of Novelists, Inc.

Distributing The Pieces of Pie

The Coalition does its utter best to satisfy the distribution requirement. That isn't as easy as it might appear. For instance,

the documentation we receive from Norway numbers no less than 100 pages. And every single one of them is a graph! While KOPINOR would prefer we distribute with more precision, they understand the limitations of our survey methodology. The funds they forward are broken down into fifteen rights-holders categories, and each category into fifteen types of work. We use the rights-holder categories to apportion the distribution and ignore the types of works.

At the other end of the spectrum is VG WORT (Germany). From them, we receive only one piece of paper. It states the amount collected, the authors' percentage, and three or four types of publications. That's it. The Coalition's Distribution Committee has guidelines by which they determine the most accurate and fair method for distribution when we lack sufficient data.

The Coalition hopes to implement a permanent survey system. One in which you will not have to complete the forms year after year. One in which you will not receive (and have to complete) the forms from two or more author groups to which you belong. This is proving a bit difficult as we benefit from bilateral agreements with new countries. New categories of rights-holders pop up. A new category requires a re-survey. Author groups wonder how they can account for publications in new categories by established authors. If, for instance, you complete the survey just once with your membership application or for the last time this year, indicating you are published in fiction and as a journalist, how would Novelists, Inc. make claim for additional revenue if next year you sell a song or publish an academic work?

A permanent data base with only periodic surveying is our goal. We've yet to work out all the kinks.

Taking Care Of Business

The Coalition's business is conducted by its Member Organizations, almost exclusively by telephone conference on the first Tuesday of the month. We met in New York in 1994 to finalize the incorporation process, and again this past April to create a five-year plan for the future.

Each Member Organization is permitted two representatives on the conference calls, although only one is allowed to have voice and vote. This works well for groups like Novelists, Inc., where officers change on an annual basis. It won't surprise you when I say the learning curve is huge. Most groups benefit by a second representative of long-standing.

In the case of Ninc, that is me. I was brought in to the Coalition in its formative year, 1994, by Evan Maxwell, Ninc's president at the time. Ninc has since established a policy that its two representatives shall be one board member and one advisory council member. The board member is the president-elect in even numbered years and stays on for a second year during his/her presidency. The advisory council representative stays on as long as the council and the representative wish.

The Coalition has one paid staffer: the Administrator. The administrator must come from among the author groups. The Executive Director of the Authors Guild filled this position from 1994 to 1996. In 1996, the Member Organizations appointed me to the Administrator's position. I have recently agreed to serve the next two-year term that will commence on February 1, 2002.

According to our corporate documents, the Coalition's purpose and powers are "to receive and distribute royalties to Member Organizations, assist in the further development of collective licensing programs and act for the general benefit of authors." What those brief words fail to capture is the significance and uni-

fying effects of this formal association of American author groups.

While each group's independence is preserved and constitutionally protected, many advantages apart from Coalition revenues will come out of this union. One of late is the Authors Summit, an annual meeting of the officers of fiction-writing associations for the purpose of developing united solutions to common problems. While the Authors Summit is separate and apart from the Authors Coalition, the persons who brought the summit to fruition met for the first time at the Coalition table.

Next month, when you receive your 2001 Coalition survey form, please take the time to fill it in and send it back. It impacts Novelists, Inc. and the benefits to its members. It also impacts the Coalition. When we negotiate on behalf of U.S. authors, we want to have as many of those authors as possible behind us.

NINK

CONFERENCE COORDINATOR WANTED

Now's the time to stand up and ask what you can do for the good of Ninc.

That's right, your organization needs you. If you believe in Ninc, it's time to volunteer some of your time, thought, and effort to helping us put on one of the best conferences in the writing world. We need someone to coordinate the conference committees, acting as liaison to pull together the New York City September 8-11, 2002, conference.

The position pays in the form of comped conference fees, hotel room, meals, and travel, as well as the undying gratitude of your fellows and the recognition of publishing professionals. Here's the opportunity for all of you who say, "Why didn't Ninc (fill in the blank) at the conference?" The coordinator decides what will be done. Without the coordinator, we have no conference.

Be brave, stand tall, ask questions of anyone on the board (our e-mail addresses and phone numbers are on page 2), and **VOLUNTEER!**



BREAKING NEWS

To Write or...

▶ ▶ ▶ ▶ Continued from page 1

society, and we can't be cowed."

About Books

While publishers eschewed the idea of capitalizing on the September 11 tragedy, consumer demand escalated for books on terrorism and Osama bin Laden. *Nostradamus: The Complete Prophecies* was also high on the list. (If one looks at the cover, the sixteenth-century French soothsayer, astrologer, and physician is depicted with a long white beard, a beret on his head, and appears to be draped in a robe. Though the cap isn't exactly a turban and his hair looks combed...let's just say the poor guy could use another likeness).

Barbara Olson, who perished in the plane that hit the Pentagon, finished writing *The Final Days: The Last, Desperate Abuses of Power by the Clinton White House* shortly before her death. Regnery Publishing had planned to print the book in mid-September and now expects it to be available by mid-October.

Prior to going forward with publication, Alfred Regnery consulted with her family. "Everyone we talked to," he said, "including her husband Ted, agreed that Barbara would have wanted this book published...Her family, friends and colleagues all thought she would be pleased to know that even terrorists could not keep her opinions from being known. In fact, she never would have countenanced the thought that terrorism could still her voice or cancel her work."

The family of Capt. Patrick Brown, a decorated fireman who perished at the World Trade Center, isn't nearly so enthused about Elissa Wald's recent release, *Holding Fire, A Love Story*. Wald, a stripper-turned-writer, admits the main character is based on Brown, with whom she had an affair in 1994.

Her televised appearances and an interview with *USA Today* has incensed the deceased captain's family, who denounce the author for shamelessly capitalizing on the tragedy to promote her book. Wald, however, defends herself by saying that she and Brown remained friends, that he had read the galleys to *Holding Fire* and loved it. She dedicated an earlier book to him and this one "To the FDNY: The beautiful Bravest; the last American heroes."

Publisher and editor Beau Friedlander of Context Press, which has been temporarily displaced from its two-person office, is quick to point out, "The book was on its way to stores before the attack, and Elissa is donating ten percent of her profits to charities." Wanting none of it, Capt. Brown's brother is exploring legal options and says, "Just dump it in the garbage. Hopefully, in a few days it will go away, and nobody will get hurt."

In a more collaborative vein, Stephen King and Peter Straub have teamed up again with a sequel to *The Talisman*, their 1984 co-authored bestseller about a boy attempting to save his mother as he travels a parallel universe. According to Straub, their new offering, *Black House*, enjoyed a much smoother evolution than their first effort ▶ ▶ ▶

what's it all about? I have been around long enough to remember independent houses, numeroU.S. points of distribution, and enough imprints for there to be a place for every writer. Now I was witnessing an industry severely narrowed by corporate mentality and takeover. The Bean Counters of the new multimedia, all-purpose conglomerates were calling the shots. In my limited view, the new order seemed to hamper originality while pandering to short-term results.

This had been my observation as I put finishing touches on a new proposal and concept, an undertaking which I intended as a re-invention of myself but which was a huge risk. Another transition, a different voice, could cause me to crash and burn. But my antsy-ness was also a need to assert what control I could over my own self-expression, an ongoing concern (ad nauseam) until the morning of September 11th.

That morning I was headed to my dentist, whose office is in Times Square. My train was stopped in the tunnel just short of the 42nd Street station. Passengers were informed of an emergency at South Ferry, and that all trains would terminate at 14th Street and Union Square. Much accustomed to police action, sick passengers, and track fires, I went back to thoughts of the revisions I had to write on a short story. I had only three more days to make the deadline, but hadn't yet received the editorial letter. I was also mentally fleshing out an idea which had come to me, sparked by a newspaper article. This was one of those euphoric moments as a writer, when you hit upon a great concept, wonderful characters, and exciting setting. I was still mulling over scenes and dialogue when my train finally reached its destination.

In the lobby of the building of my dentist's office is a big-screen TV. There were about twenty people crowded around in silence, riveted to images of the twin towers of the World Trade Center. Craning my neck for a view, I could see a dark smoking hole near the top of one building, while flames bellowed out from openings on the second building. "Dammit," I thought to myself. "We've been bombed again." Then I boarded the elevator to keep my appointment.

Bonnie the hygienist, usually gregarioU.S. and giggly, was nervoU.S. and giggly. Her son-in-law worked at one of the towers. Her daughter had already called in hysterics because she couldn't reach him on his cell phone. I could not comment or utter reassurances. My mouth was wide open, water spraying all over, as a drill attacked my plaque. I didn't even dare think too loudly in case she could read my thoughts: how many people had already been killed? What if Bonnie's son-in-law was among the fatalities? Bonnie was finished in fifteen minutes, the shortest appointment I'd ever had.

By the time I left the dentist, the twin towers had collapsed. I stood for a long time in a paralysis of disbelief.

There were thousands of pedestrians on the streets. Traffic was bumper to bumper with buses, trucks, taxis, and cars.

I overheard that the Mayor had cancelled the day. Everyone who wasn't a resident was to leave Manhattan. I began walking north, resigned to taking two or three hours to get back home. The past two hours, which could have read like a script for *Die Hard, Part IX...The Final Conflict*, was a nightmare come true.

The world as I knew it had changed forever. A near quarter-mile square area of lower Manhattan had been obliterated. Hundreds of businesses destroyed, thousands of people evacuated, thousands more missing and finally declared dead...millions spared. But I still had a book to finish.

After the initial shock, I took an inventory to try to recall if anyone I knew had been in the area of the twin towers. I came up with only one name: Darryl Matteson, the Events Coordinator for the Borders Books and Music at the World Trade Center. Darryl had arranged a very successful appearance for me last year, and we'd chatted this past July at the Harlem Book Fair, where he manned the Border's booth. It would be nearly two weeks before I found out that Darryl and all the Borders employees had escaped from the Trade Center safely.

Thinking about what had happened just three miles south of where I was, I began to feel strange inside—fearful and stunned at the same time. My emotions seemed stranded between the chaos of the moment and a past that, hours ago, had been fraught with garden-variety frustrations. Should I write a sequel to one of my most popular novels? Was it possible for my latest book, *She's The One*, to make a (any) bestseller list without a push from the publishers? Should I accept an invitation to submit to an editor who had been courting me?

All of these considerations were rendered pointless in a nanosecond. How could I continue to write with authenticity about relationships when in actuality we seem to do such a poor job of maintaining and understanding them? And yet...

I found my grief betrayed by my imagination, suddenly stimulated by the events taking place around me. On the one hand, it didn't take much to make me cry. On the other, there was no denying that in any given second my mind spewed out more ideas than seemed decent, given where they came from.

One of the most appallingly graphic photos I'll ever see, of someone in a free-fall from the ninety-something floor of the North Tower, gave rise to a poem. Pages and pages have been written in my journal. There have been lengthy e-mails with a running stream-of-consciousness coverage sent to dozens of friends all over the world who had clocked in to see if I was okay. I became an instant Griot, retelling the story by phone. Through it all I was consumed by guilt, but I also couldn't write fast enough to keep up with the outpouring of creativity that had ▶ ▶ ▶



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▶ ▶ ▶ ▶ together. "We're older and calmer," he told *USA Today*. With *The Talisman*, "more testosterone and more ambition were at stake. It was more gladiatorial. We wanted to impress the other guy, hurling thunderbolts back and forth, 150 pages at a time."

Apparently such competition doesn't hold water when it comes to the subject of fame. Says Straub, "Steve is like a movie star; I'm a reasonably well-known writer. I'm happy with that."

And just how happy would any of U.S. be with a multi-book deal after spending fifteen years in search of a publisher? That's what happened to Neil Shaw, 39, when his runaway bestseller, *The Great London Adventure*, took off in the UK children's market.

The book is about a teenage runaway "living rough in London," something Shaw can relate to after being homeless himself. Requests for the book have reportedly been on a par with Rowling's first Harry Potter offering, spurred on by word of mouth and a single TV appearance by Shaw. Within hours after seeing him on "breakfast television," WH Smith placed an unprecedented initial order of 5,000 copies. Shaw's perseverance in the face of poverty and repeated rejection is truly inspiring.

So is his happy ending: IMD Publishing signed him to a twelve-book contract.

More Good Stuff

Shawn Coyne, former Doubleday editor, and movie producer Webster Stone have combined their talents in the form of **Rugged Land Books**. Backed by an unnamed billionaire investor, the duo plans to publish six to seven books a year and produce films, some based on their published novels.

Distribution has been secured with Holtzbrinck, which handles such heavyweights as St. Martin's Press, Farrar Straus & Giroux, and Henry Holt and Co.—a real coup for an independent publisher. They've also hit it big film-wise with two of their launch titles. *Henry's List of Wrongs* by John Scott Shepherd and *Steel My Soldiers' Hearts* by Col. David Hackworth culled over \$1 million each for film rights, sold to New Line and Universal Pictures, respectively.

After expressing frustration with larger publishing firms, Coyne told *Variety*, "We expect to drive the long-term careers of each of our authors from book to book. We're trying to do big commercial books—not just niche books. And we will not simply look for books that make good movies."

Producer Stone added that while they won't rule out paying large book advances, "We want to find Tom Clancy while he's still selling insurance." And what's the take on all this from a non-partner? Co-head of the William Morris Agency's book department, Suzanne Gluck, says, "Shawn Coyne was a very well-respected editor in publishing. Web (Stone) is a book and film producer who has a great eye for story. I think Rugged Land will turn out to be ▶ ▶ ▶



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one more good place to publish books.”

Also thinking outside the box is Barnes & Noble.com. They’ve set their sights on the small screen, with a plan to sell books through the DirecTV system (owned by General Motors). DirecTV will offer the Barnes & Noble.com channel, where viewers can read book synopses and view jacket covers, choose a title they want, and add it to their “shopping cart.” They can access the website from their TV remote controls and make purchases from the top 100 best-selling books.

This is the first time DirecTV has offered shopping services. There are about ten million subscriber homes, but Wink software is required for the Barnes & Noble.com channel, and 2.5 million are currently set up for that.

In yet another venture, Harper has announced the launch of the Fourth Estate imprint in the US. Due out in May next year is Carol Shields’ *Unless*, to be simultaneously released in the UK. Australian writer Kate Jennings will have her novel *Moral Hazard* offered simultaneously from the UK, the US, and Canada in the summer of 2002.

And looking to the future is iUniverse in partnership with *Weekly Reader*, hoping to “inspire a new generation of authors,” according to Lynn Zingraf, general manager of iUniverse author services. “We’re giving students and teachers a real opportunity to share their talents and realize their dreams—to see their books in print. We hope programs like this foster the creative writing talents of children across the country and give schools new fund-raising opportunities.”

Weekly Reader is used regularly by nearly ten million children. iUniverse is a top provider of print-on-demand technology with partner relationships that include Adobe, B&N, Hungry Minds, Microsoft, the American Society of Journalists and Authors (ASJA), and Mystery Writers of America. They’ve sold more than 500,000 books from over 7,000 authors.

Put *Weekly Reader* and iUniverse together, and what do you get? An innovative publishing program that allows students and teachers to create and publish their own high-quality, paperback books for distribution to any size audience. After submitting their work at weeklyreader.com, each book is printed and bound via the iUniverse technology whenever a sale is generated from Mom, Dad, Grandma—or thinking big, the whole school!

No mention was made as to how much these works of poetry, fiction, or short stories might cost would-be buyers. But if they’re halfway affordable, little Jimmy or Mary Sue could see their work in professional quality print long before their names appear on a national bestseller list, thanks to an early nurturing of their talents.

Bonjour And Au Revoir

Okay, last month it was “Hi and Bye,” but who wants to get in a rut? Certainly not John Wiley, completing its acquisition of Hungry Minds.

Cont. on p. 15 ▶ ▶ ▶

To Write or....

▶ ▶ ▶ been born of the misery. It was embarrassing, but I couldn’t stop.

I may not ever use all of what came out of New York’s tragedy. It seemed opportunistic to say the least. Maybe that’s part of what being a writer is? We’re voyeurs on other people’s lives, chroniclers, interpreters...or we make it all up. We tell stories to entertain or enlighten. For therapy. Then I found out I was not alone.

The Sunday *New York Times* ran an article called “Novelists Reassess Their Subject Matter” (September 23, 2001) in which a dozen well-known writers were asked about their impressions after the terrorist attacks on the World Trade Center. Many, like me, questioned their work. And, like me, many affirmed in the end the value of what they do.

John Updike said that writing was “...my only haven....my contribution to the civil order.” Some writers made comparison of their work a “...morally uplifting thing, somehow beneficial to the general health of man.” Joyce Carol Oates observed that art “reflects violence and tries to humanize it and allows the human spirit to comprehend it.” Maybe that’s what I’m trying to do in the aftermath. I just want to get a handle on what happened, and why. I want to still have hope

for all of us.

Rosellen Brown, however, said that events reminded her that “what I am doing is so trivial.” Stephen King was the least philosophical, more down-to-earth. He compared writers to other professions in which people “perform a service.” He said, “writers get paid to play for other people...I wasn’t ever going to make the world a better place.”

What if King is wrong? Maybe that’s exactly what writers and stories and books do. Make U.S. all better by allowing U.S. to imagine not only what we are, but what we could be. While I do wish the accomplishment of writing a well-received book was more substantial when weighed against the losses of 9/11, perhaps I do need to give all of U.S. more credit for doing what we are called to do. Examine, report on, and even fashion culture whether it takes the form of art, music, or a good book.

Without culture there is no civilization. **NINK**

Sandra Kitt's latest novel is She's The One. She is also currently an Information Specialist in astronomy & astrophysics at the American Museum of Natural History in New York. Sandra holds Bachelor's and Master's Degrees in Fine Arts from the City University of New York and has studied and lived in Mexico.

Liberty, Futurity



Equity, in Philly

2001 Ninc Conference

— In Closing

When Sandy Huseby came up with our Philadelphia conference logo, "Liberty, Equity & Futurity in Philly," I knew in my gut that it was good, right, and appropriate for this particular conference, but I had no idea just *how* right and even prophetic it would prove.

In the wake of the attacks on the World Trade Center and the Pentagon, when we worried about whether or not our attending members, agents, editors, and the other publishing professionals had safely made it through the days immediately following the conference, praying we had not said goodbye for the last time, worrying about members', agents', editors', etc. family, friends, and loved ones, worried in our own right for our own family, friends, and loved ones, over Novelists, Inc. members who went on to New York or Washington, D.C., after the conference, mourned the loss of family and loved ones, mourned the loss of rescue workers who are close to our members by virtue of a kinship shared through a job like firefighting or law enforcement, or doubly mourned the loss of rescue workers who lost their lives unsuccessfully attempting to rescue close friends of our membership, a simple "thank you" to all who helped make the Twelfth Annual Novelists, Inc. Conference one of the most unique, most meaty, most informative, and most memorable...well, that hardly seems adequate.

Yet, that's what I have to offer you. A simple and heartfelt thank you to all of you who joined us during Ninc's Philadelphia Liberty, Equity & Futurity conference, for sharing your expertise with us and for listening to us when we had something to share in return. And those of us at a distance thank you, too, for your personal courage in the face of the subsequent unimaginable devastation and tragedy. You have our admiration and support.

Special thanks to the board for trusting me and to every member who sent books for the goody boxes and bags—our offerings were and are *much* appreciated, especially now when escape is needed. To Meena Cheng, financial planner with Piper Jaffray, who is not a Ninc member but who turned up out of the blue clear from Seattle to surprise me and to offer her expertise and financial advice free of charge to Ninc members—you're a gem. Thanks to Carolyn Haines (a.k.a. Lizzie Hart), who participated in two panels and whose wonderful good humor saw her through some exceedingly strange doings at the Philadelphia airport; and to Sherryl Woods, who found us lobbyist Allan Adler, vice-president of the Association of American Publishers and impressed him so much that he *volunteered* to come to Philadelphia and talk to us.

And hey, just to let you know, we accomplished something in Philly that NO ONE else has accomplished: In Philadelphia, Ninc brought iPublish and the Authors Guild face to face for the first time and we earned the respect of both. Because of us, both sides of a contract issue now understand each other better. And that's our value, in case you were wondering. A union didn't accomplish that, guys. We did. Remember that in two months when it's time to re-up your dues. You may need Authors Guild, but you also need Ninc to keep you informed of what's going on out there, and you need Ninc to keep communicating with your publishers. Nobody communicates with the industry professionals better than we do. Nobody.

— **Terey daly Ramin, 2001 Conference Coordinator, happily signing off <vbg>**

CONFERENCE REPORTS

*The following reports were filed
by Patricia McLaughlin:*

Advocacy

*With Elaine English of Graybill and English
Law Firm and Literary Agency*

The discussion swirled and whirled, touching points then flying off to different territory before returning once more. But the big question zoomed in to focus fairly

early: What can Ninc legally do by way of advocacy (within, of course, budget limitations and the will of the membership)?

Drum roll here

English replied first with a question about Ninc's specific non-profit status. She was told Ninc was incorporated as a C-6 non-profit, which is a less restrictive level.

Even if it had been incorporated as a C-3, which, English said, is the most restrictive category and would disallow lobbying (remember, lobbying means going up to Capitol Hill to advocate a stance to Congress on bills pending), it would still be allowed some advocacy roles, such as joining amicus briefs and writing letters.

And English said that a C-6—barring barriers imposed by the organization's by-laws and articles of incorporation—can represent the interests of a professional group. Representing a common interest can be seen as the organization's whole reason for being.

Does this mean Ninc could lobby? The answer seemed to be yes; however, she also said she or any other lawyer would need to look at the details of the statute as well as Ninc's setup to be more specific.

A discussion of online merchants selling used books brought up an area in which an organization practicing advocacy needs to also practice caution. An attendee asked about Ninc's posting a list of ▶ ▶ ▶



Liberty, Equity, Futurity in Philly



links of sites that do not sell used books.

"Be careful of restraint of trade," English said. "It's a fine line you can go up to, but if you cross the line...."

The silence wasn't pretty.

"As long as you don't say 'never do business with those people (the ones selling used books),' you can give information." So a list of stores that do not sell used books should not be headlined, oh, say, "Forget the Amazon.com scum and shop here."

Restraint of trade has a nasty ring to it, doesn't it? Each of us with ideas of what Ninc could/should do can first check our ideas against the standard of restraint of trade. (On the other hand, if we present the information really well, reasonable people should draw only one conclusion about what's right, just, and moral.)

English noted that by searching out organizations with similar concerns or ones that share a stance on a specific issue, Ninc can join with them on a case-by-case basis, yet have a broader base from which to operate.

The second element that was widely discussed was how the advocacy committee should work within Ninc and be overseen by the board. Put the advocacy committee chair on the board? Put a board member on the advocacy committee? Each has drawbacks. In addition, the advocacy committee deals with issues that endure beyond the one-year term of an individual board. An advocacy project might be just warming up after a year. Yet the next board can pull the plug or push different priorities. On the other hand, the advocacy committee shouldn't be steaming full speed ahead ignoring the board elected by the membership. "Ultimately the board is responsible for what the advocacy committee does," noted English.

A standing committee might be a solution. Any proposals to address this will require checking the bylaws and procedures already in place.

The specific topic that the discussion snagged on most frequently was the selling of used books (and its evil relatives—selling ARCs and renting out books or ARCs), along with attendant concerns about copyright law.

"The problem with copyright laws"—specifically authors wanting to use them or change them to stem the commercial sale of used books—"is the problem with the first sales doctrine," English said. The doctrine of first sale refers to copyright holder controlling the terms of that first sale; when authors assign that control to a publisher, the publisher then determines through what distribution channels the book will be sold. But it is only the first sale over which the copyright holder has influence, not over subsequent resale and resales. As we all know.

Authors pointed out that a physical book has little value—it is the ideas it contains (the story) that have value, a value that diminishes little if any with each resale.

Perhaps the ideal, an attendee suggested, would be to pattern book copyright laws after software regulations. Make it so the buyer is buying a license for the right to read the book. If that right is transferred by a commercial enterprise, the author gets a royalty. (And saying "commercial enterprise" would not affect libraries or your favorite charity's yard sale.)

An attendee mentioned having heard about a California law that gives an artist a royalty if an artwork is resold for a profit.

Special rules in the copyright laws protect musicians, so musicians provided another model discussed. Pamela Browning, citing her father's experience as a musician, pointed out that these special protections came into law because the musicians were unionized (not always in an entirely genteel manner) and played hardball. Would authors be willing to do that?

Bills have been introduced (and have gone nowhere) in Congress to get the U.S. to adapt the system used in some other countries to compensate authors when their books are checked out from libraries. Library groups have shot it down.

English cautioned, "This might not be the time to make changes" to copyright laws. "If not now, when?" Browning asked.

English's response centered on the fluid situation of copyright laws vis a vis the Internet and the overall electronic influence.

"There's a mentality that if it's available online it should be free," noted an attendee.

"About five years ago there seemed to be a mentality that the Internet would mean the end of copyright law," said English. But the courts, in cases such as Napster, have held that copyright does apply to Internet use, "so you do get some coverage." She added, "It's difficult to get changes (in copyright laws) made now until there's some more clarification." And changing the copy-

right law opens the possibility that the laws will favor authors even less.

But being quiet and waiting didn't sit well with the attendees.

"If we don't have any influence, it could be worse," said Diane Chamberlain.

English also warned that changing laws doesn't happen overnight. (Hey, we're in the publishing industry, we're used to "tomorrow" being months away.) "It took a long time to get the last changes to copyright law," she said. "It's like water on stone."

"But we have to start the water dripping to ever make progress," said an attendee.

That dripping can include individual letters to your representative and senators. Kasey Michaels advocated getting "the publishers and libraries on board to show them how it's good for them."

And English pointed out that documenting sales of used books would help. So if you see a copy of your book out with six "used" stamps before the retail copies have hit the story, bite the bullet and buy it, keeping the book and the dated receipt as evidence. Print out date-stamped pages from the Internet showing any such similar practices and gather any other means of documentation you can think of.

Could we get a notice in the front of our books like the one that advises that no cover means the book is stolen? Possibly, but would that have any teeth to it? Although there is a criminal law behind that selling-books-with-no-cover notice, English said the contractual issues between the publisher and the seller who received credit for that book are stronger.

Hmm. Could we be trying for clauses in our contracts that might stem used book sales?

And there we ended. Appropriately with many questions. But also areas to explore for answers.

Practical Publicist Campaigns: What Really Works?

Finding "any little edge" and making the most of it was the theme of the hour. Booksignings? Let's get that one out of the way. The general sense was that the run-of-the-mill event is seldom worth the effort, preparation and time.

The caveat is that signings can be a vehicle for creating good relations with the booksellers. So perhaps the upshot is not to seek them out, but to consider it seriously if a bookseller requests you—and then be charming. Divas need not apply. (Comments on making drive-by stops to sign stock were all positive.)

And Georgia Bockoven told of doing a signing that gave her a connection with a

bookseller that led to talking to Walden-books regional managers for two years running. Even in this case, she added the caveat, "Now let's see if that translates sales for the December book."

Ads? You had to ask ... Who knows if they do any good? Lack of circulation figures for many fanzines, for instance *Romantic Times*, combined with experiences such as that by the member who said that after her most ambitious advertising, she came away with the "sense that's the book that got the least traffic." This comment kept doubt of ads' effectiveness bubbling through the group.

One attendee did, however, cite a conversation with a publicist who said that the best value for the money available now is RWA's quarterly "Romance \$ells," which goes to bookstores and libraries and gets attention from them. (Perhaps a cross-genre version could be something for Ninc to consider?)

Blurbs by other authors? Do they sway readers to buy? Who knows? But they surely don't hurt. Kasey Michaels noted that "a general blurb, not aimed to the specific book" is most beneficial for an author because it can be used many times over. Your reporter notes this is a good deal all around—the blurbee can use the blurb for a long time, and the blurber is less likely to be asked to blurb the next book and the one after that.

Blurb etiquette was touched on, with all agreeing it's best to have your editor or agent approach a potential blurber (possibly through the blurber's agent) to keep possible discomfort (for either party) to a minimum.

Publicity photos? Yup. One Night Owl said going to the best photo studio in town was "the best money I ever spent." Digital photography offers at various writers' conference also got high marks. As did working a deal with a top-level hair salon to be an adjunct to an advertising shoot—with the photos carrying a credit of "Hair and makeup by ..."

So, which is better, glamour or reality-based photo shoots? The room was divided. "Readers want us to be a little glamorous," vs. "If you're just yourself people appreciate it."

Most important point on photos—get a release. "Make sure it says unlimited release for publicity purposes," said Shirley Hailstock. Get the negatives if possible.

Websites? Have one. And then work to keep the traffic up. Contests? Maybe. Changing content? Certainly. Excerpts? Sure. So, what else?

Ah, that's one of the places where that little edge comes in.

Barbara Schenck (a.k.a. Anne McAllister) has seen her website traffic increase as she's started keeping a journal there—nothing too personal, mostly attuned to her next release or her WIP, along with some details of daily life. After a trip to England, she wrote about her lunch with her editor, then a visit with a fellow Harlequin author. She snapped pictures of that author's cats and posted a "gallery of British cats." Readers responded so strongly that now one of those featured cats is "writing" e-mail responses to the website visitors. The word spread to cat chats, "And now they're looking for my books. And this from a woman who has four dogs," Schenck said.

Your reporter used a similar tack with dogs. My July book featured the alter ego of my dog, who came to me through Collie Rescue League. I searched addresses on the web to send a letter and flyer about the dog character and his inspiration to Collie Rescue Leagues. I've received terrific response, including word that people are seeking out earlier books.

This is not limited to pets. Another writer made a brief mention that the hero of her book looked like actor Kevin Sorbo (*Hercules, Andromeda*.) Someone who belongs to a Sorbo fan chat list saw the mention and spread the word, gaining exposure and readers for the author.

These are all lighthearted connections, but serous ones work, too.

Linda Hall made use of a book's "niche market" by writing to women's shelters all over the country, including a letter and a book. The attention and the interest "snowballed."

So, among all the unknowns about publicity came one hard nugget of advice—look for an element that can produce that "little edge" and then mold it into a snowball that has a chance to get rolling and grow and grow.

Miscellaneous Tortures: More Than One Publishing House

One attendee said she and her agent had arranged a discussion that included editors from both her houses, the agent and the writer. She's been writing for both houses for several years, so all concerned are coming to "accept that this is the way it's going to be." The get-together was sold to the editors on the basis that coordinating this author's schedule should save both houses money as well as maximize promo-

tion momentum. The meeting was recent, so as yet there's no pudding to check for proof. Stay tuned.

Another writer thought she'd coordinated schedules until one publisher reneged and both books came out at the same time, competing against each other.

A pithy conferee wrapped up the view of how publishers operate when an author also writes for another house: "Only so long as it doesn't inconvenience them will they listen."

MT: Difficult Editors

Pins and their ability to inflict pain figured largely in this discussion—along with the fact that voodoo dolls aren't nearly as satisfying as direct action.

Working on communication with the editor was the first line of defense—not only being clear in what you communicate, but also working on translating what the editor says. Keep digging for specific information to determine the underlying problem.

If that problem is as basic as a different vision, then you need to look beyond the editor. Perhaps requesting another editor ("call it creative differences, and move on") or leaving that house ("I'm not writing for them anymore," concluded one attendee's account). And if that means buying back a book, so be it.

"This is why God gave us equity lines on our houses," said one group member. At any stage of dealing with a difficult editor, two more resources were cited: keeping your spirits up by talking to fellow authors and getting your agent to go to bat for you. Which brought us to...

MT: Agents And Knowing When You Should Leave One

Kasey Michaels sounded a precaution: "Don't make friends, because you have to make a business decision, and that makes it harder."

So how do you know when it's time to make that business decision and sever a relationship?

"When they're constantly shooting down what you want, they're protecting their interests and not yours, when you begin to feel uncomfortable and suspicious," said one member. "When the agent is 'just too nice and mealy-mouthed,'" said another. Because the upshot is that here's "no advocacy there."

A mediocre agent might be the most dangerous—a good one keeps things going along, a bad one will motivate you to action, but a mediocre one might leave you



Liberty, Equity, Futurity in Philly



wondering for much too long if you should or shouldn't leave.

As you look for a new agent, what are things to look for in addition to the usual words of wisdom? Weigh the benefit of a bigger agency (strong boilerplate) vs. a smaller agency (individual service.)

"Watch out for an agent with too many clients," said Brenda Hiatt Barber. Michaels said it was safer to sign a contract with an agency rather than an individual agent in case that agent departs under less than ideal circumstances. And Sandra Kitt said that what sold her on her current agent was, "this one came up with a game plan" for her career—one that matched her thoughts on "timing and appropriateness."

MT: Orphaned

Just the word makes you feel pitiful, doesn't it? But this group had advice backed by personal experience.

"This is the time you need a good agent," said Barbara Keiler.

Always have a backup plan. Keep fighting for your book and yourself. Don't panic, but beware of doing nothing for too long.

But what can you do?

"Don't wait to be assigned (to a new editor). Request someone," said Shirley Hailstock [Editor's Note: That's where attending Ninc conferences and meeting editors beyond your own becomes useful.]

Train your new editor. (Remember the comments about communication?)

Advocate for yourself—with the new editor and up the editorial ladder. If it's a book that requires special handling, you can offer to hold it back until it can be published the right way, perhaps until that training of the editor has taken hold. If necessary, buy back the book.

Oh, and Michaels adds one other bit of advice: "Whatever book you're writing at that time—dedicate it to the new editor." Now that's wisdom!

MT: Women's Fiction and Being Pigeonholed

Refusing to be pigeonholed, this discussion ranged far and fast.

Starting with a reality check: An atten-

dee pointed out a major change from 18 years ago to now—all the publishing houses now belong to someone else. And in those conglomerates, publishing is a very small part of the whole, so "our talent is not noticed."

More reality: Georgia Bockoven recounted a conversation with an account representative, who said a book is sold in six months before publication to chains such as WaldenBooks. He's looking for 60-70 percent sell-through for chains, 50 percent for non-chain outlets. Any higher and he considers it bad—because it means he's undersold. But by the time those sell-through figures come in, he's on to dealing with books six months down the road, and there's little or nothing he can do for the book that's out now. "By the time we know there's a problem," concluded Bockoven, "it's too late. They can't adjust to what's happening right now."

Which might be why marketing and other forces in publishing houses are known to urge more of the same—it's predictable, and accurate predictions are vital when adjusting to the point-of-sale marketplace ranges from difficult to downright impossible.

Barbara Schenck pointed out the marketing mantra that "you get five seconds to make that sale." And others mentioned that if Wal-Mart and brethren can sell peanut butter at better profit than books, they're going to sell peanut butter.

Tapping into currently closed-off markets for women's fiction ("Book club groups will assign women's fiction. They won't assign romance") was one concern.

One suggestion was to change the label in bookstores and on spines to "Women's Fiction" and include a broad mix of what is now considered romance, along with mass-market "relationship books" and popular literary works. In addition to the point that labels in bookstores and on spines are not author-driven decisions (the group didn't put it quite that tactfully), there was concern that romance would lose shelf space in such a move and that readers who came to the section for literary could be put off by romance—and vice versa.

But long before a book can appear in a bookstore it has to be written and published. "If you're known for one thing, getting your publisher to let you do something different can be..." The sentence trailed off as many heads in the room gave knowing nods.

Reasons for the publishers' attitude were recognized.

"Publishers are trying to keep balance in their list, so they want to keep you consistent," said Barbara Keiler. (For example, if you've been writing horror set in Florida and suddenly switch to romantic comedies set in the meat-packing industry, the publisher runs the risk of becoming too heavy on meat-packing industry stories—hey, it could happen.)

Reader expectations weigh heavily. "There are some people who will follow you no matter what and others who won't. You're appealing to a different audience," said Barbara Schenck.

Attracting readers who like diversity perhaps can be achieved by "specializing" in diversity from the start of a career, with the recognition that most publishing professionals feel that will result in a slower-building career, training readers to expect "the essence of the writer, rather than the specifics of the story," as Keiler said.

But against the reasonable concerns stood something else. "That's not your problem. As a writer, you have to write your book. Ultimately, it's a creative decision, a drive to do something different. Risk-taking. Perhaps to prove your mettle."

From around the room came individual accounts of authors who had decided to do just that. There were stories of those who had succeeded with their first effort to write something far outside their pigeonhole and the stories of those who had prevailed only after a decade or more of knocking on the door.

Practical suggestions included finding a new publisher for a new kind of book, "A new publisher who's excited and will generate enthusiasm about the book." Consider taking less money for a book that's in an area where you are unproven. Be open and honest with your agent, and if at first you don't succeed in moving into this new kind of book, experiment with different forms and styles. Don't censor yourself.

Perhaps what it boils down to is one quote from the session. "We have to trust our instincts," said Karen Young Stone.

And our instincts told us they were serving chocolate in another room.

NINK

*Pat McLaughlin has been a journalist for so many years that she refuses to divulge details. She started as a sportswriter. After *sunbium*, *windbium*, and *near-frostbite*, she moved inside as an editor. She currently edits part-time for the Washington Post's news service. Writing as Patricia McLinn, her 17th book is a December release—My Heart Remembers from *Silhouette Special Edition*.*

Online.....by Lorraine Heath



BREAKING NEWS

▶ ▶ ▶ ▶ **Cont. from p. 10**

Ninlink has always served not only as a place where members could discuss the publishing world but also as a place of sharing triumphs and disappointments. On September 11, it became a place of sharing fears, news, and comfort. Members reported in when they heard from their editors and agents. Fortunately, everyone was safe. Members who were in New York or on board planes during the tragedy told us about their experiences once they returned home. As members have tried to cope with the horrors of September 11, they have posted ways to help those who suffered the most on that date.

Sally Hawkes wrote, "If you would like to give moral and emotional support to the rescue workers, you can write a letter or note" at FEMA's site, http://www.fema.gov/nwz01/nwz01_119.htm.

Laura Resnick shared Operation Paperback, <http://oppaperback.virtualave.net/>. The site explains how to send books to the troops. It provides information on what is acceptable (you can't send books revealing bare torsos to troops in the Middle East) and addresses. Laura, however, has gone a step further and is collecting autographed books from authors to send. She wrote, "I have decided to go ahead and start filling boxes of books to ship to the troops, thanks to Operation Paperback. Obviously, I think it would be cool to ship paperbacks autographed by the authors. So if anyone would like to contribute, please send me some signed paperbacks at:

Laura Resnick

PO Box 20012

Cincinnati OH 45220

"I'll ship everything I receive. (They'll be going specifically to our armed forces overseas, in case you want to include a personal comment when you sign.)"

Hugs with a Heart, <http://leland-nleslie.net/lelandnleslie/hugs.html>, is collecting bears to send to the children in New York and Washington.

And now, as President Bush has urged, we'll try to return to our normal business—or as normal as it can be under the circumstances.

Correction to the September Column

I reported the incorrect URL for *Vista*

Print which offers postcards and other printing services. The correct URL is <http://www.vistaprint.com>.

Change in Review Policy

Painted Rock, <http://www.paintedrock.com>, has instituted a policy change regarding reviews: "Reviews have been an important service of Painted Rock since our inception five years ago. We were doing 60-plus reviews weekly. But that represented only a small percentage of the requests. And with the proliferation of ebooks, self-published, and publish-on-demand books, we were overwhelmed. Handling the requests and posting the reviews for books we did accept was literally taking up all our time, leaving none for the main focus of our site, which is education and classes for writers. I discussed the situation with our review coordinator Harriet Klausner and over the past year we tried different solutions that proved unsatisfactory. So on June 1 we decided to eliminate new reviews from our services with the following exceptions: Ms. Klausner continues to do a 'Top Pick' of a recommended book, and we carry that column weekly in our free magazine *The Rock*. We also carry a feature 'Recommended Books For Writers' where we do short reviews of writing and research books."

Online Bookstore Affiliations

Tina Wainscott shared *Author To Author*, <http://www.author2author.com>, with us. In addition to promotional services, the site also offers to pay a five percent royalty on books sold from your site. You have to agree not to provide a link to any other bookstore but I think that's a fairly standard practice when a bookstore offers to pay a kickback for sales triggered from your site.

1Bookstreet.com, <http://www.1bookstreet.com>, also offers an affiliate program. This book site is mostly interested in selling remaindered books and they pay twenty percent for sales on these books that result from hits generated by your site. For regularly priced books, they offer a four percent kickback. This site is a good place to check out if you're looking for your earlier releases. Overstocked books are sometimes offered at ▶ ▶ ▶

The former management team has pretty much been dismissed (read: ousted by the new guys), so gone are CEO John Kilcullen, COO Bill Barry, John Ball, and John Harris. Unless they wanted to relocate, it might be just as well, since the company's Foster City, CA office is being shut down.

Considered one of the most powerful women in publishing, Phyllis Grann has decided to leave Penguin Putnam. Susan Peterson Kennedy is moving up from Executive VP to fill the vacancy of President, and David Shanks will take over as CEO.

Fiscal Predictions: Who Knows?

Talk about straddling a fence. Amazon CFO Warren Jenson is saying they're "well positioned, our inventories are well controlled, we're serving customers better than we ever had." After carrying on to *Publisher's Weekly* about how great everything is, Jenson admits, "There's a big part of the equation I can't describe to you, and that's...what consumer demand is going to be into the fourth quarter."

No more immune than any other bookseller, Amazon had a big drop in sales after the attacks but saw gains to "near where we were treading before." Jenson candidly added, "But from here forward, it is impossible for U.S. to be able to gauge anything."

When it comes to Amazon's predicted profits that could turn into losses, *The Wall Street Journal* took a wait-and-see position as well. "It could have a tough time fulfilling that pledge of profitability of sales growth slumps," the *WSJ* observed. "On the other hand, there is some speculation that Amazon could benefit from a heightened sense of public anxiety if shoppers decide to buy online rather than venture out to the mall." Of course all this head scratching hasn't impeded Amazon from exploring an online retail partnership with Target.

Though their fiscal year results reflected a decline in ▶ ▶ ▶



BREAKING NEWS

revenue from core operations and Internet losses, Bertelsmann showed a significant profit from sales of shares in AOL Europe and mediaWays. The *LA Times* reports that CEO Thomas Middlehoff is ready to snap up some rivals on the cheap with \$4 billion in cash (hey, Tom, throw some of it this way!). Also of note is that *The Guardian* confirmed that Bertelsmann's goal of taking the company public via the Frankfurt and London exchanges by 2003 remains on track. And according to *The Bookseller*, the Random House Group reported an increase of 9.3% in sales while Bertelsmann Springer was up by 9.5%.

The Tax Man Cometh...Late

According to the Author's Guild, the IRS has extended its due date for estimated federal taxes from this September 17 to January 15, 2002. This extension applies to (1) those taxpayers directly affected by the attacks and (2) those living in any of the counties declared federal disaster areas, which include the five boroughs of NYC and Arlington County, Virginia. New York State tax payments for the same individuals will be due Dec. 10, 2001; Maryland issued an extension to Jan. 15, 2002. Payment estimates for those states were kept as scheduled on September 17.

The Guild urges authors to check with state authorities and personal tax advisors for further information and advice on how the extensions may affect them.

Legalese Ad Infinitum

At least it seems to go on and on with Tasini vs. *The New York Times*. And, sigh, *The Wind Done Gone* hasn't blown over yet.

The Tasini case, which has been closely followed by Breaking News, continues to gather steam with insidious overtones of blacklisting by *The New York Times*. An open letter from Jonathan Tasini, President of the National Writers Union, was circulated to all professional writing colleagues. It reads, in part, as follows:

"I thought *The New York Times* could not stoop lower. First, they stole your work. Then, they tried to scare and intimidate writers by demanding that they sign away rights that we all won in the U.S. Supreme Court.

"But, the *Times* has now gone even further: it has created a blacklist. Several days ago, I was provided an internal *New York Times* memo by a confidential source. In the memo circulated throughout the top echelons of the newspaper, top *Times* editor, Michaela Williams, writes that 'our lawyers recommend that the newspaper not engage any of the below named plaintiffs to write for the newspaper.'"

The memo in question, dated September 18, 2001, from Michaela Williams, begins like this: "Folks: I'm sending this list around again, just in case it didn't reach you earlier. Please see that relevant assigning editors and backfield editors and clerks get

Cont. on p. 18 ▶▶▶

Online.....

a discount that is better than what you can get from your publisher. You pay no tax or postage, so it can be quite a savings.

Research Sites at a Glance

Medieval Games : www2.kumc.edu/itc/staff/rknight/Games.htm

Period Games: www.riconnect.com/wulftric/sca/interest/game/

Ghosts of the Prairie: www.prairieghosts.com/

Famous Hauntings: www.stirofechoes.com/haunt.cgi

Real Haunted Houses: www.realhaunts.com/

Summerly's Exhibition and Paxton's Crystal Palace: www.cyberstation.net/hf/cp/crystal.html

Rampant Scotland Directory: www.rampantscotland.com

Origin of Phrases: members.aol.com/morelandc/phrases.htm

Historic Irish Castles: www.historic.irishcastles.com/

Ye Olde English Sayings: www.rootsweb.com/~genepool/sayings.htm

Naval History Center: www.history.navy.mil/index.html

Fun Sites

While these sites are fun, they could also be useful to a bawdy, earth-vexing hugger-mugger. *Medieval Insults*, <http://www.ballcom.com/~blbeast/medieval/insults.html>, provides a place for you to arrange your insult using Medieval terms. But, thou dankish dread-bolted flap-dragon! You say Medieval isn't your time period? Then test out a *Shakespearean Insult Generator*, <http://www.randyworld.com/shakespeare/>.

Novelists, Inc. Listserv

At www.yahogroups.com/group/NINCLINK, you can learn more about Ninclink, subscribe, or set your preferences (digest, individual posts, etc.).

If you discover sites that you think would be of interest to Ninc members, please e-mail me at lorraine-heath@home.com

Controlling Your Listserve Preferences through E-Mail

Subscribe	NINCLINK-subscribe@yahogroups.com
Unsubscribe	NINCLINK-unsubscribe@yahogroups.com
Switch to Digest	NINCLINK-digest@yahogroups.com
Switch to Individual Mail	NINCLINK-normal@yahogroups.com
No-Mail	NINCLINK-nomail@yahogroups.com
Moderators:	
If You Have Questions, E-Mail:	
Brenda Hiatt-Barber	BrendaHB@aol.com
Patricia de la Fuente	Patricia@hilene.net
Lorraine Heath	Lorraine-Heath@home.com



Laura Resnick is

THE COMELY CURMUDGEON

“Watershed”

I was born two months before the Cuban Missile crisis and was a toddler when JFK was assassinated. I remember when Martin Luther King, Jr. and Bobby Kennedy were killed. I still recall images of the Vietnam War in the news, particularly during the year we worried my uncle might be drafted and sent there. When Neil Armstrong walked on the moon, I watched on TV as he took mankind's giant step.

Initially, I thought “Watergate” was a massive flood somewhere; by the time Nixon resigned, I knew better. I remember President Carter saying it was cold even in the White House during the energy crisis. The Iranian hostage crisis is still clear in my mind, as is the invasion of Afghanistan. I know where I was when Reagan was shot and what I was doing when I heard John Lennon had been killed. I was on a kibbutz in northern Israel when the U.S. Marine barracks in Beirut was bombed in 1983, and I was in London when *Challenger's* crew slipped the surly bonds of earth to touch the face of God. When I lived in Sicily in the late '80s, shrill sirens flooded the air and army tanks squatted in city streets to protect a society rising up against the Mafia. I remember Grenada, Bosnia, Somalia, Desert Storm, and the day Diana died. I saw the Berlin Wall fall and the Iron Curtain tumble into scrap metal. I remember when Mandela went free, and I was in South Africa as Apartheid was being dismantled. I've been alive for the first Mars probes and have seen images transmitted back to us from other planets in this lonely solar system.

I was born with the famous Chinese curse ringing in my ears; and luckily, it has mostly suited me to live in interesting times. But I had never imagined waking up one day to the news that the Pentagon was on fire, the White House and other buildings in Washington were being evacuated because we were under attack, and the World Trade Center towers had both been hit by commercial jets hijacked by terrorists. It was, as former Israeli Prime Minister Benjamin Netanyahu later said, a wake-up call from hell.

I've lived in places plagued by violence and terrorism, where an abandoned package is assumed to be deadly, where security is so strict you can't take a purse into a bank. I've been in regions torn apart by civil unrest and armed rebellion. I remember when my native Chicago burned in '68, and I lived under a curfew during the recent race riots in Cincinnati. I've been mugged in city streets, attacked by bandits in the African bush, and interrogated and body-searched as a suspected terrorist.

But September 11, 2001 marked the end of my innocence.

Nine member Valerie Taylor phoned to tell me to go turn on the TV. Groggy, just out of bed, and not having had any coffee yet, I stared at the TV screen and initially thought I was still asleep. Dreaming. Nightmarish.

This was a scene in a Clancy novel. This was the big-money moment of a summer blockbuster movie. This was the bogeyman

of my Cold War childhood. This could *not* be reality.

It was indeed real, though. I watched the twin towers of the World Trade Center collapse on live TV, killing thousands, while the Pentagon burned and another hijacked plane crashed in Pennsylvania.

It was the biggest terrorist operation ever carried out. The most devastating national event since Pearl Harbor. The most damaging attack by an enemy in U.S. history. More casualties than we sustained on D-Day. I sank beneath the weight of the superlatives, I crumbled under the burden of the statistics.

Although I have several friends who lost someone in those attacks, I did not lose anyone personally. We all lost something immense that day, though. As sf/f writer Susan Shwartz would later say, our home was September 10th, and it's gone.

I'm a Midwesterner. When the river floods and ravages homes, cities, and lives, you think, “That's how the river is, and you have to know that if you're going to live on it.” When a tornado tore up the town I grew up in, just as a tornado once tore up the town my mother grew up in, you think, “That's what happens when a tornado hits.” When the summer heat kills and the winter blizzards strand thousands, you say, “That's how it is here.”

But what do you say when a few guys get together and kill thousands of civilians in a single day? What do you think as you watch hijacked passenger jets crash deliberately into the World Trade Center? What stoic wisdom can accompany the twin towers as they collapse? What words can explain the sight of the Pentagon gutted and burning?

Now I am a blank page, my convictions erased in the horror of watching that second plane plunge into the south tower of the World Trade Center with such speed and focused purpose, with such purity of evil. Now I am an empty canvas, my perspective washed away in the crimson tide of more than six thousand people slain as they went about their daily tasks in a society which considered itself at peace. I am a blinking cursor, unable to find the next word, the next thought, the next bright idea.

“I don't know what to say,” I tell Toni Blake, a local romance writer.

“I think *that's* what you say,” she replies.

“I don't know what to write.”

“I think *that's* what you write about,” she tells me.

I consider that this is precisely the reason most people tell me they hate funerals: they don't know what to say. Strangely, I like funerals. Not the grief, but the chance to mark a passing, the acknowledgment of a voice forever gone, the moment where we pause before life goes on. I like funerals because I've never thought I *should* know what to say, because I've always believed there is no possible “right” thing to say, and therefore the right thing is whatever is in your heart. Even if it's “I don't know what to say.”

▶ ▶ ▶



BREAKING NEWS

▶ ▶ ▶ ▶ Cont. from page 16

copies. Our lawyers recommend that the newspaper not engage any of the below named plaintiffs to write for the newspaper." At which point, the list of names appears with Jonathan Tasini leading the pack of the original 11 plaintiffs in the case.

Mr. Tasini requested that authors express their outrage and ask for justification of actions reminiscent of the immoral blacklists of the 1950's, with e-mails sent to Michaela Williams (mickey@mailgate.nytimes.com). He also asked authors to call the office of Arthur Sulzberger at (212) 556-3588 with a conveyance of the same message. Mr. Tasini would appreciate copies of any e-mails sent to *The New York Times* regarding this matter. Please forward any pertinent correspondence to letters@nwu.org.

Okay, there's that and here's this...or should it be, *was* this? Like the past tense of the title—yup, *The Wind Done Gone*—one might think the hullabaloo over its publication would have dissipated by now. After all, it's been four months since Houghton Mifflin got a court's okay to publish the dang thing. It went on to become a bestseller.

However, the Mitchell estate is still waiting for...what? When *Publishers Weekly* contacted their counsel, Martin Garbus, he said the litigants are waiting for the U.S. Circuit Court of Appeals to hand down a fuller explanation of why they didn't allow the injunction against the book.

The basic question of parody (Houghton's stance) versU.S. sequel (the Mitchell estate) remains of tantamount importance. Should the tables turn upon further court review, then the better the book sells, the more in damages the Mitchell estate stands to collect.

Yet GarbU.S. contends that potential profit isn't a motivator for his clients. They want to discourage other publishers from trying to infringe on what they consider their rights and plan to donate any monies from damages they get from Houghton Mifflin.

In winding up his article for *Publisher's Weekly*, Steven Zeitchik nailed it good: When it comes to money, ▶ ▶ ▶



THE COMELY CURMUDGEON

▶ ▶ ▶ I am an empty room echoing with voices forever gone. My sorrow has no place to go, my fear has no place to hide. I have lost my home, which was September 10th.

My friend Karen, oft-quoted in this column, was stranded in another city when the terrorists attacked and desperate to get news about a close friend of hers in the WTC. As I write this now, her friend is among the thousands missing and presumed dead. My friend Lee Ann, with whom Karen and I grew up, had a baby two days after the attack. I shared the news with more than a hundred writers who don't know her and who were glad to hear something joyful in the heart of such darkness. We welcomed the first newcomer helping us try to reclaim the fragile balance of life and death as we have always understood it. We embraced the hope of tomorrow in the despair of today.

As writers, our own unique community pulled together during this horrific time, as did the nation. By that Tuesday night, much of the publishing community in New York City had checked in with somebody or other, and their safety was then reported and repeated on various lists and bulletin boards across the Internet. In the days that followed, writers exchanged shell-shocked, concerned, confused, angry, and informative messages on e-lists and by e-mail. We watched TV together, exchanged newspapers, recommended web links, hunched over cups of coffee and glasses of wine together, and ran up our long distance phone bills.

We also haunted bookstores, together and individually, in search of material to help us understand what was happening. Perhaps because understanding human nature, even at its most evil, is among the burdens of the novelist. Without understanding human experience, even at its most devastating, how can we portray or explore it?

No excuse, no suffering, no revelation can ever justify what these terrorists and their supporters have done. But I don't get to stop at simple hatred, as satisfying as that would be for me now. I'm a writer. If I am ever to portray a killer in a truthful, credible, and meaningful way, if I am ever to write about so deep an evil without glamorizing, exploiting, or dismissing it, then it's my job to learn what the murderer thinks, what shapes him, how he justifies his acts, what excuses or rationalizations define his world view and shape his personal code.

Murder on such a massive scale may forever defy my understanding, but I nonetheless feel compelled at least to try to learn who these people are and what motivates them—especially as a fantasy writer, as someone primarily writing about the struggle between good and evil. I thought I knew something about portraying evil until I saw the attacks of September 11, 2001. I thought I understood something about portraying heroism and sacrifice, until I saw the true heroism among us in response to the attacks. Now I know I am an absolute beginner. Now I am innocent in a new way.

The evil evident among us since September 11th is more familiar to me, perhaps more familiar to us all. This is an old story, after all, now revised only in its particulars. Those who live in fear and thrive on hatred have used the terrorists' attack as an excuse for racial violence. The vicious irrationality of these assaults is most clearly exposed when the victims are neither Middle Eastern nor Islamic. Ninc member Karen Harbaugh's brother, a Desert Storm veteran whose ethnic heritage is half-Japanese, defended himself at gunpoint from a hate-crime assailant the week after the terrorist attacks. In Arizona, a Sikh was murdered in a hate crime, though Sikhs are neither Arabs nor Muslims. As novelists, we know that stereotypes are bad fiction; as human beings, we're seeing all around us that stereotypes are deadly.

Not all the evil among us is physical, of course. As writers, we know how powerful words are—and therefore how destructive they can be, too.

The terrorists of September 11th cultivated a Westernized appearance, but U.S. Congressman John Cooksey has advocated since then that we single out anyone wearing a "diaper" on his head for special attention. (Like the dead Sikh in Arizona?) In a

verbal assault which seems to harken back to the twelfth century, political columnist Ann Coulter has written, "We should invade their countries, kill their leaders, and convert them to Christianity."

Not that all the verbal venom is aimed at Muslims. On national TV, Jerry Falwell and Pat Robertson accused their own ideological enemies (including feminists and the ACLU) of helping the slaughter of September 11th happen. (They also issued retractions and apologies after this proved to be a PR disaster for them.)

"Thanks to words, we have been able to rise above the brutes," novelist Aldous Huxley wrote, "and thanks to words, we have often sunk to the level of demons."

An even more disturbing evil than vicious words is the reality that foreign terrorists live among us, inhabiting our communities... and bear us the deep, venomous, fanatic hatred which enabled them to commit the acts of September 11th.

This leads me to consider the most insidious evil of all: that which lies within myself. In recent days, I've learned more about the various meanings of *jihad* ("the struggle") than I ever expected to know, and I'm intrigued that the most important *jihad*, at least according to some Muslims, is that which takes place within oneself. I have to get on an airplane in a few weeks for an sf/f convention in Europe, and the naked truth is that I will be terrified if I see fellow passengers who look like Middle Eastern men.

As someone else said on TV the other day, I don't know if I'm more horrified that terrorists may be on my plane or that innocent men may be pulled off my plane because they're dark. Yet the naked truth is that my heart skipped a beat in the street yesterday when a scowling young man who looked Middle Eastern brushed past me, walking fast and carrying a duffel bag with Arabic writing printed on it. My fears aren't governed by my morality, nor does my loyalty to the Constitution overcome my sense of vulnerability.

As uncomfortable as I feel with myself now, this, at least, is familiar territory for me as a writer. I'm an absolute beginner as I contemplate the events of September 11th, but the inner turmoil of the individual struggling with herself is something I've looked at often as a novelist. This internal *jihad* is not unique to compassionate Muslims; it's common to all decent human beings, and even to deeply flawed ones who ultimately fail some of the tests life puts before them. This internal *jihad* is the human heart in conflict with itself, which Faulkner once said was the only thing really worth writing about. I am my own starting place for writing characters at war with themselves.

In the days since the attacks, many novelists have struggled not only for the focus and concentration needed for their work, but also for their sense of purpose, place, and identity in a suddenly changed society. Like many writers, I'm wrestling with the variables of fictional content in a rapidly shifting reality. The pitfalls and challenges are numerous and various for each individual writer, and no one yet knows what they mean for our industry at large. I am, however, sure of two things: Readers still want to read good books; and our place as novelists has never been more important in our culture than it is now.

Artistic expression, imaginative exploration, and intellectual discovery in a free society are among the greatest achievements of our culture. If our society is now called upon to make sacrifices to preserve our way of life, then writers are among the most precious cultural treasures to be safeguarded. Not because we entertain, though we do. Not because we help people escape the daily grind, though we do. Not even because we are "the abstracts and brief chronicles of the times," though we are.

We matter because, through our talent and vision, we exercise the most fundamental intellectual rights upon which a free society is built, and through our work we keep faith with our personal convictions in the ever-changing public forum of our culture. We matter precisely *because* we explore human nature and examine human experience. In our work, we celebrate, criticize, and challenge our culture through the kaleidoscope of our individual perceptions. We matter, as writers, because we ask, season after season, "What if?," and thereby exercise the greatest gift of our species: imagination.

It is through our work that we, as novelists, honor the fallen of September 11th and validate the sacrifices yet to come. **NINK**



BREAKING NEWS

the Mitchell estate, frankly, doesn't give a damn.

Baring Her, uh, Soul

Surely you've heard of her. You know, *her*. The naked novelist, a.k.a. Carol Muskoron, who got fed up with rejections from publishers and decided to get naked on a webcam so readers could, shall we say, see the process of writing exposed. Readers, 140,000 of them, have logged onto her site which, get this, is partially sponsored by Camden College of English (now, boys, remember this is an intellectual exercise, so be sure to take notes).

Sorry, couldn't resist; she's got a better figure than mine. And how would I know? You can check her out yourself at www.nakednovelist.com. Oh, and while you're at it, her latest body (!) of work might be worth a look-see.

Muskoron, a professional journalist, contends, "To folks who say this is marketing gone mad I say, if I wasn't a great writer, they might be right. But publishing is very competitive and having thought up an idea that I knew would sell my work, I could hardly ignore it."

Adios, Encanto?

Authors for Kensington's Encanto line have been contacted and told that there will be no November, 2001, publications or any more mass market titles in the immediate future, according to Kate Duffy, who oversees the line. "We are still working on future plans for the publication of these books by these authors and remain committed to publishing for the Hispanic marketplace," Duffy said.

Olivia Rupprecht couldn't think of a clever byline this month. May the ones to come be better for U.S. all.

MEMBER NEWS.....Compiled by Kathy Chwedyk

Affaire de Coeur Releases Results of Reader Poll

Each year *Affaire de Coeur* conducts a poll in which the readers select their favorite books. The following list consists of the Ninc. members who are among the 2001 winners for those novels with a publication date between January, 2000, and December, 2000.

Best Contemporary with Hero and Heroine of Color, *More Than Gold* by Shirley Hailstock; Best Overall Historical, *In the Presence of Angels* by Katherine Kingsley; Best Regency, *Midnight Pleasures* by Eloisa James; Best Inspirational, *Not Exactly Eden* by Linda

Windsor; Outstanding Achiever, Nora Roberts; Best Up-and-Coming Author, Lynn Bailey (Cynthia Pratt).

Ninc members among the Top Ten Favorite Authors: Gwynne Forster, Linda Howard, Susan Elizabeth Phillips, Nora Roberts.

Affaire de Coeur is a print magazine for readers in the romance genre. Each year *Affaire de Coeur* conducts a poll where the readers select their favorites. Eligible novels for the 2001 poll had a pub date between January, 2000, and December, 2000. The complete list of winners is available at www.affairedecoeur.com.

American Library Association Releases Top 10 Romances List

Booklist, the official publication of the American Library Association, has released its "Top 10 Romances of the Year." Novelists, Inc., members' works represented on the list are as follows:

A Kiss To Remember by Teresa Medeiros, *The Scottish Bride* by Catherine Coulter, *What To Do About Annie?* by Millie Criswell, *The Edge of Town* by Dorothy Garlock, *Amber* by Lauren Royal, and *The Firebrand* by Susan Wiggs.

Send news for this column to Kathy Chwedyk at KChwed@aol.com or 1215 Fairmont Court, Algonquin, IL 60102.

Fast Track.....Compiled by Marilyn Pappano

The Fast Track is a monthly report on Novelists, Inc. members on the USA Today top 150 bestseller list. Internet surfers can find the list at: <http://www.usatoday.com>

USA Today Bestseller List—September 2001

Amanda Ashley, et al*, *After Twilight*, Love Spell
Elaine Barbieri, *To Meet Again*, Leisure
Jo Beverley, *The Devil's Heiress*, Signet
Sandra Brown, *Envy*, Warner
Sandra Brown, *The Switch*, Warner
Vision

Catherine Coulter, *Riptide*, Jove
Catherine Coulter, *Henlock Bay*, Putnam
Jasmine Cresswell, *The Conspiracy*, Mira
Julie Garwood, *Heartbreaker*, Pocket
Julie Garwood, *Mercy*, Pocket
Tess Gerritsen, *The Surgeon*, Ballantine
Kay Hooper, *Touching Evil*, Bantam
Sabrina Jeffries, *A Notorious Love*, Avon
Susan Johnson, *Seduction in Mind*, Bantam
Stephanie Laurens, *All about Passion*, Avon
Debbie Macomber, *16 Lighthouse Road*, Mira
Susan Elizabeth Phillips, *Just Imagine*, Avon
J. D. Robb, *Seduction in Death*, Berkley

J. D. Robb, Maggie Shayne, et al*, *Out of this World*, Jove
Nora Roberts, *Time and Again*, Silhouette
Nora Roberts, *Sacred Sins*, Bantam
Nora Roberts, *Reflections and Dreams*, Silhouette
Nora Roberts, *Dance Upon the Air*, Jove
Nora Roberts, *Hidden Star*, Silhouette
Nora Roberts, *Secret Star*, Silhouette
Nora Roberts, *Captive Star*, Silhouette
Barbara Dawson Smith, *Tempt Me Twice*, St. Martin's

* et al: additional authors who are not Ninc members at this time

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