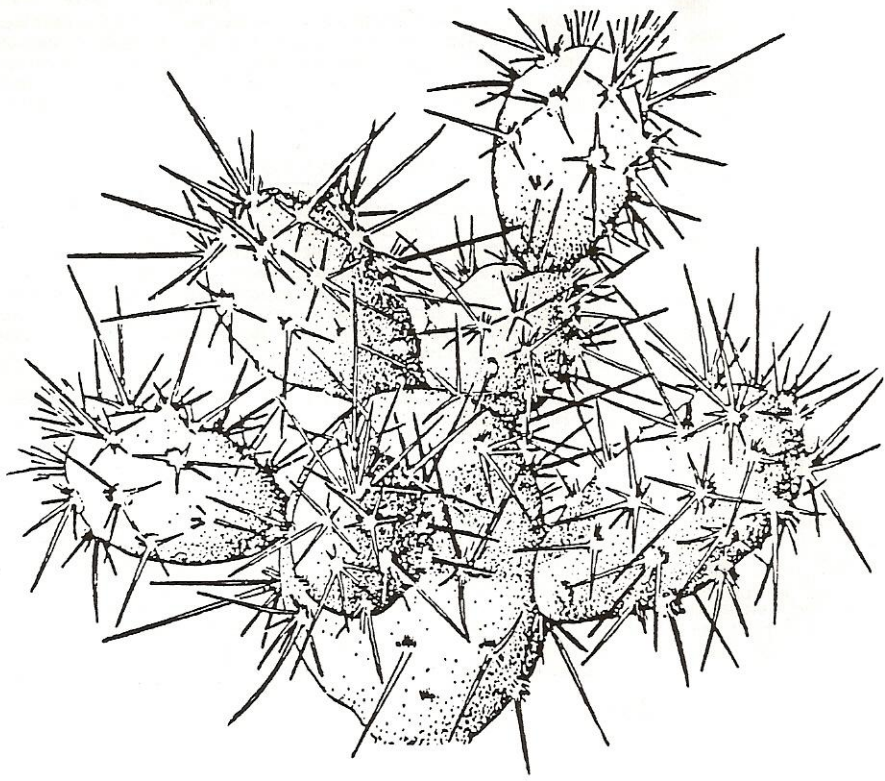


OPUNTIA

16



[Editor's remarks in square brackets]

OPUNTIA #16

November 1993

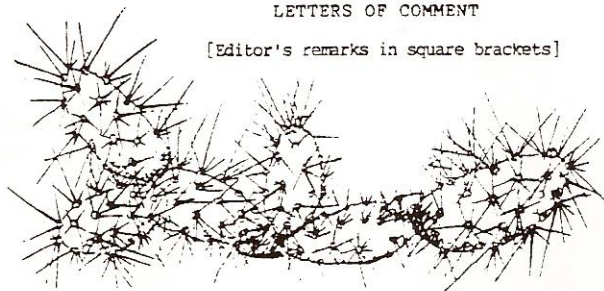
ISSN 1183-2703

OPUNTIA is published by Dale Speirs, Box 6830, Calgary, Alberta, Canada T2P 2E7. It is available for \$2 cash, letter of comment, or trade for your zine.

CON-GOING IN ALBERTA: There seems to be a flurry of con-running activity, judging by my mail. OnoCon 94 is five days in length, February 17 to 21, 1994. The single-page flyer neglects to say where it is, no hotel or even city is mentioned. Since the concom has a Calgary address, I assume this is where it will be. GoHs are Martine Bates and J. Brian Clarke, the latter a Calgarian. Fan GoH is Bonnie Liesemer Dewar (go back and read Garth Spencer on Calgary fanhistory to find out about her) and Special GoH is Devan Michaels, who is billed as Erotic Entertainer. The usual video room, dealer bourse, Kissing Auction, and Baby Oil Olympics. Okay, the last two aren't the usual, but they are listed as official events. \$15 until February 10, 1994, to OnoCon, Box 57082, Calgary, Alberta, T1T 6R4.

ConVersion is Calgary's largest and most reliable gencon, and the only one I attend. Progress Report #1 for ConVersion 11 is now out. GoHs are Marion Zimmer Bradley and Frederik Pohl. \$30 to the end of February; the con runs July 22 to 24, 1994. Write to ConVersion at Box 1088, Calgary, Alberta, T2P 2K9.

June 10 to 12, 1994, in Edmonton is TerraCon 94, a new offering from the Edmonton SF and Fantasy Conventions Society. Don't know this bunch, no names on the flyer. GoH is S.M. Stirling. \$17 to December 31, \$22 to May 27 from 8831 - 93 Street, Edmonton, Alberta, T6C 3T2.



FROM: Harry Andruschak

1993-10-28

Box 5309

Torrance, California 90510-5309

Items like the Hugo fan awards are an idea whose time has come and gone. Yes, there may have been justification for the fan Hugos many years ago, but in this day and age when the professional Hugos mean big money, the fan Hugos are just out of place.

This impression has been increased by the problems of the Australian Ditmars, which also have had problems in the pro/fan categories, including what belongs to what. The annual squabble over Best Fanzine Hugo is getting tiresome.

Indeed, I have come to the conclusion that fan awards are just not appropriate anymore. Back in the 1970s, there were the FAANs, which are supposed to be revived at next year's CORFLU. Deja vu all over again. I will also admit that I no longer contribute to TAFF/DUFF etc since I am tired of the squabbles that occur too often.

FROM: Joseph Major 1993-11-3
4701 Taylor Boulevard #8
Louisville, Kentucky 40215-2343

Funny, Opuntia fragilis [on the cover] does not look all that fragile to me! Maybe you have to be there.

[The genus Opuntia can be divided into two groups, cholla and pricklypear. Chollas are shrubby and have pads that detach easily. The detached pads then root and start a new plant. Pricklypears are usually groundhugging plants and spread out from the centre, rooting as they go while still attached to the mother plant. O. fragilis is a pricklypear with unusually fragile joints, so the pads break off easily like chollas. Thus the specific name.]

One impression I get from reading this latest installment of Garth Spencer's fanhistory is disturbing. Garth both mentions himself and quotes Robert Runté's bewailing the frequent overbudgeting of cons, with consequent financial loss. And I know the editor has discussed this matter before, not to mention the doleful news via BCSFazine of the great V-Con catastrophe. Whereas I rarely, if ever, hear of such problems with cons around here. There was that big Superman con in Ohio that went bust, but then the organizers seemed to have had the idea that everyone loved Superman as much as they did and would pay accordingly.

FROM: Lloyd Penney 1993-11-4
412 - 4 Lisa Street
Brampton, Ontario L6T 4B6

Yvonne and I have been asked by John Mansfield to take over operations of the fanzine lounge at ConAdian. I need feedback on this room, any sage words, tips, advice, or ideas on how it should be run or what you'd like to see in it. We'll do our damndest to provide what fanzine fandom wants.

Also, Yvonne and I are the Canadian agents for Inter-section, the Scottish Worldcon in 1995. Until September 30, 1994, attending memberships are C\$120, supporting C\$30.

FROM: Garth Spencer 1993-11-1
Box 15335
Vancouver, British Columbia V6B 5B1

I'm sorry to disillusion Harry Warner, but I don't do Canadian fanhistory because I'm devoted to it. As I discovered while polishing up the Victoria fanhistory, I'm stubbornly fixated on tracking down the way people do things, which, to me, is a mysterious and occasionally threatening thing. Neither did I publish MAPLE LEAF RAG because I was dedicated to Canadian fandom, although I wasn't always clear on that myself sometimes. I wanted to be in a community of friends. Fandom occasionally functioned as a society of friends, but sometimes it didn't and I wanted to support a better-functioning fandom. My efforts at putting fans in contact with each other, trying to expose their methods to each other and letting them pick up on different ideas, were the best I could do. Things just didn't work that way, as I found out.

Some day I want to recover back issues of NEW CANADIAN FANDOM and (inter alia) Michael Dann's biography of Nils Helmer Frome. Sometimes I liken Frome to the mad character in NETWORK, and think Frome was the first fan to be killed by fandom. In fact, he was more like H. Beam Piper. I used to say Piper was the first pro to be killed by SF, but in fact he felt driven to suicide by some mischances that left him flat broke at precisely the wrong time. Frome might have survived if there were a society of mutually supportive friends in B.C., fans as they were then, but it didn't exist in his time.

[continued next page]

[For those unfamiliar with Frome, he was Canada's first active fan, publishing our country's first fanzine in 1937 and 1938. Born 1918-7-10 (we should have celebrated his 75th this year) and suicided 1962-3-27 after a life of trouble and alcoholism.]

As to Lloyd Penney's loc; well, I was convinced at the time that more information on Ad Astra/Convention was due to supporting members than was being delivered. Especially to those who were trying to support the CSFFA. Above all, and this does not single out Lloyd, I have always had the clear impression that anyone can sound off in fan correspondence, be it a zine or an apa, and God knows there was enough overlapping membership in BCAPA and TAPA. I'm sure Lloyd and other Ad Astra concom received all the questions I was asking repeatedly. Plenty of people pass judgements on cons they haven't attended, and some of their criticisms have some substance. I did not criticize issues that I could only judge by being at Ad Astra.

FROM: John Mansfield 1993-11-6
321 Portage Avenue
Winnipeg, Manitoba R3B 2B9

Dave Panchyk's comment that I came in second [in the Aurora awards] is news to me as the results, as far as I know, were never published anywhere. I also saw no written reports that stated why he won. All I had to go on was his thank-you speech when he received it. That certainly said nothing about Combine.

Garth's letter is interesting and sounds correct. The Auroras have been given away for some time and I have yet to see it mentioned on any pocketbook cover. It does appear on the cover of ON SPEC. I also expected it to be shown at the Beach Holme table at the CBA shows, but not seen so far.

Fannish attempts to promote the Convention, Auroras, or the CSFFA are as poor as Garth states. I travelled one end of this country to the other, year after year, and still have to fight to get on programming. We have had a bit of success this year as we hosted successful CUFF auctions in Calgary, Winnipeg, and Montreal. At them we have managed to mention CUFF and the awards.

As to the future, when Canadians travel to the Worldcon in Winnipeg, they will be blown away by the displays of the American awards, by every other countries' SF displays, and wonder why we did not stress Canadian achievements. However that's a different topic.

FROM: Harry Warner Jr. 1993-11-13
423 Summit Avenue
Hagerstown, Maryland 21740

There is one odd thing about the existence of good-sized biographies of Les Croutch and Nils Frome. That's the fact that two Canadian fans have been honoured in this way, but there's virtually nothing comparable existing in biographies of fans in the USA, where they are much more numerous. Quite a bit of autobiographical stuff exists, but mostly as a small part of books dealing with the individuals' pro careers: Fred Pohl's THE WAY THE FUTURE WAS, Isaac Asimov's IN MEMORY YET GREEN, Damon Knight's THE FUTURIANS, and presumably Robert Bloch's autobiography which I've not yet seen reviewed. I've heard rumours of a fan-created biography of Bob Tucker in preparation. Maybe Richard Bergeron and Eric Mayer could collaborate on a biography entitled TED E. DEAREST. I have Arthur Clarke's autobiography on order, now that it has been remaindered and can be bought cheaply, but I don't know how much it has to say about British fandom, which is almost as poorly equipped with biographies as United States fans. I did a fairly long piece about Walt Willis for the Willish of WARHOON, and can't think of anything else telling in considerable

detail about the careers of United Kingdom fans.

[An interesting point. There are, of course, books such as THE IMMORTAL STORM or your own, but no booklength autobiography about Harry Warner or Sam Moskowitz, dealing with your mundane lives as well as fannish stuff, from earliest beginnings to honoured superannuation.]

Even though Garth Spencer's historical contribution this time deals mostly with quite recent events, I never knew about or have already forgotten most of the matters he writes about. So it's valuable and fresh information from my standpoint, even though it might instead represent the re-opening of old wounds for combatants. I can't see why it's so awful when someone who sponsored a con must make up from his own pocket a deficit of hundreds or thousands of dollars. He lost the gamble in this case. But the fan who publishes a large fanzine doesn't have even the slightest hope of breaking even or making a profit. He knows he is going to lose money on every issue, and if he publishes a half-dozen or so goodsized issues, his loss will climb into four figures.

[For fanzine publishing, the loss is known in advance and can be planned for. I know, for example, that an issue of OPUNTIA will cost me \$80 to print and mail. The loss at a con, however, won't be known until after the books are done; it could be anything from pocket money to having to take out a loan. A fanzine pubber can keep control of expenditures quite easily, whereas a conchair has people spending money without him knowing or being able to stop them. In short, a zinepubber knows what the expense will be, but a conrunner can only wait helplessly for the bad news.]

The proposed SF display by the National Library of Canada sounds intriguing. But it's hard to think of fan items important enough to be shown and self-explanatory enough to be understandable to visitors. Maybe unabridged dictionary pages showing fan-created words like BEM and fan-

zine, maybe photographs of any Canadian fans who won Hugos or other major awards, maybe examples of fan writings of Les Nirenberg who became a widely-known newspaper columnist in later years (I don't know if he is still active professionally).

FROM: Andrea Paradis
National Library of Canada
395 Wellington Street
Ottawa, Ontario K1A 0N4

1993-10-27

The National Library of Canada is preparing an exhibition on Canadian SF for presentation at the Library during the summer and fall of 1995. Hugh Spencer of Lord Cultural Resources Planning and Management Inc. is the Guest Curator, and the Merrill Collection of SF, Speculation, and Fantasy is our partner. Expert collaborators include Lorna Toolis (Merrill Collection) and Alan Weiss. Work to date promises a very rich and unique exhibition. Should you want more detailed information, I am available at telephone (613)992-3052 or fax (613)943-2343. Hugh can be reached at (416)928-9292.

[Paradis also included a photocopy of a newspaper article which appeared in the 1993-8-8 OTTAWA CITIZEN.]

I ALSO HEARD FROM: Chester Cuthbert, Rodney Leighton, and Buck Coulson.

ABSOLUTELY ZIPPO #17 (try \$2 from Box 4985, Berkeley, California 94704) is the Suburban Yawn issue of this music-zine. Some accounts of life in the suburbs, and mentions of the punk rock scene. Gabe Meline writes about a boring suburb and how the kids have nothing to do, but goes on to make the excellent point that rather than blame the rich white man who designed the place in the 1950s, it is the kids who should be blamed for not being active enough in creating their own amusements beyond hanging out at fast-foods or running with gangs. Normally I skip band interviews but a refreshingly different one begins the interviewer asking "Does punk rock change the world?" and getting back "No, because it's just music." instead of the usual pretentious analysis one normally gets.

EXHIBIT B #3 (The Usual from C.F. Kennedy, Box 40, 90 Shuter Street, Toronto, Ontario M5B 2K6) is a fictionzine. Some are rather depressing stories in the Crad Kilodney mode. "Citizen T Sees The Light" deals with a bureaucrat who is not simply a stock villain but has a conscience, a person who takes the time and effort to find out why someone else has been deleted from existence. Not an ANALOG-type happy ending; as in real life, many things are unresolved. "They must not ask for more, because they might get it."

TIMBRE #7 (The Usual from Tim Jones, 20 Gillespie Street, Dunedin, New Zealand) is an occasional musiczine, that is, about every third year. But a good read, lots of material, not just a quick skim. There is an extended history of the Dunedin sound, explaining why a small university city produces so many fine bands heard round the world. A report on library browsing and how the author came to enjoy the works of Russian writers. Letters organized by topic, something I've thought of doing but which is too much work on a typewriter.

SNARKIN' SURFARI #4 and #5 and LET'S FANAC #4 (for The Usual from Barnaby Rapoport, Box 565, Storrs, Connecticut 06268) are from a zine pubber who believes in distributing zines at cons to encourage new people to join the hobby. S.S. #4 is labelled on the cover as THE SNARK THAT ONCE OR TWICE and is comprised of locs. S.S. #5 was produced for distribution at ConFrancisco, and contains expository patches for the neo stumbling across zines for the first time. Some zine reviews and an article pointing out that the Shaver mysteries seem to have reappeared in altered form in MONA LISA OVER-DRIVE. L.F. #4 covers the history of the S.S. zines, and has a Corflu 9 conreport with lots of photos. I was rather startled at Robert Lichtman's photo on page 11, as he looks a fair bit like Calgary's mayor. A number of photos of the famous Rotsler on cutlery.

BEER SNOB #4 (The Usual from Hawk, 926-C Waverly Way NE, Atlanta, Georgia 30307-2551) is about a foreign subject to me, as I am a strict teetotaler and drink nothing stronger than Jolt Cola. However, I have reason to believe that one or a few SF fans drink alcoholic beverages, so perhaps they might be interested in a zine subtitled "Searching The Globe For The World's Best Beers". (Although my mother's maiden name is Humalamaki, which translates from Finnish as either the hill where beer hops are grown, or, as my jovial uncle likes to translate it, the hill where all the drunken people live.) In any event, BEER SNOB starts off with a diatribe against clear beers and ominously warns about menthol-flavoured malts on the way. Next comes a series of beer reviews; what can I say? It is as alien to me as a report on a cricket Test Match.

GALACTO-CELTIC NEWSFLASH #6 (The Usual from Franz Miklis, A-5151 Nussdorf 64, Austria) is a WorldCon 93 report from a European perspective and in particular emphasizing art shows and panels. Enthusiastic writing.

SERCON POPCULT LITCRIT FANMAG #3 (The Usual from Garth Spencer, Box 15335, Vancouver, British Columbia V6B 5B1.) Garth needs no introduction to readers of OPUNTIA. His own zine discusses the problem he has had with fandom. What he expected of it is not what he got. But a steam-con seems closer to his ideal of fannish friendliness; he also includes a bibliography on steampunk. There is a review of the woman we all love to hate, Sharyn McCrumb.

THE RELUCTANT FAMULUS #28, 29, and 30 (The Usual from Tom Sadler, 422 W. Maple Avenue, Adrian, Michigan 49221-1627) No boring editorials up front in this zine. Instead we start off each issue with what appears to be fan fiction but suddenly terminates by swerving into this cul-de-sac that we call reality. Lots of reviews and locs.

PROBE #92 (The Usual from SFSA, Box 781401, Sandton 2146, South Africa) A clubzine from Science Fiction South Africa. Locs, reviews, etc., but the bulk is fiction. This zine consistently carries a substantial proportion of fan fiction.

CONTRACT Vol. 5, #6 (six for \$7 from John Mansfield, 321 Portage Avenue, Winnipeg, Manitoba R3B 2B9) is mainly a listing of Canadian cons, but also includes a continuing installment on how to run a con (the kind of thing Garth likes to see) and a report on the NonCon 16 disaster (the kind of thing Garth doesn't like to see). Runté writes about NonCon 16 and it almost seems to have been lifted from some Spencerian fanhistory, the parts where Garth goes on about not communicating or planning. Things like changing hotels and neglecting to tell members about it (Runté spent two hours phoning around to find out where the con was). Registration for the con was done by speaking into a tape recorder; Runté is undecided whether this is an exciting innovation or a sign of our post-literate society. The \$20 banquet almost goes without saying. But Runté writes it was a good con for him, meeting friends and eating in restaurants. About 80 people attended. I wasn't one of them despite it being in my hometown.

BCSFAZINE #246 (pre-arranged trade or \$24 per year from WCSFA, Box 48478, Vancouver, British Columbia, V7X 1A2) One of the more substantial clubzines and certainly an enthusiastic bunch from the sound of it. Regular items in the zine include "Leather Goddesses of Phobos" (what are they phobic of?), "Hot Gossip Stop", "Space Report" and "The Light-Hearted Vituperator And Jolly Reviler". That last item discusses ghosts, with particular reference to haunted theatres. It is all explained by air pressure. There is a final part to a William Gibson interview, and lots of fanhistory. Lisa Smedman has an account of what it was like to win a Writers Of The Future contest and the Hubbardian folk behind it.

FOSFAX #166 (The Usual or \$3 for sample copy from FOSFA, Box 37281, Louisville, Kentucky 40233-7281) Ostensibly a clubzine but club business is invisible here. It does have the most famous loccol of any zine, as well as a variety of book reviews, con reports, and articles. 72 pages of microprint ensure that you'll have lots of reading.

FTT #15 (The Usual from Judith Hanna and Joseph Nicholas, 5A Frinton Road, London N15 6NH, England). The initials of this zine are always the same but the title varies; this ish is FRIVOLOUSLY TIME-WASTING TECHNOLOGY and is dated October 1993. Hanna starts off with an account of her tiny garden, then looks after locs about the economic problems of our planet. Nicholas does the rest of the locs and provides an account of their trip to Cairo, and Istanbul, mixed in with substantial commentary on how the local economies work there and what worldwide deals such as GATT may mean.

FOSFAX and FTT make a nice set of bookends, the former on the righthand side of the bookshelf and the latter on the left, thus neatly reflecting their political viewpoints. FOSFAX is a bit more insular, concentrating more on American matters, while FTT ranges farther afield.

STAR WARS IN STAMPEDE CITY

by Dale Speirs

A court case in Calgary slowly limped to its death, as the Federal Court of Appeal handed down a verdict on November 24, 1993, ruling that George Lucas did not steal the idea of Ewoks from Dean Preston. This appeal was by Preston for a verdict against him in the original trial.

It started for George Lucas in January 1990 when he came to Calgary, where he, his company Lucas Films Ltd., and 20th Century Fox Canada Ltd. were being sued by Calgarian Dean Preston for \$100,000,000. Preston claims the idea of the Ewoks in the STAR WARS films was his, based on a script called SPACE PETS. Needless to say, Lucas denied this.

If you want to know why movie studios will not read your unsolicited manuscript, this case shows why. In a media scrum at the Calgary court, Lucas was quoted as saying the good thing about movies that flop is that one doesn't get sued for them. Said Lucas, "There were no lawsuits for HOWARD THE DUCK."

Preston's script was allegedly sent to 20th Century Fox in 1978. Preston said he received no reply and no return of the script. He testified that in 1982 he was driving in Hollywood when he saw a car with the licence plate "EWOK". He followed the car and talked to its occupants, two dwarfs who had worked in a Lucas film. Preston attempted to register the Ewoks as a trademark in December 1982, but said he gave up because "I didn't have the financial resources to pursue the issue."

Preston damaged his own case though, as his testimony was shaky in places. He said that he had a logo made up depicting his Ewoks but could not remember the artist's name or locate him. He gave the merchandising rights to two businessmen, whose names he could no longer remember.

If Preston had been counting on the support of Calgarians

for a local boy made good, he must have been disappointed. A poll of listeners by radio station 66 CFR showed that most Calgarians believed Lucas. The poll was taken January 23, about halfway through the trial. Preston is unknown for anything, although described as a writer and film producer.

The testimony of Lucas on the witness stand gave some interesting insights as to how the STAR WARS trilogy evolved. His original 1974 script STAR WARS was about a primitive society of Ewoks who fought and won against a galactic empire. Originally the primitive society was that of the Wookies, but Lucas decided to make them a spacegoing society instead. They were replaced by the woodland dwarfs seen in RETURN OF THE JEDI in 1983. Lucas testified that the word 'Ewok' was made by reversing the syllables of the word 'Wookie', then changing the pronunciation so that it rhymed with the name of a northern California tribe, the Miwoks. 'Wookie' itself came via a San Francisco disk jockey. The appearance of the Ewoks was based on Lucas' pet dog, an Alaskan Malamute named Indiana Jones.

Preston said he derived 'Ewok' from 'he walks'. His version of the Ewoks was smaller than the STAR WARS variety, had a pandalike face, long dark hair, and was more apelike. Asked in court to compare the two sets of Ewoks, Lucas said "I'd say in a gross sense they're similar but in a subtle sense they're different."

Taking the stand after Lucas was his executive assistant, Jane Bay. She testified that she opened all mail addressed to Lucas. Unsolicited material, such as scripts, was sent to another secretary, Bunny Alsup, who then returned the material to the sender. Office procedures were specifically designed to ensure that Lucas never saw scripts from outsiders. Bay stated "There is no way possible Mr. Lucas would have seen any unsolicited material." She said "George Lucas never opened his own mail"

[continued next page]

After a break for the weekend, the trial resumed with testimony from two University of Calgary professors. The head of the Drama Dept., James Dugan, said that if Lucas and Preston had both been students in his course, he would have brought Lucas up on charges of plagiarism. Dugan did admit to differences in the two types of Ewoks, but refused to accept Lucas' explanations as to how he derived the name. Said Dugan, "I don't get that as a short step. It doesn't sound to me that obvious." Janis Svilpis, an English Dept. professor, felt that there was an exceedingly low probability that Preston and Lucas both created the word 'Ewok' independently, saying "... SPACE PETS is the source text for RETURN OF THE JEDI, rather than the reverse." When pressed to give a definition of low probability, Svilpis said he calculated the odds as 1.274 chances out of 100 trillion. Replied Lucas' lawyer to this bit of oddsmaking, "You're being silly."

The following day, Tuesday January 23, Hollywood film director Jim Johnston testified that he and others helped create the Ewoks under the guidance of Lucas. Initial work began in 1980 and after examining preliminary drawings, Lucas picked out a certain design, saying "Let's go with cute." Ralph McQuarrie, an artist who worked on the Ewok project, also testified on behalf of Lucas, saying that McQuarrie never saw a script called SPACE PETS.

The battle of professors continued on Wednesday, when University of Alberta (Edmonton) English professor Patricia Demers told the court "There is little similarity in plot development, imaginative design, and character delineation between the two projects. The so-called connections, which are arguable at best, do not indicate any form of plagiarism. Tremendous differences separate the crude draft of the script from the imaginative unity of the film."

Also taking the stand Wednesday was Jennie Rothschild Clements, who said that when she was twelve she sent a letter to Gary Kurtz (co-producer with Lucas on STAR WARS)

dated July 23, 1978. The letter, written in green ink, suggested a STAR WARS sequel featuring Luke Skywalker's longlost sister Lori. A naive bit of wish fulfillment could be seen in the letter, as Clements wrote "If you approve of the story, I would like to have the part of Lori."

The final arguments took two days. Webster MacDonald Sr, the barrister for Preston, said that Lucas "... is essentially a collaborator with a touch of genius" who needed help to invent characters and words. The arrival of the script SPACE PETS was the answer to a prayer, said MacDonald. Rebutting on behalf of Lucas was W. Graham Dutton, who said Preston's case failed on three counts. Firstly, Preston had discarded the original copy of his script, and had failed to prove that Lucas had received a copy of it. Secondly, Preston had some help in polishing the script from a friend, and did not prove that Preston was the actual author of the script and not the friend. Finally, said Dutton, the two versions of the Ewoks were quite unlike each other. To copyright an idea requires that it be defined well enough to make it unique. Dutton also pointed out that testimony from Lucas and his staff was unrefuted.

Justice Andrew MacKay reserved judgement after the trial concluded. About a week later, long before the decision was handed down, Preston made a claim to the Calgary press that he had new evidence from two Americans who had heard about the case. These unnamed sources alleged that they too had been plagiarized by Lucas. MacDonald said that if the verdict went against Preston, then those claims would be used as new information in an appeal. Dutton, however, was not worried, telling a CALGARY SUN reporter (February 2) that he was as confident about the case as any in his career. Dutton said, "I don't think the Force is with Mr. Preston."

There was considerable delay in handing down the verdict. Both sides were concerned by the lengthy delay.

On September 4, Preston was moved to publicly complain to the CALGARY SUN, saying that he wanted to publish a book about his claim and the court trial. The verdict was finally handed down on November 9, 1990. The 45-page ruling by Justice MacKay threw out Preston's claim and ordered him to pay the costs incurred by Lucas et al. MacKay accepted testimony that Lucas never saw unsolicited material, there was not enough similarity between the two versions of Ewoks, and Preston's version was in any case too vague to copyright. Said MacKay, "I conclude that while there are more general similarities in details depicting the Ewoks, there is not substantial similarity between the script SPACE PETS and the film RETURN OF THE JEDI ... In my view, the characteristics set out in the script do not delineate the character of the Ewok sufficiently distinctly to warrant recognition as character subject to copyright."

The following day, Preston and his lawyer held a press conference, at which time it was announced that the decision would be appealed to the Federal Court of Appeal, where three judges sit on each case. Preston said he had incurred costs of about \$200,000 so far, and would have to pay Lucas and company \$50,000 in expenses if unsuccessful. Since Preston is otherwise unknown for accomplishing anything, one wonders where the money is coming from. Said Preston at the press conference: "My head is bloody but not bowed ... We're going to take it all the way. We will take it to the Supreme Court of Canada if we have to."

There was silence for three years. On November 24, 1993, the appeal court upheld the original verdict. MacDonald argued that MacKay may have been star-struck by the Lucas glamour, and ignored or overlooked evidence. MacDonald tried to introduce new evidence, and mentioned two books that claimed "blatant admission of theft" by Lucas. A quote in the November 25 CALGARY HERALD by MacDonald said "We're not talking about a Sunday school class. We're

talking about Hollywood, and that's how they work ... the whole situation in Hollywood at that time was one of plundering whatever they needed." He also suggested that Lucas may have unconsciously infringed, saying that "When something comes from the subconscious, it's way down, and you don't know where it comes from." But the court refused to hear the new evidence, saying it was too late and would not be conclusive.

MacDonald queried why the Ewoks didn't appear in the first two STAR WARS movies, but Justice Patrick Mahoney said he had watched the movies many times and pointed out it had more to do with the plot. Mahoney said that MacKay may not have considered much of the evidence to be relevant, and warned MacDonald that "... a repair job cannot be done on an appeal." Another justice on the Appeal Court, Mr. Mark MacGuigan interrupted MacDonald several times to caution him about irrelevant arguments: "Don't give us trite. Give us credit for some intelligence."

The three justices of the Appeal Court heard out MacDonald, and then dismissed the appeal without bothering to hear from Lucas' barrister, Graham Dutton. The order confirms Preston is to pay legal costs for Lucas and correspondents. Dutton told a HERALD reporter that they had not been worried about the appeal. "We were supremely confident. If I lost this one, then I might as well be a cowboy."

Preston was quoted as saying he will continue on to the Supreme Court of Canada. He said his case is almost impossible to prove. One can only doubt that there ever was a case to begin with.

Assuming that Preston carries on to the Supreme Court, it will probably be another few years before it reaches that body. This presupposes that the Court will agree to hear it, which they may decline to do.

THE CANADIAN SF & FANTASY AWARDS (Part IV)

by Garth Spencer

Convention 11/ConText 91

The 11th Convention was ConText 91 (Edmonton, Alberta, 1991), the second of two sercon, writing-oriented cons, set up in Alberta as an alternative to the fannish NonCon series. As Cliff Samuels reported in *XenoFile*:

ConText was again a success to the authors. The atmosphere was that of a serious conference. No one wore a costume at any time, day or night. There was no video room, gaming, costume contest or dance. There were two streams of programming, a small dealers' room and a small artshow. There were a number of very good panels. Dr. Werner Israel gave an amazing talk on black holes, Kelly (Freas) dazzled everyone with a slide show of his art, and a panel on 'Preponderance of Recurring Characters in Genre Fiction' discussed by various authors. On the whole, panels were well attended. One panel that was a major insult to the artists was a critique of the art show by the assistant manager of the Vik Gallery in Edmonton. Not only did she not understand that this was in essence an amateur show, she showed no tact ...

Attendance at ConText was stated at being 250 ... I was told that their break even point was 400. Stuart Cooper stated at the Aurora speeches that they had lost \$1,000 and hoped people would help by pitching in money. Steve Forty said that any money raised at

the Westercon Party that night would go to ConText

...

ConText did a very good job with the Aurora awards ... The top half of the awards was shaped metal strips, from the top it looked like an intertwined SF. Maple leafs had been cut through the centre of the sculpture and could be seen from various angles. It was then mounted on a wooden base. The design was so well liked that it was proposed as the permanent design at the Convention business meeting.

... The awards ceremony was very much like the Oscars. Cath Jackel and Jean-Louis Trudel ... introduced each award and then had either the recipient from last year or one of the guests open an envelope and announce the winner. ... Guy Gavriel Kay won best English novel and Elisabeth Vonarburg won best French fiction. Elisabeth also won for her short fiction, and was going to help take back *Solaris'* (Best French Other) award. ...

The business meeting was a very lively event. They only gave us an hour, which was not enough. After an hour, we moved to the fourth floor lounge in Kelsey Hall. ...

A number of motions were brought up, such as the creation of a national non-profit society for Convention, finding out what the costs (were) of getting 'Convention', 'Aurora Awards' and others trademarked and adding new categories ... All were passed. It was later discussed that if we become registered, then there would be a board of directors. We felt that this would only lead to conflicts in control of (which con) gets a Convention. This will have to be discussed next year before the motion

becomes fact. We proposed that instead of adding a new category this year and then another the next, that a special category be created that will allow any Convention committee to present an award of the topic of their choosing. They only have the right to propose the category and must let the fan nominate and vote on it. This would allow for special situations, such as a Life Time Achievement Award or Best Media. It was stated that the cost to get anything trademarked in Canada would be at least \$300 per trademark. The Merrill Collection of SF, Speculative Fiction and Fantasy (formerly the Spaced Out Library) in Toronto was chosen as the official repository of the Canadian Science Fiction and Fantasy Association."

(*XenoFile* 10, Sept. 91)

The 1991 Aurora Awards were:

- Best Long Form Work in English: *Tigana*, by Guy Gavriel Kay (Penguin/Roc)
- Best Long Form Work in French: *Histoire de la princesse et du dragon*, par Elisabeth Vonarburg (Québec/Amérique)
- Best Short Work in English: "Muffin Explains Teleology to the World at Large", by James Alan Gardner (first published in *On Spec*, spring 1990)
- Best Short Work in French: "Ici, des tigres", par Elisabeth Vonarburg (*Le Sabord* 25)
- Best Work in English (Other): *On Spec* magazine, published by the Copper Pig Writer's Society (Edmonton)
- Best Work in French (Other): *Solaris*, published by Les Compagnons à temps perdu
- Artistic Achievement: Lynne Taylor Fahnestalk, for her fall 1990 cover for *On Spec*

- Fan achievement (Fanzine): Catherine Girczyc, for editing *Neology* (Edmonton) and chairing Conbine 0 (Regina)
- Fan Achievement (Organizational): Dave Panchyk, for his activities as President of the Saskatchewan Speculative Fiction and Comic Arts Society
- Fan Achievement (Other): Al Betz, for his "Ask Mr. Science" column in *BCSFazine*

(*BCSFazine* 219, Aug. 1991)

Both ConText 89 and ConText 91 lost money, so the ConText series of cons was discontinued.

One enduring result of the CSFFAs and ConTexts was SWAC, which changed its name to SF Canada, and planned its next meeting at Convention 12. From 1992 on, SF Canada published a bilingual writer's magazine, *Communiqué*.

Convention 12/Wilfcon

The 1992 Convention was awarded to Wilfcon, to be held June 27-28 at Wilfrid Laurier University (Kitchener, Ont.). As John Mansfield described this Convention:

Think of a relaxacon with three tracks of programming. The consuite/ registration desk, artshow and dealer table were all in one room. Being Convention, attendance was up 30% and the vast amount of pros meant that panels were well stocked and lively. SFFWA, SF Canada and Convention all held business meetings. The banquet was held in a Chinese restaurant and the 45 plus fans and pros had a great meal at \$15.00 each. The local brew pub also did well. ... The location was super and the weather cooperated. Even the dorm rooms were excellent.

They did take a loss of ca. \$300.00 but everyone had a great time. ...

The 1992 Convention business meeting was unable to decide on a site for next year's Convention. Under the provisions of Article III, section 5 of the constitution, a subcommittee, headed by Dennis Mullin, was set up with full authority to select the next Convention site. ...

(*Con-TRACT* 4:4, Jul/Aug. 1992)

Judging from this report, the Auroras (at least the pro categories) were by now beginning to make a difference to their host conventions.

The CSFFA winners at Wilfcon (1992) were:

Best English Long-Form Work: *Golden Fleece*, by Robert J. Sawyer

Best Short-Form Work in English: "A Niche", by Peter Watts

Best Work in English (Other): *Prisoners of Gravity* (TV Ontario)

Meilleur livre en français: *Ailleurs et au Japon*, par Elisabeth Vonarburg

Meilleure nouvelle en français: "L'Enfant des mondes assoupis", Yves Meynard

Meilleur ouvrage en français (autre): *Solaris*, Luc Pomerleau red.

Artistic Achievement: Martin Springett

Fan Achievement (organizational): John Mansfield, Winnipeg in 94 (the winning Worldcon bid)

Fanzine: *Sol Rising: The Newsletter of the Friends of the Merrill Collection*, Larry Hancock ed. (newsletter of the Merrill Collection)

Fan Achievement (Other) David W. New, *Horizons SF* ed. (UBC, Vancouver)

(*Con-TRACT* 4:4, Jul/Aug 92)
(*Under the Ozone Hole* #2, Nov. 92)

Convention 13/Wolfcon VI

By January 1993, it was announced that Convention 13 would be held at Wolfcon 6 in Wolfville, Nova Scotia in 1993. John Mansfield reported:

They expect over 500 attending and have booked the entire Old Orchard Inn and nearby The Sleep for overflow. They have also released price lists for the program book, newsletter (PRs) and dealers' tables. ...

The status of the (CUFF) fund is, to be exact, \$200.00 thanks to a kind donation from Paul Valcour to help round it out when he handed over the funds.

Obviously this amount is insufficient to send anyone to Convention in 1993, never mind cover any per diem. It is my hope that I can encourage fans, clubs and conventions across Canada to either raise funds or make contributions to the fund, and raise enough to cover travel expenses for 1994, when an Eastern fan should travel to, and attend a Western Convention. I am writing a specific letter to conventions and clubs that I know of, and any interested individuals. It will contain a few ideas for fundraising, plus some background info on the fund as to who has gone where, and the requisite 'my trip as a CUFF winner' reports. I would like to again thank Paul Valcour for his help.

(*Con-TRACT* 5:1, Jan-Feb. 1993)

Unfortunately the Aurora ballots enclosed with *Con-TRACT* 5:1 were due back by Jan. 15th, the same month as the newsletter came out.

As John later reported on Wolfcon VI/Convention 13:

A very enjoyable convention in a remote site. Attendance & break even was ca. 350. Four tracks of programming was very adventurous and as a result, there was always something interesting going on. The motel had little convention space so many rooms were stripped of beds and were actually quite acceptable. The art auction went quite well and good money was spent on pieces that I have not seen outside the province, but should. The climax of the con was a medieval banquet held during the famous 'storm of the century'. The food was excellent and the location was both rustic & romantic. A fitting ending to a wonderful series of Conventions. The local fans have found themselves a splendid style of con.

Convention was well represented with quite a little programming, and nominees were seen from Western Canada, Ontario and the Maritimes. The awards were handed out during an excellent bilingual ceremony in the same location as the dinner ...

(*Con-TRACT* 5:3, May-June 1993)

The Aurora winners for 1993 were:

- Best Long-Form Work in English: *Passion Play* by Sean Stewart (Beach Holme, formerly Porcépic)
- Best Short-Form Work in English: "The Toy Mill" by David Nickle and Karl Schroeder (*Tesseracts*⁹)
- Best Other Work in English: *Tesseracts*⁴, edited by Lorna Toolis and Michael Skeet (Beach Holme)

Best Long-Form Work in French: *Chroniques de pays des mères* by Elisabeth Vonarburg (Québec/Amérique)

Best Short-Form Work in French: "Base de négociation" by Jean Dion (*Solaris* 101)

Artistic Achievement: Lynn Taylor Fahnestalk - art director, illustration, covers (*On Spec*, fall 92, *MZB's Fantasy Magazine*, spring 92)

Fan Achievement (fanzine): *Under the Ozone Hole*, Karl Johanson & John Herbert

Fan Achievement (organizational): Adam Charlesworth, NonCon 15 (Vancouver)

Fan Achievement (other): Louise Hypher, SF² show at Ontario Science Centre.

(*BCSFazine* 241; Lloyd Penney)

After some delay in finding a candidate, it was announced that SF Canada would host the 1994 Convention at Conadian, the 1994 Worldcon in Winnipeg. When their bid was announced, John Mansfield reported:

SF Canada has also reached an agreement with Convention 13 (*sic*) that will allow its members to vote free of charge in the final round of the Aurora Award balloting. SF Canada will compensate Convention 13 for every ballot received from a paid-up SF Canada member.

(*Con-TRACT* 5:2, Mar-Apr. 1993)

In a personal letter John Mansfield later indicated that as of mid-1993, the CUFF administrators are Linda Ross-Mansfield (West) and Paul Valcours (East). The next ballots should be out in January 1994.

Conclusions

On the basis of the information available, it might seem that some Halifax SF teachers went ahead with a unilateral plan for an award, without really consulting other Canadian fans. This is understandable; in order to get anything done, some *one* person has to do it, usually alone. But it also means that, quite possibly, fans at large won't really support the plan.

I think now that the CSFFA awards were conceived before their time had quite come, and before it was quite certain that Canadian fans would sustain them.

Once the awards were declared, yearly problems ensued. By 1985 or 1986 it seemed that Canadian fans had dropped the ball almost annually, precisely when they ought to be passing on information and funds from one Convention to another. The first and second Conventions were a case in point.

As far as ballot distribution goes, for instance, up to 1986 we could have used a large, up-to-date database of fans to ballot, and a budget geared to that balloting effort, and a lot of fanpower. These weren't always available.

The reality in Canada was that we had, not a national, not necessarily regional, but *municipal* fandoms, and our contact or mutual awareness was still pretty intermittent in the 80 s. The distance between fan groups *within* each city is increasing as well, as the groups become more numerous, and more specialized. On top of this, running a convention *at all* can ask rather a lot of any fan group, let alone adding on the "Convention" features.

On the other hand ... Fandom being what it is, some of these areas were better addressed, in later years. Once the

awards were in place, Convention committees have done an adequate job of compiling nominees. It should be established by now that there are plenty of Canadian SF writers, and plenty of works of all lengths worth acclaiming.

But the CSFFAs have not *of themselves* made Canadian SF or writers prominent. Sansoucy Walker wrote in 1985:

The current unimportance of the CSFFA is demonstrated by a communication I recently had with someone who was looking for suggestions for a GoH for a future con. I suggested asking one of the CSFFA winners. The response was 'Not important enough to interest anyone'. I've met the same response on other occasions when I've tried to suggest we pay some attention to our CSFFA winners. If even we Canadian fans think the award means nothing, how is it going to impress others (as I've been told is one of its main purposes)?

(from "CSFFA Meets Maplecon", *Cause Célèbre*, May 1985)

I suppose the people Walker talked to meant "well-advertised" when they meant "important", and that is the ultimate sticking point. Advertising.

As late as 1992, John Herbert wrote:

When I briefly served on the I-Con I (*Victoria*) concom way back when, I suggested Robert (*Charles Wilson*) for our GoH. He met all the qualifications for a perfect guest for a Canadian con as far as I was concerned; he was (still is) a great writer, he lived in Canada (Nanaimo at the time), and would probably come cheap! The problem was that I was the only

concom member who had ever heard of him, so it was not to be. (Also, the con chair insisted the con needed a "name" media guest; they *don't* come cheap.) I just hope everyone has heard of him now and runs to their local bookstore(*Under the Ozone Hole* #2, Nov. 92)

John Mansfield also expressed the view in *Opuntia*, in 1993, that Canadian fans could not take the awards seriously. Well, numerous nominees were listed for all the Aurora categories for this year; what remains to be done, if the award is to be taken seriously?

Advertising the award? The awards still need massive advertising, both of the published works and of the award itself.

Administering the balloting? The ballot distribution was greatly improved for Ad Astra 7. I will arbitrarily assume the balloting has not been less effective since.

What was still missing, I think, was a regular, concerted effort to *make fans aware* of the nominees. Michael Skeet, on his own initiative, disseminated reviews of all the nominated works. This needs to be done every year, and is not a one-man job. Whose job is it?

Publishers and distributors make some effort to publicize books anyway. The need for publicity for the fan nominees, and CUFF candidates, remains unmet. By the time of the Len Wong affair, I think, the general level of mutual awareness Canadian fans had about each other turned out to be a lot less than a fan fund requires. These are *not* the days when every good fan reads, writes for or publishes a faanish fanzine, and wants to meet the other fanzine fans. A lot of the fans being addressed probably *had not heard* of fan funds, or defined "fanzine" as a magazine of media-inspired amateur fiction.

You will note, by the way, that the above nowhere questions the fan-voted, fan-organized basis of the CSFFAs up to 1993. At no time have I voiced the feeling that *most fans have never heard of any of the fan nominees*, either for the Auroras or for CUFF. Nor have I even touched upon my suspicion that *all it takes to win a Fan Achievement award is to have published or worked on cons once or twice*, so few are the out-of-town Well Known Fans that enough people can think of to nominate.

If I *had* gone into the matter, I might have concluded that divorcing the fan categories from the Aurora awards might be profitable. But I don't think this is the place to do that, so I won't.

If the awards are supposed to spotlight Canadian SF, they haven't sufficed by themselves. Some best-selling works and authors are spotlighted by commercial advertising anyway, without reference to their origin. If the Auroras are to attain any cachet, stimulate participation, then the Auroras have to be promoted themselves; nominees have to be reviewed and circulated; and *somebody has to make it their job* to make this ongoing effort.

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