Cites & Insights
Crawford at Large

New Year, New Site, New Volume

Why is *Cites & Insights* now at cites.boisestate.edu, running on a server in a city (and state) I've never visited? Thanks to the good works of Dan Lester, as part of the COWLZ initiative. Dan arranged to provide a home for COWLZ' access projects, currently spearheaded by Eric Lease Morgan. The COWLZ archive will, initially, be mostly or entirely a "dark archive."

Cites & Insights really didn't have a "primary site." Cical.home.att.net was a convenience address as part of my personal ATT.Worldnet Internet account. Convenient and a decent set of support tools—but the space restrictions encouraged me to store issues themselves in odd spots (thus the "home.att.net/~wcc.techx/" URLs) and there's no way to get real usage statistics for these Websites.

So *Cites & Insights* moved to COWLZ. The home address is simpler although no shorter; the issue URLs are simpler and more predictable. The move means that *Cites & Insights* is part of a regular backup system and participates in an archiving system with some potential. I hope that it also brings more visibility to COWLZ.

Survey Says…

Thanks to the 95 people who responded to the reader survey—89 on the Website, another half-dozen via email. While the survey itself closed December 21, 2002, when the old *Cites & Insights* home page was replaced as part of the site shift, I'll leave the survey-results link active for a few weeks.

I took the results seriously. They will help guide my efforts in 2003. Let's dispose of the first and last questions first:

➢ Sixty percent of you would prefer monthly issues even if they're longer, while just under a third would rather see more, shorter issues. I'll aim for a baker's dozen this year, as in 2001.

➢ I am gratified that a dozen of you would be likely to pay for *Cites & Insights*, with another 40+ who might be willing. I'm not making such donations possible. Instead, here's a suggestion: Take whatever you'd be willing to pay for *Cites & Insights* and send that money to ALA's CIPA Legal Fund. Go to http://www.ala.org/cipa/cipalegalfund.html to read more or make a credit-card donation. If you aren't willing to contribute to the CIPA Fund, choose another good cause—the Nature Conservancy, World Wildlife Fund, America's Second Harvest, Recordings for the Blind and Dyslexic, your local library's Friends group or foundation, or whatever.

Now, as to the sections and features. I tallied the votes, counting two points for a "most valuable" vote, one point for "next most," and minus one for "least interesting/enjoyable." I also looked at "conflict," the extent to which sections had significant positive *and* negative numbers.

Inside This Issue

Here are the groupings as I see them and how I expect to use the results:

➢ **High interest, low conflict**: The Good Stuff, The Library Stuff, Bibs & Blather, Perspectives, Cheap Shots & Commentary, Trends & Quick Takes. Except for Cheap Shots, expect to see these features (including at least one Perspective *or* Bibs & Blather) in most issues, with The Library Stuff sometimes appearing as a section of The Good Stuff (as in this issue).

➢ **High interest, substantial conflict**: Copyright Currents. This had the third-highest aggregate ranking *after* subtracting negative votes. It's never appeared in every issue, but I'll con-

tinue to provide strong coverage of the complexities of this area—breaking out separate essays sometimes, as in this issue.

➢ **Moderate interest, significant conflict:** Ebooks and Etext, Filtering Follies, The Access Puzzle, disContent reprints. For the first two, I expect to offer selective coverage less frequently than the top seven. While "The Access Puzzle" appears (for the second time) in this issue, I may rethink that organizing tool in the future.

➢ **Neutral:** Extended reports, Looking Back, Feedback, Conference reports. I regard these results as meaningless.

➢ **Generally disliked:** Product Watch, CD-ROMs Revisited, PC Group Reviews. OK, fine, I won't bore you with lots of CD-ROM comments (but might do one or two overall features). Product Watch becomes "Interesting and Peculiar Products" and will appear less often and more selectively. I agree that PC Group Reviews isn't worth the space it's occupied; I plan a new method to update PC matters.

There's the plan. As with any plans for this zine, it's subject to sudden and radical change without notice.

A Copyright-and-Media Perspective
ElcomSoft/Sklyarov: DMCA Comes to Trial

The first criminal case bought under the Digital Millennium Copyright Act (DMCA) has begun and ended—with an acquittal that might help weaken the more outrageous aspects of DMCA. The case began in July 2001 when FBI agents arrested Dmitri Sklyarov at Defcon, a security conference (which brings together FBI agents and hackers, among others) where he'd spoken about software he'd written that can open "copyright locks" in Adobe's eBooks format. The FBI acted at Adobe's behest, according to most news reports, but Adobe later backed off. The government didn't. While they eventually released Sklyarov from jail, the case against his employers, the Russian firm ElcomSoft, continued.

Sklyarov and Alex Katalov (CEO of ElcomSoft) had to appear in San Jose for the trial—but the State Department considers them bad guys and denied visa requests. The U.S. Attorney's Office eventually acquired "parole visas" for the two. ElcomSoft's attorney argued that the jury should be instructed on fair use and that conviction should require a finding that ElcomSoft sold the software for illegal purposes; the U.S. attorney stated that "fair use is irrelevant and improper" for the instructions.

The trial began December 3, with U.S. attorney Scott Frewing calling the software a tool for thieves—"This case is about selling a burglar tool for software in order to make a profit." Joseph Burton, attorney for ElcomSoft, asserted that the company never intended to act illegally, offered the software so people could make backups of their own books, and stated that the software only worked on legitimately purchased ebooks and "was never used to make illicit, illegal copies of ebooks." Those defenses are, to be sure, irrelevant given the draconian standards of DMCA—although conviction *does* require that acts be "willful." Burton also noted that ElcomSoft stopped selling the software shortly after Adobe complained about it, sold it for 10 days and made $2,000 from sales. (A conviction could bring more than $2 *million* in fines.)

The second day revealed one weakness in the case: Although Adobe hired two companies to search for unauthorized ebooks on the Internet, the company *never* found any indication that ElcomSoft's software was used to make illicit copies.

On the third day, a videotaped deposition from Sklyarov included his admission that he knew the ElcomSoft software could be used illegally—and his assertion that he wanted to expose security holes in the Adobe platform. "This product was developed not only for the purpose of profit, but to show the weakness of security." (Sklyarov is preparing to defend his doctoral dissertation on computer security.) Interestingly, Frewing didn't call Sklyarov in person although he was sitting in the courtroom. That same day, an FBI agent claimed to have identified buyers of ElcomSoft's software "who had applied the software to copyrighted e-books," but apparently no findings that illicit copies were ever sold or posted.

In the second week of the trial, Sklyarov *did* testify in person—for the defense. He noted that Adobe's license was illegal under Russian law: "I believed that if the license is not in accordance with Russian law, Russian law has priority." Katalov, the firm's CEO, also testifying in English, noted that a number of U.S. government agencies are ElcomSoft customers, along with such notorious criminals as Apple and Motorola. He also stated that he still believes the software is legal. Meanwhile, the judge prevented evidence of legitimate use by customers—and one observer presumed that ElcomSoft would be convicted because DMCA is so stringent.

The jury began deliberations on December 12. Both sides focused on "willfulness"—Frewing stating, "There can be no question that ElcomSoft was aware of the law" while Burton claimed ElcomSoft's behavior showed it didn't believe it was doing anything illegal.

December 17, the jury acquitted ElcomSoft on all charges—both conspiracy and the direct charges. The foreman said the acquittal came because the jury didn't believe the company meant to violate the law: "We didn't understand why a million-dollar company would put on their Web page an illegal thing that would (ruin) their whole business if they were caught."

What does it all mean?

➢ Some observers note that the U.S. Attorney's Office *hates* to lose in court, and that this reversal made it less likely that the U.S. would prosecute questionable DMCA violations.

➢ Was jury nullification a factor? Not based on direct comments, but some lawyers suggested that the jury may have decided that DMCA was just bad law.

➢ Dan Gillmor devoted his December 17, 2002 column (at www.siliconvalley.com) to the verdict as a piece of "good news"—and coupling that with the creation of Creative Commons (see elsewhere in this issue). His closing line: "In a year when the news on copyright was so consistently sour, let's be thankful for the gifts we've received this week."

➢ Rick Boucher maintained, quite appropriately, that his bill to rescind portions of DMCA was still needed. The Business Software Alliance applauded the prosecution, even though it was unsuccessful. One lawyer noted that if Adobe had sued ElcomSoft in a civil rather than criminal proceeding, the outcome might have been different. Fred von Lohmann of the Electronic Frontier Foundation noted, "The chief problem with the government's case was that these guys weren't pirates." And one attorney who works for "DMCA supporters" suggested that this was a *strong* test, since neither side contested the claim that ElcomSoft did, in fact, sell an encryption-disabling device: "It's going to be difficult though not impossible to find a stronger case."

In a somewhat related case, Jon "DVD Jon" Johansen, the Norwegian teenager who wrote DeCSS, was tried in Oslo in early December. The defense focused on Johansen's purpose for writing the program, to play DVDs he'd already purchased on a Linux computer (for which, at the time, no licensed DVD software was available): "The thief who breaks into his own flat is not committing any crime." The prosecution claimed it was about "gang crime," a "rivalry" among hackers to see who could break DVD encryption. This wasn't a jury trial, and the recommended penalty was a 90-day suspended sentence. U.S. involvement? Well, it's not illegal in Norway to copy a DVD—and the suit was brought by the MPAA. A verdict is expected in early 2003.

Sources include Cnet's news.com, law.com, Wired News, AP and Reuters.

Just for fun, here's a truly bizarre use of DMCA: In late November 2002, several national retailers threatened to sue Web sites that revealed sales prices before the stores officially posted the prices. It's the first time I've heard a suggestion that sales prices are copyrightable, or that they constitute legitimate "trade secrets." The would-be defendants were tiny little companies like FatWallet who backed down because they couldn't afford the litigation. That may be one of the worst things about DMCA: It's such a convenient club for big companies to pound individuals and smaller organizations with.

It's lovely that one Big Media spokesperson complained about a newer program to allow DVD copying, claiming that it was like offering crowbars for sale that any criminal could buy to break into houses. As at least one journalist noted, most hardware stores *do* sell crowbars—which, as with DVD-copying software, have perfectly legitimate uses.

Feedback and Following Up

Peter Suber—in his "other" role as a philosophy professor at Earlham College—offered a partial answer to a question I asked in December's "The library stuff," commenting on the Pew survey report "The Internet goes to college." I asked: "Why *should* students be required to use email in their classes?" (That wasn't the real question: The real question was why students in *all* classes should be required to use email.)

> Here's a partial answer to your question… I use email to supplement (emphatically, not to replace) in-class discussion. My students find this as valuable as I do. But why? The short answer is that it allows many kinds of contribution that would never come up in the classroom. For a slightly longer answer, see my handout on electronic discussion at www.earlham.edu/~peters/courses/maillist.htm… [which lists] 13 important advantages of electronic discussion.

> It's remarkable how few of these advantages could have been realized through snail mail—it couldn't easily broadcast a message to every class member, it couldn't do so before the next class meeting, it couldn't carry a live link to [a] relevant piece of literature, and of course it can't match email in convenience or cost.

If my original text implied that email had no advantages over postal mail, that was clumsy writing. Suber's handout is excellent, and **worth reading**; the set of 13 bullets (on pages 2 and 3 of my printout) offer clear, cogent arguments for using email to supplement class discussion.

I asked Peter a followup question: "Specifically why *require* email… I grant that it's useful, advantageous, better than snail mail. But necessary for proper functioning in all college courses? Or, more specifically, [I wonder] why a professor's failure to make email mandatory appears to be a failure as far as the Pew study is concerned."

Suber's response, along with noting that there may be legitimate reasons for *some* professors to require email participation in *some* courses (just as some professors require in-class discussions in some courses), says:

> I don't blame any professor for failing to make use of it. But the reason why has less to do with the nature and advantages of email than with my commitment to faculty autonomy and my respect for the variety of effective teaching methods. I'd put email in the class of tools that improve teaching and learning, but there are very few tools in the category that I'd blame good teachers for not using.

I can find nothing to disagree with and much to applaud in that paragraph. Which, of course, leaves unanswered the question of why Pew appears to feel that email *should* be mandatory in every course.

Following Up

An item in the November 2002 *Cites & Insights* "Product Watch" made fun of two external audio enhancers to link your PC to a stereo system. Neither one tested well in an October 2002 *PC World* review. I didn't mention them by name, but I should note that the December 2002 *PC World* includes a followup on one of them. The company's engineers claimed that drivers might be getting in the way; the new review does say that the resulting sound was better than the test computer's sound card—but not what sound card that is. As usual, no measurements, just impressions.

Trends & Quick Takes

Speedy CD?

How fast can CD burners operate? Probably not much faster than what's currently on the market—and today's fastest burners may be chancy. At 48x, the write speed of today's next-to-fastest burners, the disc can be spinning as fast as 10,000rpm. As Robert Resovich of Plextor notes in a November 2002 *PC World* piece, that means the outer edge is traveling roughly 150mph. No big deal for a sealed hard drive (although only some SCSI drives operate at 10,000rpm)—but a cheap little piece of unprotected plastic is another deal.

To wit, slightly damaged discs—ones that have become brittle through lots of casual handling (snapping in and out of cases and drives) or ones that aren't perfectly balanced—can shatter or explode. One drive manufacturer says the risks are only 0.01 to 0.02 percent—but that's still one or two discs for every 10,000.

Personally, I'm more than satisfied with true 24x burning: That's still less than four minutes for a complete disc. But if you're a true speed demon, make sure the discs are in good shape. And don't expect to see 60x burners (for reading, it's possible to use zoned methods that read at many times the actual spin rate): That's pushing cheap unsupported plastic awfully hard. (Some 52x burners are on the market—but very few 52x-rated CD-Rs.)

A brief piece in the October 2002 *EMedia* repeats some of the same information and notes that Plextor and Sony have decided to stop with 48x drives. Plextor is modifying its drive enclosures to make sure that shattered discs don't fly out of the enclosure. The piece also notes—to my surprise—that Sony CD burners are actually sourced by Lite-on, partly because there's so little profit in the drives. Hmm. A check of my control panel shows that my 24x CD-RW burner, the lower-speed of Gateway's two options last July, is a Lite-on product. (That's right: A mere 24x. It takes *more than three minutes* to burn an 80-minute CD-R. Oh, the pain, the pain. Of course, it takes longer than that to do a proper set of labels…)

Inkjet Photo Longevity

You probably know that most inkjet color printing fades fairly rapidly in the sunlight—and you may also know that some manufacturers were working on the problem. According to the latest tests performed by Wilhelm Imaging Research for *PC World* (reported in the November 2002 issues), they're making great progress. Wilhelm estimates that the appropriate ink cartridges and HP Premium Plus Photo Paper used with the HP DeskJet 5550, Photosmart 7150, 7350, 7550, and comparable printers should last 73 years. That's not as long as "more than 90" for the Epson Stylus Photo 2200 with Epson UltraChrome ink and Epson Watercolor Paper, but pretty good (and, amazingly, *longer* than traditional color photo prints on Fujicolor Crystal Archive paper). Of course, you'll pay $1.25 for each 13x19 sheet of the Epson paper and $0.80 for each

regular sheet of the HP. Some cheaper Epson papers also offer multi-decade life—and even the $0.25/sheet Staples Premium Glossy Ink Jet Photo should last around 30 years used with Epson Ul-traChrome ink. In all cases, those tests assume prints framed under glass and displayed in fairly bright rooms lit 12 hours a day; Wilhelm uses high-intensity light for accelerated testing.

How expensive are the printers that perform these miracles? The Epson is $700, but the HP group runs from $152 to $400. Consumables will, of course, cost a lot—but if you're printing 8x10, so do traditional photo prints.

Rollup Video Screens

The October 2002 *EMedia* includes a three-page "Industry News" piece from Mark Fritz based largely on information from Universal Display Corporation. The firm is "on the forefront of OLED technology development" and VP Janice Mahon says we'll see all sorts of wonderful things in just five years—"a video screen so small and flexible that it rolls up inside a pen," "glowing wallpaper that turns entire walls into illumination sources," "flexible video screens that fit in shirt cuffs" or are embedded in car windshields—and, of course, the ever-promised video walls and refreshable daily newspapers.

Mahon admits that current OLED screens "aren't bright enough or big enough" to complete with projection systems and current display technologies. Her guess is three to five years. Meanwhile, OLED is turning up in some small devices—and the vaunted low power consumption isn't a whole lot better than backlit LCD.

Fritz assures us that video walls "will be here tomorrow." Maybe, and OLED certainly has some advantages over attempts to scale LCD (for example). But there's at least some reason to wonder about timing. In a field where "two years" means "we think we have a working prototype, and in two to ten years it might reach market," a five-year projection suggests that the industry has no idea how to solve some fundamental problems. Watch and wait; it could be great or it might never happen.

Video PoD

Here's an interesting concept for true independent movies and specialized video content: Very short-run DVD (or VHS) duplication at plausible prices. The October 2002 *EMedia* discusses CustomFlix, a Los Gatos company looking for customers "aiming to sell between a few and a few thousand copies" o anything on video. The producer sends in the video material and pays a setup fee; CustomFlix handles on-demand duplication, transactions, packaging and fulfillment—including a Web shop to promote the product.

Since CustomFlix will charge $9.95 plus 5% for each unit sold, this isn't intended to compete in any way with studio releases of vintage material (now frequently available for as little as $5 per DVD). But with a $50 setup charge (plus $249 or more if you want CustomFlix to master the DVD itself), it makes sense for true short-run operations, perhaps as specialized as one case cited: An insurance agent who wants to distribute video of his kids' Little League games to other parents.

Hmm. PoD makes it more plausible for even smaller public libraries to be specialized book publishers. Something like CustomFlix might do the same for specialized local video.

The Year of the TiVo—or Not

A December 20 *Wired News* story says "this" won't be the year that TiVo—or, presumably personal video recorders (PVRs) in general—catch on with a mass audience. Unless "this" refers to 2003, you'd think a definitive answer would be possible—after all, there were only a few shopping days left in 2002 at the time of the story.

PVRs supposedly sold out in 2001—but there weren't many available, and each brand was only sold through one outlet (Best Buy stores for TiVo, SonicBlue's website for ReplayTV).

It's an odd situation, or maybe it isn't. PVR owners tend to have "the fervor of Mac zealots," as the article says; one user says, "Once you have it, you wondered how you ever lived without it." But some of the early adopters are also people you would expect to proclaim that they really don't watch much TV. And there's the rub. PVRs are fundamentally devices to help you *watch more TV*—and if that's not your personal agenda, why would you want one? And, of course, if you're a vidiot, you don't need a PVR: out of those 57 channels there will always be two or three offering adequate entertainment.

So the target audience for PVRs appears to be people who want to watch lots of TV, but claim to do it selectively. (These may be the same people who "don't watch TV" but can detail the plot line of every episode of every major series.) Not a trivial audience, but I can understand why DVD players are selling ten times as fast as PVRs.

The Great Mobile Commerce Fiasco

"Students at Missouri Western State College in St. Joseph, Mo., don't need to fumble for change in order to buy a Pepsi from local vending machines. All they have to do is punch a number on their cell

phone, and they'll be billed for the drink." Thus begins a reality-check November 25 item at *Wired News*. It goes on: "And so far it's a complete failure." Out of 5,000 students—2,000 of which tested the system last October—only *fifty* still maintain the prepaid accounts. Everyone else uses—well, cash.

Naturally, industry analysts, who are never wrong, changed their assurances (they're always right as long as you have no memory). IDC predicted that U.S. shoppers would buy $108 million in goods over cell phones this year. The new forecast? $500,000. What's two orders of magnitude?

Guess what people *will* buy from mobile phones? Ring tones and short message services: stuff they *use* on mobile phones. Very few people buy ring tones on a computer…

There are other painless ways to spend money, of course. Millions of people use scannable Speedpass chips to pay for gas at Exxon or Mobil or food at some McDonalds, and Timex will make watches with builtin Speedpass chips. Not that they're all so successful: At a Raleigh, NC Taco Bell that supports "2Scoot" keychain-chip payment, "four customers a week" use the system.

Quicker Takes

➢ The October 2002 *EContent* has a particularly chilling "metric" on page 14. According to Nielsen/Netratings, the average online ad has grown from 22,582 pixels in the first quarter of 2001 to 37,799 pixels in the first quarter of 2002. At that rate of growth, the average ad will *entirely* fill a 640x480 screen in early 1996. And spawn eighteen more even larger ads when you try to close it.

➢ Know about warchalking? People find wireless (Wi-Fi) access points they can tap into and chalk special graffiti to indicate the nature of the node. A brief note in the November 2002 *Computer Shopper* adds the comment of a computer security firm person: using someone else's wireless network is "theft of service… Any access without consent of the owner could be a felony." What if it's *with* the consent of the owner—i.e., if you deliberately leave your home wireless network unencrypted? Your broadband ISP may have something to say about it—if use of "your" connection increases enough to be bothersome.

➢ LCD display prices were supposed to rise in 2002, based on known manufacturing capacity and projected demand. That didn't happen; instead, prices continued to fall. Why? According to the November 2002 *Computer Shopper*, demand simply didn't grow enough to outstrip

supply, and in some cases even dropped. Of course, new manufacturing plants don't get built when products don't sell, so when (if) demand perks up, prices may yet rise.

➢ Betamax is finally dead—and you probably didn't realize that Sony kept it going this long. Betamax was introduced in 1975. Its peak year was 1984, with 2.3 million VCR sales. In 2001, Sony sold fewer than 3,000 Betamax VCRs—and they've stopped production, according to the November 2002 *Sound & Vision*. Beta was always a higher-quality format than VHS (which Sony may also have invented), but RCA's marketing, and the fact that the original Betamax tapes didn't last long enough to record a football game, made Beta a minority format from early on. (The professional Betacamformats may or may not be affected—they've always been different and important.)

➢ Another number to remember: Forrester's projections for U.S. digital music revenues, as reported in the November 2002 *EContent:* $3 million 2001, $15 million 2002—and $76 million this year, $256 million in 2004, $541 million in 2005, $1.12 billion in 2006 and $2.1 billion in 2007. Think those are realistic?

➢ Here's a library quick take: The lead item in David Dorman's "Technically Speaking" in the December 2002 *American Libraries*. He enthuses over wireless networks in libraries, and it's the final paragraph that gave me pause:

Using portable computers to access the Internet in the library gives patrons the same privacy that reading a book has. "Public access workstations" can be replaced by "private access workstations." This would go a long way toward eliminating the emotionally charged issue of accessing pornography on the Internet, an issue that gains much of its power from the public nature of most wired access. Now that would be progress!

But that "progress" would require that public and academic libraries *shut down* their public access workstations. Most people aren't going to have portable computers when they're in public libraries—and those on the wrong side of the so-called "digital divide," the one bridged by Gates computers, will *certainly* not own their own WiFi-enabled notebooks. Eliminating public access is certainly one way to eliminate the censorware issue, but it has the feel of a "modest proposal" to me.

➢ The *Journal of Electronic Publishing* didn't show up this December (or, rather, a new issue wasn't posted). There's a reason: It's moving from the University of Michigan to Columbia University Press. New issues should begin this

spring. In its eight years, *JEP* has published "close to 200 articles." Judith Axler Turner continues as editor.

➤ According to a November 25 *Wired News* item, Darryl Macer wants to "create a human mental map…a log of every human idea." He not only believes that the number of ideas is finite (and can be captured in a database) but also that capturing them all will somehow increase global democracy by assuring that international agreements "represent the ideas of all, not just Europeans or the United States, et cetera." Macer, at the Institute of Biological Sciences at University of Tsukuba, claims that his mental map can tackle the question "how do humans think?" Remarkably, some other bioethics experts agree that the project is valuable and doable—and Macer believes that "by cataloging the ideas that result in…societal norms, people might be motivated to alter their beliefs." Make of this what you will…

The Filtering Follies

The CIPA case is headed to the Supreme Court, with the hearing scheduled for March 5. A handful of stories had interesting comments and perspectives related to that case:

➤ Ralph G. Neas of People for the American Way Foundation provides a thoughtful perspective at Cnet News.com, "Why filtering laws just won't work." (July 31, 2002) He notes that pro-filtering forces have "escalated their rhetoric in ways that mislead parents and the public about the issues at stake." His quick summary on CIPA: "It treated adults as if they were children, did very little to protect real children, ignored the proper role of parents, and posed a genuine threat to our First Amendment freedoms." That, of course, makes no never mind to people like Jan LaRue of Concerned Women for America, who states that without CIPA public libraries will be "dirty peep shows"— and, remarkably, Ken Connor of Family Research Council's assertion that the spring decision "reflects the double standard that exists where the federal courts protect kids from the so-called dangers of 'religious' speech but fully expose them to the perils of pornography." Bet you didn't know that the courts said libraries *should* filter out religious sites, but shouldn't filter porn. Neither did I…but the court did note that an Arkansas church, a Christian orphanage

in Honduras, and a Knights of Columbus chapter were among those blocked by filters. So, for that matter, was the Web site of American Family Association, "apparently because of the group's vehemently anti-gay rhetoric."

➤ A November 12 Reuters story by James Vicini includes a wonderful quote from Solicitor General Theodore Olson: the ruling "deprives all the nation's public libraries…of the ability to make their own independent judgment concerning how to avoid becoming a conduit for illegal and harmful material." Whereas CIPA would allow such "independent judgment" by mandating one solution? Of course, "illegal material" is *not* and never has been at issue— and Olson knows that, I suspect.

➤ David Lazarus is on the staff of the San Francisco *Chronicle*. On November 13, he offered a parent's perspective: "Net porn filters just don't work." He goes on to quote Andrew Tull of Net Nanny: "We support installing filters in libraries." Big surprise there. Lazarus goes on to offer his answers to the question, "What should concerned parents do about the Net?" He says law enforcement officials should go after pedophiles and child pornographers (and an ACLU spokesperson agrees). "Beyond that, I'm not sure what's to be gained from agonizing over a curious child encountering sexually explicit materials online. I mean, look around…" He then notes TV, music videos, and commercials such as those for Herbal Essence. "My son will encounter sexually explicit material whether he likes it or not. Just because the Internet makes it easy doesn't make it any more harmful." His closing sentence: "Besides, if President Bush got through his own adolescence without once gawking at *Playboy*, he's a better man than I."

The Rest of CIPA

ALA and its confederates only sued to overturn the library-related aspects of CIPA. So far there has been no real court challenge to the provision requiring filtering in school computers. As it is, ALA can barely afford the struggle (see "Bibs & Blather"), and schools already have such broad powers to restrict free speech that most anti-CIPA arguments wouldn't work. Three September stories relate to this problem:

➤ Katie Dean offers "Filters, schools like oil, water" at *Wired News* (September 6, 2002). She recounts that John Elfrank-Dana at the Murry Bergtraum High School (a few blocks from the World Trade Center site) had students who

wanted to do a research paper on terrorism. The problem: "Terrorism" is a blocked word. The class ended up doing their research on home computers. Most schools do use filtering software; the article also quotes some school officials both in filtering districts and in those that deliberately didn't filter until CIPA.

➢ An AP story posted September 17 at CNN.com includes additional quotes from teachers and educators. Albuquerque's IT director wasn't wild about filters—but with $14.7 million on the table, had no choice. Now the swim team can't get to sites about swimsuits (but presumably can get to five to ten percent of porn sites). Swimsuits? One high school senior says "about half the sites" he tries to use for research on any given topic are blocked, "many of them the most useful." Eugene, OR gave up its Internet subsidy to avoid filtering. Naturally, lots of educators assert that filtering is The Right Thing to Do.

➢ Another Katie Dean *Wired News* piece on September 19 notes a small rally at Mission High School in San Francisco protesting CIPA. Unfortunately, nobody much cares, including most media. At this point, although ACLU and EFF both believe the law is bad, nobody is ready to mount a legal challenge.

The Kaiser Study

You haven't heard about the Kaiser study? The Henry J. Kaiser Family Foundation released "See no evil: How Internet filters affect the search for online health information" in December 2002. You can get the study at www.kff.org. The executive summary is 13 pages long, clearly written, and **worth reading**—particularly when you read triumphalist claims from filtering companies: "See? It works just fine."

"Just fine" translates this way: Using the *least* restrictive configurations, filters tested blocked an average of 1.4% of health sites—if you average across all health topics. At the most restrictive configuration, almost a quarter of health sites were blocked.

But look at the details: "Even when set at their least restrictive blocking configurations, filters block an average of about one in ten non-pornographic health sites resulting from searches on the terms 'condoms,' 'safe sex,' and 'gay.'" Which, of course, are typical of terms likely to be used by people who have serious needs for information that they may be reluctant to discuss with the friendly reference librarian/filter unblocker.

And look at the flip side: At the least restrictive setting, filters *let through* a full 13% of porn sites tested. So you lose a tenth of the most difficult

health sites; you get more than an eighth of the porn sites. Make things more restrictive and you lose health sites *fast*—but effectiveness on porn doesn't improve much. At intermediate settings, 21% of safe-sex sites are blocked—and 10% of porn sites get through. At tight settings, *half* of safe-sex and 24% of *all* health sites are blocked—and *nine percent* of porn sites get through.

While some media accounts—and the rapid claims from David Burt and the filtering fraternity—touted Kaiser's study as proof that filters are fine, just fine, some journalists took the time to read the study itself. Ellen Edwards' December 10 story in the Washington *Post* is headlined "Filtering software may block access to health information, study finds." She quotes David Burt, "This shows us that filters do work," and ALA's Emily Sheketoff, "We're gratified once more that there's a study finding that filtering doesn't work." Paul Eng of ABC News posted a December 11 story, "Filtered finds: New study shows how net porn filters block online health info." Unfortunately, he stuck with the "1.4%" figure, not digging deeper into the study—but then, this is network TV news.

Seth Finkelstein took the opportunity to excerpt some cases from SmartFilter, because he'd been studying SmartFilter for a previous censorware project. He cites some examples of health sites that SmartFilter bans as "sex": Alliance of the American Dental Association, ActiveHealthcare.com, Eyeshealth.com, Professionals for women's health, and the site for the adult primary care nurse practitioner. See sethf.com/anticensorware/smartfilter/damage6.php, and note that sites may have been unblocked after he posted the list.

Seth Finkelstein also has several other lists of sites banned as "Sex" by SmartFilter (substitute 3, 4, or 5 for "6" in the previous URL):

➢ Christian sites include the Christian Hangout Ministries, Crazy for Christ, the Korean Central United Methodist Church and the Joy in Jesus Ministry.

➢ School sites include Creekside Village School (I notice that "devil" appears within the URL, which slams together the school's name), the Dennison Academy Adult Education High School Diploma Programs, Homeschoolfirst.com, the Kirshner Driving School, and Korealawschool.net.

➢ And for Banned Books Week, he offered a list that includes Artandbooks.com, Book Bucket Gifts, Boone Book Warehouse, Hearts and Minds bookstore (a Christian bookstore), and Chinaberrybooks.com.

The Good Stuff

Bates, Mary Ellen, "Looking in from your users' eyes," *EContent* 25:11 (November 2002): 56.

Bates is on a roll with her "end of file" columns. This one notes her recent experience with Washington, D.C. governmental Websites and other bureaucratic wonders, then goes on to offer some questions worth asking about any home page for an organization or service. Does the home page have a link to a site map? A search feature that actually works? A link to an FAQ? She adds other questions for specific varieties of sites.

Dreher, Christopher, "Why do books cost so much?" *Salon*, December 3, 2002.

The first answer, one that comes in partway through this story: They don't. Adjust the increases in hardback prices from 1975 to 2002 for inflation, and it turns out that fiction prices have actually gone *down* 2%, nonfiction down 27%. Even mass-market paperbacks have only increased 40% adjusting for inflation, although that's still a big increase. Trade paperbacks are another story; they're getting to the prices that hardbacks cost a few years ago...and publishers are keeping popular titles in trade editions rather than putting out cheaper mass-market editions.

It's sad that a "longtime book packager" believes booksellers have tapped out "the small segment of the population that reads books with any regularity." It's interesting that the figure used in this story for the total cost of book production (paper, printing and binding) is about 20% of retail prices, but it's not clear whether that includes royalties. That's higher than the 14% I've used in the past, but still means that the cost of physical production is relatively minor as a factor in book costs.

Levy, Steven, "The world according to Google," *Newsweek*, December 16, 2002.

This fairly long story is worth reading but a little unnerving. If you haven't heard Sergey Brin's over-the-top claim for Google's importance before, you really should:

> I'd like to get to a state where people think that if you've Googled something, you've researched it, and otherwise you haven't and that's it.

I'd like to see a state where sensible people realize that no single tool can do everything and that not everything is on the Web (particularly the open Web). I don't care for Levy's assertion that "Google

has made supersleuths of us all." But what do I know?

Miller, F. J., "I=0: (Information has no intrinsic meaning)," *Information Research* 8:1. InformationR.net/ir/8-1/paper140.html.

"The author suggests that knowledge—that is to say 'what we know'—can scarcely be understood and managed even by ourselves, much less by means of sophisticated information and communications...technologies."

This fairly long article (17 single-spaced print pages) is a head-on attack on the very concept of "knowledge management" systems. While I can say "hooray" to that—KM is at best a misnomer—I have some slight problems with the paper. Miller doesn't recognize anything between information (which, as far as I can see, equals "data" in the writer's view) and knowledge (which, correctly, can only exist within a person). I believe there's something in the middle—call it story or narrative—that attempts to add meaning to data by placing it in perspective and context, and that narrative *does* deserve a higher status than mere information.

That missing middle is, I believe, a real weakness in this discussion. It's certainly true that the writer of a story can't be sure that the reader will "get" the intended meaning, but the point of good nonfiction writing is to improve the chances that information will convey meaning.

KM is an untenable notion? I agree. But if there's no middle ground between knowledge (internal) and information, then why bother to write this article—or any other article?

O'Brien, Jeffrey M., "The Netflix effect," *Wired* 10:12 (December 2002), downloaded from www.wired.com.

An interesting article on how Netflix works—and some of the competition. Walmart just *hates* to see anybody else succeed, so that monolith plans to start a competitive service, just a little cheaper than Netflix and, according to Netflix founder Reed Hastings, with "packaging that is essentially identical to ours." Blockbuster also plans a similar service. With any luck, decent people will stick with Netflix, with assurances of uncensored DVDs, the broadest selection, and a recommendation engine that works. So far, it's doing well—but not quite up to profitability (I was misinformed by a PR person last year).

One anecdote: Apparently the breakeven point for $20 memberships is five DVDs a month; rent six, and Netflix starts to lose money.

What makes the story particularly interesting, though, is something I noticed in our own rental

patterns: Netflix makes a great distribution system for independent films and the smaller films from mainstream studios. "Rather than pushing the masses toward what's new…Netflix pushes subscribers toward titles they're likely to enjoy." Examples? *Lantana*, an Australian independent film, was seen by roughly 100,000 people in American theaters. As of early October 2002, *40,000 more* had seen it through Netflix—and *Monster's Ball,* an award-winning movie that didn't do well in theaters, was the fourth most popular Netflix film in 2002.

"The FEPP Supreme Court Page." Downloaded December 17, 2002 from www.fepproject.org/fepp/supremecourt.html

Not so much an article as a site worth bookmarking if you want a current quick summary of court cases related to free expression. The current list includes the usual suspects (U.S. v. ALA and Eldred v. Ashcroft) and a few you might not have noted—Moseley v. V Secret Catalogue, dealing with parody and trademarks; Virginia v. Black, the cross-burning case; FEC v. Beaumont, on limiting campaign contributions; and Ryan v. Telemarketing Associates, on telemarketing and fraud.

For each case there's a quick, plain-English writeup with key dates for Supreme Court argument and action. It's a site I plan to check once a quarter or so. You might do the same.

Wilson, T. D., "The nonsense of 'knowledge management'," *Information Research* 8:1. InformationR.net/ir/8-1/paper144.html

An impressive survey concluding that 'knowledge management' is "an umbrella term for a variety of organizational activities, none of which are concerned with the management of knowledge."

Wilson gives us a partial list of ManagementSpeak terms (mostly, but not all, spelled-out TLAs or three-letter acronyms) and adds KM to that list. As he notes, what managers *really* do is fire people, raising some question as to the worth of the "knowledge" supposedly being managed—and raising bigger questions as to why any sane employee would be willing to contribute to a workable KM system in such "use 'em up, throw 'em out" firms.

Wilson does not mince words. "The fundamental nonsense of 'knowledge management'" appears as a phrase on the third of 38 pages, followed by some notes on the rapid increase of KM-related journal articles, close examination of the articles themselves and the journals in which they appear, and notes on what each major consultancy means by KM. Boiling it all down, KM is really information management with a fancy name.

You'll love the section on "search-and-replace marketing," the concept that a company becomes a KM vendor by taking its marketing literature and doing a Global Replace that changes "information retrieval" into "knowledge management." When you read that Lotus Notes is marketed as KM software, it's hard to doubt that search-and-replace marketing happens. (You call yourself an Information Specialist or I. Scientist these days, or maybe even an Information Architect? Too bad—and that's another case of search-and-replace marketing. If I had an MLS I'd be *proud* to call myself a Librarian.)

A long, well-documented paper. **Highly recommended**.

kpaul, "Portrait of a blogger," Kuro5hin, October 29, 2002. www.kuro5hin.org.

Just for fun, and maybe to tweak your colleagues who argue that *everybody* should be blogging. This brief piece (five pages plus comments) offers quick profiles of "the types of bloggers one might encounter in the vast Internet universe." No serious message (and not to put down the useful and provocative library-related blogs), just a fun read.

Library Stuff

Parry, Norm, "Format proliferation in public libraries," *ERIC Digest* December 2002. (www.ericit.org)

A brief discussion of what new media mean for public libraries. **Recommended**, in particular the last two sections—recommending that libraries continuously acknowledge and respond to customer demands, revisit the library's mission statement, and "share and share again."

Perez, Ernest, "A second shot at the knowledge management challenge," *Online* 26:6 (November/December 2002): 25-29.

I have mixed feelings about this article. It's a good discussion of "knowledge" management systems and asserts that special librarians should stake claims in KM systems within their businesses. But Perez doesn't use the phrase "special librarians" or "corporate librarians." Instead, he tells *all* of us that "we're missing the point to cling to these old paradigms of information services and delivery methods" and that librarians shouldn't settle for "caring for quaint and obsolescent media formats."

Huh? I'll buy the notion that, in some (but certainly not all) corporate settings, books and magazines may be secondary sources. The notion that physical materials are *generally* "quaint and obsolescent" is, itself, quaint and obsolescent: Ernest

sounds as though he was writing in 1990 or there-abouts, when everyone knew that print was dead.

He also asserts that library professionals "need some development work" in "developing people-centered skills." Whew. In most of the public and academic libraries I've used, most library profession-als could teach most corporate people a thing or ten about people-centered skills.

If you insert lots of qualifiers, this is an interest-ing article. But the generalizations bother me. I think it would be a serious error for public, aca-demic, or school librarians to focus on KM systems or pay them much attention—as far as I can tell, these expensive systems don't have much role out-side corporations.

Reamy, Tom, "Auto-categorization: Coming to a library or intranet near you!" *EContent* 25:11 (November 2002): 16-22.

An interesting look at the field of automatic software categorization—with enough reality to note in the second sentence, "It's not actually automatic. I have yet to see a product that did not need or was not improved by human intervention." There's a little problem with the copy editing, though. A nearly invisible full-page illustration before the arti-cle begins has only the following text: "This type of software categorizes the same way humans do. And that is both its strength and its weakness." Great, except that two pages later we see the text that was pulled for this quote: "It seems pretty clear that *none* of this type of software categorizes the same way humans do. And that is both its strength and its weakness." [Emphasis added.] What a difference four letters can make!

Does automatic categorization work? As with automatic summarization (a related software cate-gory) or automatic translation, that depends on what you mean by "work." Reamy claims that the software tops out at about 90% accuracy without human intervention. He believes the software will be most useful in corporate intranets, and it's likely that such uses also make the most sense. All in all, a good way to catch up with this field—and it's a field that bears watching, as providing a better toolkit although not replacing librarians.

Copyright Currents

As a somewhat irrelevant side-note, Emerald (for-merly MCB University Press) still hasn't removed me from the "Literati Club," the publisher's circle of authors and editors, and so I downloaded a 13-page

March/April 2002 "Newsline" explaining Emerald's copyright stance at considerable length. They ex-plain clearly why they will not publish a manuscript unless you assign copyright to them. After reading the whole discussion, I don't buy it. I stopped doing "Crawford's Corner" for personnel reasons (not a spelling error)—but if the publisher had adopted this rigid stance earlier, I would have stopped doing it for that reason.

When MCB UP purchased *Library Hi Tech News*, I received a lengthy form to be filled in and signed. I flat-out refused and sent them my own alternative form (which assigned them necessary rights but did *not* give them copyright), which they accepted. It's probably silly, but if I reuse an article that I wrote in a book or in another publication, while I have no objection to citing the original publication (and al-ways attempt to do so), I *will not* say that my writing belongs to somebody else. I find it thoroughly objec-tionable that an "author-centered" publisher would insist that I should do so. *American Libraries* can live without copyright assignment; so can Information Today, Inc. and ALA Editions. I'm well aware that the columns I write appear in full text on various services (and sometimes for free on the Web), and the agreements with each publisher allow for those appearances and for additional rights handling.

Note that two copyright-related sections appear as separate Perspectives, largely for organizational reasons; two more are held over to February.

First, the standing reminder. I have no idea what the situation is in Australia, and would not presume to suggest reasonable bases for legal arguments in that nation—but in the United States, the primary basis for copyright (and patents) is the following oldie but goodie:

> The Congress shall have power to pro-mote the progress of science and useful arts, by securing for limited times to au-thors and inventors the exclusive rights to their respective writing and discoveries.

Creative Commons

On December 16, Creative Commons (creative-commons.org) released its set of machine-readable copyright licenses. I **strongly recommend** visiting the site itself if you'd like to explore alternatives to immortal copyright—steps that creators can take *today* to clarify their own intentions, without going so far as to put material directly into the public do-main or using the restrictive GPL or "copyleft" li-censes. It's a well-organized site that includes an

extensive FAQ, examples of material that uses Creative Commons (CC) licenses, and clear methods to do your own licenses. The site is the source for all of this section.

The key is "Some Rights Reserved"—a flag you now see at *Cites & Insights* home page. "Some" depends on the creator's preferences and needs. In addition to two special forms—"No rights reserved," which places your work in the public domain and allows you to use a special CC graphic, and "Founder's Copyright," an explicit agreement that work will enter the public domain after 14 years—eleven CC licenses are based on combinations of four specific conditions:

➢ **Attribution**, noted by a circled "BY:", which says that others can copy, distribute, display and perform your work—and derivative works based on it—but only if they give you credit.
➢ **Noncommercial,** noted by a circled-and-slashed "$," permits copying, distribution, display, performance, and derivation—but only for noncommercial purposes.
➢ **No derivative works**, a circled "=," allows verbatim copies but not derivative works (although some derivative works are protected by fair use).
➢ **Share alike**, a circled backwards-"c," allows others to distribute derivative works *if* the derivative carries the same license as your works.

When you click on the "choose license" tab at CC's site, you answer three questions ("allow modifications" has three choices), with help available for each one. Once that's done, you review the results and "tell the world"—by adding HTML to your Web page (or text to a non-Web work) and, optionally, filling out a questionnaire to add more detail to the HTML, "to greatly increase other people's ability to search for your work."

The basic HTML—which CC emails to you—displays the CC "Some Rights Reserved" image and the text "This work is licensed under a Creative Commons License." with the last three words hotlinked to the specific license you chose (at the CC site). That license includes the appropriate icons and legal code. Note that CC licenses do *not* affect the creator's ability to sell or license other uses (e.g., commercial redistribution for a noncommercial license)—but they *do* permit others to expand use of valuable material without tracking down the copyright holders.

Glenn Otis Brown, CC's executive director, relates the CC licenses to the open-source and free software movements: "One of the great lessons of these software movements is that the choice between self-interest and community is a false choice.

If you're clever about how you leverage your rights, you can cash in on openness. Sharing, done properly, is both smart and right."

The FAQ clarifies what CC does *not* plan to do. For example:

➢ CC won't be a licensing or royalty-collection agency; it recommends Copyright Clearance Center for such functions.
➢ CC isn't building its own database of licensed content. "We believe in the Net, not a centralized, Soviet-style information bank controlled by a single organization." There's a registry of featured works, but it's not a catalog.
➢ CC won't help enforce licenses.

Creative Commons has other projects in the works. I think those projects will be worth following. In the meantime, my feelings about the CC licenses should be fairly clear from the new *Cites & Insights* home page and the new wording in "The Details" at the end of each issue:

> This work is licensed under the Creative Commons Attribution-NonCommercial License. To view a copy of this license, visit http://creativecommons.org/licenses/by-nc/1.0 or send a letter to Creative Commons, 559 Nathan Abbott Way, Stanford, California 94305, USA.

What that means for you is that you're free to copy all *or part* of any issue or use it as the basis for derivative works, without contacting me or asking permission—but only with attribution and for noncommercial use. Otherwise, get in touch and we can work something out. What it means for society as a whole is, I hope, a substantial increase in the number of original works that can be shared and used as the basis for new work.

Miscellany

The November 5, 2002 *PC Magazine* notes a Forrester Research study that flatly contradicts RIAA's claims that "piracy" accounts for the 15% decline in music sales. Forrester says the culprits are the economy and "surging videogame and DVD sales." Specifically, "We see no evidence of decreased CD buying among frequent digital-music consumers." (See the separate "Backgrounder" on this survey and related issues.)

Kevin McKean's "Up front" editorial in the November 2002 *PC World* carries the title "A corporate posse for copyright thieves?" and discusses the Berman P2P bill. He suggests that the bill "could foster a new kind of corporate vigilantism" and notes that *any* copyright owner could use self-help technology—I could attack your PC if I found evidence of an "unauthorized" copy of one of my published articles and you were a P2P user. He notes that real pi-

rates would develop countermeasures and that the bill "seeks a technological fix for a human problem. File sharing is not inherently wrong; the problem is how some people *use* that technology." He recommends going after big violators first—and providing *good* services for downloading music legally.

You probably know that "music CD-Rs" in the U.S. cost a little more than data CD-Rs and that a tiny portion of that cost—3% of the price—goes to a fund compensating music publishers and artists for music copying. In Canada, the music industry wants a trifle more than a provision that amounts to a penny or two per disc. The Canadian Private Copying Collective currently gets C$0.21 per CD-R (according to material from the Toronto *Globe and Mail* and CBC News), and wants that levy to go up to C$0.59—and they want higher levies on players and other devices. Note that this levy is collected on *every* CD-R, no matter its use: The current levy for audio CD-Rs is C$0.77, with a proposed increase to C$1.23! (They even get C$0.29 per cassette, proposing C$0.60 instead.) Naturally, the head of the CPPC claims that products covered by the levy "are clearly used to copy music." So the backup CD-Rs I make are really music disguised as Word, Excel, and Access files? Note that, even with the relatively lower purchasing power of the Canadian dollar, even the *current* levy on audio CD-Rs is more than such discs typically cost (including all other costs and profit) in the U.S.

Articles Worth Noting

Block, Debbie Galante, "Is it safe?" *EMedia* 15:10 (October 2002): 30-38.

Once in a while it's useful to read a well-written view from the other side: An industry-oriented discussion of copy-protection issues without Jack Valenti's nonsense. This is one such, and the biases become fairly clear early on. "Few will argue that content *providers* shouldn't be fairly compensated for their efforts," but the copyright clause is supposed to protect content *creators*. Eric Corely of *2600 Magazine* is "notorious publisher of the DVD-cracking DeCSS" (if he's that notorious, why does he need identification?) and the origin of deCSS, the desire of a Norwegian Linux-box owner to play the DVDs he'd legally purchased, is denigrated with "a Norwegian teenager who *said* he wanted to…" (emphasis added), a classic alternative to scare quotes.

It gets worse. "Freedom of speech is still something few want to challenge. But obviously, the Internet is changing our definitions of freedom of expression and fair use."

But it's a good article and exposes some of the underlying contradictions in Big Media's efforts. As one person says, "Real professionals will figure out the copy protection nine times out of ten"—which means that heavy-handed copy protection has the overall effect of damaging fair use rights while having almost no impact on commercial piracy.

I love one sentence regarding piracy overseas:

> While there is a thirst for American culture, there is also a distaste for perceived American greed, so until these attitudes change, would-be protectors of copyrighted content will continue to wage an uphill battle.

It's not that people in Vietnam, China, Indonesia, the Ukraine, Russia, Pakistan, and Lebanon (the nations with highest rates of piracy) don't make enough money to afford American CDs and DVDs, or that DVDs carry regional coding so that American releases (likely to be newer and less expensive than local versions) won't even play in local players, or that Big Media keeps raising CD prices as costs go down—it's a *perception* of American greed. Good luck changing that perception!

Neal, James G., "Copyright is dead…long live copyright," *American Libraries* 33:11 (December 2002): 48-51

Most *Cites & Insights* readers are ALA members (I assume), and you've probably already read this. If not, do; it's a good brief commentary on why librarians need to be concerned. As Neal puts it, "Under the guise of protecting copyrighted works from the ravages of network piracy and digital abuse, some [content owners] are committed to undermining the copyright system that has developed over two centuries."

It's always good to see fair use appear without quotes, as it does in this article. Neal also notes attempts to copyright databases, which go against the historic limit that facts can't be copyrighted, and international pressures on American law and practice. The phrase "dastardly spiral of new copyright laws and regulation" may give a sense of Neal's feelings, although this article is certainly no diatribe. **Recommended.**

Buderi, Robert, "Information wants a fee," *Technology Review* 105:9 (November 2002): 9.

"Worth noting" doesn't always mean "recommended " in any positive way. Take this charming editorial related to the same issue's special report on "Digital entertainment post-Napster." Buderi notes that the first piece is an admiring story on the "technology of making compact discs copyproof" and that "a grab bag of forthcoming technologies

should make sure music and movies continue to be freely available—for a price."

His take on the deprivation of fair use and reasonable first-sale rights?

Get used to it. Such controls are inevitable because that's how things work in a market-driven economy that values intellectual property. Steadily, relentlessly, these technologies will become pervasive. No CD you buy—Bach, Beck, or the Backstreet Boys—will be without some form of protection.

Not only does Buderi seem to applaud this "inevitable" future, he goes on to make a strange analogy: "digital music and movies will have the kind of protection long enjoyed by other forms of information—from newspapers and books to records, tapes, and many forms of spoken advice—and we'll pay for value received."

I must admit that I've never seen a newspaper, book, or record that I couldn't:

➢ Loan to a friend
➢ Give or sell to someone
➢ Use equally well at home, at work, or anywhere else with light (or, for a record, with a record player)

There are several reasons I won't be renewing *Technology Review* when my free subscription runs out, most of which can be summed up as "hard-core technology triumphalism." This editorial is certainly one prime example. I don't list the David Kushner article on pages 56-60, but if you want a gloriously one-sided view of why we're all pirates and the poor "embattled music business" absolutely must make it impossible to play CDs on CD-ROM drives, that calls violating the Red Book CD Audio standard "improvising," and so on…well, here's your story.

O'Reilly, Tim, "Piracy is progressive taxation, and other thoughts on the evolution of online distribution," The O'Reilly Network, December 11, 2002. (Start at www.oreillynet.com/pub)

O'Reilly offers seven "lessons of my experience" as an author and publisher, starting with "Obscurity is a far greater threat to authors and creative artists than piracy" and ending with "There's more than one way to do it." While you may disagree with some of O'Reilly's notions (I do), I **recommend** that you read this—it's only eight pages of reader-friendly print—and think about this. Consider lesson 3: "Customers want to do the right thing if they can." You mean we're not all pirates at heart? See lesson 6: "'Free' is eventually replaced by a higher-quality paid service"—not that free content is doomed, but that people will pay for quality.

Masciola, Amy, "Timeline: A history of copyright in the United States," Association of Research Libraries, November 22, 2002. (www.arl.org/info/frn/copy/timeline.html)

ARL does us a signal favor by posting this 16-page timeline, starting in 1787 and continuing (so far) into 2002. It includes tight summaries of key lawsuits, guidelines, legislation and other events. **Highly recommended**.

Heins, Marjorie, "'The progress of science and useful arts': Why copyright today threatens intellectual freedom," The Free Expression Policy Project, downloaded December 12, 2002. (www.fepproject.org; look for the link on the home page)

Fair warning: This is long—50 pages as I printed it—and, as of December 12, printed badly thanks to a fixed-pixel assignment in the HTML that FEPP may have fixed by now. (In my case, I lost a word or two at the end of each line and had a broad dark band down the left side of every page. FEPP really should provide printer-friendly versions of lengthy reports, and may do that.) Actually, it's a 34-page public policy report followed by 149 endnotes, many including extensive quotations.

It's also a first-rate evidence-based report that notes some of the *real* harm done by CTEA and DMCA, cites key issues in a whole range of copyright-related areas, and generally serves as a good single-source review. **Highly recommended**.

Cheap Shots & Commentary

"That guy and…", house ad, *PC Magazine* 21:15 (September 3, 2002), pp. 148-9.

You know a guy who gets stock quotes on his mobile phone. He has a friend who rewired her entire house just to hear MP3s played from her PC. She works for a guy who configured his PDA to administer his company's servers wirelessly while talking on the phone and listening to Latin jazz.

That guy and 5.9 million like him read PC Magazine.

I won't get into the verifiability of pass-along readership studies (do four people *really* read each copy of *PC Magazine*)? But the suggestion that there are 5.9 million deep technogeeks out there, excluding penguin-lovers and Macthusiasts, strikes me as either highly unlikely or deeply disturbing. Sure makes you

wonder why they couldn't even sell 100,000 ebook appliances, doesn't it? (It also makes me wonder why the "she" mentioned hasn't heard of wireless networks. Maybe she just likes crawl spaces.)

Dvorak, John C., "The merger of phones and PDAs will be a market breaker," *Computer Shopper* 22:10 (October 2002), p. 52.

I've almost sworn off Dvorak's silly *PC Magazine* column, but his *Computer Shopper* column has sometimes been more plausible. Not this time. "It's apparent to everyone that the phone and the PDA are permanently merging" and "the death knell is ready to ring for any PDA that isn't a communication device and any cell phone that isn't a PDA." Setting aside the flat sales of PDAs (is the market already saturated?), he may be right on the first half—but does anyone really believe that *everyone* who uses a mobile phone wants and will pay for PDA capabilities and the related weight, size, and battery life? Show me how you fit PDA functionality into the body of a Motorola V60, to use the mobile phone you see most often on TV show. But Dvorak sees all and knows all: "I see no one selling phones firve years from now that aren't full-blown PDAs."

Are there PC commentators who can be taken seriously? Well, there's Dan Gillmor at the San Jose *Mercury News*, and then there's…Hmm. I'll get back to you.

A Copyright-and-Media Perspective
The Broadcast Flag: CBDTPA Reborn?

"The broadcast flag? What's that?" As I understand it—which may not be saying much—it's Senator Disney's (sorry, Fritz Hollings') latest attempt to gut fair use and consumer freedoms on behalf of Big Media. This time, not through legislation (CBDTPA's a non-starter according to most observers) but through FCC decision-making, and "only" affecting digital broadcasting.

I've seen relatively little news coverage, possibly because it's deep technology and most journalists don't deal with deep technology. What I have seen are a bunch of "comments" to the FCC, pretty much all dated December 6. I've looked at five of them; all but the one from LawMeme are PDF printouts and lack URLs as printed—but they're probably not hard to find. (You can get the LawMeme text at research.yale.edu/lawmeme; look for "LawMeme submits its thoughts on the Broadcast Flag" under the "Copyright" topic.)

The issue is whether digital broadcasting requires and deserves special treatment that would restrict consumers' ability to record and copy such broadcasting. The broadcast flag would place control in the hands of the studios and broadcasters—and, of course, it would only work if *all devices capable of receiving or copying digital broadcasts* had circuitry to enforce the flag. You know: Sort of like CBDTPA, but without legislation.

LawMeme specifically claims that major arguments for the proposed FCC rulemaking are myths—for example, LawMeme argues that digital formats aren't "uniquely susceptible to piracy." An analog copy can be digitized so that succeeding generations do *not* entail loss of quality. For that matter, multiple analog copies of an analog taping are only one generation removed: No sane pirate would make a copy of a copy of a copy of a copy, when they could just stamp out copies of the first copy. In fact, LawMeme argues, copies of digital originals are *more* likely to be degraded than analog copies because digital video is already so heavily compressed in most cases. As Lawmeme also points out, the quality of picture doesn't seem to matter much for piracy in any case—and what recourse do purchasers of illegal goods have if the goods are no good?

LawMeme also labels as myth the idea that high-quality programming won't be available for digital broadcast without the broadcast flag. As they note, there's no guarantee that the flag would generate high-quality programming—and they wonder where this "so-called high quality programming" is hiding. They also note that the most likely candidates for "high quality programming," motion pictures, don't need lots of protection by the time they're broadcast: They've already been in theaters, on PPV, and out on DVD. If they haven't been pirated by then, there's not a serious threat. And, of course, the *broadcast* versions will probably be chopped up for commercials and edited to TV standards—not prime candidates for piracy.

The biggest myth, the basis for the whole "broadcast flag" issue, is the idea that all of us will rush out to pay big bucks for new TVs once this "high quality programming" becomes available. More likely, as LawMeme says, is that mandatory copy protection will *decrease* consumer demand: Knowledgeable consumers, those of us who could spend $3,000 or more for a new HDTV, resent the loss of fair use.

There's more—some convincing, some more than a little peculiar. Go read it yourself.

To be fair, I should recommend that you go read the monster "comment" from, well, Big Media— MPAA, networks, ad agencies, ASCAP, BMI, and a

whole bunch of artist unions and other associations. It's long (70+ pages including appendices). It asserts that the Broadcast Flag is essential, that it doesn't violate consumer rights, that it will work, and so on—and, yes, it claims that digital broadcasting is "subject to an extraordinarily high risk of unauthorized redistribution." Why, if you read the accompanying white paper, lack of the Broadcast Flag "could be the destruction of broadcast television programming as we currently know it." And yet it's "not a form of broadcast copy protection"—it doesn't restrict analog copying at all (supposedly), and allows "secure digital recording within the personal digital network environment" while absolutely preventing any distribution outside that environment. It is, in other words, a Silver Bullet.

The Computer & Communications Industry Association filed a 24-page comment that makes somewhat different claims. Amazingly these days, the argument includes substantive mention of fair use rights without using scare quotes around those two words—indeed, two paragraphs make one of the most resounding cases *for* the importance of fair use that I've ever seen in a corporate-underwritten brief. CCIA recognizes that "copying is what computers do by their very nature." Here's another statement I never thought I'd see in a CCIA briefing: "The desire to store digital sound and video in reasonably sized, easily transferred files…means that recordings intended for Internet distribution *almost always sound worse than they did* before they were place on the Net." [Emphasis added here and elsewhere.] The explanation is that lossy compression means that "some quality is inevitably lost."

CCIA also notes that high-definition video files "are not being swapped on the Internet now and will not be anytime soon"—partly because it's pretty much infeasible. "In essence, Hollywood asserts that consumers will tie up their computers and broadband Internet connections for *literally days at a time* in order to swap crystal-clear copies of HDTV broadcasts." For example, assuming a 1Mbps broadband connection, it would take 28 hours to download a two-hour movie compressed for 720p high-definition broadcast. (And use 72GB of disk space!) Given the price of DVDs, CCIA suggests that a "very small subset of the television-viewing public" is likely to spend so much time on illegal distribution.

There's a *lot* more in this remarkably plain-spoken comment. CCIA asserts, I believe correctly, that the Broadcast Flag "will require many more mandates in the future," particularly to "plug the analog hole"—to eliminate the inherent flaw in any digital content protection scheme. They note that

HDTV programming is already growing quickly, that there are First Amendment issues, that the proposal would undermine the "balance" struck by DMCA, and that it's not equitable or economically rational. It also won't work—but never mind that.

The Electronic Frontier Foundation filed its own 24-page comment—one that raises many of the same arguments as the CCIA in even franker fashion. Just giving the headings of the three major sections: "A broadcast flag mandate responds to a nonexistent problem," "If there were a problem, the broadcast flag wouldn't solve it," and "The broadcast flag harms consumer interests and slows the DTV transition." As you might expect, EFF also uses fair use as a legitimate phrase that doesn't require quote marks.

Public Knowledge and Consumers Union filed comments running to roughly 60 pages in all—with the last 18 being a charming "public knowledge white paper" by Mike Godwin, "Harry Potter and the Prisoners of the DTV Transition." The print formatting is awful (big ugly boldfaced sans), and it's really addressing a broader issue than the broadcast flag, but it's worth a read. Note particularly an even-bolder-faced paragraph on page 14, discussing the proposed magical "Harry Potter solution" and its requirement that networks be required to "netcast" using secure digital distribution systems such as RealPlayer. "If in fact there is not enough bandwidth to allow for the Harry Potter solution to work, it follows then that there also is not enough bandwidth to allow for Internet piracy of HDTV content." (The Law of the Excluded Middle applies here.)

Otherwise, the arguments are similar to those raised by CCIA and EFF and add the assertion that the FCC lacks jurisdiction to require broadcast-flag compliance in consumer electronics devices.

How to sum this all up? Here's my quick, uninformed, non-lawyer take:

➢ The Broadcast Flag proposed rulemaking is an end-run around Congress' apparent unwillingness to enact something as horrendous as CBDTPA.
➢ While ineffective at solving any known problem, the Broadcast Flag would provide an opening for Big Media to insist on other "enforcement" measures that would cripple computers and many other electronic devices.
➢ The case for the Broadcast Flag appears internally inconsistent and at odds with technological reality. But then, the MPAA is behind this—and Jack Valenti doesn't seem to have progressed from his two-decade-old assertions that VCRs would destroy the movie industry.

On its own, perhaps irrelevant for libraries and librarians. As a harbinger, well worth watching.

Along those lines, have you looked at "Freedom to Tinker," Edward Felten's newish Weblog? Among other things, he's been pointing out devices that would need to be regulated to comply with CBDTPA requirements—for example, high-tech dog collars, digital church bells, and the Kung Fu Fighting Hamster. A November 29, 2002 article by Andrea L. Foster in the *Chronicle of Higher Education* (part of their free Web content) offers some interesting comments on Felten—who's clearly an interesting character. A book *Freedom to Tinker* is in the works.

The Access Puzzle

Big deals, privatization, and intriguing partial solutions—a mixed bag of articles and events relating to STM journals, scholarly access, and the like.

PubSCIENCE

If you believe that open archives provide all the access mechanisms anyone need, this wasn't interesting—but if you believe in the worth of indexing, November 4 was a sad day, even though it involved what many regarded as a second-rate product.

On that day, the PubSCIENCE Website carried this message: "PubSCIENCE has been discontinued." Not much more.

In addition to vivid, rapid commentary on various lists, blogs and discussion boards, I encountered a number of useful media items:

➤ William Matthews wrote "More sites targeted for shutdown" in the November 13, 2002 *Federal Computer Week* (www.fcw.com). He notes that the Software and Information Industry Association (SIIA), the industry association that succeeded in getting PubSCIENCE shut down "after more than a year of pressing Congress and the Bush administration," the group is "looking into a couple of other databases and agencies," in the words of SIIA public policy director David LeDuc. SIIA is, of course, "delighted with the [shutdown] decision," and ALA and other library groups are less thrilled. Sue Martin points out that articles from some small scientific publications "will no longer be available" through freely-searchable indexes. Emily Sheketoff of ALA's Washington Office expects the decision to cost libraries. The article mentions SIIA's contention that researchers, not taxpayers, should pay for access to arti-

cles—but fails to mention that 80 to 90% of scientific R&D is already paid for by taxpayers.

➤ On November 21, a CNet News item from Stefanie Olsen noted that PubSCIENCE included more than two million documents. For some reason, LeDuc seems to be the spokesperson for the Bush administration, while James Love calls the decision "corruption of U.S. Congress" and "an attack on the public domain." This piece *does* note government underwriting.

➤ That same day, the ever-valuable Dan Gillmor's column was titled "Corporate interests trump public domain for science info." Gillmore quotes the Washington *Post* announcement of the shutdown and adds his mild-mannered comments: "The correct word for what has happened here is 'theft.' Later: "It's as if the book publishers persuaded communities to shutter public libraries. (Not that they won't try; e-publishing could lead to that by default.)" There's more, **recommended** as usual.

➤ How much does the government save from this shutdown? Both other items have the same figure as Jonathan Krim's November 21 Washington *Post* story: a whopping $200,000 a year. Ten cents per year per indexed article. This report quotes DoE officials who call the shutdown "a success." A very silly quote from LeDuc attacks the suggestion that Scirus and Infotrieve could start charging for searches, now that the government competition has disappeared: "That's not how the Internet works." Bwahahah: Elsevier wouldn't *dare* charge for online searching—that's not how the Internet works. Funny man.

➤ ALAWON also commented on the shutdown (www.ala.org/washoff/alawon/alwn.1189.html). It's worth noting that SIIA touted the open comment period before the decision was made—and that there were more than 240 comments arguing against the shutdown as compared to seven in favor.

Two from FOS—
and a Mini-Perspective

If you're interested in the FOS movement, you really should read the FOS News blog (www.earlham.edu/~peters/fos/fosblog.html). A couple of items are worth noting here:

➤ The September 15, 2002 *FOS Newsletter* has Peter Suber's brief thoughts on measuring FOS progress. Well worth reading, whether you accept all the aims and arguments of FOS or not. (As you probably guess, I don't—which is all

the more reason for you to read Suber's thoughts yourself.)

➢ An interview with Suber appeared in *The Technology Source* and is available at ts.mivu.org/default.asp?show=article&id=1025. Reading the interview helped me see why I'm bothered by aspects of FOS—e.g., while Suber sees that "the Internet [has] many very attractive advantages over print," I wonder—perhaps too much—about the likely loss of bound backsets that bring new scholars up to speed in a field, the loss of journal issue as context for article (more significant in some fields than in others), and other aspects of the *probable* (in my opinion) near-elimination of print runs of scholarly journals if FOS succeeds as a universal solution. I also distrust the notion that we can rely on increasingly sophisticated software "to help readers to find relevant literature," particularly based on "the advances in artificial intelligence," as being equivalent or preferable to human indexing and abstracting.

I now see more clearly that one huge selling point for FOS and open archiving is the idea that open availability, even without professional indexing, makes a scholar's work available to a vastly greater audience than in priced print journals. As a theoretical statement, it's impossible to fault that claim—but it carries with it the smell of Michael Hart's pronouncements about "giving away" trillions of dollars worth of ebooks. I do understand that open archiving does not inherently imply lack of human indexing services—although when participants in discussions (as was seen informally) suggest that shifting resources from libraries to departments would be a great way to encourage FOS, I see indexes as being the next to fall. If that's true, then is it possible to measure whether *actual* readership and impact of an article is greater in an unindexed-but-open situation or an indexed-and-fairly-priced journal? Possibly not. If the related movements succeed, it would be too late for such studies.

Yes, I know I'm an old fogey in this regard. I see how much more valuable RLG's world-class anthropology databases (now searchable as a single database) have become with the addition of OpenURL, offering students direct access to as much as two-thirds of the articles. I don't believe open access without human indexing would provide the same value. (Yes, Peter, I know that FOS does not advocate that indexes disappear. Just as it does not advocate that moderately priced nonprofit journals disappear. I'm talking probable and predictable if possibly unintended consequences, not policy.) I also believe, in a second aspect of this quandary, that I

have more actual readers for "The Crawford Files" in *American Libraries*, with its print circulation of 63,000, than for *Cites & Insights*, which *theoretically* could reach half a billion readers—and that the inclusion of *American Libraries* in a number of human-indexed databases makes that readership even higher.

A mini-perspective: I believe scholarship, as broadly defined to include those of us who aren't professors in a given field but who wish to find out more about it, will suffer if *any* monolithic solution to the access problem succeeds in its entirety. I believe that the loss of browsable bound printed backsets for core humanities, social science, and even science journals will do damage. I believe that the loss of context, in some fields and for some journals, will be harmful. I believe that broad current awareness, breadth if you will, is likely to suffer when the set of core journals in a field becomes nothing more than a set of tags attached to pieces of the great article universe. I believe that some of these possible harms are probable (possibly unintended) consequences of concerted efforts to convert *all* scholarship to FOS/BOAI/Open Archive models. I also believe that such models appear to be exceedingly valuable as some *of many* counterweights to the monster publishing conglomerates and outrageously overpriced STM literature.

And I know I may be wrong about all of this. Head scratching ensues. Certainty must be nice. Too bad I've been losing most of it as I grow older.

Big Deals

I know it's a bit late, but two items from the *Chronicle of Higher Education* are particularly worth noting. I was able to get to both of them through chronicle.com, the second and longer at "colloquylive/2002/09/ejournal/."

The first appears in the September 20, 2002 issue and is part of the chronicle.com/free Web portion, available to anyone. Entitled "Second thoughts on 'bundled' e-journals," it's by Andrea L. Foster and includes some provocative notes on the situation with some key Big Deals, particularly Elsevier's ScienceDirect. Cornell is cited as a possible dropout from the deal, partly because Elsevier's methodology makes it so difficult to cancel little-used journals and replace "unpopular Elsevier titles with high-quality journals not published by Elsevier." A Virginia consortial arrangement may also be cancelled. One key problem: Academic Press, recently acquired by Elsevier and merged into ScienceDirect. For the College of Charleston, current prices are just under $25,000 for online access to 130 Academic Press and about $15,000 for 37 print titles. With El-

sevier's new pricing, single-user electronic access to the 37 print titles would cost just about $120,000—and the print titles themselves would cost $43,000. That's fairly startling; some would say that it shows unwarranted market power.

A long online colloquy on bundled e-journal subscriptions took place beginning at 1 p.m. on Thursday, September 19, with Kenneth Frazier as the primary guest and Andrea Foster moderating. The question: "Are academic libraries being well served by the deals they are signing for packages of electronic journals?" Both the article and colloquy transcript are **highly recommended**. Frazier, an early critic of Big Deals, admits that "the big deal was nearly irresistible for many academic libraries" and goes on to say that the huge databases of highly-specialized content may baffle undergrads: offering many times the content may not be such a good deal. In other exchanges, he questions the need for (and legality of) confidentiality in the publisher-university contracts, takes issue with the idea that a price-increase cap of 7% is some wonderful gift to libraries, questions the "article of faith" that having more journals is always better, and notes that Big Deals may interfere with digital archiving. He views big publishers as "less and less inclined" to worry about faculty and library concerns. It's a long transcript (23 pages as I printed it), full of interesting, provocative questions and responses.

New PLoS Journals

The PLoS boycott didn't work—but a new initiative should have some impact as one of the many steps that can improve scholarly access. The Gordon and Betty Moore Foundation awarded $9 million to PLoS to launch new online journals. *PLoS Biology* and *PLoS Medicne* are in the formative stages, with a schedule to begin receiving submissions by this summer and publishing in the second half of 2003. A *Chronicle of Higher Education* note (December 18) includes a key detail not in the initial announcement: "The group will ask authors to pay about $1,500 per article to have papers published in either of the two journals." That's three times as much as the figure used by FOS. Given the claimed low costs of pure e-journals, one has to wonder why so much.

Access-Related Articles Worth Noting

Carlson, Scott, "Scholarly publishers aim to woo librarians away from self-published research," *Chronicle of Higher Education* (November 7, 2002).

You gotta love this one. A bunch of scholarly publishers within the AAP are funding an Edelman PR effort to "improve publishers' image among librarians and academics" and "quash a newfound enthusiasm among some librarians for self-publishing research results online…"

What's so great about traditional publishers? "Money for marketing, the prestige of a well-known journal, the expertise and mediation of an editor, and the management of peer review." Hard to argue with three of the four—but how many scholars believe that Elsevier marketing money goes to promote access to their own scholarship? (And since when did *librarians* become the key movers in self-archiving movements?)

Pricing? "I really don't see it as the key issue," says Ted Nardin of McGrwa-Hill. "My view of this program is that our objective is not to convey pricing but to convey what publishers are doing." The article goes on to quote Kenneth Frazier, who doesn't quite shoot a raspberry…

Recommended if only as a silly-season item: April in November. So what if STM publishers are bankrupting libraries and preventing any monographic purchases? It's just an image problem…

Huwe, Terence K., "Social science e-prints come of age," *Online* 26:5 (September 2002), pp. 38-42.

Huwe directs the library at UC Berkeley's Institute of Industrial Relations and recounts that library's experience with the Social Sciences eScholarship Repository, part of California Digital Library's eScholarship initiatives. It's a good article dealing with real-life issues—and there's at least one "value point" that stands in bold opposition to the concept that anything other than peer-reviewed articles is vanity-press garbage:

> *"Pre-Prints" Have Innate Long-Term Value.* Even though faculty research is aimed at peer-reviewed journals, books, or highly regarded policy series, working papers themselves retain historical and substantive value.

Well worth reading. **Recommended.**

Montgomery, Carol Hansen, and Donald W. King, "Comparing library and user related costs of print and electronic journal collections," *D-Lib Magazine* 8:10 (October 2002) and "After migration to an electronic journal collection," *D-Lib Magazine* 8:12 (December 2002). www.dlib.org.

Montgomery is dean of libraries at Drexel, which deliberately moved away from print journals and to e-journals in almost all cases. These articles report on an IMLS-funded study on the impact of that decision. I might raise some questions about the allocation of costs and whether the Drexel case can be generalized, but Montgomery does not claim that

the results are either final or without problems. Both reports are thoughtful and provide some interesting data points while raising some interesting questions. **Recommended**, with the caveats that you need to read carefully to see Drexel's special circumstances (spelled out in the first article in detail) and be aware that the author believes that preservation is someone else's problem.

Poynder, Richard, "Reinventing MCB University Press," *Information Today* (November 2002).

One talk I attended at the Charleston Conference represented partial findings from a study of price increases among library periodicals. I look forward to the final paper; meanwhile, it's worth noting that the ten journals studied with the highest percentage increases all came from a single publisher: MCB University Press, now known as Emerald. As to the ten highest-impact journals—well, that's a different story.

Poynder's article discusses the Emerald "attempt, some claim, to shed [MCB's] bad reputation." John McDonald of Caltech argues that MCB's success was based on undue exploitation of its customers: "raising prices systematically, over a course of years, until libraries noticed and moved to action." It's certainly true that within the library field, as De Montfort's Jo Webb says, "MCB journals were notorious for their price rises, and the cost of their journals was much higher than the average in the sector." Consider *New Library World*, which cost $80 when MCB acquired it. Currently? $5,799 for 12 issues and seven "dispatches." (One Emerald journal that I've never heard of, *Library Management*, costs almost $10,000 per year.)

An admission of personal bias: I was still writing for *Library Hi Tech News* and serving on *Library Hi Tech*'s editorial board when MCB purchased the two and, almost immediately, more than doubled the prices. I didn't sever relations with the publisher at that point. In retrospect, I should have. Mea culpa. **Rcommended**.

Reich, Victoria A., "Lots of copies keep stuff safe as a cooperative archiving solution for e-journals," *Issues in Science and Technology Librarianship* (Fall 2002). (www.istl.org)

If you've never heard of LOCKSS, I **strongly recommend** that you read this clear, reasonably brief article on what it is and what it could do. If you have heard of LOCKSS but aren't sure what it's all about, **go read this article**. After I read it, I spent half an hour on the phone with Ms. Reich considering how LOCKSS could affect or support COWLZ and other grey literature. The answer's in-

direct, but LOCKSS itself is exciting—particularly because it's very much "one of many" partial solutions. Consider this paragraph, which of course won my heart immediately:

> The LOCKSS system will clearly not be the unique and ultimate solution to all e-archiving, or even all e-journal archiving, requirements. It is important that this *not* be the case. We are emphatic in our distaste for monolithic structures! We will have been successful if we provide over a period of years the assurance to libraries that their investment in paid access to e-journals is adequately safeguarded in those cases that warrant a small commitment of resources in computer storage and staff effort.

Stern, David, "Pricing models and payment schemes for library collections," *Online* 26:5 (September/October 2002), pp. 54-9.

David Stern, director of Science Libraries and Information Services at Yale, offers a detailed and thoughtful discussion on a topic that won't go away as long as there are paid journals and professional a&I services. I found very little to argue with here, and it's good to see someone pointing out that OpenURL should end the need to pay for proprietary vendor-based services linking from indexes to full text. He also points out one of the problems with CrossRef, the "solution" that routes links through publisher sites. **Recommended**.

"Framing the issue: Open access," ARL, December 9, 2002. www.arl.org

A good nine-page overall summary of issues surrounding open access with a substantial set of online resources. **Worth a look.**

The Details

URL: cites.boisestate.edu/civ3i1.pdf