

Kathryn Lynn Davis's complaint boils down to one thing: She believes that her book is "historically accurate, which makes it both immune from and irrelevant to current judgments of racist literature." (Davis complaint, p. 3).

Davis does not allege that I threatened her personally in any way, that I made comments about anything other than a book which is commercially available, or that I threatened other people. She does not claim that she was unable to provide a defense of her book, or that she was prohibited by me or any other person in any way from demonstrating the historical accuracy of her novel.

Instead, Davis believes that I "cannot be allowed to...use [my] voice to urge others to follow her lead." (Davis complaint, p. 12).

Davis is explicitly asking RWA to create a world in which I, as a woman of color, must be explicitly barred from using my voice to criticize a novel with a protagonist who shares my race, because she believes that she should be "immune" from criticism of the book.

The vast majority of Davis's complaint reiterates the complaint made by Suzan Tisdale. I explicitly incorporate my response to Tisdale in this response, as well as exhibits A through S. In the interests of saving my time and the committee's, I respond only to the additional claims which she raises.

I. "Unauthorized use of another member's intellectual property, including but not limited to such other member's name, logo, trademarks or service marks, and/or copyrighted information."

Davis claims that I violated this provision by including screenshots from her novel with the purpose of criticizing those passages.

My use of those screenshots was not unauthorized; it is explicitly authorized by the fair use provision of the United States Copyright law, 17 U.S.C. § 107 (available at <https://www.law.cornell.edu/uscode/text/17/107>). Section 107 states: "Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, *for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright.*" (emphasis added).

Any other rule would mean that academic scholars who are RWA members who wrote academic scholarship that quoted a member's novel could be held up for ethics violations or that book reviewers who were RWA members who quoted a novel in a review could be held up for ethics violations.

It would also mean that if a member took a screenshot of another member's Twitter feed, they could be held up for ethics violations, as copyright in the United States starts at the moment of creation. If I am guilty of an ethical violation for excerpting small paragraphs of her novel for the purpose of criticism, she is guilty of an ethical violation for excerpting portions of my Twitter feed for the purpose of filing this complaint.¹

¹ To be clear: I am not accusing her of an ethics violation, because I don't believe in filing ridiculous ethics complaints.

This result would be ridiculous. It would overburden the Ethics Committee and punish people for engaging in an exercise of their fair use rights.

II. “A violation of the anti-discrimination policy as set out in Section 6.1.”

The anti-discrimination policy set out in Section 6.1 of the Policy and Procedure Manual states as follows:

6.1.1. In order to create a safe and respectful environment, invidious discrimination is prohibited in RWA.

6.1.1.1. No member, speaker or participant in RWA or any RWA activity, RWA function, or RWA forum or social media account shall discriminate against another member, speaker, or participant at any RWA activity, RWA function or on any RWA forum or social media account based on race, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, disability, physical appearance, body size, or religion.

6.1.1.2. Membership shall not be denied to adults on the basis of any protected group set out in 6.1.1.1.

Davis claims that I am discriminating against her and censoring her by “demanding that I not write about cultures other than my own” and that writers can “only write about our own races.”

This is inaccurate and spectacularly non-nuanced. I believe that writers should write about marginalized people with care and respect, and be aware that they have the potential to do harm. I have adequately addressed this point in the Tisdale response.

But I also think that an exact discussion of what I said is irrelevant. Discussions among authors about what to consider when writing a race other than your own are *writing advice*, and people can take advice or leave it as they want.

A violation of this provision requires me to have discriminated against her because of her race. Discussing how I believe *all* authors should write characters of a certain race is not discrimination on the basis of race. The way I responded to her had nothing to do with her whiteness, and everything to do with the fact that I believed her book was harmful.

Finally, her claim that I am censoring her is absurd. Her novel is still available for sale; I clearly do not have the power to take it down. What she means by “censoring” is “criticizing.” Criticism is not censorship.

III. I continue to believe Davis’s book was a racist mess.

Davis believes that simply asserting that her book is historically accurate, without providing any evidence, trumps my actual lived experience and family history—so much so that I should not be allowed to voice my honest opinion about her book.

My honest opinion about the flaws in her book are not things that I made up to punish her for writing while white; they are sincere beliefs shared by many other people.

Here is a small sampling of writing from other people who share my beliefs about how not to write Asian women:

Why writing blue-eyed people of color is problematic:

https://writingwithcolor.tumblr.com/post/101787722214/on-east-asian-uncommon-features-chinese/amp?_twitter_impression=true

Chinese skin is not actually yellow; calling them yellow was an act of historical racism that started because Chinese people did not comply with Western trade policies.

<https://www.scmp.com/week-asia/opinion/article/2184754/chinese-were-white-until-white-men-called-them-yellow>

Why views of Asian women as submissive contribute to sexual assault against Asian women:

https://www.huffpost.com/entry/how-rape-culture-and-racism-combine-to-hurt-asian-women_b_592a15ade4b0a7b7b469cb22

<https://thebodyisnotanapology.com/magazine/5-ways-asian-woman-fetishes-put-asian-women-in-serious-danger/>

It's inaccurate to claim that Asian eyes are shaped like almonds, and doing so is a way of exoticizing them:

https://clairelight.typepad.com/seelight/2006/09/almond_eyes.html

<https://www.npr.org/sections/codeswitch/2013/09/16/219402847/-almond-shaped-eyes-remarkably-exotic-yet-too-foreign>

But even if I was entirely mistaken about everything I said about her book, RWA's Code of Ethics is very clearly meant to exclude honest discussions of books. Davis is mad about a negative book review. She has a right to be mad, but she does not have a right to drag RWA and the Ethics Committee into her anger.