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# Novelists' Ink

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

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Volume 9, Number 12

December 1998

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## *The Muse vs. The Marketplace Or, Nibbled to Death by Ducks*

The longer I write, the more convinced I become that the “mental game” is perhaps the most important part of being a writer, particularly when the market is tough, and getting tougher. New and midlist authors used to be able to look forward to polishing their craft and building a career over time. Now, talented authors are scrambling just to stay published, and are sometimes forced to take pseudonyms and start all over again.

Orphaned writers *really* are starting over when they attempt to find a new home. A dozen books published in the past may be of no help—may, indeed, be held against you. Everyone, at every level, is at the mercy of the infamous numbers that reside in distributors’ computers like vultures waiting to strip our bones at the first sign of faltering.

Writers used to dream about branching out into new areas. If the new kind of book wasn’t successful, it wasn’t a disaster. But these days, experimentation is not encouraged because weak sales can wreck your numbers for years, maybe derail your career entirely.

The mystery writer who abandons a popular series to try new characters may live to regret it, or a first book we’ve been trying to forget may be rereleased by an old publisher, sending our numbers south because the computers can’t tell the difference between new and old. For many of us, there is an ever-increasing pressure to keep on doing what we’ve done successfully in the past, even if that makes us want to shriek from creative frustration.

None of this is news—such horror stories are a chronic topic of discussion whenever authors gather, either face to face or electronically. The question is—what can we do about it? How does one balance the creative and the commercial, the Muse and the marketplace? What compromises are writers making? Which can be lived with, and what

By **MARY JO PUTNEY**

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turned out to be a big mistake? Or, as one friend said baldly when I mentioned this subject, “In other words, you’re asking how much are we willing to prostitute ourselves to get a book published?”

Crudely put, but essentially accurate.

I started to look for patterns in the horror stories I heard, because, as Vicki Hinze says, “The better we understand the patterns, the better we can survive as individuals.” For example, “Ann” is a multi-published author who sold many, many books on synopsis. None of a passing parade of editors ever messed with her plots—until her most recent book. She was well into the story when her editor called to say, “Books set in Mexico don’t sell well. Let’s change the location.”

Ann suggested California, which was accepted enthusiastically. Unfortunately, the physical and historical factors, researched on an emergency trip to California, didn’t work. The plot had to change, the characters changed in response—and the story disintegrated. Finally, Ann decided that the only thing she could do was shelve the book and send in a new proposal. Which she did—only to have her editor say, “Oh, no, I really like the characters and the story just the way they are. Put it back in Mexico.”

This might simply be editorial flightiness that could happen to anyone—but it’s also an example of how parameters are shrinking. As authors of historical romance know, the number of acceptable settings has gotten narrower and narrower: Essentially, the 18th to 20th centuries in Britain or the United States, and British medievales—and the 18th century can be iffy. For Ann’s editor, Mexico didn’t make the cut.

Maybe a medieval can be set in France, but many editors say, “France doesn’t

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## PRESIDENT'S COLUMN

**I remember the discussion** with a former editor as if it were yesterday, and it still haunts me now years later. I had just published my first novel after a decade and a half of collecting rejection slips, and was just beginning to get a taste of how difficult the business of being a writer could be. As an unpublished, aspiring novelist, I always assumed that the toughest part would be selling that first book. I never dreamed that this was only the beginning.

In the course of this conversation, I mentioned to my then-editor how frustrating it was to see the difficulties involved in earning a living wage in this game. No doubt amused by my naïveté, she admitted that of all the writers she currently had under contract, not a single one actually made a living writing.

I found this shocking. How, I wondered, could this be? I understand now, nearly ten years later, but back then all I could do was wonder how she would feel if the situation were reversed, if the President/Publisher called her into his office and the following conversation ensued:

**Editor:** *You sent for me, boss?*

**President:** Yes, have a seat. (uncomfortable pause as Editor sits down) You love editing books, don't you?

**Editor:** *Yes, of course. I've been doing it for years. It's my life. Wouldn't change a moment of it.*

**President:** You're good at it, aren't you?

**Editor:** *Well, I don't like to brag... But when you've been doing it for as long as I have, you're bound to learn something. Yes, I guess I would say I'm good at it.*

**President:** And your clients—the writers—trust you with their work, rely on your judgments, correct?

**Editor:** *I've never let one of them down yet.*

**President:** Good, glad to hear it. You have a passion for the work, you're good at it, and your colleagues all trust and respect your work as well.

**Editor:** *That's about right, sir.*

**President:** Well, then, given all that, it shouldn't be a problem for you that we're making some changes around here. We're cutting your salary by 90 percent; we're only going to pay you twice a year; we're holding back a third of your salary just in case you do inadvertently slip up once or twice; and you're going to have to take our word for it that we're paying you fairly and accurately. Oh, and, by the way, you'll be buying your own health insurance from now on.

**Editor:** (choking) *But—But—I can't pay my rent! I can't feed my kids! I'll have to take a second job, or even a third.*

**President:** No problem! With your passion, dedication, skill, and reputation, you should have no trouble fitting it all in!

*(Exeunt Editor, sobbing)*

There's not much chance of this conversation ever happening between an editor and publisher, but why is it that so few writers are shocked when it happens to them?

**This is my last column as your president.** It's been an adventure and I've

**This Month  
from the  
President:**

*...not a single one  
actually made a  
living writing.*

enjoyed it very much. Eleven months ago, I wrote to you that my first goal was to do no harm. I hope that's been achieved. I also hope we've managed to accomplish a few other things as well.

I want to thank the entire NINC Board of Directors for their support, hard work, persistence, and guidance. I want to thank, as well, the Advisory Council—and especially Janice Brooks—for keeping us aware of NINC tradition and past policy. The people who founded this organization created a structure that works both wisely and well.

To incoming NINC President Julie Kistler, the best and

most sincere good wish that I could have for you is that your experience as president will be as wonderful as mine has been.

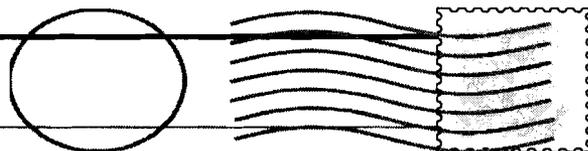
To all the volunteers who worked so hard to chair committees, help turn out the newsletter, and put on an annual conference that was as enjoyable as it was useful, all I can say is thanks. I continue to stand in awe of all of you.

And to all members of Novelists, Inc.—Good luck. Write well. Persevere. Good-bye.

— *Steven Womack*

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## LETTERS TO THE EDITOR



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

### Response to Steven Womack's September column:

As both a traditionally published and electronically published author, I was surprised (yet again) at Novelists, Inc.'s lack of foresight re: e-book-author membership. I've always thought NINC was open-minded, and possibly the voice of the future, but I won't list my objections to Steven's "unique agenda" statement. The fact is that e-book authors don't "need" NINC. Yet, I truly believe NINC needs e-authors, and I don't think e-authors will embrace our organization when NINC realizes its mistake. Of course, many trad-published authors will have gone e-pub by then.

Second, if we are to deny membership, we'd better change our rules. I write for Hard Shell Word Factory, a non-subsidy, royalty-paying house with (inter)national distribution. Please tell me how that doesn't "fit" the NINC membership rules.

Recently, Microsoft Corp. announced that it's joining major publishing firms and electronics manufacturers to establish an important set of open technical standards and help strengthen the emerging e-pub industry. This announcement was made at the world's first electronic book ("e-book") conference. The firms working with Microsoft include publishers Bertelsmann, HarperCollins Publishers

Inc., Microsoft Press, Penguin Putnam Inc., Simon & Schuster, and Time-Warner Books. "The goal is to create as many titles as possible, and win as many customers as possible—as fast as possible," said Dick Brass, vice president for technology development at Microsoft, who heads the company's e-book efforts.

"As fast as possible." That doesn't sound (to me) as though it's two, three, five years down the road. Plus, there's nothing to keep NY pub houses from contracting e-books for mass market paperback reprints. The concept is the same as buying/reprinting hardcovers. In other words, all the work has already been done—editing, formatting, and the accumulation of reviews. I suspect that once this concept becomes reality, more print authors will be dropped. If NINC wants to "ostrich" itself, fine. But I think we should seriously reconsider the inclusion of e-book authors. Before it's too late.

— *Denise Dietz Wiley*

### Literary Agent Sounds E-Rights Alert:

As you are undoubtedly aware, there have been some exciting developments in electronic publishing technology, and they are going to change if not revolutionize every aspect of the business. As your own interests will be affected we want to describe these briefly to you, to make some recommendations and sound some alarms.

**1. Print on demand.** Publishers, distributors, and booksellers now have the capability to print economically single copies of a book upon request by a consumer.

**2. Online sale of books.** Electronic versions of books may be ordered directly from publishers or from companies like **barnesandnoble.com**, to be read on handheld electronic reading devices known as e-books. Though these devices are still expensive and certain technical problems remain, there is no question that the price will come down and the quality will go up, and portable e-books will eventually win consumer acceptance.



# LETTERS TO THE EDITOR



▶ ▶ ▶ ▶ *Continued from page 3*

The good news for authors is that these developments will enable them to reach larger audiences for their work, and to earn more royalties. But the bad news more than outweighs the good.

Because electronic versions of your book, unlike print-on-paper versions, never go out of print, publishers have begun to take the position that even after there are no hard copies available in stores or warehouses, your book is still, technically, in print. Why? Because it is digitally stored in the memory of your publisher's computer, available for printing your book on demand or transmitting it online to consumers.

This means that when you believe your book is out of print (in the traditional sense of the term), your publisher may refuse to revert your rights to you. Under current copyright law, that means that your publisher will be entitled to keep your book exclusively until 70 years after your death.

What is worse, publishers are beginning to insist on those same interpretations of "in print" and "out of print" when you sell them a new work. To put it plainly, that means you must sell it to them forever.

Perhaps they will actually exploit your book aggressively and earn good royalties for you. But if they don't, you're out of luck. You will never be able to recover the rights to that book.

There's something else you should know. Publishers entering the electronic book field are offering authors a traditional royalty, around 10% or 15%. Such royalties make sense for books printed on paper because of the expenses incurred by conventional publishers such as paper, printing, production, warehousing, and distribution. But the costs of storing your book on a disk and fulfilling an electronic order for it are negligible, and it is certainly not out of line for authors to be thinking of far higher royalty percentages.

Author and agent organizations are awakening to these threats and developing strategies for combating them. Among those strategies are: limiting publishers to a term of years when they acquire new books; requiring a minimum annual royalty if a book's earning drop below a certain dollar figure; and contesting publishers' expanded definition of "in print."

How can authors protect themselves?

First, by raising the consciousness of all authors about this threat to their interests.

Second, by raising the consciousness of editors, who may not be aware of, or may not be comfortable with, their company's policies or the implications of those policies.

Third, by supporting those publishers that are flexible and negotiable about their definitions of "in print" and "out of print" and about royalties payable on electronic versions of books.

Finally, by supporting efforts of author and agent

organizations to promote author-friendly approaches to the in-print, out-of-print and the electronic royalties issues.

When you or your agent negotiate your next book deal, you may be given a take-it-or-leave-it ultimatum by the publisher that it expects to acquire rights in perpetuity. You will have to decide whether you wish to accept those terms or risk that your book will go unsold. Individual authors or agents may not be in a position to resist such demands. Only the collective actions of a united author and agent community will overcome such pressure.

For this reason—because this is no less than a matter of survival—we urge you to do all you can to fight the takeover of your most precious asset: your copyright.

— **Richard Curtis**

## No Butts about It

In the November *NINK*, our Fearless Leader writes in his monthly President's Column: "And as pros, we've learned the secret handshake, that writing is a two-step process: you put your butt in the chair and your fingers on the keyboard. And you get the words out, even when you don't feel like it or even have much to say. You get the words out, day after day, month after month, year after year, book after book. You get the words out."

Thanks for the reminder, Steve. This came as a timely pep talk here at my desk, where the sun always rains and fear always reigns. You're right, I can do this. Hell, I've typed 15 books while waiting for the feeling that I actually knew how to write one. The night is still young, and I can type 15 more while I keep waiting. I get lost in the hurly burly sometimes, and your column reminded me that the Golden Rule by which I began my career remains unchanged: put seat of pants in seat of chair and write (especially if you have a deadline).

— **Laura Resnick**

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## INTRODUCING...

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*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

Jill Barnett, Bainbridge Island WA

Bette L. Ford, Warren MI

Jon Foyt (*Ruth Clapsaddle-Counts*), Santa Fe NM

### New Member

Connie Flynn (*Casey Roberts*), Scottsdale AZ

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# MUSE VS. MARKETPLACE

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sell.” And that goes double for that nasty, blood-thirsty French Revolution.

Other aspects of setting are also constricting. “Theater books don’t sell,” and neither do books about artists. In category romance, babies, brides, and cowboys have been booming for quite some time, but heaven forbid that you write about a Texas dairy farm rather than a ranch. And the problem isn’t just with romance—I’ve heard similar comments about mysteries and sf/f books. The walls are closing in, and many of us fear that if books become too similar, readers will become bored and look elsewhere for their leisure time entertainment.

Still, editorial prohibitions are often rooted in market reality. I once did a trilogy where the first book was set in Britain, the second mostly in Central Asia, and the third in India. The sales make a perfect downward slope. The British book has been back to press numerous times; the Central Asian book did all right, but nothing spectacular, and the Indian book has never earned out. (Trust me on this: India books really *don’t* sell!)

Though it’s tempting to blame editors for failing to see the genius of our ideas, that hound won’t hunt. The vast majority of editors are bright, capable, hard-working people who work terribly long hours for inadequate pay because they love books. Their job is to find and publish stories that will do well for the publisher, thereby enabling the company to stay solvent and the editor to remain employed.

And, if the truth be known, we writers like to push the envelope. As Cynthia Bailey-Pratt says wryly, “We all know what we would write if the market would support us. Strange books. Books that we have dreamt of for years. Non-niche books.” Sometimes we need to be told that the idea that enthalls us will appeal to only two other carbon-based life forms in the universe. This is why we have editors.

Perhaps the writing life was easier in the golden days when publishers were run by book lovers rather than corporations ruled by profit-obsessed MBAs. Yet the categorization of genres has on the whole, I think, enabled us to sell more books. The reader of a traditional mystery knows she can expect at least one murder, a puzzle that can be solved, and a satisfactory ending. In the case of a mystery series, there will also be a recurring group of characters that become the reader’s friends over time. In a fantasy, good will triumph over evil, and a romance reader can trust a genre romance to focus on a developing relationship, with a guaranteed happy ending.

Genre books exist by meeting the expectations of the genre. In an uncertain marketplace, a savvy editor will try to publish books that have been shown to please substantial numbers of readers. The sad fact is that a book can be brilliant, but it might be so hard to find the audience that

would love this particular story that it simply isn’t feasible for a publisher to release it. It’s better business to buy a book that might be less dazzling, but which hits a bull’s eye on reader expectations.

If an editor has vision and clout, s/he can occasionally risk buying brilliant, off-beat authors, and slowly build them while the program is supported by more traditional books. More often, such books get turned down. And if the off-beat book is merely very good, not brilliant, it may never sell.

Even if an author proposes a setting that is new-to-her-but-acceptable, she might be turned down because she would unbalance her publisher’s list by encroaching on the niche occupied by another author at the same house. “Sorry, you can’t do that. We already have an urban fantasy/Georgian historical mystery/medieval romance writer.” A friend of mine who wrote a wide variety of settings for one house moved to a more prestigious publisher, and all the new house wants is Westerns. She is their Western writer, and that’s that. She is not a happy cowgirl.

Overall, how satisfied we are with our careers is often directly related to how close our writing preferences are to what the marketplace wants. There are authors who have never had a proposal turned down, because their sensibilities are so closely in tune with those of their audience. Needless to say, this is a great blessing to a writer.

But there are also fine authors whose stories don’t fit as easily into a genre. In the more expansive market of several years ago, such writers could be quite successful even so. “Barbara” wrote several award-winning category romances, but got exasperated by her editor’s frequent requests to add more sex. “I resented being told by another category author that if I kept getting those notes, obviously I wasn’t writing for the right audience and should consider writing something else.”

Six books later, Barbara realized that she was indeed in the wrong place when her publisher dumped her, even though she was still winning awards. At heart, she wasn’t a category romance writer. Now she writes fantasy and says, “I never mind being told to broaden the scope or add more magic.”

Barbara has “reinvented her career,” a strategy that has become very popular in the last few years. As niches for genre mysteries shrink, some writers have turned to writing thrillers, the category that probably produces the greatest number of bestsellers. Writers of historical romance have found new homes in historical mystery, one of the livelier trends of the last few years, while some sf/f authors have turned to writing romance, in an invigorating form of musical chairs.

The key to reinventing a career is to look at one’s particular talents and tastes, then decide what market would be most hospitable to those qualities. A spectacularly successful example of this is Janet Evanovich, ▶ ▶ ▶ ▶

# MUSE VS. THE MARKETPLACE

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who took her trademark humor from a faltering career in category romance to major success in the mystery genre with her series about Stephanie Plum, Jersey Girl and bounty hunter. As Roberta Gellis said, "Since I was unable to change my style and subject, I changed my genre."

But even if you're in a publishing niche that suits your writing very well, markets change. Sometimes they are cyclical, other times whole genres have vanished, possibly forever. There are bestselling authors of a dozen years ago who are no longer published. Writers who are revered by their fellows have gone years without making a sale.

Some authors who have hit the wall with New York publishing have bravely ventured into new territory, such as studio and online electronic publishing. These venues offer wonderful opportunities for books that may not command the audience that mainstream publishing requires, or that don't quite fit a niche. In time, the World-Wide Web may offer salvation for Regencies and Gothics and female coming-of-age stories.

Still, as Carole Nelson Douglas says, "When the publishing industry works *for* an author, as opposed to against the author, it remains the best route," particularly for those of us who don't want to have to do our own marketing and distribution.

So how do we learn to work with the marketplace?

As I said above, the longer I write (12 years and counting), the more I realize that long-term survival in publishing is very much a mental game. We need to be tough, professional, and flexible. Talent alone is not enough, because many talented authors have fallen by the wayside for all kinds of reasons.

Writers who have been selling successfully for years are generally savvy professionals who know how to blend their Muse with the marketplace, and who can adapt to changing circumstances. Carole Nelson Douglas says, "I think you have to be aware of the market, but must follow the Muse." Having written historical and contemporary romance, mystery, science fiction, and fantasy, she has followed her Muse farther than most. For her, what works is to "look for what's missing for me in a genre I like, or in a hot new trend. Then I look for a way to supply that, hoping that others are missing that, too."

While flexibility is probably essential to long-term survival, what about those compromises? When I posted this topic on NINCLINK, I got lots of interesting answers, some of them downright heartbreaking. "Caitlin" sold an unconventional book to a much loved and respected editor. The book did well, and continues to sell. But when proposal time came around, her editor said with deep regret that, "Marketing says your next book has to be..."

The author gave it her best shot, but the book lacked

magic. She knew it, readers noticed, the book didn't sell as well as its predecessor. This was a compromise that didn't work. Caitlin decided to write her next book *in toto* rather than submit a proposal. It was a risky decision, but essential to her sanity, and she feels her work is far stronger for having made that choice.

She isn't the only author to decide that the only way she can survive is to write the book the way she wants it rather than go through the submission and proposal process. Other authors have developed different strategies to cope with the marketplace. Vicki Hinze said, "I did what I call a Sunday book, working just on Sundays, writing just for me. Ignored the market, commercial aspects—did it for the sheer joy of it. Back then, I worked on four books at a time. The one for the niche, the Sunday book, and two others wherein I wrote the story I wanted to write, while including commercial elements."

A "Keeping the Spark Alive" discussion at the Tahoe conference produced several approaches to maintaining creativity and interest even when the market is narrowing. One author of over 50 category romances plays with tone, changing from humor to drama to suspense. Another writer pointed out that someone who is feeling boxed in can make incremental changes—not jumping from a niche into a totally different kind of book, but adding new elements to each story until s/he has arrived in a new and more interesting place.

During the discussion, I realized that in every book I write, there is at least one theme or setting that is new to me, and a little alarming to contemplate. If a story doesn't scare me, I won't write it, and a little fear definitely keeps the spark alive. Another approach I've seen authors use when a proposal is rejected is to look hard at the story, and separate out the elements in it that really excite them. Perhaps those elements can be woven into a different, more commercial story, satisfying both Muse and market.

Sometimes, the Muse can be coaxed in a new direction if sufficiently motivated. As historical romance writer Susan King says with admirable pragmatism, "If someone offered me a lovely amount of money to write a Western or a Regency or even a contemporary, betcha my Muse would be right there looking over my shoulder and we'd figure it out. Money talks, even to us artistic types."

Other times, life changes us. Christy Yorke Cohen says, "When I started out, I just wanted to get published. I would have written anything (well, almost). My first book with Bantam, *Private Scandals*, was very commercial. Then with each book that followed, I tried to go a little more toward my heart, which in my case meant richer subplots, quirkier characters, plots that didn't necessarily have that 'sound bite' glamour. The result was that, after three books, I couldn't come up with something my editor liked, and she couldn't come up with something I'd be interested in writing.

"How did I cope? Well, I had babies. Colicky ones. Very diverting. Granted, this is not for everyone, but what it did for me was get me occupied elsewhere, and eventually put a depth and warmth into my writing that I'd never had before. After 24,000 diaper changes, 10,000 episodes of Barney, and countless games of CandyLand, I started writing again. I went immediately back to the books of my heart. Only this time, for some reason, my editor loved them. This time, when she asked for substantial revisions to help make these more literary books more commercial, I realized she was right. No balking. No crying. No feeling I was selling out. *Writing* is about truth, the way you see it. The *writing business* is about compromise."

As authors, there's a lot we can't control, but we can more or less control our attitudes, and what we put on the page. To the extent possible, we need to resist being dragged down by the horror stories, because the fact is that

most of us are staying in the game, even though everyone experiences hard knocks sooner or later. Despite all our complaints about this hard, hard path we've chosen, there are darned few of us yearning to go back to teaching, or journalism, or law offices.

I'd like to end with a wise quote from Vicki Hinze: "I'm not going to say I ignore the commercial marketing considerations. I am going to say if by including those considerations I no longer love the story, I'm not going to write it."

Amen. **NINK**

*Mary Jo Putney is the author of 20 Regency and historical romances. Her next book, The Wild Child, will be a hard-cover release from Ballantine in August '99. When the Muse shows signs of becoming wayward, Mary Jo brandishes chocolate to bribe her back to marketplace realities*

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## Y2K: Gigabyte Me

*Catherine Coulter presented these concerns as the keynote speaker of the Tahoe 1998 NINC Conference.*

**By CATHERINE COULTER**

Editors are a wild lot. They love to party. On New Year's eve, 1999, knowing our editors, I'll bet they'll be scattered at parties all over New York, on the highest floors of the highest buildings. They'll be drinking to the former Penguin Putnam, which, on the first of January, 2000, will proudly become Penguin/Putnam/Random and Brown/Harper.

They'll salute Little and Collins, who escaped the big 1999 mega-merger.

They'll all be crowded in glass elevators that hug the sides of the high rises, waving their champagne glasses at all the folk below.

Then it happens. The clock strikes 12. It's now January 1, 2000. Suddenly—without warning—the glass elevators go down—fast.

Our editors are toast.

And all because they didn't realize what could happen to elevators at the stroke of 12 at the turn of the millennium.

*How about our agents?* Now there's a crazy bunch for you. I can see all our agents hiring special agent-luxury yachts on New Year's Eve, 1999. I can see them simulating big book auctions, playing *Let's Make A Deal* in the engine room. Early in the morning of January 1, 2000, the captains start their engines to head back. But nothing happens. The agent yachts won't go anywhere. They're dead in the water.

The agents can't yell loud enough to get anyone's attention. They start to get desperate. "We'll give

electronic rights to any publisher who saves us—in perpetuity—whatever electronic rights may turn out to be." This doesn't work.

Finally, in utter desperation, "We'll drop our fee back to 10% if a writer comes to save us." But nothing happens.

Our agents are toast.

Now, how about all the rest of us? Namely, you and I, the writers? On New Year's Eve, 1999, we're at home, drinking moderately priced champagne, watching for the ball to fall in Times Square. The clock strikes 12, but the ball just hangs there. Times Square goes black.

Something is very wrong here. Then we realize: all of us—editors, agents, writers—we're all toast.

Why didn't we take the millennium bug seriously? Even Dave Barry is warning us now: "We need to immediately stop whatever we are doing, especially if it's fun, and start worrying about the millennium bug."

Back to October 17, 1998, only 440 days before the turn of the millennium. Editors, agents, writers—we're not toast yet.

What is this millennium bug? What is this year 2000, or Y2K, business?

Okay—here's the situation: *It's all about computers.*

Three and four decades ago, computer space was not only limited, it was expensive, very expensive. Back then it cost \$761 a megabyte versus only 35 cents today. To save space and money, they decided to cut the eight-digit date field down to six digits. So October 17, 1998 reads 10/17/98, not 10/17/1998.

This decision to cut down from eight to six spaces saved buckets of money, then. But what price will we pay when the year becomes 2000? All the computer ▶▶▶▶

# GIGABYTE ME

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dates will read 01/01/00, and when computers see that 00 in the year slots, they'll believe it's 1900.

But, you're thinking, what does it matter that all the computers believe it's 1900 and not 2000? They'll just keep doing their job, won't they? What's the problem?

Well, here's a year 2000 glitch that's already happened. Recently, the computer network that schedules patient appointments for three hospitals and 75 clinics in Pennsylvania, shut down. Why? Because *one* person punched in *one* appointment for after the turn of the millennium. He typed in 01/04/00 and the entire system crashed.

This is just one instance. These glitches, also called "sightings," are exploding on the Internet as we speak right now. *Business Week*, *Time*, and *The Economist* all have already devoted big coverage to the problem. But they need to devote more and they will, the closer we get to January 1, 2000.

You say, "So, let's just fix it. What's the big deal? I'm not even a computer weenie and I know how to fix that. Just add two more spaces to all the date fields so that the computers will read 2000 instead of just '00' and not then think it's 1900." No problem? Right?

If only it were so simple. There are gazillions of lines of computer codes that have date information written into computer programs all over the world. All these gazillions of lines of code have to be examined individually to find every *date sensitive* code. What's a date sensitive code? Any code that requires a date to be entered, like date of birth, retirement, death; date of loan repayment, payroll, taxes due; dates for maintenance, for invoices, monthly payments, and so on.

What about writers? We're drowning in dates: dates our novels are *actually* on sale as opposed to the publication dates, which are at least a month and a half later, dates contracts are signed, manuscripts are due, foreign sales are finalized. Dates royalties are *supposed* to be paid.

So there are lots of codes that must be checked out to find where dates are needed, particularly those dates used to calculate another decision in the process. There are no treasure maps to find them. You have to go hunting for them. And it's not just dates.

Consider early programmers back in the days when this mess was first created. They never had adult supervision. No one edited, no one ensured that standard, logical procedures were followed, no one insisted on records, or even explanations. No one checked for errors or mistakes. We, the consumer, have been programmed to call all the errors and mistakes, charmingly, bugs, thus trivializing the impact.

They could be as creative as they wanted because no

one checked to make sure that actual computer instructions didn't include the names of the programmers' pets, girlfriends, and Uncle Al, who was currently in jail.

Wells Fargo, recently checking for date sensitive codes, found an instruction that read "if geezer, then drop ½." What this cutie programmer really meant was "if a loan applicant is over 65 years of age, then adjust the interest rate down one-half percent."

On top of that, back then, programmers used computer languages that aren't in vogue today, like COBOL, the language that still runs most of the critical equipment. Few people around today even know these languages. So, when trying to correct computers today, finding all the date sensitive codes is just the beginning. Translating many of the instructions is like trying to decipher hieroglyphics before the Rosetta Stone. It takes time, patience, guesswork, and more time. And time is the main commodity we don't have.

Unlike a manuscript that we can get an extension on, if our disk happens to fall into the dog's bowl of Alpo and gets chewed up, the first of January, 2000 will arrive exactly on time and *nobody* can change it. In only a few places like Thailand can they claim they won't have a problem, since they have a different calendar.

Think about this: AT&T reports that they have in excess of four billion lines of code to examine. *Four billion*. And this doesn't even include all the cable running on the ocean floor. It's hard to even take in, much less figure out how many work hours it would require to look through four billion lines of code, zap in two more year spaces, and then test it to see if it still works and new problems haven't been added.

So if AT&T misses just one code line containing a date code, really bad things could happen. But what? This is probably the most frustrating aspect of Y2K. No one can tell you exactly what will happen if date codes are missed. Why? Because no one knows how the programmers programmed the programs since there was no adult supervision.

Even Bill Gates is unable to shoot any silver bullets. There just aren't any. Now, *at last*, computer companies are no longer putting out programs that aren't year 2000 compliant. It would be business suicide to do so. Still, if you buy anything now, from a new Quicken program to a new VCR, make sure to check that it is guaranteed to be year 2000 compliant. But of course there can still be problems, like computer chips from North Korea that promised to be compliant and aren't. They get installed in good faith, and down go the computers.

Okay, then. So how do we fix the problem? How do we make our computers year 2000 compliant so we don't go down in flames? Obviously the very best thing to do is to buy completely new computer systems that are entirely year 2000 compliant. But just imagine the cost of complete replacement. For big companies and the government, this is entirely *too* expensive.

Okay, what other choices are there?

1) *Just add two spaces to make the complete year.*

Many folk—including some of our publishers—are adding two extra spaces to all the date fields. This offers a permanent solution, but it's expensive and time consuming.

2) *How about "windowing"?*—it's like sliding glass doors, only it's using a span of 100 years. In our industry Ingrams is doing this.

3) *How about "patches"?* These are new programs that bypass the first date codes or put a Band-Aid on them.

All these approaches will work. The only thing is, all this takes time. As I said, this is the first time in history that no one can get an extension. Come 12:01 a.m., 2000, time's up.

Besides time, becoming year 2000 compliant takes buckets of money—lots more money than was saved 30, 40 years ago. The most up-to-date estimate worldwide is 600 billion dollars. And it will probably go higher.

However, not everyone out there is wringing his or her hands about this. There is a big group of folk who are thrilled at all the inevitable year 2000 problems. They're already gearing up, rubbing their hands together.

It's the lawyers.

They have the happy prospect of suing everyone in sight when the year 2000 foul-ups begin. It will be the ambulance chasing of the new century.

Consider this: a company goes out of business because suppliers can't supply them. The company sues the suppliers. The stores who didn't get the products sue the company. The lawyers win. It's estimated that litigation coming after year 2000 will probably cost our economy more than fixing the problem, perhaps up to one trillion dollars.

Big recession coming? No one knows for sure just how big. Besides the gazillion lines of date sensitive code in zillions of computer programs, there's something else, a real biggie, namely, *embedded chips*.

There are approximately 25 billion embedded chips in the world. Embedded chips aren't instructions in a computer program. These chips are actually hardware—little machines—that have date instructions embedded or "burned into" the computer chip itself. They can't be changed. They have to be replaced.

There are embedded chips in lots of places you wouldn't immediately think of, so, come January 1, 2000, will bank vaults seal shut? Will prison doors fly open? Will all elevators stop mid-floor or crash to the basement? Will your heating system shut down? (it's January, remember). Your dad's pacemaker—is it at risk? Will the fire department water hoses and the extension ladders work?

As you can see, we've got to try to figure out *where* we're going to have a problem before we can address fixing it.

*Good news:* it's estimated that only about 50,000 of the 25 billion embedded chips are date sensitive.

*Bad news:* we don't know which 50,000. So when you hear those dreaded words *embedded chips*, think about your VCR, your toaster, your digital watch, your car. Will they still work come the turn of the millennium?

In all fairness to the folk who made this catastrophic

decision 30 and 40 years ago, it's true they never considered that these old systems would still be around today. But they were wrong. We've upgraded and enhanced, and not simply replaced. Like old soldiers, software just doesn't seem to die. The *Economist* magazine wrote, "Each tweaking has buried two-digit dates deeper in a tangle of software spaghetti."

### **Now, Let's Go to Washington.**

Surely, given all the thousands and thousands of computer programs that are needed to keep this country running, our government is going full guns on getting everything fixed in time. Right? Isn't Al Gore our technology vice president?

Well, until recently good scout Gore has been largely silent, as has President Clinton, on the year 2000 problem. Why? Can you imagine convincing the politicians to authorize billions of dollars to fix a problem that no one can see, much less imagine, and try to sell it to the American public? That if they don't spend the money to fix it, the world as we know it will suffer mightily on January 1, 2000?

Only, sorry, we just can't prove for sure how bad it will be if nothing is done. And the only thing positive we get at the end of all this—after spending all these bucks—is fewer screw-ups. Somehow, none of us want to believe that computers—computers, for heaven's sake—could possibly do us in.

We're completely dependent on computers from electricity to water to *not* launching nuclear weapons. Picture New York City without power—no electricity, no heat, no communications. It's unthinkable.

Surprisingly, it's our snail-paced Congress that's pushed and pushed and now, finally, government agencies are getting on the ball and starting to roll. Let me add that *only* in the United States are federal government agencies being monitored week by week, at last. If they're not moving quickly enough, they're hauled in front of Congress.

Here's an up-to-date status report put out by the Subcommittee on Government Management, Information, and Technology. Every government agency gets a letter grade. We've got some As—like Social Security, which is a good thing, given the millions of Americans who depend on the checks. We've got some Bs—EPA. We've got some Cs—NASA—hopefully they'll get enough critical systems fixed to keep our satellites up there.

It's the Ds and Fs that make one pause. Take the Defense Department: they're plagued with lots of elderly mainframes, ingenious but arcane computer languages and embedded systems in almost every piece of equipment. Nobody wants to talk about it.

Then there's Treasury. They got a **D**. Incidentally, they're the ones who actually print the Social Security checks. Sorry.

A big **F** goes to the Department of Justice, which includes the CIA and the FBI. How about a little terrorism? And, a really big **F** to the Department of Education.

*The overall government year 2000*



# GIGABYTE ME

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compliance to date is a **D**, according to the government itself. But take heart. The last report's overall average was an **F** and they moved up to a **D** in just one quarter. That's progress.

What about the IRS? Remember the four billion dollar computer system the IRS tried to get working for eleven (yes, *eleven*) years? It never worked and they had to scrap it. Again, take heart. It's estimated that the IRS will have everything cleaned up by the year 2010.

What about Medicare? Medicare is facing a staggering number of claims in the year 2000. Estimates currently sit at about 200 billion dollars. Their grade is an **F**.

Then there's the FAA. Swiss Air, KLM, and Lufthansa have already announced that they won't be flying on the first of January, actually not until they're sure things will be safe. And we're not just talking big delays, downed computer terminals at check-in, or long waits for luggage.

What if a plane goes down because of some malfunctioning embedded chip in a directional control system? What if the airplane doesn't appear on the flight controller's radar screen? What if the computer sends 60 airplanes to Arkansas at the same time?

Listen up, you guys. Do not get on an airplane the first of January, 2000.

Bottom line: it's estimated that at least one-third of the government's mission critical systems will not be ready on time.

What will happen? Will our government be paralyzed? Will our financial records be inaccurate? Our telephone system unreliable? Will airline flights be canceled without warning?

There are those, like Dave Barry, who say, "Well, all right, then things will be pretty much the same as they are now."

Now let's go right to the heart of things.

## How about the Publishing Industry?

It's time for us to become pro-active. This is our livelihood. Monday morning, phones need to be ringing off the hook. First, you all call your editors. Ask if your publishing house will be year 2000 compliant. The chances are your editors won't know a thing about it unless they're here today.

If you hear with off-hand indifference, "Oh, you mean that millennium bug thing?" don't panic. Simply ask your editor to check into this and get back to you. When your editor calls you back, you'll hear one of two things: 1) "Yes, we have a team working on it and the scheduled end of testing to make sure everything's compliant and working is December 31, 1998. Here's the team manager's name and yes, he/she is reporting to the CEO or the CIO" or 2) "Don't worry about it. Everything's under control."

If you get answer number 2—panic.

My own publisher, still known as Penguin-Putnam, is targeting December 31, 1998 to be completely year 2000 compliant.

In our business, particularly, we're always working in the future: scheduling a novel to be published in March of 2000, scheduling art, scheduling sell-in dates. There have already been some low-level failures since we spend so much time in the future. One failure that really got the publisher's attention happened when they entered the dates for the two-year reserve payback schedule. The novel was scheduled for publication January 1998. The remainder of the royalties were to be fully paid out in January 2000. The computer spit out nonsense. This screw-up, fortunately, was easily identified and easily fixed.

What about pre-December 31, 2000 problems? How many fiscal years begin in July? Hold your breath now: the federal budget year begins in October.

Now, let's think about all the other businesses our publishers depend upon—all the vendors and suppliers:

1) *R.R. Donnelly*—they're a very big off-set printer. They both print and bind for a lot of our houses.

2) *Corrugated Containers*—they supply all equipment to warehouses—they provide boxes, all different shapes and sizes to fit the exact measurements of the books and the numbers being shipped to any book outlet.

Say the house has a million dollar order from Barnes & Noble. These folk figure out the most effective way to get these books to where they're going. These companies, as you can see, are rather important to us.

What would happen if these two companies weren't year 2000 compliant come January 1, 2000? Bad things. Very bad things. How are the publishers handling this?

1) Some are going with an excellent strategy: something that works well on writers: *threats and blackmail*:

"If you don't get compliant by such and such a date, and prove it to us through system testing, then we're finding someone else—soon."

2) Some of the houses have liaisons working with each of their vendors and suppliers, making sure they're with the program and not just blowing hot air.

3) Some of the houses have liaisons with all their "trading partners," that is, all the folk with whom they deal electronically. This includes all the big chains such as Barnes & Noble and Borders.

Since these are the people who have got to pay the house so they can pay the writers and the agents, it's pretty important that everything will work together without errors. They must "off-line" test, such as sending sample orders, processing the orders, sending confirmations back (lots of date information), as well as cancellations, which are especially time sensitive.

It sounds like the publishing houses have everything under control—right? Oh, no, that's really not what I'm saying. I cannot guarantee you—writers, agents, editors—that your specific publishing houses are really spending the bucks to fix the problem in a timely fashion. It's possible

that your publishing house still has this Y2K—or year 2000—thing under “consideration in some subcommittee.”

This is why we need to become pro-active. This why we need to dig into it ourselves. We need to find out *exactly* what our own house is doing and *exactly* what time frame they’re working under.

And, this is a biggie: if the year 2000 project isn’t being directed from the top, then it won’t happen. If you’re not happy with the answers you get, if you get an obvious run-around, cute little jokes, or a metaphorical reassuring pat on your head, then you need to become a rabble rouser. This affects all of our livelihoods. Since we’re part of it, we need to make sure it gets done.

But why, you wonder, would anyone bother blowing hot air? Making jokes? Just plain lying? Yet it was common until the SEC mandated that all publicly owned companies have to give quarterly Y2K status reports. Government agencies, as well, must now inform anyone who asks exactly what they’re doing and where they stand. However, everyone else can still lie or refuse to say anything. Why? It doesn’t seem to make any sense, but it does and it all comes down to lawyers.

Businesses are afraid to go on record with what they’ve done or haven’t done because it could be used against them in lawsuits after the turn of the millennium. What states and the federal government must do soon is enact laws to exempt businesses from lawsuits if they all go on record with what they’re doing, if they all tell the truth about exactly where they stand.

What about bookstores? One of the big independents here in my area told me they were already compliant and proud of it. I asked them what about all their vendors and was told “they all lie through their teeth. We just don’t know what’s going to happen.” The price clubs and the big chains? Call Sam’s and your local Borders and just ask. See what they tell you.

Now, our agents. The small agencies have few if any problems. Perhaps all they’ll need to do is purchase a new year 2000 compliant accounting program. Perhaps the one they already have works just fine. The medium and large agencies have to spend the bucks to either replace or fix existing equipment or both. When you call your agent on Monday morning, first thing, if you hear “Trust us; we’ve got everything under control,” you will go into rabble rouser mode.

### **This Is Not the Time to Have Blind Trust in Anyone You’re Dependent Upon for Checks to Buy Cat Food**

Now let’s talk foreign sales. We sell all over the world. So how does the rest of the world stand? The United States and Australia are the two countries the furthest along in solving the year 2000 problem. Canada, Britain, Israel, and Sweden are six months behind us. France and Italy are about six to eight months behind us. Japan is a year behind us. Believe it or not, Germany, one of our most enthusiastic and generous markets, is a year to 18 months behind us.

What will happen? I don’t know.

Do you expect anything to be done at all about the year

2000 problem anywhere east of the Danube? Take Russia. They have big old mainframe computers, the instructions written in ancient COBOL. They have programmers to fix the problem, it’s just that they have no money. Russia and all the third-world countries are relying on the “rich” or the industrialized countries to bail them out.

What will happen in Russia? In Bulgaria? Latvia? Can you imagine being in Moscow in the dead of winter if the power grid goes down? Publishing would then be entirely academic.

About two months ago, one of the sub-rights agents selling to a big Russian publisher, asked their representative, “What are you doing about the millennium bug?” and was told, “Do not worry, my friend. We are prepared to spray everywhere.”

Foreign sales in all our wonderful new markets? Don’t hold your breath.

What should you do personally to prepare for the year 2000? There are very smart people on both sides of this issue, both the doomsayers and the naysayers.

Linda Howard isn’t planning to move to Missoula, Montana, but she has her own generator, her own well, her own beef on the hoof, and her own garden. She plans to be self-sufficient by the turn of the millennium. Tom Clancy, on the other hand, says, “The worst thing happens is we shut down all the computers. Who cares? I can remember living in a world that had no computers at all.”

Once you educate yourself, you can decide where you stand on the continuum, from bug to bomb. At the very least, make sure you have an up-to-date paper trail of all your important stuff: the manuscript you’re working on (have a hard copy), bank statements, loan papers, all insurance papers (because this industry is very vulnerable), all tax records and payments (since the IRS may not be functioning), and medical records (this is very important—there may be big screw-ups in hospitals). Oh yes, be sure you don’t get sick on New Year’s Eve, 1999.

Be sure to get several weeks’ supply of prescription drugs you and your family must have. Have about a month’s supply of cash on hand (the Treasury has already announced they’ll be putting 50 billion more dollars in circulation). Stock up on some bottled water and some canned goods.

Get on the Internet and type in “Y2K.” You’ll be bombed and bugged with all the most up-to-date information on the year 2000. Download and send copies of the really good stuff to your publisher.

Over the past several months, I’ve learned a great deal about the year 2000 problem. I’ve gone from abject despair to guarded optimism because I’ve seen the momentum building to fix it. I personally don’t expect we’ll be mired in chaos on January 1, 2000. But I do believe, come the turn of the millennium, that we’ll have bugs—I just don’t know how many, or how big, or where they’ll land. But land they will.

So please, my friends, be prepared to spray everywhere. *NINK*

[Conference Reports will continue in the January 1999 issue]

### Quitting Your Day Job

This night owl session was full of practical advice for finding your financial way towards a full-time writing life. First of all, quitting your day job takes planning. It's possible for your five-year plan to take ten, as it did for Susan Wiggs, or for your ten-year plan to take five, as it did for Harold Lowry. The two key factors include: paying off your major expenses (house and/or kids' college) and establishing an emergency fund of living expenses for one to two years, so that you don't have to sweat it if you don't sell a book for a while. Susan achieved her dream of living the full-time writing life by living on only 50% of any income earned for about eight years while she saved 25% and reserved another 25%-30% for taxes, and then moving from a more expensive lifestyle to a less expensive lifestyle. The move and the timing have been good for her, her husband, and their 11-year-old daughter. In both Susan's and Harold's cases, the savings vehicle of choice has been mutual funds.

Recognizing that writers are impulsive creatures who need discipline, those of us at the session all agreed that the best way to manage our finances was to get rid of charge card payments and to deal strictly on a cash only/no credit basis. Another savings trick is to keep your old car and to put into savings what would have been your car payment. It was also noted that full-time writers with irregular incomes would do well to pay in advance and on a yearly basis such (relatively) fixed and predictable expenses as the utilities, the mortgage, the cable bill, and various insurances. That makes the variable expenses, such as groceries and kids' activities, more manageable on a monthly basis. The two big categories left to be covered are health care and retirement savings.

The corporate benefits are the main reason a number of us—especially the single moms—have stayed as long as we have with our day jobs. Still, we recognized that it's a question of how you want to live your life—whether you'll settle for some other job (waiting tables, teaching, hanging out in a cushy corner office) or whether you're willing to take even low-paying writing jobs for the sake of writing. All of us at the session were (presumably) there because we wanted to quit our day jobs and realize our full-time writing lives.

Among the many good books available on financial planning that were mentioned during the session are: *Your Money Or Your Life* by Joe Dominguez and Vicki Robin, *Financial Peace* by Dave Ramsey, and *The 9 Steps to Financial Freedom* by Suze Orman. Since the session was small and focused, those present agreed to have their names listed here, so that others interested in the topic could contact them. Moderator: Kathy Chwedyk; Attendees: Carla Fredd, Georgina Gentry, Shirley Hailstock,

Janice Hess, Mary Pat Kanalay, Harold Lowry, Shirley Parmenteau, Trana Mae Simmons, and Susan Wiggs.

### Surviving Tough Times

"Quitting Your Day Job" night owl session had nine participants. "Surviving Tough Times" drew four times that amount. In other words, the topic was hot, the room was packed, and Jasmine Cresswell did an excellent job of keeping the discussion focused and productive.

Jasmine opened the session by noting that an extremely bad metaphor tends to rule our perception of our writing careers. The image of the ladder with infinite rungs makes it Jack-in-the-Beanstalk time for many of us. With no top to the ladder, we never get a sense of success, we never feel as if we have arrived. She recommended that we get rid of this hideously destructive image. (Taking up the challenge, Mary Jo Putney, later in the hour, came up with an alternative image for our writing lives and careers: that of the London underground. Every time you get on a train, you never know where you're going to end up. At one station, it's dark and crumbling. The next station might be bright and filled with flowers. So the creative life is always an adventure, always unexpected, and with this image, there is no top or bottom, only the journey.)

We all meet stumbling blocks at one time or another, and the group pooled its collective experience to suggest useful ways to survive those tough times. A stumbling block can become productive if you take it as a sign that you need to evaluate your career, psychically, emotionally, and financially. So, when you encounter a stumbling block, you need to take a deep breath and then: 1) surround yourself with loving, caring friends; 2) remember why you started writing in the first place; it was likely that you had an idea for a story and went with it, thus making this current stumbling block the moment when you recapture the joy of writing; 3) recognize the schism between your creative self and your business self; 4) get yourself straight with your financial life; you need to remember that your primary reason to write has nothing to do with finances; 5) be aware that your writing might have become your day job and that you might need to make adjustments to continue to feed your creative self; 6) acknowledge market shifts and ask yourself if there is something that you like to write that also sells. (At this point in the discussion, there was the obligatory swipe at the suits from marketing who have taken over publishing and pressure editorial to flatten all story lines into "what sells," namely, cowboys, babies, and brides.)

The market shifts have affected many of us. Someone who loves to write the big historicals might no longer have a market for her work. This is the time to: a) investigate the

many small presses springing up all over the country that might be interested in marketing to the audience that remains for the big historical; b) engage in some serious financial planning to protect a writing interest that might not be in great demand at the moment; and c) explore other kinds of writing projects that incorporate elements of the big historicals, such as nonfiction biographies and/or straight histories.

The session ended with discussion of the problem of how to measure ourselves and our writing careers. It's all very well and good to try to avoid invidious comparisons among ourselves, but in the end writers' careers are so uncalibrated (take for instance the problem of discovering the exact print-run of a book!) that comparisons among ourselves are all we have. Still, it's good to keep in mind that success does not necessarily mean becoming a NYTBSA.

### **High-Tech Crime, Parts I and II**

This entertaining and informative two-part session was led by Todd Shipley, CFE (Certified Forensic Examiner) of the Reno Police Department.

First, some background. A staggering \$63 billion a year are lost to high-tech crime in the US alone, and the judicial system is grossly unprepared to deal with the real problem. Judges are uninformed, and the problem has escalated to such a degree in the past five years that the next five are sure to be horrendous. Ninety-five percent of US companies have had some kind of computer information stolen. The Department of Defense gets attacked 250,000 times a year, with 65% of those attacks being successful. The problem is certainly not confined to the US and is widespread in Canada, Australia, and the UK.

Now, a definition. High-tech crime involves a crime where: a) high technology is itself a target of the crime; or b) high technology is used to facilitate a crime or is incidental to the crime. In the latter case, it is clear that what we have is a new tool to commit the same old crimes: theft, counterfeiting, fraud, espionage, drug trafficking, stalking, and child pornography. In the former case, we are dealing with "new twists on old crimes" created by hackers and crackers. For instance, "phreaking" refers to stealing cellular telephone time.

Note: the term "hacker" was coined at MIT in the late '60s and originally referred, rather benignly, to someone who can solve a computer problem. By contrast, "cracker" was coined to refer to a malicious hacker. Three well-known hacker/crackers, now in prison, are Kevin Mitnik, Mark Abene, and Kevin Poulsen.

Shipley's profile of a lone hacker eerily coincides with the cultural stereotype: a teenage male with poor interpersonal skills who is focused on technology and who substitutes the computer for interpersonal relationships. The hacker has, predictably, an insatiable curiosity for technology, which is coupled with a desire to possess forbidden knowledge, an anti-establishment bent, and a lack of girlfriends. Let's call him a nerd with attitude, a guy who can go online and be anyone he wants to be.

Hackers are also a surprisingly organized group. They

hold an annual conference in Las Vegas during the first week in August, and they publish *The Hacker Quarterly*. To subscribe write: 2600 Subscription Department, Box 752, Middle Island, NY 11953-0752 or e-mail: [subs@2600.com](mailto:subs@2600.com). Phone: 516-0751-2600. Fax: 516-474-2677. Web site: [www.2600.com](http://www.2600.com). There are no laws against talking about hacking and cracking (conspiracy laws differ from state to state), so the conferences and publications are legal. Of course, getting caught hacking is another story.

As far as getting caught goes, law enforcement officers are way behind the hackers, not only in understanding high-tech crimes but also in prosecuting them. There are less than 100 police officers nationwide who investigate high-tech crime full-time. That leaves many "regular" police officers to pick up the slack, and they are more often than not untrained to know how to respond to and investigate high-tech crimes.

However, lone hackers—those "nerds with an attitude"—do not form the core of the problem. The overwhelmingly largest segment of high-tech criminals fall into the category of employees, especially former employees or disgruntled employees, who copy software, engage in corporate espionage, and either sabotage or break information systems.

These sophisticated crimes are giving rise to sophisticated cybercops to investigate them, and a new field of "computer forensics" is emerging. Computer forensics refers to the systematic retrieval of data from a computer or electronic media intended to be used in a legal proceeding. If the police do not recognize and collect the technological evidence properly, then it's tainted, and they'll get grilled on the stand. Clearly, police officers need new skills and more than just basic understandings of computers and the new technologies. They need to know how to: retrieve deleted material, find hidden files and cache files, defragment files, and distinguish among the differences among the operating systems and programs. Given the pervasiveness of the problem, many companies have trained and/or hired their own cybercops. Similarly, different government agencies are responding to the problem in different ways, since everyone from the mafia to international rings of pedophiles are in the high-tech game now.

For more information, write Todd Shipley at: [Shipleytg@ci.reno.nv.us](mailto:Shipleytg@ci.reno.nv.us). Or check out the federal guidelines for searching and seizing computers at: [www.usdoj.gov/criminal/cybercrime/index.html](http://www.usdoj.gov/criminal/cybercrime/index.html). The definitive legal reference manual in publication related to computer crimes is: *High Technology Crime* by Kenneth S. Rosenblatt (0-9648171-0-1), 1995. This book is only available from KSK Publications, PO Box 934, San Jose, CA 95108-0934.

### **Creativity and Unblocking**

Lori Carroll, artist, musician, and psychotherapist, began this workshop with the observation that creativity is our natural birthright and that blocking is an unnatural effect on that natural urge. How do we unblock? Participants in the workshop suggested: taking a ▶ ▶ ▶ ▶

walk, reading poetry, cooking, painting, traveling, meditating, gardening, getting a massage, watching a movie, and eating chocolate. These suggestions exemplified the idea that when we are blocked in one part of our tripartite body-spirit-mind selves, we should shift to another part of our selves to get back in the flow of our natural creativity.

Invoking the great mythologist Joseph Campbell, Carroll told us that there are paths that choose us and paths that we choose. Creative beings, like writers, are on paths that choose us. When we get on the path that is waiting for us, we can expect the path to be dark. The journey in the dark is the path of creativity. (Very comforting for me. Given the darkness of my path at the moment, my journey must be very creative.) The first thing to do is to make friends with your fear. The next thing to do is to find 15 minutes of quiet time a day to collect yourself. You might also want to keep a dream journal, to keep in contact with your deepest, unconscious self. Your dreams can help you on your journey by telling you where you want to go next.

Once we let go of the life we have planned, we can receive the life that is waiting for us. There are many tools available to us that we can take on the journey. We can choose to experience silence, to connect with nature, to connect with others, to practice good nutrition, to remain open, to forgive, to listen, to pamper ourselves, to touch. And the list goes on.

The first part of the workshop was devoted to discussing creativity and the sacred journey we are all on. The second part of the workshop was devoted to practicing relaxation. Lori talked us through an effective relaxation exercise and then told us the story of Babayaga from *Women Who Run With The Wolves* by Clarissa Pinkola Estes.

In addition to referring to Joseph Campbell's well-known *Hero's Journey* and Deepak Chopra's *The Seven Spiritual Laws of Success*, Lori recommended Brian Swimme's *The Universe is a Green Dragon*. Just to emphasize how well-versed she is in her subject matter, Lori is currently pursuing a doctor ministry degree at the University of Creation Spirituality in Oakland, CA. Her relaxation tape is available for \$10 by writing to: 421 Hill Street #3, Reno, Nevada 89510. Phone: (702) 329-1661. Fax: (702) 329-9417. I bought the tape and have listened to it several times already. My path may be very dark, but I am relaxed.

### **The State of the Industry**

This packed session was presided over by a high-powered attorney, Alan Kaufman, who is in one of New York's premier intellectual property law firms; a high-

powered agent, Robert Gottlieb, who is an executive VP of William Morris; and a high-powered publisher, Matthew Shear, who is a VP at St. Martin's Press and publisher of the mass market division.

What's going on in the industry can be boiled down to one word: consolidation. The industry has experienced an extraordinary period of mergers at all levels: publisher, wholesaler, and retailer. Retail consolidation came first and resulted in wiping out the midlist. The panel predicted that consolidation would continue until there are even fewer players on the field, which means that the publishing pipelines will continue to narrow.

The new publishing behemoth on the block is, of course, the German publisher, Bertelsmann, which now owns Random House in addition to Bantam-Doubleday-Dell. Another German publisher, Von Holtzbrink, owns St. Martin's, along with Henry Holt and Farrar Strauss and Giroux. HarperCollins is in English hands. The panel could not say what impact—if any—the foreign ownership of the major American publishers would have on the American publishing scene. Gottlieb observed that the overall effect of this consolidation has made publishing a bottom-line driven business, where the owners expect a return on their investment. Gone are the days when Maxwell Perkins had only to love a book and grow an author over 25 years.

Of the five to six hundred wholesalers that existed five or six years ago, there are 50 left today, and of them, only ten control 90% or more of the market, while less than five represent 60–70% of the business. When Levy Home Entertainment bought National Book Distributors, they cut their now-combined stocking of category titles almost in half. Whereas before Levy might buy 5,000 of a title and National might buy 4,000 of that same title, today consolidated Levy still buys only 5,000, making for a net loss of 4,000 wholesale sales. Other wholesalers of note are Anderson News with about 20–30% of the business and the Patterson Group with 10%.

The question, from the publisher's POV, is: does size matter? Shear, representing the relatively smaller press of St. Martin's, argued that "bigger is not necessarily better." He said that St. Martin's can still publish a lot of different books by a lot of different authors as well as build first-time authors. He noted that large publishing organizations have a hard time making decisions and a hard time moving fast. In a business environment where the changes keep coming and coming and coming and where publishers have to respond quickly, large size can be a disadvantage.

Gottlieb countered that in the present environment of consolidated retailers and wholesalers, the larger the publisher, the better, since the larger publishers have more clout in the marketplace. Shear acknowledged that clout was important and agreed that the smaller number of wholesale and retail accounts create enormous pressure on publishers to respond to their demands for discounts. Nevertheless, Shear thought that strong books with good packaging and marketing plans could still do well for a smaller publisher.

Gottlieb and Shear agreed that it was important for

publishers to change the ways they have traditionally done business.

But what does any of this matter from the author's POV? The clear answer from both the agent and the publisher is that authors have more and more responsibility to manage their own careers. Publishers are book-focused, not author-focused. They are not set up culturally to promote authors when the author has no book out or in the pipeline. Literary agents and literary attorneys can help, but more and more authors need publicists, too, to work with them between books and to keep them in the public eye. A newer strategy is to have articles written about an author, but not about a specific book, appear in trade outlets such as *PW*.

Kaufman ended the session on a hopeful note. He said that the new channels of distribution opening up through electronic publishing have brought something new to the table, and he mentioned that many downsized executives were becoming publishers themselves. He seemed to think that a new spirit of entrepreneurship was arising to reinvigorate the publishing industry.

### Intellectual Property

Alan Kaufman (lawyer), Matthew Shear (publisher), along with Ethan Ellenberg and Laura Tucker (both agents) addressed the question of intellectual property within the context of industry changes that are currently driven by two factors: 1) technology; and 2) corporatization and consolidation.

In general, it can be said that consolidation has decreased the number of outlets writers have available for the mass-merchandising of their work and has increased the ability of publishers to control more and more of the rights to their work. At the same time, however, technology has given the intellectual property provider (i.e. the author) more and more channels of distribution, thus creating more problems for publishers than for authors concerning the control of intellectual property rights. Furthermore, since the electronic age is putting writers and readers into direct contact and no one can replace the originator of a work, it is the publishers who must adapt to the new technological world. And it's anyone's guess how books will be delivered to the consuming public in the future, with the possibilities of hand-held devices and books printed and bound in bookstores or even at home on the near horizon. After all, the multimedia CD-ROMs which were touted some years ago to be the next big thing have proven to be a failure, so it's hard to anticipate exactly what will happen as everyone adapts to the new technologies.

Given all these possibilities and uncertainties, once the author has rented out the right to reproduce what s/he has put on paper, then what?

Speaking from the legal POV, Kaufman was clear in his opinion that centuries-old copyright laws are not vitiated by the Internet and have survived nicely from quill to printing press to everything we see today. (*Editorial Note: The Statute of Anne, the first modern copyright law, was enacted in 1710.*) According to Kaufman, the US has ceased being primarily a manufacturing economy, and its main business

is to provide intellectual content for the world. Therefore, the organizations involved in these multi-billion-dollar enterprises are motivated to protect and enforce copyright laws.

(Although the music business, the movie industry, and software manufacturers have lost billions of dollars to illegal copying and pirating, several panelists suggested that there is not necessarily a similar problem for books, and there are certainly differences in how copyright issues operate from industry to industry. For instance, in Hollywood, actors, screenwriters, and directors sell their services and don't own copyrights, while in publishing, authors do own their copyrights and only rent them to publishers for a certain length of time.)

The real question, then, for the publishing industry is how the contract clauses concerning the granting of rights should be written. Kaufman's strategy is to "slice the clause as thinly as possible" to protect the author and to spell out as clearly as possible what rights are being granted and what rights are not. Since contracts reflect the ways we do business, they are necessarily changing along with everything else. Given that the copyright on an intellectual property is always potentially extremely valuable, the trick is to maximize its potential by breaking it into individual pieces, e.g. the publishing rights, the movie rights, and the audio rights, which are experiencing their own transformations due to the practice of audio streaming on the Internet. During the discussion, the question of what impact the new technologies will have on already-signed contracts was dangled before the panelists and remained unanswered.

Shear, a publisher, said that St. Martin's has two experiments going with companies working on hand-held electronic readers, and in these deals the authors are being paid royalties based on the number of books/copies sold. In addition, companies such as Rocketbooks are building in security systems, so that their devices will be read-only and will not have any disk-copying capabilities, thereby protecting both the publisher's and the author's rights. Clearly, the lack of printing costs, warehousing, and shipping costs involved in the electronic book trade is going to be a boon to publishers.

Ellenberg and Tucker, voicing agents' opinions, wanted to see work on a definition of "out of print" that is acceptable to both writers and publishers. They said that an on-demand order or a floppy disk on a person's desk should not count as "in print." Then, too, there is the perennial problem of the flow of information from publisher to agent and author. Given the complexities of the future of the book, it is even more imperative these days to get proper records on sales figures and returns from publishers, difficult though that is at times.

Several of the panelists acknowledged that since an author's leverage with a publisher for control of rights is proportionate to the author's dollar-value to that publisher, the top 1% of authors don't have to worry about what's happening in the industry, because their rights are going to be protected. It's the 99% that have to worry. Ellenberg took a democratic approach by questioning

# Tahoe '98

▶ ▶ ▶ ▶ *Continued from page 15*

why only the top 1% should be protected. He wanted to see structural protections built into industry contracts that would cover three copies of a work or three million. The upshot is—to repeat the lesson from The State of the

Industry session—that authors must pay close attention to what's going on both in the industry and in their contracts. The panelists suggested that writers should: a) act communally to protect their rights; b) recognize that publishers are their colleagues and keep all negotiations proper and civil; and c) be aware of the coming impact of the way the traditional territories of world (e.g. the U.S., Canada) are going to be cut up, which might prove very costly to authors if they are not prepared to recognize those territorial changes when they see them in their contracts.

— *Julie Tetel Andresen*



I know I talked about it two months ago, and I'll bet this isn't the only piece in this issue that will mention it now, but that pesky e-publishing stuff just won't go away! In fact, it appears to be bearing down on us at ever-increasing speed. At the Tahoe conference, it came up repeatedly, mainly in the context of our own publishers putting out our past and future books in electronic format (as well as printing them on demand with the Lightning Print technology).

Disturbingly, it appears that quite a few otherwise savvy agents still aren't taking this development seriously. Folks, we need to educate them! Here are a few reasons why: *Modern Maturity* magazine recently had an article touting e-books and e-readers to AARP members. Tor is offering many of its science fiction and fantasy titles in e-format for download and use by Palm Pilot owners (there are purportedly two million Palm Pilots out there already!) St. Martin's Press will be making some of its titles available for download to the Rocket eBook readers hitting the market right now. In fact, Levenger's Christmas catalog lists the Rocket eBook for \$399, and they're reportedly very pleased with the early response.

So check your contracts. How will you be compensated when your titles are made available for electronic download? (And they will be!) Richard Curtis sent out a letter (e-mail) to his authors for broad dissemination, and I've now seen it posted on every author list I read. (See *Letters to the Editor*.) He raises numerous concerns, and has now formed E-Rights, an agency focusing on protecting authors' electronic rights. Check out [www.e-rights.com](http://www.e-rights.com) for more information.

On the e-publisher front, Hard Shell Word Factory's books will also be available in the Rocket eBook format via [barnesandnoble.com](http://barnesandnoble.com), and they're in negotiations with other e-reader manufacturers, as well. For a comprehensive list of royalty-paying, non-charging e-publishers, go to [www.coredcs.com/~mermaid/epub.html](http://www.coredcs.com/~mermaid/epub.html). If you have the

rights back to your backlist, or "niche" books that haven't sold to the traditional publishers, this is something to consider. And for those of you with a stockpile of backlist, out-of-print books you'd like to sell, check the Authors Guild's [www.backinprint.com](http://www.backinprint.com) for a way to market them.

Now, on to other topics! If you have or are building a Web site, here are a few worthwhile places to visit: [www.siteowner.com](http://www.siteowner.com) offers a free, easy way to register your site with the major search engines, and will also give you feedback about the effectiveness of your site. For general useful info on using the Web and Windows95, try [www.windweaver.com](http://www.windweaver.com). And for lots of great freebies you can use on your own page, from counters to guestbooks to graphics, stop by [www.thefreesite.com](http://www.thefreesite.com). A few other generally useful sites I found this time around include the ABA's [www.bookweb.org/bookstores/](http://www.bookweb.org/bookstores/) where you can search for bookstores (with addresses and e-mail) by country, state, and even specialty. (For the record, I found 312 that specialize in mystery, 189 in science fiction, and 108 in romance.) If you're researching anything medieval, three sites to try are [www.georgetown.edu/labyrinth/](http://www.georgetown.edu/labyrinth/), [//orb.rhodes.edu](http://orb.rhodes.edu), and [//argos.evansville.edu/](http://argos.evansville.edu/).

I'll wind up with my usual roundup of recent NINCLINK discussion topics (of course). Besides numerous reports on the Tahoe conference (it was great meeting so many of you there!), we've discussed booksigning/bookstore experiences; our favorite authors when we were growing up; Bertelsmann's alliance with B&N Online; dialogue tags; and our tendency to overuse certain words (and what to do about it). Remember, to join NINCLINK, all you have to do is send an e-mail:

To: [LISTSERV@PEACH.EASE.LSOFT.COM](mailto:LISTSERV@PEACH.EASE.LSOFT.COM)

Subject: Your-Ninc-Membership-Name (as it appears in the roster)

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Remember to send me any notable online news at [BrendaHB@aol.com](mailto:BrendaHB@aol.com). See you online!

— *Brenda Hiatt Barber* :)



# EAST OF THE HUDSON

## HERE COME THE BLACK HELICOPTERS, NOW

As I sit down to review this month's pile of clippings, snippets and random snatches, I realize that something has changed: I have stolen more nuggets of information and insight from the internationalist magazine called *The Economist* than I have from the *New York Times*.

That would suggest that the center of our universe is shifting, even as we sit here. My God, if this keeps up, I may have to change the name of the column. It won't be enough to comment on events that take place East of the Hudson: we may have to start knocking Europe, as well, to make ourselves feel important and powerful.

I had been faintly aware of that trend since midsummer, I guess. I read the *NY Times* every day (why else would I spend so much time criticizing it?) and it occurred to me sometime in July or early August that the ol' grey lady wasn't compelling as much of my attention as it used to.

Oh, sure, I stayed abreast of the latest trends in cigars and their manifold uses, but coverage of the book business wasn't as big a part of the paper as it had been. The trend was most evident in the Monday business section, which, until Tina Brown left the *New Yorker*, used to be full of fascinating grist for my monthly mill. But the Monday section, devoted to the "Information Industry," suddenly seemed preoccupied with nontraditional themes and topics. It was almost as though the book business has become passé.

As time went by, and there were fewer and fewer stories about New York publishers, editors and agents, fewer exposes of plagiarism, and less talk about celebrity authors, I realized that there was a good reason for the change.

There's no more conflict in this business of ours, and damned little controversy.

Disagreements have become rational discussions of business and economic principle; disputes are among colleagues and cohorts, not among cut-throat competitors.

In other words, we have entered the postmodern era in publishing. For want of a better term, call it the Peace of Gutersloh.

### **Gütersloh** (gi 'terz-lo', gü 'ters-)

A city of northwest Germany south-southwest of Bielefeld. It was chartered in 1825. Population, 78,414

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Until the last few years, the sleepy little German town has had little claim to fame, but judging by the past three or four months, Gutersloh has become the cultural center of the western world, maybe the center of the universe. Why? Because it is the headquarters of the most watched, respected, and feared publishing company on the face of

the earth at the moment, Bertelsmann.

I've been sniping at the German media giant for some time now, like a partisan harassing the Panzers. And Bertelsmann has been rolling along, snapping up acquisitions like Random House—one of the biggest and most successful publishing operations in the U.S.—to go with its already formidable Bantam Doubleday Dell.

But the more I've sniped, the bigger and more powerful Bertelsmann has become. Then, in October, the really interesting stuff started happening. For instance, in case you were too busy having fun in Tahoe, Bertelsmann plunked down \$200 million for a 50% stake in Barnes & Noble's Internet book-retailing operation.

I mean, that's news, friends! In one smooth move, we have an alliance of two of the most powerful forces in our universe. The biggest publisher and the biggest bookseller are now partners, and they are intent on going head-to-head with one of the most intelligent applications of the new technology to come along in some time, Amazon.com.

The Bertelsmann move was catch-up ball. The company had been trying to develop its own Internet retailing capability, BooksOnline, and had even hired 250 new employees. But, according to *The Economist*, a few institutional problems had hampered the company's efforts.

"First, Bertelsmann's headquarters in Gutersloh are a long way, geographically and mentally, from the publishing buzz in New York. According to an employee in New York, the American subsidiary had been warning Gutersloh of the dangers of Amazon for a year and a half before anybody paid attention," the magazine reported, "Second, Bertelsmann's management philosophy dictates that divisional chiefs should run their bits of the business independently; but the nature of the Internet is to cut across divisions."

The incoming boss at Bertelsmann, Thomas Middlehoff, apparently began to see that the company was lagging, and decided radical changes were in order. Hence, the Barnes & Noble deal. Actually, Bertelsmann brings more to the table than cash. It has ownership stakes in AOL and in CompuServe in Europe, and it has an intuitive understanding of book clubs, which are increasingly being recognized as the retailing focal points of the book business in the future.

Bertelsmann and its clubs, which have 25 million members worldwide, are already shipping 700,000 volumes a day, and if the new online venture can harness that marketing base to the computers that track individual reading tastes, Amazon might have real competition.

In its coverage of the Bertelsmann-B&N deal, the *New York Times* reported that Bertelsmann is making extra efforts to think globally. For instance, according to *Times* reporter Doreen Carvajal, Bertelsmann's big cheese, Middlehoff, shuttles between Germany and New



## EAST OF THE HUDSON

▶ ▶ ▶ ▶ *Continued from page 17*

York so regularly that he has become truly bilingual. He and his son trade e-mail messages in German and English, and Middlehoff openly says that within five years, upper-level employees at the company will speak one official corporate language.

And guess what? It ain't gonna be Deutsch.

"We're not a German company," Middlehoff insisted to Carvajal. "We're a real global company."

Up here in the backwoods of the Far Northwest, there's lots of worry about that kind of Internationalism. I have friends (okay, acquaintances) who show me pictures of trains of flatcars parked just north of the 49th parallel. These cars are loaded with Russian T-82 tanks and Iraqi-modified SCUD missiles and, quite probably, chemical and biological weapons manufactured by some crazy Japanese doomsday cult intent on ending the world as we know it.

These friends assure me that the faint sounds we all hear in the middle of the night are really black helicopters, reconnaissance aircraft intent in finding the soft spots in our defenses so that they may begin softening us up for the final invasion.

I am a skeptic about such claims. As a matter of fact, I am growing increasingly comfortable with the concept of globalization. That does not make me welcome, sometimes, in New York, where one editor recently told me that she wasn't interested in a thriller set mostly in Europe because, "Around this publishing house, we like our international thrillers to be set in the United States."

But I'll tell you this: If my paranoid survivalist acquaintances happen to be right, and if there is an ongoing effort to subvert our great *Amurrican* way of life, I'm willing to bet that the propaganda leaflets being scattered by those black helicopters will turn out to have been printed in Gutersloh.

### WELL, CHEERIO, THEN

My friends at *The Economist* smacked another sticky wicket, or whatever it is that cricket players do when they make a point, when they reported from the Frankfurt Book Fair that there is a building detente (that's an old cold-war word, isn't it?) between electronic and traditional publishing.

As evidence of this proposition, pay attention to the keynote speech at the fair by Lord Weidenfeld, whom they describe as one of the stalwarts of British publishing. The peer noted that since the fair began 50 years ago, the world of world publishing has changed in extraordinary ways. (Well, duhhh!)

The first Frankfurt fair was held in a city that had been decimated by Allied bombs. Europe has rebuilt since then; it is a stronger place now than it was. And a great many

memorable stories and pieces of literature have been published.

But Lord Weidenfeld noted the trends of change that have become evident in the past decade or so: consolidation of publishers; the disappearance of nurturing editors, replaced by corporate traffic cops; a bifurcation of authors into two classes, the superstars and the rest; the suspension of loyalty to anything except the bottom line, by both publishers and writers.

The loser, Lord Weidenfeld said, has been what *The Economist* calls "the middle-list writers," who were defined as "writers whose books have not yet earned back their advances but who might one day earn their keep." These are the writers who may most benefit from electronic publishing.

Such writers can be kept in electronic print a great deal more cheaply than is the case today. Storing books as a cloud of electrons, available for downloading and printing over the Internet, is not nearly so expensive as storing them on slabs of dead trees while the tax collector keeps a tab running.

Lord Weidenfeld and *The Economist* both found this prospect more heartening in the current retailing universe, where shelf space is being reduced at an alarming rate. One of the new powers in British bookselling, a supermarket chain called Tesco, stocks only 40 bestsellers, plus a small range of cookbooks and children's books. And that store uses its point-of-sale computers to check performance closely. "Under-performers" are pulled posthaste.

There is a slight irony to Lord Weidenfeld's argument that electrons are the midlist writer's friend. If it weren't for those damned computers monitoring sales, the middle of the list would probably be a good deal fatter than it is today.

But if the Amazon.coms of the world, and the Bertelsmann/B&N online marketers, can devise a system by which the computer and the Internet become the tool of diversity, there may be hope for writers with modest ambition.

Such writers may never have the clout necessary to be superstars. On the other hand, they won't have to act like superstars, then, either, will they?

### e-BOOK REVIEW

I wrote a couple of months back about the new electronic reading machines being introduced. I have yet to see one in the stores, but I have encountered one journalistic evaluation of the experience of reading books on the screen...

...but if that review is at all valid, hang on, friends, because we are in for more change than the back room at a busy casino.

Michelle Slatalla, writing in the *New York Times* personal technology section, says that the Rocket eBook, marketed by Nuvomedia, made a believer out of her very quickly.

More importantly, it made a believer out of her seven-year-old daughter, Ella, and let me remind you, friends, seven-year-olds are our future.

Mother Slatalla is a book person. She likes the feel of

dead trees between her fingers. (So do I, for that matter.) She was decidedly skeptical about “useless toys for the nouveaux riches,” as she described the Rocket when she first encountered it. A backlit screen and two unfamiliar cords. Just what every computer user needs, another learning curve to climb.

But she discovered that the book seems to be easier to operate than your average blow dryer. Downloading of texts from online booksellers was surprisingly easy. She downloaded two young adult novels—*Charlotte’s Web* and *Sarah, Plain and Tall*—in something like ten minutes and then handed the whole package over to her daughter for a real-time market test.

Ella, who sounds like a kid everyone would like to have, mastered the controls of the electronic book in a matter of seconds and wandered off, reading about spiders. Later, Mom found the girl annotating the text with the book’s built-in keyboard.

Friction did arise when Ella wanted to take the book into the bathtub with her, but on the other hand, the backlit screen let her read under the covers while her new baby sister was sleeping a few feet away.

In other words, this thing looks like some kind of hit. Then, again, so was the Beta-Max VCR. Stay tuned.

### ROCKING THE AGES

Riley Weston was a young writer on her way up. She had a staff job on the WB Network’s new show, *Felicity*, and a \$300,000, three-year contract with Touchstone Television, the Disney outfit. *Entertainment* had included the 19-year-old among Hollywood’s 100 most creative folks.

Only problem was 19-year-old Riley Weston used to be a 32-year-old actress named Kimberlee Kramer.

Now that, my friends, is an example even Tootsie could admire.

Some folks look younger than their age, but...32 looking 19? Quite a feat. Riley Weston was able to pass for a person 13 years younger than herself, and to carry it off with great élan. After her little ruse was uncovered, she admitted that she had been masquerading as a younger woman to get acting roles. Then, as is often the case, the charade snowballed. Along came this chance at writing, and faster than you could blow out 19 birthday candles, she’s a minor icon in the youth-dominated television business.

Anybody with Hollywood experience would not be surprised by the situation. The Writers Guild of America just released the results of a survey that found that 73% of all Tinseltown writing assignments go to scribes under the age of 30.

According to the study, seven out of ten TV and film writers under 30 had jobs in 1997, while fewer than a third of writers over 50 were on a payroll.

The Guild also reported that the successful writers are almost overwhelmingly male and white, as well as young.

Riley Weston lost her job on the WB show, and apparently the Disney guys who gave her the long-term contract are welching, too. That outcome was predictable. Remem-

ber, the important decisions in Hollywood are made by males, most of whom are not nearly as young as the writers they hire.

As a matter of fact, I will draw continued pleasure from the mental image of those balding, pot-bellied studio execs being hustled by a shrewd woman they thought was just a nice, dumb little girl.

I love it when Little Red Riding Hood bites the wolf.

—Evan Maxwell



## Advocacy: *Mea Culpa*

Last month I ran a blurb about legislation before Congress that would have an impact on the used book market. I passed on information from a newspaper article run in the *Knight Ridder Newspapers*. I promised to go in search of the legislation. Turns out it was a goose chase.

The legislation the article discussed was World Intellectual Property Organization (WIPO) although it didn’t mention the title. The article was actually riddled with misinformation that, according to Lewis Bachman, executive director of the Songwriters Guild of America, comes from the Recording Rights Coalition, a group of users and manufacturers of copying equipment.

So, the resale of used books is not touched by WIPO. WIPO which passed through Congress on October 27 and is on its way to the President to be signed into law, extends copyright protection to the Internet and has no impact on Rights of First Sale. Nor will it impact on Fair Use, which had been another prediction in the newspaper article and the concern of the librarians lobby.

WIPO is necessary to bring the United States into compliance with treaties between 150 countries negotiated in 1996 to protect copyrighted material in the digital environment.

October 27 was a real red letter day for copyright legislation. President Clinton signed into law the extension of copyright (Copyright Term Extension). Copyright is now protected for the life of the author plus 70 years.

Heads up, Authors Guild members! The AG’s new venture **Backinprint.com**, an online bookstore featuring out-of-print books made available by their authors who set the price is up and rolling. There is a sign-up fee (\$35 for one title, \$15 for each additional title) but those are being waived for authors who enroll before December 1, 1998. For more information, [www.backinprint.com](http://www.backinprint.com).

— Cathy Maxwell, Advocacy Chairman



# The Fast Track

Compiled by **MARILYN PAPPANO**

## NINC Members on the USA Today List

The Fast Track is a monthly report on Novelists, Inc. members on the USA Today top 150 bestseller list. (A letter "n" after the position indicates that the title is new on the list that week.) Members should send **Marilyn Pappano** a postcard alerting her to upcoming books, especially those in

multi-author anthologies, which are often listed by last names only. Marilyn's phone number is 918-227-1608, fax 918-227-1601 or online: [pappano@ionet.net](mailto:pappano@ionet.net). Internet surfers can find the list at: <http://www.usatoday.com>.

Members who write under pseudonyms should notify Marilyn at any of the above "addresses" to assure their listing in "Fast Track."

Member	Title	Oct 1	Oct 8	Oct 15	Oct 22	Oct 29
Catherine Anderson	<i>Cherish</i> , Avon			164	48	53
Jo Beverly	<i>Forbidden Magic</i> , Topaz		119n	82	98	148
Sandra Brown	<i>Led Astray</i> , Mira	101				
Catherine Coulter	<i>The Deception</i> , Topaz	31	36	56	111	
Diane Mott Davidson	<i>The Grilling Season</i> , Bantam	124				
Jude Deveraux	<i>The Blessing</i> , Pocket			107n	71	97
Julie Garwood	<i>Come the Spring</i> , Pocket	23	32	45	94	125
Linda Howard	<i>Loving Evangeline</i> , Mira	90				
Iris Johansen	<i>And Then You Die</i> , Bantam	27	26	38	63	71
Jayne Ann Krentz	<i>Flash</i> , Pocket	128				
Jayne Ann Krentz	<i>The Adventurer</i> , Mira			274	88	101
Elizabeth Lowell	<i>Amber Beach</i> , Avon	34	34	47	90	
Kat Martin	<i>Wicked Promise</i> , St. Martin's Press	141				
J.D. Robb, Susan Plunkett, Claire Cross, et al *	<i>Silent Night</i> , Jove			117n	102	115
Nora Roberts	<i>The Winning Hand</i> , Silhouette	70	94	120	127	132
Nora Roberts	<i>Rising Tides</i> , Jove	92	124			
Nora Roberts	<i>The Reef</i> , Putnam		30n	42	70	74
Nora Roberts	<i>The MacGregor Grooms</i> , Silhouette			32n	3	2

\* et al.: written with other author(s) who aren't members of Novelists, Inc.

Publishing Services by Sandy Huseby

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