



## Novelists, Inc.

FOUNDED IN 1989

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## President's Voice

# Why Ninc Is Remarkable

I'm writing this five months into my year as president, but it's already been an eye-opener. I thought I understood, when I accepted the Nominating Committee's invitation to run, why Ninc was worth adding to my workload for two years.

I didn't know the half of it. I'm learning still, and here are some of my discoveries:

This is a very bright bunch of folks. I thought I knew that already, too, but here's the corollary:

This bright bunch either knows...or knows someone who does... something about nearly every topic on the planet. Maybe **every** single one. In my time of problem-solving—including dealing with hot-button issues like agency and publisher contracts or coming home from Santa Fe tired but thrilled that my part in conferences was nearly over...only to discover that our meeting planner for 2005 quit—regardless of how overwhelming the issue appears, instigating a few inquiries results in the mother lode of answers/information/referrals from you, the aforesaid bright bunch.

In addition to that, there's this marvelous group called the Advisory Council, made up of charter members and past presidents, who remember, individually or collectively, every last thing Ninc has ever done/said/thought. Any Board member who doesn't take advantage of this staggering array of wisdom is missing out.

Okay, you're probably saying "yeah, yeah, yeah, Jean, but there have to be negatives." (Or maybe you're not, but hey, this is my column, so I get to say.)

Well, yeah...there are.

This bright bunch is very free with its opinions...and just as freely changes its collective and individual minds with breath-stealing swiftness. That means that if a Board wants to seek a consensus to help it make a decision, well...good luck. But hey, we're *Artistes*...so we get a pass on predictability, stability, all that stick-in-the-mud stuff.

And then there's this irrefutable fact: this bright bunch is also extremely articulate. So any opinion, pro or con, is going to be rendered with real punch—but at least the cranks are going to complain with flair.

## VOLUNTEER OPPORTUNITIES

*And who to contact*

Newsletter articles - Lorraine Heath  
(lorraine-heath@comcast.net)

2005 conference - Ken Casper  
(littleoaks@juno.com)

2005 newsletter editor - Jean  
Brashear (bejean@cox-internet.com)

NINK archiving project - Jean Brashear  
(bejean@cox-internet.com)

This bright, articulate bunch is also generous to a fault. A collection of very busy people, absolutely, but wonderful about stepping in, when need arises, to contribute time and knowledge. To share advice or expertise or a name of someone else who can.

Ninc is a bubbling stew of many flavors, and I think we're the stronger for that. It's fabulous to have a mix of genres represented, as well as a wide array of non-writing backgrounds, geographical locations, and writing experiences. We're not huge, but man, are we interesting!

So, speaking as someone whose first few months

in office felt, some days, like I'd gone to bed in Texas and awakened in the Bermuda Triangle, I'm telling you that getting more involved with this organization is still one of the most fun and fascinating things I've ever done. Step up to the plate for one of the current volunteer opportunities and/or let the current Board know any other areas in which you're interested – and get your own up-close-and-personal tour of the bright, articulate, cranky, generous, intriguing melting pot that is Novelists, Inc.

–Jean Brashear

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## ***An Authors Guild Advisory: Interminable Agency Clause***

*(Reprinted with Permission)*

Certain literary agencies include in their author-agent agreements or in the book publishing contracts they negotiate an "interminable agency" clause. Such a clause grants the agent the exclusive, irrevocable right to represent the works subject to the agreement for the entire term of those works' copyright. (Some agents use the phrase "agency coupled with an interest" in their contracts. This is apparently an attempt to secure similar interminable rights to represent works.)

Some members of the Guild and several writers' groups, including the Romance Writers of America, have written to us recently of their concerns about the interminable agency clause. Although the William Morris Agency has drawn most of the criticism, the interminable agency clause is used by several agencies, many of them quite competent and deservedly well regarded. We believe that most haven't given the clause much real thought and use it out of habit or because they borrowed language from another agency's form.

It is our hope that by addressing this clause agencies that currently use it will realize that the minimal prospective benefit the clause provides is far outweighed by the inconvenience it causes authors and their estates and by the responsibilities that accompany the clause, and will remove it from their contracts.

### **BURDENS OF THE CLAUSE ON AUTHORS AND THEIR ESTATES**

The interminable agency clause, in the view of the Guild, is inappropriate and causes the author and the author's heirs needless trouble. Here are some of the prob-

lems with the clause:

1. The clause may entitle the agency to unearned income. The agency is compensated, as it should be, for its work in securing a contract for your work. Once the work goes out of print, however, the benefit you have realized from the agency's work ends, and so should the compensation. The agency should be compensated only for any new placement of the work that the agency secures. (No competent agent would countenance a similar interminable grant to a publisher, so that the first publisher of a work is entitled to a share of the income from a work even after the work goes out of print and a new publisher republishes it. Such a grant goes far beyond the traditional publishing license and would be tantamount to giving the publisher a permanent share in the author's copyright.)

2. The clause can greatly complicate the task of an author's literary executor. Your executor will not only have to keep track of such important matters as which of your works are still under contract, but will also have to determine whether an agency has an interminable right to represent any of your out-of-print works. In the event that you've had more than one agent (and more than one interminable agency clause applies) your estate will be contractually obligated to work with each of those agencies.

3. Your agency is unlikely to be around for the term of your copyright, which is now your lifetime plus 70 years. The copyright of a work written today will last on average 100 years or more. A lot of things will happen in that time. Your agency may merge, dissolve, or change names, providing more complications for your executor. Even if your agency survives or there's a clear successor, there's the question of ability. Your agent may

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# AG Advisory: Interminable Agency Clause

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be quite competent (most are), but will your agent's successor be?

4. The clause may conflict with other agreements signed with the agency. In some cases, including some recent contracts with the William Morris Agency, the interminable agency clause does not appear in the author-agent agreement but it does show up in the publishing contract. This discrepancy, in our view, would render the clause unenforceable, particularly if the agent failed to point out the additional rights the author was granting the agency. (We believe that new contracts with William Morris are now consistent.)

We don't want to overstate the problem. It's been our experience that most reputable agents, when asked to relinquish their contractual right to represent an out-of-print work, willingly (in most cases eagerly) do so. Still, the author shouldn't have to ask, nor should the author's heirs.

## BENEFITS AND OBLIGATIONS OF THE CLAUSE TO THE AGENCY

The benefit to the agency of interminability is difficult to fathom. So long as the agency continues to faithfully perform its duties, no one seriously questions its entitlement to a commission for the duration of the publishing contracts it secures. On the other hand, the clause offers scant shelter to the agency that materially fails to perform its duties -- no competent court would rule that an author is obligated to pay a commission to such an agency. The apparent objective of the clause, to secure compensation for the exploitation of the work after it goes out of print, seems rather pointless. Once the work goes out of print and the publishing contract ends, the residual economic value of the work, regretfully, is usually vanishingly small. The opportunities for an agent to realize a meaningful commission on the work are even smaller.

The agent's continued right to this faint hope of compensation doesn't come without obligation or potential liability. The agency must continue to competently discharge its fiduciary obligations to represent the author's (or the author's estate's) interest in the work. The agency cannot sit idle: it must actively seek a new publisher for the work and report to the author or the author's estate on the agency's efforts in this regard. It must also diligently respond to any licensing and permission requests for the work.

A level-headed cost-benefit analysis of the clause, purely from the agent's perspective, weighs heavily in favor of dropping it.

## FIXING THE PROBLEM

The best approach is for agents to simply drop the clause. Agents who are determined to retain a contractual right to represent an out-of-print work could adopt a clause such as the one that follows:

"On termination of this [publishing] Agreement, Agent will continue to have the right to represent the Work and collect a commission for the placement of the Work provided that (1) Agent places the Work within 6 months of the termination of this Agreement and (2) Agent sought a reversion of rights on Author's behalf within 6 months of the time the Work was out of print as defined in this Agreement."

## MODEL CONTRACT PROVISION

The Authors Guild has added the following to the Model Contract Guide commentary on Agency Clauses:

Some agency clauses provide that the agent will exclusively represent the Work for the life of its copyright, or that the agency is "coupled with an interest." The Guild strongly recommends against such terms. The agent is certainly entitled to her commission for every contract she procures, but if the Work goes out of print and you later retain a new agent to remarket it, your former agent should have no further claim to commissions on new contracts for the Work."

## CONTACT US

If you have questions about the interminable agency clause, please contact our legal department at [staff@authorsguild.org](mailto:staff@authorsguild.org). ♦

## Bits'n'Pieces

### Grove's Black Cat Imprint

**Comes Back...** Grove/ Atlantic is reviving its Black Cat imprint, originally launched in 1961 as a line of paperback originals featuring cutting edge fiction, which they plan to begin again. The first list of four trade paperback original titles for release in the fall are *Too Weird for Ziggy* by Sylvie Simmons, *Fortune's Bastard* by Robert Chalmers, *100 Strokes of the Brush Before Bed* by Melissa P. and *Layer Cake* by J. J. Connally. These are being promoted in the Grove tradition of edgy, unusual fiction that is perfect for paperback sales to a younger, hipper readership. The original Black Cat list included Henry Miller's *Tropic of Cancer* (also a good selection of Anonymous that introduced "Victorian" secret literature to college students in 1960s and 1970s).

**"Bits" Compiled by Sally Hawkes**

# Think Like a Publisher

*Continued from p. 1* ▶▶▶ beloved career depends. In assistance of this objective, I shall walk you through an exercise that will clarify your publisher's point of view.

First, imagine you have money. Yes, I know it's hard, but I'm getting you through the roughest part first. Once you can imagine having money, imagine that you want that money to grow. What do you do?

Well, you sure as hell don't invest it in the book business! No, forget I said that. If we think too logically, we'll never believe any of the corporations who own our publishing companies would ever have been stupid enough to buy them in the first place. Let's forget logic and assume that all publishers once believed they could make money in the book business. (Rumors that one house has been for sale and never found a buyer suggest that its owner has been disabused of the notion.)

Let us assume that we, at least, would prefer not to lose our money. How do we go about ensuring that?

We only print books that will sell lots of copies. It is only by printing and selling lots of copies that the cost of printing per copy is brought down and the profit margin increases. You all know that. If the price of a paperback book is \$7.00, and the author gets 6-8%, the bookseller 40%, the wholesaler 10-15%, the distributor 5-10%, we have about \$2.24-\$2.38 of each book to cover printing, cover design, editing, copyediting, artwork, marketing, sales, and publicity, our overhead (which includes the cost of our expensive headquarters in New York, accounting, editorial, secretarial, clerical, and legal staff, etc.). And, oh yes, profit. We would like to make 10 or 15%, but we'll settle for 5 to 7%.

Now, we can be as tight as possible with our salaries and give our editors enough work for three people each, but there's not much we can do about the building, taxes, utilities, etc. And accountants, lawyers, and marketing people tend to be more assertive about the salaries they want. And, now we've got to have a webpage.

With all these costs we can't avoid, we'll have to sell X number of copies (millions in the case of a NY house), contributing only pennies each, before we can begin to see a profit, and we won't know how much we've earned until all returns are accounted for. (In 2001, the AAP's average returns were 22.9% of gross sales—a chapter in themselves.)

So all the demands on that \$2.24 or so are constantly pushing at one of only three real variables: 1) the author's cut; 2) the printing costs; or 3) our profit. The only happy solution for everyone is to sell bunches of copies to bring down 2)—or 1) and 3) will collide.

Keep thinking money. Stop thinking of yourself as a writer and forget about the books you love. Think of

something else you could sell—hand-knitted gloves and hats for house elves, widgets—anything to remove the emotional sense of ownership you have in your books.

To sell those widgets you need someone to put up the capital (money) to manufacture them, because you *can't or don't want to do it yourself*. Mattel, we'll say, is willing to do it under their label and even try to get your products into stores. They cannot promise they will sell, because nobody can promise that about anything. It just depends on whether the American public is looking for that kind of widget this year, and whether the package draws enough attention, and whether their advertisements can reach the buyers who will truly want them. They can't even promise that many stores will carry them because—guess what?—every store is already full, and for your widget to be given any shelf space, the store owners have to believe your widget will outsell something they already carry that they know will sell.

Neither Mattel nor the stores exist to give your widget a chance. They exist to make money so their owners can be paid a return on their investment. Do you own stocks? How much of your future security depends on those stock prices rising? Or on dividends? If your stocks go down, are you happy just knowing that your money went to give a twenty-something with a dot.com a chance?

Well, there is not one publisher left in New York, or many other places, who exists just to give authors a chance. Most publishers are subsidiaries of multinational entertainment conglomerates. They were founded by people who liked books, but those people are gone, so personal taste no longer has any part in the equation. Can you name a major publisher who works at his own publishing house? No, today they are owned by stockholders who hire editors to find properties and marketing people to package them in a way to draw as many buyers as possible. If enough of an editor's choices don't sell well, she gets fired. It's that simple. She gambled with her employer's money and she lost, which always upsets the boss.

## The Big Gamble

Let's try another perspective. Suppose you're someone with money to invest. (I hope this is easier the second time.) And suppose a complete stranger knocks on your door and asks you to back this great idea he has. What would you want to know?

You'll want to see if you like the idea, sure. But that won't be nearly enough. We're talking about your money, and the company you've invested your savings in. And the security of all the people you employ. Before investing your cash, you'll have to consider a number of things.

Would enough people like and want to buy his product to cover the cost of producing it and give you a profit? The target profit you have set as your company's goal? How will you get the product into the stores when they are already full of merchandise? Is the idea ▶▶▶

# Think Like a Publisher

▶ ▶ ▶ strong enough to bump somebody else's from the shelves to make space? Is it near enough to something that people know and like that they will recognize it, but at the same time more exciting, in order to draw buyers from its competition? Can you package it to fit an existing category on the shelf and to draw customers' eyes in the brief month the stores will give it shelf space before declaring it a failure and sending it back?

This stranger is asking you to take all the financial risk. He may be gambling with his time, but all the money risked will be yours. You have to get it back to stay in business, but the only way to do that will be to sell enough copies in that short introductory period to lower your inventory and cover all your production costs. Then, if you can do that in the space of a month, with any luck you won't be stuck with a warehouse full of units that didn't sell, for which you will have to pay storage and insurance.

What if some other person with a better idea comes around? Wouldn't you be smarter to go with that idea?

But say this is the best one you've seen this month, and you have to produce something because you employ a whole production staff, who expect to get paid, and you can't pay them if you don't have anything new to sell. So you enter into a deal.

Who is putting up what? What are our respective roles in this enterprise?

Remember how our editors say we are each other's *partners*? For years I thought that was a touchy-feely term they were taught in a seminar, designed to trick us into believing they were working in our interest. But it's not. It's a serious misnomer. In a partnership all the parties invest money as a certain percentage of the whole. If there are profits, they are divided according to the percentage of each party's investment.

A royalty contract is different. The author owns the copyright, which is the exclusive right to reproduce the work. The author licenses that right to a publisher in exchange for whatever it appears to be worth.

Look back at our example above. The guy's got the idea and he's worked up a prototype, which took him months to do. In exchange for that, I'm willing to give an advance against our potential profits, but that's money I'm *gambling* on his idea. Chances are, I will lose money because of the difficulty of introducing a new product to any market and the competition, which is fierce.

So he puts up the prototype, and I put up the money to reproduce it, plus a good faith bet that the product may actually earn some money. If it doesn't, he's out the

time he used inventing it, but I'm out all the money I spent producing copies for sale and taking it to market, plus the advance I paid him—an option for a chance to see if I could make something out of his idea.

Now, the guy would really like the color of his gizmo to be brown, because brown is his favorite color, but I have marketing people who tell me that study after study shows that women never buy brown gizmos, and women are our target market. So, guess who picks the color? Even if many women like blue, if more women like purple, then we'd be stupid not to make the gizmo purple.

Of course, our partner doesn't like purple and he's hurt that we didn't consult him, but hey, it's *my* money we're gambling, and I'd like to make it back. If he wants the gizmo to be brown, why doesn't *he* pay for the manufacturing?

I expect you're getting the gist. I could go on with this scenario on just about everything our publishers do that bugs us, but the bottom line is...well, it's not even the bottom line. Mostly it's about making sure we get our money back, so we can make payroll, at least! If there happens to be something *on* the bottom line and it has a plus sign in front of it, then the license agreement is a success, and we're both winners.

But be very clear on what the investment is. I'm the only one who could lose real money. In effect, the author has said that he is not going to take his book to market, but if I want to undertake the risk, then I can take a shot at it in exchange for a share of any eventual profits. That's where the advice, "Don't quit your day job," comes in. If you can think of your writing as an investment of your time that you hope will return big bucks some day, or even a nice little annuity, your understanding of the relationship you have with your publisher should make more sense. But until that investment begins to pay off in real returns, just like a stock taking off, don't expect your royalty checks to pay your bills.

My husband, an investment manager, says there is no return without risk, but specifically *money* at risk. We risk the time we put into our novels, but as long as we ask someone else to pay for the publishing, we relinquish our rights over our work. It's the ones who are risking their money who get paid back first. They have the upper hand in the deal. Ask anyone who has accepted venture capital for a start-up enterprise, who has the ultimate say in their business. And if you were on the other side, and the money was yours, it's unlikely that you would structure it otherwise. It's nothing personal. It's about keeping your business from going under and getting as much return on your money as possible. It has almost nothing to do with the quality of a book. The royalties the author receives reflect the public's appreciation of the work in the very brief opportunity they were given to buy it.

## The Reality Check

Now, to some specifics about the industry, including my mistakes:

**Miscalculation #1.** Remember the plan to sell my own books until I accumulated enough capital to publish other authors? Well, that didn't work, mainly because I can't write fast enough to produce enough titles to share the burden of my overhead. I assumed that my overhead would be very little in comparison to a New York house with its lawyers, editors, marketing people, and accountants on staff, not to mention the rent or mortgage on their offices. And, it is. But everything's relative. My overhead is still too big for one title to carry in a year. I have storage costs, insurance, dues, and web hosting to pay every year, and they end up costing too great a percentage of my gross on one title. I used to think my books would have a better chance of getting in the stores if the publishers would just print fewer titles each year. And they would. Fewer titles to compete with would be a help to us all. But the publishers have to put out a huge number of titles per year to spread the cost of their overhead, to bring it down to a certain pre-calculated percentage of every title.

**Misperception #1.** And what do all those titles do? They compete for shelf space, the allotment of which is almost entirely the decision of the booksellers. Except for the few titles publishers elect to back with co-op funds, which pay for their placement at the front of stores, the bulk will be given space only if the bookseller finds a reason to believe they will out-sell other available titles. If the author is new or even mid-list, chances are her books will be squeezed out at every store, unless somebody does something to give them a better chance of selling.

**Big shock #1.** Ingram turns away book orders and won't order some titles until there is a sizable number of back-orders placed, which most buyers won't do. They will just assume the book is unavailable. Even if a bookseller gets an ARC of your book and really loves it, he will likely not be able to get copies from Ingram, unless Ingram has a good reason to think the book will move out of its warehouses and orders it in advance. For a large press, this may mean a seller's rep has done her job, or that the publisher has sent word that they believe this book will be a good gamble. It might depend on the author's last sell-through. For a small press title, this means that I have to inform Ingram of all the publicity I have done on that title—part of *Romantic Times's* three-pronged attack, remember? I have to sell the book to the booksellers and the wholesalers, as well as to the readers.

**Huge reality #1.** Selling the books to readers is the hardest part for all of us. Advertising is expensive and reaching targeted readers is hard without it. If I want Ingram to stock Pemberley titles, my authors have to

schedule selling events. Without those plans, Ingram knows that few booksellers will order the title, so it's not worth their time and money to stock it. I wish I had known this long ago and had not shrunk from promoting myself and expected my publisher and the merit of my work to make my success.

**Huge reality #2.** Publishing is a cash-poor business. Publishers must pay authors' advances months or years before the first sale is made. Distributors and wholesalers, who account for most sales, only begin to pay 90 days after orders are shipped. Then they play a cash-management game, returning books and counting those against their accounts payable to reduce the checks they send, even if they have other unpaid invoices. Then they order more books with a new 90-days to pay. Returns to them never go back into their inventory, but straight back to the publisher. They keep their return and ordering facilities separate.

**Huge reality #3.** To minimize returns, publishers must discourage orders in excess of expected sales. Returns are extremely costly. In addition to the 100% of destroyed books, included are shipping costs wasted, restocking costs on trade books returned, return shipping on those, bookkeeping time to account for them, and treasury time to cut refund checks. Publishers would prefer not to risk incurring these costs than to gamble on making a few more sales, so they will not push their weakest titles on the stores. This is contrary to the author's interest, but inevitable with returns. And, contrary to recently expressed hopes, that system is here to stay.

**Huge reality #4.** Copyrights and contracts add to the marketable value of a publishing house. If the company is ever sold, the owners will get more for all the copyrights under contract, even by mid-list authors. No one knows when the next Dan Brown will emerge, so publishers hang on to copyrights to make sure they don't lose out on any surprise success. This is certainly in the interest of the shareholders, so expect it.

**Misperception #2.** Publishers really do spend money on marketing. It's just not the exciting kind. Marketing costs assigned to your books may include: staff time for cover development and copy writing, market studies, listing with wholesalers, sales reps, sales meetings, sales kits, space in catalogs, website creation, review copies and the postage for those. Your publisher, the licensee, will put in a budgeted amount for marketing, estimated on several things: the size of the market for your book, the anticipated sales, expected returns on marketing dollars, your competition that month, and much more.

**Translation #1.** By "partnership," I think editors mean that the harder you work to promote your book, the better you both will make out.

**Sad fact #1.** After making a profit on ▶▶▶

## Think Like a Publisher



*Sense and Sensibility*, Jane Austen sold the copyright for *Pride and Prejudice* flat out for £150 and no royalties. It's

probably a good thing she died before she found out what a huge success it was.

*Before becoming Mistress of Pemberley Press, Patricia Wynn survived the death of two Regency romance lines to write a lead title for LoveSpell. Titles from Pemberley have won two national publishing awards and rave reviews from Library Journal.*



## Sticky Notes from the Edge

Cheryl Anne Porter

### Offended by Beauty

Hard to believe someone could be offended by the beautiful and the perfect, isn't it? And yet, lately, in a particular part of my mind and creative experience, I have been. You see, the chemo I'm undergoing affects my ability to write. The neuropathy that the chemo causes leaves my fingertips numb, which means I can't feel the computer keys properly. We are now officially having fun, boys and girls. My doctor says that whatever my brain uses to engage in writing in-depth stories is gone, so I need to find a new neuro pathway. Yeah, like those hang around all over the place. Usually with the money tree the kids are certain I have planted in the backyard.

Well, lo and behold, a new (and more fun) pathway found me. Hang on to your seats. I paint pottery pots. All sizes and designs. The funny part is I can't paint well enough to draw a tic-tac-toe outline. Still, I select each pot and assign it a funny name and use only my own inspiration to come up with ideas. Sort of like writing books. We can write only our own ideas.

What else have I learned? Not a thing. No, just kidding. I've learned that when a door is closed, a window is opened (paint fumes). And just to prove that irony - which I've always loved - is still alive and well in my life, a friend came over after I'd made one pot, and I laughingly showed it to her. Y'all, she fell in love with the silly thing. I

mean, it was U-G-L-Y. Mistakes everywhere; big blobs of paint coating it. Turns out that this friend (and I didn't know it) has some sort of intuitive eye for the artistically weird and beautiful. Go figure. She suggested I start a company to sell these "rare Primitive American art pieces" while I can. Well, although I'm too embarrassed to offer them for sale—they really *are* ugly—I've painted nearly twenty for family, even making up stories about them as I go ("Fruitcake Part III...the Revenge").

So if you get tired of the beautiful and the perfect in your house and want a little pot full of ugliness all your own, then you, too, can pick up a paintbrush and venture into the world of *avant garde* art. Or maybe sculpting is your thing. Or finger painting. But, friends, when reality (a looming deadline or an unanticipated illness) nips just too darn close at your heels and your muse picks that moment to take a holiday, I'm here to assure you that there are other routes that lead to that world of creativity inside us. When you're ready to take a side trip down a new neuro pathway, you know who to write—Cheryl Anne Porter a/k/a Ugly Pots, Inc.

*The author would have you know that she does not now, nor has she ever tried pot. It's pots...P-O-T-S. And no, of course, she doesn't inhale...*



## A Look at Laptops

BY KATHLEEN O'REILLY

As a writer, you spend most of your time at your keyboard and your screen (unless you write in longhand, and whew, my hat's off to you), and thus your computer is one of your most important purchases in your work environment. Decide if you work best at one place, either a desk or table. If so, you'd want a desktop computer. If you like flexibility or portability, if the idea of sitting in one spot strikes fear into your heart, opt for a laptop. I have a laptop, an IBM Thinkpad with a 15" display. I've had it for going on four years now and have just decided to replace it (the case developed a crack in the back).

So what do I know about technology? I spent ten years working in computer support, with the last five years (before I started writing romance) managing the computer hardware for an insurance company of 1200 users.

If you choose a laptop, save yourself some heartache and go with a brand name. IBM, Dell, Toshiba, Sony, Gateway, Compaq/HP, Apple. There are many good lesser-known brands out there, but unless you have close, personal access to a good tech-head who is comfortable with hardware (and that's *not* the same as a software geek), go for a good solid brand. Trust me.

I was drooling when I heard about the 17" displays that were being included on current notebooks and

then I saw them at the store. Portability? These giants are 10 lbs, (which proves there is no such thing as a free lunch). So, you get the bigger display, but you also pay the weight, bulk price. IBM 15" displays have a WGA video adapter that support a resolution of 1280 (wide) x 1024 (high) pixels on a 15" display, which means more "real estate" or screen visibility. For instance, at 1024 x 768 (my current resolution), MSWord will display about a little under half of a page. At 1280 x 1024, on a 15" display, MSWord will display about 20% more of the page. That is my main reason for wanting more real estate. I want to see more of the page, even if it is smaller (my vision is pretty good). If your vision is bad, shoot for either a) a lower resolution or b) a bigger display.

If you need a bigger display, but you like the portability of a laptop, consider getting a docking station. This is a device that your laptop plugs into and lets you add components. For instance, you can have a bigger display that sits only at your desk.

Some of the options you'll see on current laptops are a mobile chipset, Intel's Centrino. These chips are designed to optimize the laptop's battery life without affecting performance.

Also, wireless networking is becoming standard on a lot of notebook computers. It's like turning your computer into a cordless phone. We have a wireless network in our house and it's highly recommended. I can take my notebook wherever I want, surf the Internet wherever I want, print wherever I want, and backup my files from wherever I am. I've heard good and

bad stories about wireless installations; however, most computer stores will be able to set this up for you (for a fee), but once you're set up and working, little to no maintenance is required.

Last, but certainly not least in the feature list is battery life. Currently battery life averages anywhere from 2.5 hours to 4 hours. Toshiba is working to create a methanol fuel cell to power a notebook for eight hours. A five-hour version of these fuel cells will be available on Toshiba notebooks this year, and then an eight-hour version sometime in the next two years.

I looked up the *Consumer Reports* numbers on laptops. Apple is pretty much the tops, so if you're an Apple fan, then great. If you like the Windows/PC world, top buys for your money include Gateway, Toshiba, IBM, and Dell. Toshiba and Apple took top numbers on fewest repairs, and Apple and IBM took top numbers on quality of support.

I've been writing on a laptop for about six years (both IBM's and Toshiba's) and you couldn't chain me to a desk anymore. More and more users are choosing laptops as a desktop replacement. All that said, laptops are more fragile than desktops and if they break, your whole working environment is kaput, as compared to the desktop.

*Kathleen O'Reilly has written several books for Harlequin Temptation (actually 6, with another 4 contracted) and is the author of the upcoming Downtown Press title, The Diva's Guide to Selling your Soul. In her previous life-adventures, she played a tech-head geekazoid for an insurance company and authored two computer programming books.*

# Still Crazy After All These Years

BY JEANE WESTIN

I sold my last novel in September, 1989. (I remember the day and hour, but I won't bore you so early.) I had no idea that it would be fifteen years before I sold new fiction again. Why would I? I'd been on a wild ride for nearly twenty years, first as an article writer who sold to major markets, then as a free agent nonfiction author, whose first book proposal got two nice (for those days) offers from major publishers. And I went over the transom!

Once I acquired an agent, I wrote five more nonfiction books with steadily climbing advances. Two of those books subsequently stayed in print and (actually) earned royalties for twenty-five years. Those were the days of book tours, and I had thirteen city tours with radio, press, and TV, including among hundreds of appearances, "The Today Show," "Donahue," and "Good Morning, America." One tour lasted a month, and I spent weekends flying back and forth across the country to deal with teen-age trauma at home. It was exhausting and exhilarating at once—one day Regis, the next Meredith Baxter—and so naturally I began to believe (well, you would, too) that maybe I could do just about anything. I decided to write a novel, a decision my then agent diagnosed as "novelitis," an affliction that threatened to stem the tide of nonfiction royalties.

I worked hard for two and one-half years and delivered a 200,000 word manuscript. At first I was so awkward in this new genre that I had to learn simple transitions and just how to get people across a room, but gradually fiction became the greatest fun I'd ever had...that is in front of a 62K Tandy II. The book went to auction and, on the stormiest day I can remember in northern California, my agent called with a pre-empt offer that made me gulp. Later I learned that it was the second highest advance for a first

novel of that year. And that wasn't all. Afterward, there was a trip to New York, lunch in a premier restaurant, meetings with movie producers (the manuscript had been leaked) and all the hooah that I'd read and heard and dreamed about.

And it was happening to me. I thought I was really on my way (well, you would, too).

I won't go into all that happened to that book, which despite losing its editor, a cover that people in the house laughed about behind their hands ("Four women waiting for nose jobs!"), sold respectably in hard and soft cover. It was optioned to CBS for a mini-series, another long story, and published in eight foreign countries.

Not one to retire on a high note, I went to work on a new novel. Once infected, there is no known cure for novelitis.

Three years later, I delivered another big manuscript, which began its history with three editors, a buy-back, and eventually became entangled in several of the hormonal wars raging in New York at that time or perhaps at any time. I won't go into detail here, but sex in the city was playing itself out in publishing before Carrie, Samantha, Charlotte, and Miranda were a quartet in HBO's eye.

In spite of the infighting, this novel sold hard/soft to an enthusiastic house with a literary reputation eager to build their newly acquired women's commercial fiction list. Other good things happened. A famous musical producer optioned the book for film and Broadway. A play script was developed, and I began to worry about what I would wear to opening night. Not to worry. After renewing the option for five years, it went to option heaven, where it resides today, although every year or so I get a query about musical/dramatic rights, just enough action to raise my blood pressure.

## Bits'n'Pieces

**Sales Optimistic for 2004...** Good news from the Book Industry Study Group. Total industry sales should increase by 2.8% in 2004. Projections announced in New York in mid-May anticipated that adult hard covers would be up 1.8% and mass market paperbacks should increase 1.8%.

The biggest predictions were in the children's group with an overall growth of 10.6%. The formula is based on historical growth and excludes one book impact, such as *Harry Potter*. So the 12% gain in paperback and 9.3% in hardback sales for children were not just magic.

But unfortunately, the big literary commercial house decided not to pursue commercial fiction *before my book came out* based on the sales of their first commercial fiction efforts. The book was published to no fanfare. The house didn't even notify me when I got a rave quarter page review in the *New York Post*, nor did they ever use it for promotion.

And then my long drought began. I wrote four novels during the next fifteen years. I got a new agent, who loved me then dropped me, I sold foreign rights, paperback rights, revised nonfiction books, but I couldn't give away my new novels. Well, that's not quite true. My New York agent shopped them around and we got offers, but she advised me that they were too pathetic, and after my earlier advances a lower advance would "hurt your career." I agreed, and kept trying with new proposals and books.

Neither of us knew that publishing was undergoing a sea change of conglomeration, synergy, and bottom line thinking that took decisions out of the hands of editors. Perhaps, I should have seen it coming; I had a chain dictate a title change as far back as 1985.

I'm convinced that "no" became attached to my name in those years, and that my disappearance from the scene was mandated if I was ever to publish again. But that's hindsight. At the time, I felt trapped in a black hole.

Slow dance to late May, 2004, and this email I sent to Ninclink:

*For years now my association with Novelists, Inc and Ninclink has given me a sense of inclusion in the writing community when I often felt no right to be here...during my years on this list, I've read of writers selling after a long dry spell, but after many years I'd almost given up any idea that it would happen to me. And now it has. I have just sold one of those novels I wrote during that long decade plus and been offered a two book contract. I'm writing this as a thank you, and also for someone else on this list, silent but hopeful, who may be about to lose hope, etc.*

Although I know the generosity of Ninksters (or whatever we're calling ourselves), I was truly overwhelmed by the outpouring of congratulations both on and off the list, and the number of people who thanked me for giving them renewed hope.

I also received many "medals" for hanging in there and never giving up. Please, take back the medals. I did give up. I quit, Quit, QUIT a dozen times a dozen times. "Who needs this," I said when I was all beaten up. I was offered and accepted a very fulfilling job for three years with heavy

writing responsibilities, which suited me perfectly. True, it wasn't fiction, but I no longer needed fiction.

One day during my second year on the job, I was working at home on a particularly tedious strategic planning document (and I was thoroughly sick of Solitaire). For some reason, I idly opened a chapter in the middle of one of my unsold novels. It had been years since I'd read it, and I found myself amazed that I had written what I was reading. And I suddenly began to sob, not silent tears but loud, wrenching cries from my soul. It was scary. Caught completely unaware, and against my will, I felt an incredible, overwhelming sadness.

I couldn't understand it. I am not a kid (despite the heading on this article) and I truly liked my job. What was going on?

Admitting that I missed the stories, the characters, the twists and turns that made me laugh out loud or look up at the clock and wonder where the hours had gone...the so-called *process*...was hard. Did it mean I wanted to go back and try again? Did it mean I had a death wish? Publishing was tougher than ever.

When I left my job, it wasn't easy to start writing fiction and thinking like a novelist again and I was anything but surefooted. I floundered for months rewriting unsold books, talking to supportive Ninc friends (are you reading this Georgia Bockoven?), and connecting with an agent. Being part of Ninc did make it easier to begin again because I felt connected to writers whenever I opened the Ninclink or the newsletter.

Since the first contract book has been accepted, I've begun work on the second. The joy was there with the first page, hours swiftly passing, laughing out loud...somewhat demented. (Well, you would be, too.)

I'll be coming to the Ninc conference next spring. I've stayed away for years, feeling the imposter. I don't know if I have any advice to give you. There is no such thing as a typical experience, but please come up and say hello, especially if you're in the desert of all dry spells. Let me tell you personally that even after fifteen years there will be an editor who will call you up and say, "It's so nice to have an author come back after so many years and with such a great book."

And I didn't even know they missed me. ♦

## Bits'n'Pieces

**101 Best Sites for Writers...**Mary Kennedy supplied this on Ninclink:  
[www.writersdigest.com/101sites/2004\\_index.asp](http://www.writersdigest.com/101sites/2004_index.asp)

**Moore-Benson leaves Mira...**Several members have reported that Amy Moore-

Benson is no longer an editor with Mira. She has left Mira to become an agent. No contact information has been discovered yet but the new agency is said to be called AMB Management.

**Potter on the Web...**JK Rowling's official Potter website [www.jkrowling.com/](http://www.jkrowling.com/) is a fun and interesting site to look at for design ideas or just to play.



## Nice to See You Again...Whoever You Are

### Dear Annette:

Why the heck can't I remember the names of people I've met repeatedly? Granted, it's usually at situations like book signings, conferences, or writers' meetings where a lot of people are around and a lot is going on, but it's starting to get very embarrassing that I recognize the faces, know I should know these people, and can't for the life of me recall their names.

*Signed: Appearing Unfriendly*

### Dear Appearing:

Welcome to the club. I'm right up there. For years, I would forget the names of new clients the minute they sat down. Talk about giving people a complex!

First, we've all got to acknowledge that names are simply harder to recall than many other types of information, because they don't have built-in contexts. The main tenet of memory theory is that well-connected information is easiest to remember. The more connections a piece of information has, the more likely you are to be able to retrieve it.

But what connects a name with a person? For the most part, names are arbitrary. The well-worn example given by memory specialists is that Bob Baker has, in our modern times, no connection with bakers. Because the information itself isn't meaningful, we have to make a special effort to create a connection for it.

Which brings me to the second reason names are so damned hard to recall. We don't pay enough attention when

we hear them. According to research, fifty percent of the problem in name remembering is that we don't encode the name when we first meet the person. Just paying more attention and making sure that you can remember it five seconds later increases memory for names by fifty percent.

No kidding.

Distraction can come from the volume of people we're meeting, or from the event itself. I was saying before that I have a very hard time remembering client names when I first meet them. When I analyze it, I think that what's happening is exactly what memory specialists have suggested. Even though I'm only meeting one person at a time, I'm distracted and focusing on what they're telling me. Their name is much less important in those first few minutes than other concerns. Are they suicidal, homicidal, coherent?

Now once I've gotten to know a client, I can literally recall their family dog's name even if I don't see them for several years. Once I get to know them, I have the elusive context and the memories are now imbedded, never to leave again.

So what to do about this? Essentially all the practical advice I've come across boils down to finding a way to *pay more attention at the moment of meeting*. But it's not necessarily paying *more* attention but rather paying the *right* kind of attention.

That's it. That's all.

Not very sexy, I know, and not worthy of an entire ninety-nine dollar afternoon seminar, more's the pity. But it works. I've been doing it.

What we're about here is quickly, seamlessly, and, yes, artificially creating instant context so you'll be more likely to recall information. For my money, the **FACE** system works the best. The basic tenets are:

**Focus:** At the instant of meeting, make yourself pay attention **ONLY** to him and his name for just a split second.

**Ask:** Even if you've focused on hearing the name and are positive that you heard it correctly, it's crucial to ask to hear it again.

Yes, it's kind of artificial, but better than not remembering later, right?

**Comment:** Relate a name to something familiar, if possible, such as "My brother's name is Steve, too." That helps create context.

**Employ:** Use his name during the conversation, or at the very least, when saying, "goodbye." This helps cement it in your mind.

These techniques work, by the way, even if you do them silently. I've always been sensitive to the idea of sounding more like a smarmy salesperson than a caring therapist, so I often just think through the FACE idea. They seem to work just as well.

Neurolinguistic Programming offers a slightly different, and to me, pretty interesting approach. Among other things, neurolinguistic programmers suggest that we learn best when we focus our three main sensory systems—the visual, auditory, and kinesthetic—on the task at hand. To remember

names, psychologists trained in NLP suggest:

1. Repeat the name three times to yourself as you're introduced. That focuses the auditory system.
2. Picture the name written on the person's forehead. Now we've got the visual system working.
3. Imagine yourself writing their name. Yup, the kinesthetic part of our brain is now up and running.

Whichever system you choose to employ, personal experience tells me that it can help tremendously, mostly because these tricks make us clear our minds for an instant, focus on the task at hand, and try to imbed the information in our minds instead of expecting it to happen magically.

And maybe more importantly, you're more likely to stop telling yourself that you're simply hopeless at remembering names.

It's like Henry Ford said, "If you think you can, or think you can't, either way you're right."

*Annette Carney is a psychologist and writer who can recall the name of her first client's childhood dog, but can't remember the fantastic title that popped into her head last night for her latest WIP. You can "Ask Annette" in strict confidence, at one of these contacts: email: annettecarney@sbcglobal.net, fax: 775-746-4560; phone: 775-323-0445.*

## Bits'n'Pieces

### Small Publishers Call Amazon

**Actions "Blackmail" ...** Small and independent publishers are now feeling some of the discontent that authors have felt for the big online book seller. Amazon is making demands in its latest advertising contract that could leave publishers that don't comply with the new terms treated differently than those that participate.

Amazon wants the publishers to agree to provide co-op funds that would be 2% and 5% of net dollars earned from the e-retailer in 2003. What happens if the publisher doesn't agree? Publishers can lose partnership status, which would mean Amazon wouldn't sell their books at a discount, the publisher's books wouldn't show up in merchandising and advertising programs, or Amazon could turn off the search option to the publisher's books.

Terms being used by the publishers include strong-armed, blackmail, and heavy-handed. It seems that most are still going to ante up, citing Amazon's status as a bibliographic reference even to non-Amazon customers. Some are talking about focusing on better service through their own web pages. An Amazon spokesperson wouldn't discuss the negotiations, noting that Amazon works with all publishers.

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No-Mail	NINCLINK-nomail@yahoogroups.com
<b>Moderators:</b>	<b>If You Have Questions, Email:</b>
Brenda Hiatt-Barber	BrendaHB@aol.com
Lorraine Heath	lorraine-heath@comcast.net

## INTRODUCING.....

The following authors have applied for membership in Ninc and are now presented by the Membership Committee to the members. If no legitimate objections are lodged with the Membership Committee within 15 days of this NINK issue, these authors shall be accepted as members of Ninc:

### New Applicants:

Glynnis Campbell, Panorama City CA  
Holly Fuhrmann (*Holly Jacobs*), Erie PA  
Melinda Rucker Haynes, Renton WA  
Lori Karayianna (*Tori Carrington*), Toledo OH  
Jeanie LeGendre (*Jeanie London*), Tampa FL

### New Members:

Rogenna Brewer, Centennial CO  
Eileen Charbonneau, Cold Spring NY  
Penny Halsall (*Penny Jordan, Annie Grove*),  
Nantwich, Cheshire UK  
Victoria Hinshaw, Milwaukee WI  
Shirley Jump, Fort Wayne IN  
Rickey R. Mallory (*Mallory Kane*), Brandon MS  
Deirdre Martin, Ithaca NY  
Karen A. Moser (*Karen Kendall*), West Hartford CT  
Folasade Odubiyi (*Dara Girard*), Silver Spring MD  
Joanne Rock, Peru NY

**Ninc has room to grow...recommend membership to your colleagues. Prospective members may apply online at [www.ninc.com](http://www.ninc.com).**



# *The Care and Feeding of the Girls in the Basement . . .*

BY BARBARA SAMUEL

## *The Miracle and Disaster of Computers*

I'm fed up with spam. I hate spyware and cookies and the invasion of sleazy salesmen into my office and my email box. In February, I lost three days of work to pop ups that were pouring into my computer like cockroaches, making it impossible to work. I was frustrated to the point of tears and didn't have any idea what to do to stop it until a woman on an email loop told me about AdAware, a free program that stops spyware from invading like that. I haven't had an invasion since.

Spam is another one. I know you have the same trouble. I have the filters set as high as they'll go, and I'm still receiving an average of 50 spams per day. (Cheer along with me now over the guy who got seven years in prison for his spamming. Hip Hip Hooray!!!!)

Those are only annoyances, mostly. Far worse are the viruses. Eighteen months ago, I lost an entire computer to a virus—the entire computer was demolished. It was only through a most painstaking—and nail-biting—process that my brother recovered my documents (including all the revisions on a book that was ready to be mailed back to my editor). And no, I do not open attachments. Ever. My brother theorized that the virus came from a website. He, who works with the nasty things all the time, was horrified by the damage it caused and did a lot of work to try to track it down. He was not successful, of course.

Since then, I've taken great pains to try to prevent infection. I have a firewall, a virus checker that runs continu-

ously. I have switched to Mozilla to try to avoid viruses that are targeting Internet Explorer, and have my spam filters set to the highest possible levels to help filter out the junk that comes pouring into my mail box every day. I have done everything available to me to stop the invasions, and I'm still getting blasted. About six weeks ago, I suspected one had slipped through the virus checkers and firewalls, but I couldn't find it—it just felt like that sluggishness in the computer.

I was right. But I didn't catch it in time.

I am typing this on my mother's computer. I rather hate it, actually, because my hands are large and I'm used to my split keyboard, and this one has only a regular one and it feels Lilliputian. I have to keep erasing letters because I'm putting my hands down in the wrong places. I can tell I'll have tired muscles on the front of my arms tomorrow.

*Sigh.*

I am here typing the pages I wrote last night by hand because my computer will not work. Nor will my laptop. Nor will my son's desktop. They all have a small problem of one sort or another.

As of this moment, I'm five days behind deadline on this column. I spent the best part of yesterday polishing the column I'd been writing off and on all month, one of the better ones, I have to say, even if it was a bit dark. I took a break about two to go to the gym and do my exercising for

the day, planning to come back, give it one more look, and then send it off to Lorraine, and then I'd have the weekend to relax.

When I got back from the gym, there was an ominous blue screen on the monitor. Something about a kernel and a fatal error and bad hardware.

My stomach dropped. *Not again.*

A couple of months ago, I had a conference to attend in Victoria, BC. I also had a column due. This was directly after the Santa Fe conference. I had a column about 90% written and knew I'd have a day in Victoria to polish it up. It seemed it would be enjoyable to write from my hotel room in a new city, so I transferred the column to a disk, copied it to the computer hard drive in case the disk got lost, and happily set off to Vancouver.

Friday morning, I ordered a pot of room service coffee, opened the doors to let the sea-freshened breeze into the room, and fired up my laptop. It wouldn't boot. A corrupted Windows file. No matter what I tried, it didn't work at all.

Fine. I'd just take the disk to the business center and write from there. But the hotel didn't have a business center. Great. I looked for an Internet café, thinking I could either type in the column from the scribbled-on hard copy, or I could upload it from the disk.

Neither option worked. By now, it was getting late in the day and I needed to prepare for the conference, so I sent Lorraine an email, letting her know the trouble. Luckily, she had material aplenty from the conference, and let me off the hook.

This would never have happened in the days before computers, or even in the days before the Internet. I wouldn't have relied on the technology. I would have made hard copies and sent them by mail. I would have had back ups. I wouldn't have assumed that all the ethereal business of hardware, software, and technology of the Internet Age were going to be there for me.

And here I am, two months later, in the same situation—a column finished and nearly 100% polished, locked inside a computer and I can't get to it. (Yes, I know, you very organized ones—if I were less a Last Minute Lucy this would not be an issue anyway. But life is what it is. I am what I am.) The trivia questions I spent the week putting together for Pub Quiz this Sunday evening are gone, but that's minor. I'm better these days about backing up—by hard copy and on my zip drive—anything big, like a book in progress, so nothing else is lost even if the whole hard drive is gone.

It's frustrating.

But I am not a suspicious Luddite sort. I love technology and advancements. I love computers and spellcheckers and email and electronic submissions. All of society has benefited from the personal computer and the Internet revolution, but none are so supremely suited to this format as we writers. It's utterly perfect for our strong points:

we're verbal, curious, information junkies, research whores. We're compulsive about communication, the give and take of ideas. What better technology than one that allows us to communicate almost instantly with anyone in the world? A policeman, an Iraqi, a cat lover, a chef—you name it, we can find them on the Internet. Want to read about the lifestyle of a twenty-something city girl or an Indian computer whiz or a housewife in the Midwest? Check out blogs. I've been following several lately—a woman from Santa Fe who followed her Irish husband to Dublin and is adjusting to the culture; a couple of weight-loss blogs, a Scottish girl, an anonymous teenager. Real life. Right there at my fingertips.

The Internet has also put the equivalent of 400,000 libraries right in our offices. I'm astonished by what I can find sometimes. For a book in progress, I needed to find out some ways to get a terrorist through airport security. Into Google, I typed: airports, bombs, explosives, security, plastic. In three seconds, I had ten or twelve pages of links to web pages. In fifteen minutes, I had all the information I needed about Semplex. (Have I also set off alarms with security agencies? Maybe. I suspect it doesn't matter since I'm a writer.)

In the old days, it would have taken most of an afternoon for me to get in my car, drive to the university library, painstakingly comb through several books and periodicals, looking up indexes and tables of contents until I tracked down what I needed. I would have had to take notes and organize them. Instead, I pulled up the web page, printed it out, used a pink highlighter over the main ideas, and I was done.

I know you've all done something similar. We take it for granted now. It seems incredible that I wrote my first books on an IBM Selectric. That my first computer didn't have a hard drive. I can remember, acutely, the first time my father showed me how to sign on to Prodigy. The modems made their little noise and my father said, "That's the computers talking to each other." And my head nearly exploded with the possibilities. I was hooked, instantly, and forever more. I am a terrible email and Internet addict. I get absolutely twitchy when my service goes down for any length of time. I can get out of town and away from it without much sorrow, but I hate for it to malfunction when I'm at home. I use it for everything: soup recipes, movie times, ordering books, planning vacations, getting information on poets and boxing and newspapers. I talk to my friends and seek out interesting new people. I adore the Internet. For a compulsive communicator, it's the ultimate toy.

Which is all the more reason to hate viruses, spam, and spyware. I'm not picking up most of my troubles through email—they're coming through the Internet itself. The technology that proved to be such a joy in so many ways for so many of us has also provided a new medium for hostile and criminal and just plain annoying ▶ ▶ ▶



▶ ▶ ▶ behavior. Pop-ups are probably on their way out now that effective blocks have been developed. I assume—pray—that the same thing is going to be true, eventually, for spam.

I don't know about viruses.

I suspect the service providers themselves have to get involved. Or maybe that's just wishful thinking on my part—that there is a way to get someone to take responsibility for this hit-and-run crime that's cost me thousands of dollars in both actual cash and lost time. Maybe the answers have to come from the Big Dogs of Industry—namely the Gates Empire. Maybe there are no answers.

In the meantime, I believe I'm going to take some steps to prevent the productivity losses I've been experiencing. I'm going to get a second computer strictly for work material and back it up with a zip drive. It will have no access to the Internet at all, no modem or DSL or cable. Nothing. Just a static computer with no possibility of infection. I'm also quite tempted to buy an Apple and use only AOL, since both have far fewer infections.

I am also going to write a letter to my congressman. There are probably a lot more important issues than this one to deal with, but this one counts, too.

Now, cross your fingers for me that the hard drive isn't fried, or even if it is, that I'll be able to rescue the documents files. I'm sure you'll want me to return the favor one day. ♦

## Bits'n'Pieces

**ABFFE Finds New Front in War Against Patriot Act...** The American Booksellers Foundation for Free Expression is supporting the ACLU's action on the section of the Patriot Act that may allow the FBI to look at booksellers' electronically kept information without seeking a court order.

Section 505 authorizes the FBI to issue National Security Letters (NSL) to obtain any customer's "subscriber information," "toll billing records information," and "electronic communication transactional records" whenever the agency believes this information is relevant to a terrorism or clandestine intelligence investigation.

ACLU filed for a "John Doe" client in April when the plaintiff had been served with a NSL. ABFFE's main focus has been Section 215 that allows the FBI broad powers when searching customer records without establishing probable cause. Section 505 is so broad in language it would impact stores that provide public access to the Internet as well as those that operate a website.

American Booksellers are also working on a petition for Congress to amend Section 215. Bookstores around the country have the petition posted for signatures.

**No CBA Challenge to Amazon.ca...** The Canadian Booksellers Association withdrew its request application for a judicial review of the government's decision to let Amazon.ca operate in Canada. Amazon wasn't in violation of the Investment Canada Act since there are no employees or facilities in Canada. The Act requires companies in "culturally sensitive industries to be majority owned by a Canadian company." CBA withdrew after they lost contributions to help pay for the application process.

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