Decision

Frank M. Robinson



The Project Gutenberg EBook of Decision, by Frank M. Robinson

This eBook is for the use of anyone anywhere at no cost and with almost no restrictions whatsoever. You may copy it, give it away or re-use it under the terms of the Project Gutenberg License included with this eBook or online at www.gutenberg.org

Title: Decision

Author: Frank M. Robinson Illustrator: H. R. Smith

Release Date: August 12, 2009 [EBook #29680]

Language: English

*** START OF THIS PROJECT GUTENBERG EBOOK DECISION ***

Produced by Greg Weeks, Stephen Blundell and the Online Distributed Proofreading Team at http://www.pgdp.net

DECISION

BY FRANK M. ROBINSON

ILLUSTRATED BY H. R. SMITH

The captain had learned to hate. It was his profession—and his personal reason for going on. But even hatred has to be channeled for its maximum use, and no truths exist forever.

The battle alarm caught him in the middle of a dream, a dream that took place in a white house in a small town in Ohio, when both he and Alice had been very young and the grown adults he now called his children had really been little more than babies.

He rolled out of his bed immediately on hearing the gong, as any good sailor would, and slipped into his pants and shoes and felt around the bulkhead for his life jacket. He slipped into it and tightened the buckles, then put on his cap with the captain's insignia.

He opened the hatch and stepped out into the passageway, blinking for a moment in the unaccustomed light and trying to shake away the remnants of his dream. Officers were boiling up the passageway and up the ladder, some eager ensigns dressed only in their shorts and their life jackets. It was more wise than funny, he thought slowly. Ships had gone down in a matter of seconds and anybody who spent precious moments looking for his pants or his wallet never got out.

Harry Davis, the Exec, a portly man in his fifties, burst out of his stateroom, still trying to shake the sleep from gummy lids.

The Captain shook his head, trying to alert his mind to the point where it could make sensible evaluations, and started up the corridor.

"Any idea what it is, Harry?"

Davis shook his head. "Not unless it's what we've been expecting."

What we've been expecting. The Captain grasped the iron piping that served for railings and jogged up the ladder. Fifty miles north, lolling in the North Sea and holding maneuvers, was the *Josef Dzugashvili*, a hundred thousand tons of the finest aircraft carrier the Asiatic Combine had produced, carrying close to a hundred Mig-72's and perhaps half a dozen light bombers.

The *Josef* had been operating there for nearly a week. The *Oahu* had been detached from the Atlantic Fleet only a few days ago, to combat the possible threat. Maybe the ships were only acting as stake-outs for the politicians, the Captain thought slowly. The tinder waiting for the spark. And it wouldn't take much.

A curious pilot who might venture too close, a gunner with a nervous temperament ...

And now, maybe, this was it. It had to come some day. You couldn't turn the other cheek forever. And he, for one, was glad. He had spent almost all his life waiting for this. A chance to get even ...

Davis opened the hatch to the wheelhouse and the Captain slipped in, closing it tight behind him. It was pitch black and it took his eyes a few moments to adjust to it. When they had, he could make out the shadowed forms of the OD, the first class quartermaster at the wheel, and the radarman hunched over the repeater, the scope a phosphorescent blur in the darkness.

The ports were open in violation of GQ—it was a hot summer night—and the slight breeze that blew off the swelling sea smelled clean and cool. It was the only kind of air for a man to breathe, the Captain mused abstractly.

He glanced sharply through the ports. There was nothing that bulked on the dark horizon, and so far as he could tell, all the stars were fixed—there were none of the tell-tale flashes of jet exhausts.

He walked over to where the OD stood by the radar scope, seemingly fascinated by the picture on it. McCandless had the watch, a young lieutenant of not more than twenty-five but one with good sense and sound judgment nonetheless. A man who wasn't prone to panic, the Captain thought.

"What's the situation, Lieutenant?"

McCandless' voice was nervous. "I'm not exactly sure, sir. Not ... yet."

A brief regret at an interrupted dream of Ohio flickered in the back of the Captain's mind.

"What do you mean, you're not sure?" His voice was a little sharper than he intended, a little more querulous than he had meant it to be. It was, he thought, the voice of an old man, annoyed at having his sleep disturbed.

The younger man wasn't disturbed by the sharpness and the Captain's estimation of McCandless went up another notch.

"Ten minutes ago CIC reported an object approaching us from the south at an altitude of fifty miles."

Approaching from the south, the Captain thought. So it couldn't have been from the *Josef*. And fifty ... miles ... up. That was two hundred and fifty thousand feet. A guided missile, perhaps? But whose? There were only friendly countries to the south.

"It's passed directly overhead," McCandless continued, consciously trying to make his voice sound factual, "and continued in the direction of *Josef*. It settled towards sea level, then stopped a mile up."

"Stopped, Lieutenant?"

"Yes, sir. It's hovering over the *Josef* now." McCandless paused. When he started again, his voice was shaking. It was funny he hadn't noticed it before, the Captain thought. You could almost smell the fear in the wheelhouse. "CIC estimated its speed overhead as being in excess of a thousand miles an hour and its size about that of the *Josef* itself."

The Captain felt the sweat gather on his temples and ran his hand half angrily over his forehead and through his thinning silver hair. He was too old a man to let fear affect him any more and he was too tired a man to waste his energy mopping his forehead every few minutes in a gesture that would show his feelings to the crew. Maybe it was only vanity, he thought, but when your muscles went soft and started pushing back against your belt and your hair turned gray and started a strategic retreat, you tended to take more care of your reputation. It wasn't as fragile as the rest of you, it didn't tarnish with the gold of your braid or sag with your muscles. And he had enjoyed a reputation as a fearless man of sound judgment.

"Did you order up a drone plane?"

McCandless nodded in the dark. "It went up a few minutes ago, sir. The television picture should be coming in any moment."

It would be an infra-red picture, the Captain thought. It wouldn't show too much, provided the plane could get close enough to get anything at all, but it would show something.

"Have you made any evaluations, Lieutenant?"

He could feel the tenseness build up again in the compartment. Everybody was listening intently, waiting for the first semi-official hint of what had gotten them up in the middle of the night.

Then McCandless voiced what the Captain had already taken to be a foregone conclusion.

"I think it's a spaceship, sir." McCandless waved at the stars beyond the port. "From some place out there."

The picture started coming in at oh three hundred. The Captain and Davis and McCandless clustered about the infra-red screen, watching the shadowy picture build up.

It wasn't much of a picture, the Captain thought. It was vague and indistinct and the drone plane was shooting the scene from too far away. But he could make out the *Dzugashvili*, a gloomy shape that bulked huge in the water, the planes clustered on its deck like small, black flies. But that wasn't what interested him. He had seen restricted photographs and complete descriptions and evaluations of the *Josef*'s fighting capabilities before. What was of vastly more importance was the huge structure that hovered above the *Josef*, a mile overhead. A structure that blocked out the stars over a roughly rectangular area the same size as the *Josef* itself.

McCandless and Davis were still straining their eyes for details of the alien ship by the time the Captain had glanced away and was formulating policy. The picture was too vague, he thought. There was nothing that could be seen that would tell you much about the ship. And if they were correct in thinking it was a ... his mind hesitated at the thought ... spaceship, then it would be impossible to tell whether certain features were armament or not. And it would be futile to speculate on the capabilities of that armament.

McCandless and Davis finished with their inspection of the screen and turned to the Captain, waiting for orders.

"Recall the plane," the Captain said. "Send it out again at dawn. And send a message to Radio Washington, giving them complete details. You may relax GQ but keep the gunners at their posts and the pilots standing by." The fantastic became far more real when you dealt with it matter-of-factly, he thought.

He started for the hatch. "I'll expect you down for breakfast," he said to Davis. "You, too, Lieutenant. You've been in on this from the start, you know more than the rest of us."

Which was quite enough flattery for a young lieutenant in one day, he thought. It was far more than he had ever received when he had been a lieutenant.

Back in his stateroom, the Captain went directly to the small lavatory, filled the washbowl, and plunged his face into the cold water. He was getting old, he thought for the hundredth time that morning. Creeping old age where you still awoke readily enough but found it more and more difficult to keep awake. You couldn't rid yourself of the temptation of going back to bed and dreaming again —dreaming, perhaps, of an Ohio town that his own imagination had gilded and varnished and adorned until sometimes he thought it existed only in his imagination and not in reality at all.

He scrubbed at his face until a tingle of alertness came to it, then went back to the main compartment. The steward had laid out the silver, and Davis and McCandless were already there. Davis completely relaxed in the atmosphere that could only exist between an Executive Officer and a Captain. The Exec, as both he and the Captain well knew, was the only man on board with whom the Captain could maintain a relationship that was something other than professional. Not necessarily friendly but ... more relaxed.

McCandless sat in the leather upholstered chair by the table, stiff and self-conscious. The hope of the nation, the Captain thought. Provided that they learned how to hate and to keep that hate alive as long as he had kept his.

His own boy had been about McCandless' age, he thought suddenly.

"Well, what are you going to do?" Davis asked.

The Captain sat down at the table. The coffee was hot and he could smell the eggs that the steward was frying in the small galley. He tucked in a napkin at his neck. It was old-fashioned but practical, he thought. You dribbled down the front, you didn't spill things in your lap.

"It isn't exactly up to me, Harry. It's up to Washington." He poured out three cups of coffee and handed one to Davis and one to McCandless. The Lieutenant clutched the cup in a deathlike grip, as if the ship were doing forty-degree rolls and he might lose it any minute. "I asked you up to breakfast to get your ideas on it. I have my own but on something like this, anybody's ideas are as good as mine. Maybe better."

Davis frowned and rubbed the tip of his nose thoughtfully. "Well, it looks to me, Bill, as if we have a situation here where an unknown ship from somewhere—I'm not saying where—has investigated two ships on maneuvers and finally chosen to hover over one, for what reasons we don't know. To me it looks like the only things we can do is notify Washington and stand by for orders."

Great God, the Captain thought, disgusted, there was nothing worse than a Commander bucking for four stripes. A more cautious man didn't exist on the face of the Earth nor, possibly, a more fearful one. Fear that whatever decision you made would be the wrong one and the Promotion Board would pass you by. So you carefully avoided making any decisions at all. He had been the same way himself. You salved your lack of guts with the knowledge that once you made captain, things would be different and you could assert yourself, be the man you had always considered yourself to be. Only once you became a captain things didn't change a bit, because then you were trying to get the Promotion Board to recommend you for Admiral. The only men in the Navy who had any guts were the young men who didn't know any better and the old bastards who had made Admiral and no longer had any ambition as far as rank went.

He turned to McCandless. "You, Lieutenant?"

McCandless licked dry lips.

"I think it's from out in space, sir. Maybe it's an exploration party, but more than likely it's an armed scouting party."

"What makes you say that?"

McCandless leaned forward, his concern over his cup of coffee momentarily forgotten. "I think if it was an exploration party they would have stopped at some point of civilization first. In all likelihood a city, a big city. But we've received no reports of any ship landing near a city. At least, not yet." He paused, a little self-consciously. "It wouldn't be difficult to tell that we're part of the fighting forces of this planet, and I think it's just luck that it chose the *Josef* instead of us. I think the alien ship is investigating the *Josef*. Or will shortly."

Davis lit a cigarette, a half amused smile on his face. "For what purpose?"

"To test the armament. See how good we are on the defensive."

"What do you think they want?" the Captain asked curiously.

McCandless hesitated, then blurted it out.

"The whole world, sir!"

At oh five hundred the sun was just breaking over the horizon, coating the heavy green seas with a soft covering of pink gold. It was going to be another hot day, the Captain thought, one where the heat stood off the water in little waves and the sweat ran down your back and soaked your khakis. And with GQ, the rubber life jackets would make it about ten times as bad.

He stood on the bridge for a moment, admiring the sunrise and smelling the brisk salt air, then walked into the wheelhouse.

The drone plane had been up for half an hour. By this time it should have a clearer picture of the object that hovered over the *Josef*.

It did. The object was dun colored, the color of storm clouds on a cold winter's day. Big, easily as big as the *Josef*, and tubular shaped, slightly flattened on the bottom. There was nothing that could be identified as gun ports but they probably didn't use guns. He wondered just what their armament was.

He turned to the radarman on watch.

"Has the *Josef* moved any?"

The man nodded. "Yes, sir. About oh four hundred they steamed ten miles north at top speed."

"The object kept up with them?"

"Yes, sir. It's never left them, sir. Same position directly overhead at all times."

The captain of the *Josef* must have realized that he couldn't get away from his overhead observer and probably froze in position, afraid of what would happen if he continued to run for it. He'd probably stay there until the alien ship made some hostile move or he got instructions from home.

The Captain walked back to the bridge. The ship was strangely silent. There were no jets warming up on the flight deck, there were no sounds of chipping hammers. Except for the planes overhead, it was a quiet summer day, one of those days when a perfectly smooth sea looks like a sheet of plate glass.

He glanced down at the sides of the *Oahu*. Tiny figures were huddled by the anti-aircraft guns, their helmets glinting in the sun. A tight ship, he thought, a ship that was ready for anything.

McCandless came out on the bridge, his eyes red-rimmed from lack of sleep. He stood a respectful distance from the Captain, a little to the right and just behind.

"Beautiful day, isn't it, Lieutenant?"

"Yes, sir. It is, sir. Very fine day."

Sir. That was the one reason why he tolerated Davis, the Captain thought. Just to hear somebody call him by his first name and treat him as something other than a symbol of rank.

"If your theory is correct, Lieutenant," he mused aloud, "then the alien ship should be opening fire—if that's what you would call it—any minute now."

"Yes, sir." McCandless brushed his mouth with his hand—probably surreptitiously removing a wad of gum, the Captain thought. "I was wondering what you would do, sir, if the alien ship opens fire on the *Josef*."

"If it wasn't against regulations, I'd issue a couple of cans of beer per man."

McCandless gaped. "I—I don't understand you, sir."

"If they finish off the *Josef*, Lieutenant, it'll save us the trouble. For my money,

I'd be tickled pink if the Combine sent reinforcements and it really developed into a fracas."

McCandless turned slightly so the Captain could no longer read his face. The Captain wondered if it was intentional.

"I ... I guess I just took it for granted that we'd join forces against the aliens, sir. It seemed like the natural thing to do."

So McCandless had thought they'd go to the rescue of the *Josef*, the Captain thought slowly. To the rescue. The phrase had a funny sound to it when you coupled it with the Combine, an almost obscene sound.

"Lieutenant," the Captain said slowly, "history has been full of possible turning points that the United States has almost always failed to take advantage of. I think this time, just for once, we ought to play it smart. The Combine has been a threat for as long as I can remember. We've had opportunities before when we could have let two systems cancel each other out. We didn't take advantage of it then and we've regretted it ever since."

McCandless didn't reply immediately and the Captain thought to himself, why not be more honest? Why don't you tell him that all your life you've fought the Combine and the conflict has been the only thing that has lent meaning to living? You hate for thirty years and you become a slave to that hatred—you don't forget it with a snap of the fingers and go charging to the rescue like a knight in shining armor.

"The aliens are ... alien, sir," McCandless suddenly said. "The men on the *Josef* are ... human beings."

"Are they, Mister?" The Captain hated the lecturing attitude but he couldn't help it. "They're the representatives of the Combine, aren't they? And I suppose the Combine acted like human beings during the Berlin war? I suppose the slave labor camps and the purges and the forced confessions were the products of ordinary human beings? No, Lieutenant, if the aliens have six arms and two heads they couldn't be less inhuman than the Combine has been!"

"My father was in the Pacific in the Second World War," the Lieutenant said tightly. "There were times when we ... didn't take prisoners. And I remember my Dad saying that some of the men went home with ear necklaces."

"Hearsay," the Captain said gruffly. "And that was in a declared war." And then

he wondered just how valid the distinction was. There were, he supposed, sadists on both sides. And then it came down to who committed the first cruelty and just how should you rank them? Was intentional torture for the few any the worse than the dispassionate act of dropping a bomb that produced quite the same, if not worse, results for the many?

"Just what would you do, Mister McCandless?"

The Lieutenant's face was flushed. "I'm not sure, sir. But I think I would look at it from a strategic viewpoint. There are two ships here, both instruments of war. If the aliens attack the one, and the other doesn't go to the rescue, then it would be obvious that we are a divided world. We would be a tempting ... prize."

"And if we went to the aid of the *Josef*, then you think we might beat the alien ship off?"

McCandless shrugged. "I don't know, sir. We might."

The Captain turned back to look at the now swelling sea. The air off the water was cool and brisk and the deck of his ship moved comfortably under his feet; a solid thing in a liquid world.

"It doesn't make a great deal of difference what we think, Lieutenant," the Captain said, a little of his good humor restored. "In the long run, we'll do whatever Washington says."

There was a sudden, flashing glow just over the horizon. McCandless blanched and the Captain clutched the rail, his knuckles turning white with the force of his grip. There was another flash and the OD popped out of the hatch of the wheelhouse like a cork out of a bottle. "Captain! the ..."

The Captain was already brushing past him, heading into the pilothouse for the television screen and the picture that the drone plane was transmitting.

The picture on the screen wavered and blurred with the shock of the action. From what he could see, the Captain knew that whatever action he took, if any, he would have to take it within a relative few minutes. The forward half of the superstructure of the *Josef* was a smoking ruin, the metal a cherry red.

Half the planes on the flight deck were charred and being frantically pushed overboard by small tractors so the remainder of the planes could be airborne. A mile overhead, in the glazing blue sky, the few planes the *Josef* had managed to

launch buzzed futilely about the alien ship, discharging rockets that scintillated and flamed off the dull gray sides and, so far as the Captain could tell, were causing no damage at all.

"Message for you, sir."

He felt the clip board being pushed into his hand, then glanced down. It was difficult to read without his glasses but he could make it out.

Unusual ... do nothing rash ... your discretion ...

Some cautious pen pusher behind a desk, he thought chaotically. Somebody for whom miles had lent safety and detachment.

His discretion ...

It was his responsibility.

Commander Davis was at his elbow. "The *Josef's* starting to list, Captain."

"I can see that!" he half snarled.

He wouldn't feel pity if the *Josef* went down, he thought fiercely. It would be good riddance, one less carrier that they would have to worry about at some future date.

If there was some future date, a nagging thought intruded.

He throttled it. The *Josef* stood for everything that he despised, a way of life that had made a mockery of everything he had been taught to believe in. The menace that had eaten at the world's vitals like a cancer, the menace whose existence had been enough to drive some men to hysteria and others to the brink of suicide. His own wife ...

Now a ship from Outside was attacking that power and what emotions should he feel? Elation? Well, why not? What other emotions should he feel? Certainly not sadness, not regret, not pity.

The *Josef* would be sunk and maybe the aliens would be tempted to do more than just attack the *Josef*; they might attack the entire Combine as well. And if

the Combine was beat, did it matter who did it?

Except, the thought crept back, there was no reason for him to believe that the aliens would differentiate between the *Josef* and the *Oahu*, between the Combine and the United States.

"The planes!" McCandless said, incredulous. "Look at the planes!"

The Captain glanced down at the screen again. An orangish glow was suffusing the alien ship. A jet slipped in for a rocket shot. The glow pulsed, expanded, touched the jet, and the plane vanished into a rain of wreckage that sped towards the ocean below.

"God!" Davis breathed. "Did you see that?"

The Captain only half heard him. So they were aliens. What did that mean? Beings of different background, different beliefs, different physical structure? He had been one of the first into Berlin after the massacre was over and the Combine had laid the blame on their Berlin Commandant, though it was painfully obvious that he had only followed out instructions. And the shambles he had seen there couldn't have been done by human beings. Four thousand soldiers and close to a hundred thousand civilians killed. Would you call the people who had been responsible for that human beings or ... aliens? Which name fit best?

The Berlin war ...

A dozen different outbreaks, starting with Korea so long ago ...

And then you were supposed to admit that they were blood brothers after all, and that in the face of a mutual threat you should forget your differences and pool your resources against the common enemy.

"There goes another one!"

So in fifteen minutes the *Josef* would go down. And from him it would bring only cheers, not tears.

But you didn't make decisions on a personal basis, he thought slowly. You had to look at it from the viewpoint of a thousand years. You had to develop a certain detachment, even though one man's lifetime was far too short a period to develop it in.

"Message for you, Captain."

It was a voice message that had been picked up in CIC. It was brief and to the point.

Attention Captain United States Vessel Oahu:

Help urgently requested. If aid not granted immediately, all is lost.

Constantin Simenovich, Captain, People's Warship Josef Dzugashvili.

He had a brief mental picture of a young man lying in the shambles of Berlin calling out the same words. And what had he received?

He buried the thought.

The detached viewpoint. Political systems evolved, he thought, they never remained the same. The French Revolution had spawned a thousand human monsters and the blood had run in the streets. But out of it all had come a democratic nation. And a thousand years from now, what would the Combine be? A turn of the wheel and perhaps it would be a peace-loving democracy while the United States would be the abattoir of human hopes. Who could tell? A thousand years from now the present bloodbaths and tortures and mass deaths would be history.

But if the aliens won you ran the chance of there being no history at all.

The wheelhouse was silent. The Captain could feel a dozen pairs of eyes watching him, waiting for his decision. Outside the ports, on the far horizon, there came a steady, golden pulsing.

He looked up at McCandless and Davis. McCandless was young, too inexperienced to realize that situations where today's enemies are tomorrow's friends are the order of the day and not the exception. You adjusted to it or you became bitter. Davis, the gutless bastard, had adjusted to it. He was probably already to make the switch, to go back to drinking toasts in vodka.

The detached viewpoint.

"Send up the jets," the Captain said slowly. "And send a message to the Captain of the *Josef*, telling him we'll render all the assistance that we can."

The wheelhouse broke into a flurry of activity and a moment later he could hear the sounds of the jets taking off the flight deck. He walked out on the bridge deck and leaned on the railing, staring at the horizon where the alien ship and the *Josef* were fighting it out. And where planes from the *Oahu* would shortly be helping the *Josef*.

But I still hate them, he thought. I hate their goddamned souls!

Transcriber's Note:

This etext was produced from *Space Science Fiction* September 1953. Extensive research did not uncover any evidence that the U.S. copyright on this publication was renewed. Minor spelling and typographical errors have been corrected without note.

End of the Project Gutenberg EBook of Decision, by Frank M. Robinson

*** END OF THIS PROJECT GUTENBERG EBOOK DECISION ***

***** This file should be named 29680-h.htm or 29680-h.zip *****
This and all associated files of various formats will be found in:
http://www.gutenberg.org/2/9/6/8/29680/

Produced by Greg Weeks, Stephen Blundell and the Online Distributed Proofreading Team at http://www.pgdp.net

Updated editions will replace the previous one--the old editions will be renamed.

Creating the works from public domain print editions means that no one owns a United States copyright in these works, so the Foundation (and you!) can copy and distribute it in the United States without permission and without paying copyright royalties. Special rules, set forth in the General Terms of Use part of this license, apply to copying and distributing Project Gutenberg-tm electronic works to protect the PROJECT GUTENBERG-tm concept and trademark. Project Gutenberg is a registered trademark, and may not be used if you charge for the eBooks, unless you receive specific permission. If you do not charge anything for copies of this eBook, complying with the rules is very easy. You may use this eBook for nearly any purpose

such as creation of derivative works, reports, performances and research. They may be modified and printed and given away--you may do practically ANYTHING with public domain eBooks. Redistribution is subject to the trademark license, especially commercial redistribution.

*** START: FULL LICENSE ***

THE FULL PROJECT GUTENBERG LICENSE
PLEASE READ THIS BEFORE YOU DISTRIBUTE OR USE THIS WORK

To protect the Project Gutenberg-tm mission of promoting the free distribution of electronic works, by using or distributing this work (or any other work associated in any way with the phrase "Project Gutenberg"), you agree to comply with all the terms of the Full Project Gutenberg-tm License (available with this file or online at http://gutenberg.org/license).

Section 1. General Terms of Use and Redistributing Project Gutenberg-tm electronic works

- 1.A. By reading or using any part of this Project Gutenberg-tm electronic work, you indicate that you have read, understand, agree to and accept all the terms of this license and intellectual property (trademark/copyright) agreement. If you do not agree to abide by all the terms of this agreement, you must cease using and return or destroy all copies of Project Gutenberg-tm electronic works in your possession. If you paid a fee for obtaining a copy of or access to a Project Gutenberg-tm electronic work and you do not agree to be bound by the terms of this agreement, you may obtain a refund from the person or entity to whom you paid the fee as set forth in paragraph 1.E.8.
- 1.B. "Project Gutenberg" is a registered trademark. It may only be used on or associated in any way with an electronic work by people who agree to be bound by the terms of this agreement. There are a few things that you can do with most Project Gutenberg-tm electronic works even without complying with the full terms of this agreement. See paragraph 1.C below. There are a lot of things you can do with Project Gutenberg-tm electronic works if you follow the terms of this agreement and help preserve free future access to Project Gutenberg-tm electronic works. See paragraph 1.E below.
- 1.C. The Project Gutenberg Literary Archive Foundation ("the Foundation" or PGLAF), owns a compilation copyright in the collection of Project Gutenberg-tm electronic works. Nearly all the individual works in the collection are in the public domain in the United States. If an individual work is in the public domain in the United States and you are located in the United States, we do not claim a right to prevent you from copying, distributing, performing, displaying or creating derivative works based on the work as long as all references to Project Gutenberg are removed. Of course, we hope that you will support the Project Gutenberg-tm mission of promoting free access to electronic works by freely sharing Project Gutenberg-tm works in compliance with the terms of this agreement for keeping the Project Gutenberg-tm name associated with the work. You can easily comply with the terms of this agreement by keeping this work in the same format with its attached full Project Gutenberg-tm License when you share it without charge with others.
- 1.D. The copyright laws of the place where you are located also govern what you can do with this work. Copyright laws in most countries are in a constant state of change. If you are outside the United States, check

the laws of your country in addition to the terms of this agreement before downloading, copying, displaying, performing, distributing or creating derivative works based on this work or any other Project Gutenberg-tm work. The Foundation makes no representations concerning the copyright status of any work in any country outside the United States.

- 1.E. Unless you have removed all references to Project Gutenberg:
- 1.E.1. The following sentence, with active links to, or other immediate access to, the full Project Gutenberg-tm License must appear prominently whenever any copy of a Project Gutenberg-tm work (any work on which the phrase "Project Gutenberg" appears, or with which the phrase "Project Gutenberg" is associated) is accessed, displayed, performed, viewed, copied or distributed:

This eBook is for the use of anyone anywhere at no cost and with almost no restrictions whatsoever. You may copy it, give it away or re-use it under the terms of the Project Gutenberg License included with this eBook or online at www.gutenberg.org

- 1.E.2. If an individual Project Gutenberg-tm electronic work is derived from the public domain (does not contain a notice indicating that it is posted with permission of the copyright holder), the work can be copied and distributed to anyone in the United States without paying any fees or charges. If you are redistributing or providing access to a work with the phrase "Project Gutenberg" associated with or appearing on the work, you must comply either with the requirements of paragraphs 1.E.1 through 1.E.7 or obtain permission for the use of the work and the Project Gutenberg-tm trademark as set forth in paragraphs 1.E.8 or 1.E.9.
- 1.E.3. If an individual Project Gutenberg-tm electronic work is posted with the permission of the copyright holder, your use and distribution must comply with both paragraphs 1.E.1 through 1.E.7 and any additional terms imposed by the copyright holder. Additional terms will be linked to the Project Gutenberg-tm License for all works posted with the permission of the copyright holder found at the beginning of this work.
- 1.E.4. Do not unlink or detach or remove the full Project Gutenberg-tm License terms from this work, or any files containing a part of this work or any other work associated with Project Gutenberg-tm.
- 1.E.5. Do not copy, display, perform, distribute or redistribute this electronic work, or any part of this electronic work, without prominently displaying the sentence set forth in paragraph 1.E.1 with active links or immediate access to the full terms of the Project Gutenberg-tm License.
- 1.E.6. You may convert to and distribute this work in any binary, compressed, marked up, nonproprietary or proprietary form, including any word processing or hypertext form. However, if you provide access to or distribute copies of a Project Gutenberg-tm work in a format other than "Plain Vanilla ASCII" or other format used in the official version posted on the official Project Gutenberg-tm web site (www.gutenberg.org), you must, at no additional cost, fee or expense to the user, provide a copy, a means of exporting a copy, or a means of obtaining a copy upon request, of the work in its original "Plain Vanilla ASCII" or other form. Any alternate format must include the full Project Gutenberg-tm License as specified in paragraph 1.E.1.
- 1.E.7. Do not charge a fee for access to, viewing, displaying, performing, copying or distributing any Project Gutenberg-tm works unless you comply with paragraph 1.E.8 or 1.E.9.

- 1.E.8. You may charge a reasonable fee for copies of or providing access to or distributing Project Gutenberg-tm electronic works provided that
- You pay a royalty fee of 20% of the gross profits you derive from the use of Project Gutenberg-tm works calculated using the method you already use to calculate your applicable taxes. The fee is owed to the owner of the Project Gutenberg-tm trademark, but he has agreed to donate royalties under this paragraph to the Project Gutenberg Literary Archive Foundation. Royalty payments must be paid within 60 days following each date on which you prepare (or are legally required to prepare) your periodic tax returns. Royalty payments should be clearly marked as such and sent to the Project Gutenberg Literary Archive Foundation at the address specified in Section 4, "Information about donations to the Project Gutenberg Literary Archive Foundation."
- You provide a full refund of any money paid by a user who notifies you in writing (or by e-mail) within 30 days of receipt that s/he does not agree to the terms of the full Project Gutenberg-tm License. You must require such a user to return or destroy all copies of the works possessed in a physical medium and discontinue all use of and all access to other copies of Project Gutenberg-tm works.
- You provide, in accordance with paragraph 1.F.3, a full refund of any money paid for a work or a replacement copy, if a defect in the electronic work is discovered and reported to you within 90 days of receipt of the work.
- You comply with all other terms of this agreement for free distribution of Project Gutenberg-tm works.
- 1.E.9. If you wish to charge a fee or distribute a Project Gutenberg-tm electronic work or group of works on different terms than are set forth in this agreement, you must obtain permission in writing from both the Project Gutenberg Literary Archive Foundation and Michael Hart, the owner of the Project Gutenberg-tm trademark. Contact the Foundation as set forth in Section 3 below.

1.F.

- 1.F.1. Project Gutenberg volunteers and employees expend considerable effort to identify, do copyright research on, transcribe and proofread public domain works in creating the Project Gutenberg-tm collection. Despite these efforts, Project Gutenberg-tm electronic works, and the medium on which they may be stored, may contain "Defects," such as, but not limited to, incomplete, inaccurate or corrupt data, transcription errors, a copyright or other intellectual property infringement, a defective or damaged disk or other medium, a computer virus, or computer codes that damage or cannot be read by your equipment.
- 1.F.2. LIMITED WARRANTY, DISCLAIMER OF DAMAGES Except for the "Right of Replacement or Refund" described in paragraph 1.F.3, the Project Gutenberg Literary Archive Foundation, the owner of the Project Gutenberg-tm trademark, and any other party distributing a Project Gutenberg-tm electronic work under this agreement, disclaim all liability to you for damages, costs and expenses, including legal fees. YOU AGREE THAT YOU HAVE NO REMEDIES FOR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTY OR BREACH OF CONTRACT EXCEPT THOSE PROVIDED IN PARAGRAPH F3. YOU AGREE THAT THE FOUNDATION, THE TRADEMARK OWNER, AND ANY DISTRIBUTOR UNDER THIS AGREEMENT WILL NOT BE

LIABLE TO YOU FOR ACTUAL, DIRECT, INDIRECT, CONSEQUENTIAL, PUNITIVE OR INCIDENTAL DAMAGES EVEN IF YOU GIVE NOTICE OF THE POSSIBILITY OF SUCH DAMAGE.

- 1.F.3. LIMITED RIGHT OF REPLACEMENT OR REFUND If you discover a defect in this electronic work within 90 days of receiving it, you can receive a refund of the money (if any) you paid for it by sending a written explanation to the person you received the work from. If you received the work on a physical medium, you must return the medium with your written explanation. The person or entity that provided you with the defective work may elect to provide a replacement copy in lieu of a refund. If you received the work electronically, the person or entity providing it to you may choose to give you a second opportunity to receive the work electronically in lieu of a refund. If the second copy is also defective, you may demand a refund in writing without further opportunities to fix the problem.
- 1.F.4. Except for the limited right of replacement or refund set forth in paragraph 1.F.3, this work is provided to you 'AS-IS' WITH NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO WARRANTIES OF MERCHANTIBILITY OR FITNESS FOR ANY PURPOSE.
- 1.F.5. Some states do not allow disclaimers of certain implied warranties or the exclusion or limitation of certain types of damages. If any disclaimer or limitation set forth in this agreement violates the law of the state applicable to this agreement, the agreement shall be interpreted to make the maximum disclaimer or limitation permitted by the applicable state law. The invalidity or unenforceability of any provision of this agreement shall not void the remaining provisions.
- 1.F.6. INDEMNITY You agree to indemnify and hold the Foundation, the trademark owner, any agent or employee of the Foundation, anyone providing copies of Project Gutenberg-tm electronic works in accordance with this agreement, and any volunteers associated with the production, promotion and distribution of Project Gutenberg-tm electronic works, harmless from all liability, costs and expenses, including legal fees, that arise directly or indirectly from any of the following which you do or cause to occur: (a) distribution of this or any Project Gutenberg-tm work, (b) alteration, modification, or additions or deletions to any Project Gutenberg-tm work, and (c) any Defect you cause.

Section 2. Information about the Mission of Project Gutenberg-tm

Project Gutenberg-tm is synonymous with the free distribution of electronic works in formats readable by the widest variety of computers including obsolete, old, middle-aged and new computers. It exists because of the efforts of hundreds of volunteers and donations from people in all walks of life.

Volunteers and financial support to provide volunteers with the assistance they need, are critical to reaching Project Gutenberg-tm's goals and ensuring that the Project Gutenberg-tm collection will remain freely available for generations to come. In 2001, the Project Gutenberg Literary Archive Foundation was created to provide a secure and permanent future for Project Gutenberg-tm and future generations. To learn more about the Project Gutenberg Literary Archive Foundation and how your efforts and donations can help, see Sections 3 and 4 and the Foundation web page at http://www.pglaf.org.

Section 3. Information about the Project Gutenberg Literary Archive Foundation

The Project Gutenberg Literary Archive Foundation is a non profit 501(c)(3) educational corporation organized under the laws of the state of Mississippi and granted tax exempt status by the Internal Revenue Service. The Foundation's EIN or federal tax identification number is 64-6221541. Its 501(c)(3) letter is posted at http://pglaf.org/fundraising. Contributions to the Project Gutenberg Literary Archive Foundation are tax deductible to the full extent permitted by U.S. federal laws and your state's laws.

The Foundation's principal office is located at 4557 Melan Dr. S. Fairbanks, AK, 99712., but its volunteers and employees are scattered throughout numerous locations. Its business office is located at 809 North 1500 West, Salt Lake City, UT 84116, (801) 596-1887, email business@pglaf.org. Email contact links and up to date contact information can be found at the Foundation's web site and official page at http://pglaf.org

For additional contact information: Dr. Gregory B. Newby Chief Executive and Director gbnewby@pglaf.org

Section 4. Information about Donations to the Project Gutenberg Literary Archive Foundation

Project Gutenberg-tm depends upon and cannot survive without wide spread public support and donations to carry out its mission of increasing the number of public domain and licensed works that can be freely distributed in machine readable form accessible by the widest array of equipment including outdated equipment. Many small donations (\$1 to \$5,000) are particularly important to maintaining tax exempt status with the IRS.

The Foundation is committed to complying with the laws regulating charities and charitable donations in all 50 states of the United States. Compliance requirements are not uniform and it takes a considerable effort, much paperwork and many fees to meet and keep up with these requirements. We do not solicit donations in locations where we have not received written confirmation of compliance. To SEND DONATIONS or determine the status of compliance for any particular state visit http://pglaf.org

While we cannot and do not solicit contributions from states where we have not met the solicitation requirements, we know of no prohibition against accepting unsolicited donations from donors in such states who approach us with offers to donate.

International donations are gratefully accepted, but we cannot make any statements concerning tax treatment of donations received from outside the United States. U.S. laws alone swamp our small staff.

Please check the Project Gutenberg Web pages for current donation methods and addresses. Donations are accepted in a number of other ways including checks, online payments and credit card donations. To donate, please visit: http://pglaf.org/donate

Section 5. General Information About Project Gutenberg-tm electronic works.

Professor Michael S. Hart is the originator of the Project Gutenberg-tm concept of a library of electronic works that could be freely shared with anyone. For thirty years, he produced and distributed Project

Gutenberg-tm eBooks with only a loose network of volunteer support.

Project Gutenberg-tm eBooks are often created from several printed editions, all of which are confirmed as Public Domain in the U.S. unless a copyright notice is included. Thus, we do not necessarily keep eBooks in compliance with any particular paper edition.

Most people start at our Web site which has the main PG search facility:

http://www.gutenberg.org

This Web site includes information about Project Gutenberg-tm, including how to make donations to the Project Gutenberg Literary Archive Foundation, how to help produce our new eBooks, and how to subscribe to our email newsletter to hear about new eBooks.

linked image <u>back</u>