Cites & Insights

Crawford at Large

Volume 3, Number 8: July 2003 ISSN 1534-0937 Walt Crawford

Bibs & Blather

A Month without Writing

American Libraries publishes a combined June/July issue. *PC Magazine* publishes a single July issue instead of the usual two issues per month. Quite a few other publications skip issues during July or August or publish combined issues (such as *Analog*'s "double" July/August issue with roughly 50% more pages than the usual issue).

If you've already skimmed this issue, the contents may seem as though they could have been in the June *Cites & Insights*—and, with the exception of this essay and one other paragraph, that's true. The rest of the pieces were written in May 2003; you can think of this as the second half of a combined June/July issue, if you like.

Why is that? The heading above gives one clue. We took a *real* vacation during the first half of June—a 12-night Alaska and Canada cruise, round trip out of San Francisco on the Crystal Harmony. When we returned from Alaska, I had six days to get ready for the ALA/CLA Annual Conference. Take out time to do laundry, catch up on newspapers, catch up on mail, and organize papers and thoughts for ALA, and that left no more than two or three nights for serious writing. And no urge to do any—particularly since I knew that 20,000 words of material didn't make it into the June *Cites & Insights*.

So here I am, having caught a mild cold on the flight back from Toronto (no, I don't have a fever: it's just a cold, not SARS or a relative), not *really* ready to start serious writing even now. That should be a little disturbing. Dedicated writers feel the need to write. In *First Have Something to Say*, I urge writers to take an occasional deliberate break, say a week or so. Four weeks may be pushing it.

If this seems like a lightweight issue, my apologies. You should be out there vacationing yourself—or at least enjoying the summer. I anticipate a more substantive (and perhaps more timely) issue next time around.

Quick Notes on ALA/CLA

A few notes in lieu of a true conference report:

- The Top Technology Trends panel, my only formal appearance at ALA, was astonishingly well attended. After the quick-thinking committee got conference center employees to slide out the partitions between the 300-seat room and the "other half" of the larger room, standees and late arrivals filled the *other* 300 seats! We also had eight "experts," as strong a panel as I can remember.

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- I do have notes on what people said, but they're not organized. They're also nowhere near as good as the notes Elizabeth Lane Lawley posted in "mamamusings," her weblog (www.it.rit.edu/~ell/mamamusings). The posting is on June 24, and the permanent link may be www.it.rit.edu/!ell/mt/mt-tb.cgi/470. She only caught a little of my random notes, specifically my opening point: "The Deader than DivX award goes to dedicated ebook readers, now that Gemstar's finally admitted what was clearly going to happen." More on that, possibly, in the next ebook/etext piece, Meanwhile, here's some of my "curmudgeon's view":
  1. Despite the pointlessness of dedicated ebook readers, sometimes single-purpose devices and technologies *do* make sense, a point worth considering as OpenURL is made into something much more multipurpose but also something much harder to understand (in the draft 1.0 standard).
  2. We need to beware of boundless optimism and the tendency to confuse tools with achievements.
  3. While the recent claim that people are losing

the ability to think and becoming "clickers" is wildly overstated, libraries should do their part to fight the "click mentality" and be aware of what their core users, *readers*, do and don't want from technology.

4. Librarians need to keep recognizing value in new forms of communication and finding ways to integrate worthwhile new media into the library.

5. This may be a year when we must do less with less; among other things, that means looking for developments that yield high value. For example, designing sites for accessibility by PDA may also mean making them fully accessible for adaptive technology.

For the overall tone of the session, go to Lawley's writeup.

A Copyright Perspective

Why Make Records When You Can Make Enemies?

Whenever a section of "Copyright Currents" grows beyond 1,600 words or so, it starts to look like an independent essay. That's the case with the recent spate of RIAA-related stuff. Why does all of this matter to libraries and librarians? Because the ultimate goal of Big Media appears to be absolute pay per use with absolute control over all uses of "their" songs, books, movies, etc.—and if you think libraries will be exempted, think again.

Stomping On Students

In early April, 17 plaintiffs filed individual suits against four college students for "direct and contributory copyright infringement." The 17 plaintiffs are all recording companies; the suits were generally described as RIAA suits. The students were running services that searched computers on the campus networks for MP3 song files, and also had MP3 files on their own computers available for others to share. In other words, P2P—peer-to-peer networking. One of the four filings targeted Daniel Peng of Princeton, who supposedly operated "wake." That suit is available on FindLaw.com and Joseph Barillari (also at Princeton) offers "An analysis of the RIAA's complaint against Dan Peng '05" at barillari.org/papers/peng/peng.html

The suit claimed Peng "hijacked an academic computer network and installed on it a marketplace for copyright piracy that is used by others to copy and distribute music illegally." Additionally, Peng was accused of "committing direct copyright infringement himself by copying and distributing hundreds of sound recordings over his system without the authorization of the copyright owners." You could reword the first accusation as saying that Peng offers a peer-to-peer networking database on a computer that's legitimately part of Princeton's network, and that students *may* be using that database to swap copyright files—but that's not quite as exciting a charge. It's also not quite as clearly a crime.

The suit goes on to say that "wake" operates similarly to Napster, that *all* of the most popular sound recordings are being infringed, and that this causes the recording companies grave and irreparable harm. Detailed discussion indicates that Peng's program creates a master index of "the music files each user has designated for copying."

Then come the claims for relief. "Plaintiffs are entitled to the maximum statutory damages…in the amount of $150,000 with respect to each work infringed…." plus attorneys' fees and full costs—and, of course, Peng needs to be enjoined. That's for *direct* infringement—the "hundreds of songs" on Peng's own computer—but the second claim states the same amount for *contributory* infringement for each work infringed: Presumably, every song in the index.

An attachment lists a couple of hundred songs found on Peng's computer. Even for those 200 or so, claimed damages amount to $30 million dollars. The calculations I've seen for damages claimed in the four suits show claims in the area of $90 *billion* dollars (U.S. billion: thousand million). It only takes 600,000 songs to reach that figure.

Barillari's detailed analysis—longer than the suit itself—starts with three fundamental ways in which "wake" is unlike Napster: "wake" allegedly indexes a pre-existing network rather than creating a network; "wake" indexes *all* public documents, not just MP3, which means it has significant non-infringing uses; and as a search engine, "wake" may be protected by DMCA. Barillari says that part of the RIAA complaint just doesn't work: While people outside Princeton could indeed search wake.princeton.edu, they couldn't use it for direct access to the files.

The analysis points out that file sharing has been common for some time at Princeton, as at every other academic network; after all, peer-to-peer networks play important roles in academia. Barillari points out that one claim just doesn't work: "Defendant's system" doesn't provide infrastructure and facilities, it only provides an index.

There's a lot to the analysis, some of it making non-lawyer claims that lawyers might disagree with. It's a fascinating individual effort, well worth reading on its own terms. He notes that titles can't be copyrighted, so that creating an index of filenames

can't (in and of itself) violate song copyrights—and that "wake" makes the same assumptions as Google: If a page is public, it's open for indexing—and the indexer is not required to determine whether the content of the page is itself legal. He brings in Princeton computing policies—and Princeton has, thoughtfully and deliberately, *not* disabled P2P or file sharing. He notes substantial errors of fact in the filing. The DMCA claim is interesting. There is a specific DMCA limitation on contributory-infringement: no liability for search engines as long as the engine provider doesn't have actual knowledge that the material is infringing, the provider removes infringing material upon notification, and the provider doesn't benefit financially from infringement. That's a reasonably strong defense, given that the RIAA did not first send Peng a list of files that it could prove were infringing and ask him to remove them from the index. The key question raised: "How is a content-neutral search engine to be held liable for contributory infringement?"

But the analysis only deals with contributory infringement, not with the songs on Peng's own computer—and those song alone could yield tens of millions of dollars in damages.

As Seth Finkelstein pointed out, the $150,000 per-work damages claimed represent the statutory maximum for copyright infringement when copyright holders don't claim actual damages. It's the maximum, and of course you ask for the maximum in a lawsuit. Ordinarily, according to one commentary, the lower boundary for statutory damages is $750 per work and the upper boundary is $30,000 per work—with the lower boundary dropping to $200 when the defendant proves lack of awareness of infringement.

$750 per work comes to $150,000 for 200 songs. $200 per work comes to $40,000.

In one of many comments from various quarters during April, Lawrence Lessig found *hope* in the RIAA suits: "If we work hard to report the details and reality of this suit, then the extremism of the RIAA's tactics will finally get through." Lessig proposes compulsory licensing as a response —and we'll get back to that shortly.

Edward Felten raised an interesting question on April 14, given that "wake" and the other systems are basically just search engines: "Will the RIAA sue Google?" He's quoting Jacques Distler, who notes that if you take the most lengthy portions of the RIAA's complaint against Daniel Peng, substitute "Internet" for "LAN" and substitute "www.google.com" for "wake.princeton.edu," the description suits Google very well. Can you use Google to find and download copyright materials? You betcha. Consider Google Images. Of course, Google doesn't provide the images themselves or have any way of knowing whether they're under copyright, and it will remove images from its index if copyright holders object—but the students didn't provide [most of the] indexed files themselves, and the RIAA never asked them to remove songs from their indexes. But of course, Google's a fairly good-size company with a legal staff and would probably fight the RIAA—and it doesn't index MP3 files. (A better example for Felten would be AllTheWeb—which *does* have an audio search feature that *does* index MP3s, shows "reliability" scores, and seems to be a pretty good simulation of a P2P index.)

It all came down at the end of April. The students settled for sums of $12,000 to $17,000 each, payable in four annual installments. Daniel Peng's attorney suggested that the suit "was a utilization of the legal system to make a point—essentially to intimidate Internet users." Is there much doubt? The RIAA's Matt Oppenheim said, "We have…sent a clear signal to others that this kind of activity is illegal." The RIAA also said that future enforcement actions could lead to "stiffer settlement obligations." In other words, copy a song (whether it infringes or not) and we just might come after you for $20,000, $50,000, or a hundred million bucks.

According to Edward Felten in his Freedom to Tinker blog, "The RIAA spin appears to be that the students' decision to settle on these terms indicates that the students expected to lose on the contributory infringement claim. This spin is, to say the least, implausible." Felten calls the settlement "a great deal for the students" because of the legal expenses of going to trial and the *possibility* that direct infringement alone could lead to—well, see the arithmetic above: $30 million for 200 songs. I think his final paragraph is right on the money:

> In my view, these lawsuits tell us nothing new about the legal status of the kinds of general-purpose search engines these students were running. The lessons of these suits are simpler: (1) don't be a direct infringer, and (2) getting sued by the RIAA is expensive.

Seth Finkelstein offered similar comments at his Infothought blog: "*Ordinary humans cannot fight corporate lawsuits!*" Finkelstein has dropped much of his censorware work simply because he can't take the chance of being sued, given his total lack of income from the work. As he notes, "It's too easy to fight to the last drop of *someone else*'s blood."

Sent your check to ALA's CIPA legal fund yet? Think anyone else will spend $1.7 million and counting to fight censorship? (Well, maybe ACLU: sent them a check lately?)

Net proceeds for RIAA: about $60,000 over four years, and several million dollars worth of new bad will. Apparently it's worth it to them.

For that matter, the money may not come from the students at all. Katie Dean posted a story at *Wired News* on May 8, "Support for fingered file traders." Apparently, pledges of support "have lit up several message boards" promising a few bucks toward the student fines. One of them has already added a PayPal link to his website and there have been student rallies at two of the institutions. It sure seems like a better cause than the woman who managed to pay off more than $20,000 in pure consumerist debt by pulling in donations…

Or Maybe We'll Crash Your Computers

I must admit, I'm sympathetic to the idea of posting "spoof" MP3 files, as Madonna has notoriously done and music companies are also apparently doing. As long as those spoof files are nothing more than that, I think they may be a reasonable response to anonymous sharing of copyright files.

But that's not enough for RIAA. As *Media Life* put it in a May 5 story, "Now the recording industry is moving to plan B: Get nasty." For one huge example of that, see above: Suing people you know can't afford to fight is a classic form of nastiness. But it's a legal form. Meanwhile, "With the help of unnamed technology firms, music companies are quietly looking into ways to interfere with pirates' ability to download files, including such guerilla tactics as knocking potential downloaders offline and even messing with their hard drives." There are also possibilities such as spoofing with malicious programs.

Set aside that word "pirates," a largely incorrect term that deliberately biases reader opinion. As the next sentence notes, "That some of these tactics may be illegal to carry out has so far not deterred record labels." In which case, the record labels are setting themselves up for to be on the other side of lawsuits. How about this one: "One program would scan computer hard drives for pirated music files and automatically delete them."

Repeat after me: *There is no way to determine that an MP3 file on a computer has been "pirated."* I know of no reliable way to differentiate between the MP3 files on my PC (all legitimately ripped from CDs that I own, *none* of which are available for sharing) with MP3 files that Scurvy Jack copied from Peg-Leg Pete's MP3-o-rama site. If I'm wrong, I count on someone to educate me. It will take some educating! Deleting any of those files would be an act of destructive cracking and should be subject to substantial civil or criminal penalties. The article mentions wiretap laws; there must be others that apply.

Apparently a more detailed article appeared in the *New York Times*. Edward W. Felten at Freedom to Tinker quotes from that article, notes that some of the possibilities are unethical and probably illegal, and finds himself surprised that industry people would actually talk to the press about something that underhanded.

Felten also concludes that an "RIAA hackathon" isn't likely—that "the extreme measures discussed in the article represents the fantasies of a few people in the industry, rather than an organized plan that has any chance of becoming reality." He cites RIAA's Cary Sherman distancing RIAA from the ideas and noting, "There are a lot of tantalizing ideas out there—some in the gray area and some illegal—but it doesn't mean they will be used." Record company spokespeople discussed "legal technical measures." But then, they *certainly* wouldn't go on record saying, "Yeah, we're going to crash your computers, because *you're all thieves."*

Count on Representative Howard L. Berman to be on their side. He has a brief article in FindLaw's Modern Practice for May 2003, "The truth about the peer to peer privacy prevention act." (Well, now, that's interesting and maybe a Freudian slip. When I printed off the article, that's the title that appeared—"privacy"—although the act is the Peer to Peer *Piracy* Prevention Act. Presumably, Patriot II will take care of preventing privacy.)

Berman goes rapidly from asserting that unauthorized uploading and downloading occurs to "What should be done about the *massive piracy* occurring on peer-to-peer networks?" "Massive piracy" has, of course, neither been proved nor litigated. He then gives us his answer, the bill that creates a "safe harbor from liability" for "reasonable, limited self-help measures to thwart P2P piracy if they can do so without causing harm."

The first question that comes to mind: "If the self-help measures are reasonable and [as Berman later says] non-invasive, *why is a safe harbor needed?"*

It's probably worth reading Berman's piece, if only because its existence says he hasn't given up on the idea. After reading it, go look at the bill itself. See what he glides over (the difficulty of getting compensation when a record company *does* do damage) and whether you can see circumstances in which legal self-help would be effective. What happens if an informal network of sharers decides to call their .MP3 files .doc files instead? Is it legal for a record company spider or monitor to actually inspect the contents of every file? Is it even plausible? What if those files use PGP? Does DMCA come into play?

Compulsory Licensing

Fred von Lohmann of EFF wrote an opinion column in the *Daily Princetonian* on April 14, midway through the RIAA-vs.-(Princeton student) Peng story: "New music rules are needed." He discusses the problem with improper use of P2P file sharing and then says, "The problem is that artists are not getting paid. It is time to address the problem." He considers the answer "obvious: We need to collect a pool of money from Internet users, and agree on a fair way to divide it among the artists and copyright owners." How do you collect a pool of money?

> Internet service providers (including universities) might add a flat monthly surcharge to the fees they charge for Internet access. Part of those fees would be remitted to the record labels, while some would be paid directly to the artists…Fees would be divided up fairly, based on popularity on the file-sharing networks, measured with sampling methods.

On one hand, von Lohmann's right on some details. File sharing won't go away, including unethical file sharing. There are areas in which compulsory licensing works well—performance rights and broadcast rights, for example. And von Lohmann does say, "That's only one possible way to get artists paid; there are many others to choose from."

Lots of people discussed the idea—some vehemently opposed, some interested, some in favor. In an Edward Felten interview on slashdot, he *almost* endorsed the idea (adding video content as well as audio), but stops short: "This is a controversial proposal. It does have drawbacks, and I'm not quite endorsing it at this point." For some reason, I chose not to follow most of the discussion (and I'm not going back now!).

A national compulsory license system of this sort isn't like performance rights (where only those who want the rights pay for them); it is, in effect, a tax to support recording artists. Maybe such a tax is warranted. I'm not thrilled at the likely effects: Christine Aguilera or whoever the next teen phenomenon is would get 50 times the federal subsidy of Randy Newman (the multiple's probably higher than that), and the undiscovered new artists who keep music alive would get little or nothing, while the Graceland estate would grow ever richer. The UK does something like this for authors and library circulation, but there's a cap on the amount—and I'm not sure how I feel about the UK's system either.

Graham Spanier, president of Pennsylvania State University, appears to be pushing the compulsory-license idea, according to a May 23, 2003 *Chronicle of Higher Education* story. I hope Scott Carlson got some of the facts wrong, since he says that Penn State monitors its network for file-sharing activity and "shuts down any it finds," as opposed to shutting down file sharing that's clearly in violation of copyright. There are many legitimate uses for file sharing on a university network; surely Penn State isn't shutting them *all* down? But Spanier does seem to be saying, "Why not pay a record-industry-approved music service a yearly, blanket fee…and let students download songs as they please?" The story has the usual claims by the RIAA that any drop in sales *must* be due to file sharing. It seems to quote another academic president as saying "file sharing is against the law." A University of Chicago person has the sense to suggest business models for music downloading "shouldn't be higher-education issues." Naturally, the RIAA's Cary Sherman says "chances are, we won't be able to do that"—and blames those mean old "artists with various contract stipulations." If you can't blame the buyers, blame the artists: Sounds right to me. Meanwhile, the New Jersey Institute of Technology apparently got the Student Senate to support a ban on *all* file sharing—after all, a provost says, "the vast majority of uses violate copyright." So, at a *technology* academic institution, use of one set of technologies is considered guilty until proven innocent. There's more in the article, and it's depressing.

I'm mentioning this because I don't think it will go away. I have problems with the idea that I should pay more for Internet access even though I have no interest in downloading low-bitrate MP3 files, even if that payment means that such downloading becomes legal. On the other hand, I don't have a problem paying an extra $100 a year in property taxes (or whatever the amount is) so that everyone in town can read all the books (and borrow many of the CDs) they want at the public library, even if I never use that library. I do use it, of course, but that's beside the point.

Greg Blonder offered another "solution" in "Free content: why not?" on news.com (April 3): Bundle big chunks of downloading rights with other consumer purchases, on the oddball basis that, on average, each person in the U.S. spends $250 per year to buy music. "Buy a new Kia? Get 1,000 albums with every car…" Maybe. He also suggests sampling to determine which artists get paid how much, using ASCAP as a model.

Miscellany

- An April 2, 2003 news.com story by John Borland says that more than 100 million copy-protected "CDs" have been produced worldwide—and that's just with Macrovision's tech-

nology. Macrovision's CEO said "Europeans and Japanese consumers are good sheep"—well, no, actually he said, "I think the sense is that consumers in those countries tend to be a little less vocal than American consumers." In this respect, let me say that sometimes I'm proud to be an American.

- An April 3, 2003 piece from Australia's *The Age* notes that some radio stations simply won't play songs on copy-protected CDs. EMI's been issuing copy-protected CDs in Australia since November 2002. One radio station doesn't use standalone CD players; it puts all its songs on PCs or old Denon cartridges. If you can't copy the song to the PC without installing special software (which the station won't do, being appropriately nervous about strange software), then the song doesn't get played. Oops.
- According to Jon Iverson, writing in the April 2003 *Stereophile*, a NARAS board member is encouraging NARAS to take on the RIAA; this board member, John Snyder (32-time Grammy nominee and head of his own record label), believes that MP3 file trading is "one of the few proven methods that actually generates sales." He has evidence for that view. The Australian equivalent to the RIAA is admitting that economic conditions and competition for leisure time and dollars may have something to do with falling CD sales.
- In honor of the ALA Annual Conference, here's an April 19 article from the Toronto *Star*: "Time to face the music." Canadian record sales are down even more than U.S. and worldwide sales. The lively article offers a number of reasons, including the idea that CDs and jewel boxes "look like crap." The writer, Peter Goddard, believes that the music industry is imploding. He offers "five ways to change the music industry" from five different people. First is the "jukebox jihad," flooding the Internet with bogus MP3 files "that explode on contact inside the hard drives of Internet thieves." No "safe harbor" namby-pamby measure here! Second idea: Record companies should clean up their acts, behave more responsibly, treat artists better, and deal with a smaller marketplace. Third: Improve commercial radio. Fourth: Make the music business more artist-oriented and stop concentrating on "winning the lottery" (finding the next Avril). Last, from Goddard himself: The industry should reconnect with its audience instead of fearing and hating them.
- A Reuters story at news.com on May 7 shows *yet another* survey finding that people who download music are *more* likely to buy music (online or offline). It's a Nielsen survey involving 36,000 internet users, enough to be significant. Just over one-fifth of respondents over age 18 downloaded music in the month before the survey; 71% of respondents bought music over a three-month period. Downloaders were *twice* as likely to buy rap music or dance/club music as Internet users as a whole.
- Here's an interesting one, although it's from a source whose quality I can't vouch for. A May 1 piece at musicdish.com says that record clubs owned by Sony and BMG (the biggest clubs) have been failing to pay "mechanical license" fees for the CDs that they give away to entice new members (buy one, get ten essentially free). Mechanical license fees average $0.06 to $0.08 per song per copy and go to songwriters—and lawyers estimate that the missing fees amount to $100 million per year. A trial has been set for January 13, 2004. As the piece says, "Glass houses, people. Glass houses."
- *Sound & Vision* has been fairly friendly to the RIAA and to pay-per-use initiatives—but "Where have all the CDs gone?" in the June 2003 issue is a different story. This article provides some *other* reasons for the modest decline in music sales, based partly on work done by George Ziemann, a musician and music production company owner. He got upset when eBay wouldn't let him sell CD-Rs of his band's music—after all, CD-Rs must be pirated, right? Ziemann notes several other factors that *could* explain a modest decline in sales: Prices have steadily increased, from $14.31 average in 1998 to $17.09 (for regular retail CDs) in 2002. The number of new CD titles has decreased, apparently, although the RIAA "inexplicably" stopped issuing those numbers in 2000. Also, there was a recession in 2001—more than enough of a drop to explain the CD sales drop all by itself. There's more to the article, including an RIAA admission that only *10%* of recording artists ever make enough to cover the advance (much of which goes to expenses incurred in making the disc).

Censorware Chronicles

COPA Revisited

No, not CIPA—COPA. All of the following (except this paragraph and a few modifications in the final

paragraph) was written in late May, long before the unfortunate CIPA decision. I'm gathering some of the commentaries on that decision and the actual text, and will discuss all of that in a later issue (possibly as a separate commentary.)

Meanwhile, the decision of the Third District Court of Appeals regarding COPA, on remand from the Supreme Court, became available in May. Remember COPA? The case in question was brought by the ACLU and a bunch of co-plaintiffs (bookstores, EFF, *Salon*, etc.). The court previously granted an injunction against enforcement of the Child Online Protection Act. The Supreme Court disagreed with the District Court's decision in one area—that "COPA's reliance on community standards to identify 'material that is harmful to minors' does not *by itself* render the statute substantially overbroad in terms of the First Amendment." [Emphasis in original.]

This review of that decision comes to the same overall decision: That COPA is unconstitutional. In 54 pages, Judge Garth provides some history for COPA (Congress' second attempt to regulate Internet pornography, after CDA was struck down) and offers a detailed analysis of why COPA can't meet constitutional standards.

Much of the difficulty with COPA (and almost any other comparable act) is the definition of "as a whole," a key part of the classic three-prong test for obscenity in general or, as applied to material as used by minors, actionable material. Here's the actual language of COPA, a longer (and customized) version of the "*Miller* definition":

> The term "material that is harmful to minors" means any communication, picture, image, graphic image file, article, recording, writing, or other matter of any kind that is obscene or that—
>
> (A) the average person, applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest;
>
> (B) depicts, describes, or represents, in a manner patently offensive with respect to minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals or post-pubescent female breast; and
>
> (C) taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.

(The "adult version" leaves out the "minors" language and substitutes "whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law.")

One big problem for items on the internet is "the material as a whole," and the decision spends some time on that issue. What about one "sexual image" as part of a collection of Renaissance artwork? In a museum or a book, the "whole" is fairly clear—but when you're looking at the single image as a Web page, is *that* the whole?

The problem of one set of definitions for *all* minors (defined as people under seventeen) is equally difficult—so much so that attorneys for the government essentially attempted to rewrite COPA in their arguments. (The government contends that "minor" means a "normal, older adolescent"—but the text says "under 17 years of age," period. And when the usual groups cry out that we must "protect the children," do you believe they really mean "normal, older adolescents"—or is it pre-teens they're most concerned with?)

There's more—a lot more, as usual—and it comes to COPA failing on several grounds. Will the government appeal once more? Wait and see.

Other Stuff

Rodell & Friends

Chris Rodell published an essay in *MobyLives* earlier this year: "Library porn elevating more than minds." (Downloaded 3/19/2003 from www.mobylives.com/Chris_Rodell.html). He recounts his first exposure to "raw, hard-core pornography" at age 16—a copy of *Penthouse*—and how it shocked, frightened, and intrigued him. He then goes on to assert that, "as I'm typing this sentence" on a notebook computer, "I can glance to my right and watch a woman bestowing oral pleasure on a bored-looking young man. If I lift my eyes…there's a couple engaged in anal sex. And off to the left, two beautiful young women are doing the kinds of things that ignited philosophical debates among my friends and I back in the woods more than 20 years ago. It's just another day in a typical American public library." Later he says that he's writing the essay "awash in an unwelcome sea of distracting smut."

As I've noted before, I clearly live in and visit atypical libraries. Just for interest, I glanced (briefly) at the screens on the 40 or so PCs at our local public library last time I was there—and found not one instance of even mild nudity, much less the carnival of porn that Rodell describes. (I'm a little surprised that Rodell's library, in Pittsburgh, has places where you can be working on a laptop and *clearly* see the images on three different library Internet computers, but far be it from me to dispute his tale.) He continues that it's "common to walk into *any public library* in America and see adults and teenage students

openly viewing *hardcore pornography*…" [Emphases added.] Not just Pittsburgh, but *any* public library. So what's wrong with Mountain View, Redwood City, Juneau, and the other public libraries I've visited? Where's that porn? I don't deny that it happens. I do doubt that the average user in the average public library is "awash in an unwelcome sea of distracting smut."

Rodell is, of course, attacking ALA's opposition to CIPA. He claims that he couldn't get any on-the-record comments from ALA or "other spokespersons in the library community" and gives their reactions as "Shhhh!" "No one returned my calls or would agree to be quoted on the record." I have to wonder what sort of calls would result in Judith Krug, for example, being unwilling to be quoted on the record. Of course, one *anonymous* librarian says the problem is pervasive. And so on.

Rodell's piece was picked up by Alex Beam of the Boston *Globe* on April 1, but this wasn't an April Foolishness. The title: "Web filters at libraries are overdue." Rodell refers to "the usual band of First Amendment zealots"—you know, those who believe that the Bill of Rights means what it says—and argues for CIPA while also saying that libraries should use Boston Public's solution: censorware on the computers in the children's area, open computers in adult areas. Which isn't allowed under CIPA—but a good columnist never lets facts get in the way.

The same day Rodell posted his *MobyLives* essay, Kari Lydersen published "Censorship reaches ridiculous extremes" at AlterNet.org (www.alternet.org/story.html?StoryId=15368). Lydersen points out the absurdity of keyword-based censorware and discusses CIPA. There are other aspects to this piece, written from a very different social and political perspective than the two previously noted. Worth a read.

Saving People from Themselves

Here's a lovely one, posted March 10 at *Wired News* by Joanna Glasner: "Porn 'filter' uses peer pressure." Brandon Cotter founded NetAccountability, which uses an "accountability approach" for Internet "porn addicts" seeking to "curtail their exposure to the Web's tawdry side." Users pay $4 a month and name a friend, spouse, or confidant—who receives a "regular report showing which sites they visit, highlighting potentially objectionable material."

Cotter markets primarily to religious groups—and the firm's CEO says it "puts a little more power back in the user's hands." In other words, what we have here are people who *just can't help themselves* unless they know someone's looking over their shoulder—and their belief in an omniscient God doesn't provide a sufficient "someone." So they pay $4 a month so their web browsing will be tattled on… And 12,000 users are paying that $4 a month.

Google SafeSearch

Benjamin Edelman published an "Empirical analysis of Google SafeSearch" on April 11, 2003. If you believe SafeSearch is somehow better than typical censorware, you should probably read the report. Even Edelman's anecdotal testing indicates heavy overblocking—but, of course, SafeSearch is just a setting you can turn off, and its presence is always reported when it's on. I suggest you do so; otherwise, your search results are woefully incomplete. (Edelman believes that Google errs on the side of overblocking to avoid underblocking—and since blocked sites are simply *omitted* from results, it's hard to know they're being blocked.)

Edelman and N2H2

Speaking of Benjamin Edelman, he (and ACLU) sued N2H2 for declaratory judgment so that Edelman could decrypt the company's censorware database. The judge was fairly hostile to Edelman's arguments and apparently protective of N2H2's intellectual property rights.

N2H2 basically argued that they hadn't actually threatened to sue Edelman, so he had no legal standing (and that their methodology and database are trade secrets). The judge agreed in a fairly striking ruling: "There is no plausibly protected constitutional interest that Edelman can assert that outweighs N2H2's right to protect its copyrighted material from an invasive and destructive trespass." Astonishing, yes; surprising, no.

N2H2, DMCA, Seth Finkelstein and all

DMCA includes an odd escape hatch: Once every three years, the Librarian of Congress may exempt certain classes of works from the prohibition against circumvention of technological measures that control access to copyrighted works. The exemption lasts for three years and must be renewed each time, based on rulemaking proceedings to determine the advisability of such exemptions.

One of only two exemptions in the first round was to allow decryption of the databases used by censorware—and, according to David Burt (representing three censorware companies), the companies weren't even aware of the proceedings in 2000. They are now, and Burt filed a long brief arguing against a renewed exemption. Seth Finkelstein and others filed arguments in favor of renewing the exemption. I didn't comment on the briefs.

The Register of Copyrights (who works for the Librarian of Congress) and several other officials

have been holding rulemaking hearings regarding this and several other proposed exemptions, posting transcripts of the hearings about a week after they're held. The transcripts, in PDF form, are *very* long. Seth Finkelstein converted the two transcript sections concerning censorware to more compact HTML form. They're still lengthy—50 pages for the April 11 session at which Finkelstein, Burt, and Jonathan Band (on behalf of ALA and other library associations) appeared, another 38 for a May 14 session at which James Tyre of the Censorware Project appeared, as did Steve Metalitz, acting on behalf of the whole set of media-related companies opposing most exemptions.

I can say up front that these hearings are a lot more interesting than most court opinions or briefs, just as Supreme Court oral hearings tend to be livelier. Finkelstein went into some detail as to why he tries to expose the actual workings of censorware—and why, even with the exemption, he's taking considerable legal risk in doing so. Band notes that CIPA makes the need to understand censorware even more compelling—and points out that censorware use has grown dramatically, indicating that the existing exemption hasn't hurt the companies. He also refutes some censorware arguments, such as the claim that issuing a DMCA exemption is the equivalent of authorizing publication of the databases. That's not true, of course: The level of thin copyright provided for databases would still apply; the exemption would only allow the presumed fair use of examining database methodology.

A key issue here is that you can't judge the workings of censorware by trying out sample searches—even if you have a fairly comprehensive sample. Seth Finkelstein and James Tyre both go into that issue in more detail, offering examples that show the problem.

David Burt makes a big deal about providing a list of nasty sites for children—which ignores the simple fact that a DMCA exemption *would not authorize* publication or release of the list. He argues "intellectual property" as a strong reason not to issue the exemption, and tries to compare N2H2's censorware list with Lexis Nexis or Dialog. He claims that nobody's used the exemption in the last three years. He also makes much of an act of corporate stupidity some time back: Net Nanny gave away a children's CD-ROM at Burger King in the UK, with Net Nanny's software included—and their list of 2,000 "pornography" sites was on the CD-ROM, *not* encrypted. Parents weren't happy.

I guess there's an argument that the Librarian of Congress shouldn't say "N2H2's censorware database is no longer protected by copyright; feel free to publish it." But nobody's asking him to say that! As one government person said, "Traditionally, copyright isn't concerned with secrecy of information."

When Finkelstein is asked whether he can provide details of how he decrypted N2H2's database, he points out that the threat of lawsuit—a very real threat based on previous occurrences—discourages him from doing so without immunity. David Burt says he's not in a position to provide such immunity, and neither is the government—thus allowing Burt to continue to say that nobody's done such decryption. He didn't say "And if you try to prove I'm wrong, we'll sue your butt." But he also didn't provide an offer to hold harmless.

One interesting discrepancy comes about by comparing the two sessions. Burt says that it's possible to evaluate censorware anyway—there are public web sites where you can key in URLs and see how they're classified. That doesn't provide any kind of systematic evidence, of course, and it wasn't true three years ago. But it's also true for only four of the nine censorware companies, *not* including two of the three that filed the anti-exemption brief! Further, WebSense's site only allows 21 tests a day, making it nearly useless for any kind of serious evaluation.

Burt sometimes calls himself a PR person, sometimes a librarian. He makes some questionable statements, as in saying that if Finkelstein can decrypt the list, "We have ceded all control over our copyrighted material, over our database, to somebody else…" simply because Finkelstein can see it. Band points out that almost all copyright-protected material *is* distributed to the public—and is protected from abuse by copyright. Somehow, Burt manages to say that peer-to-peer networks illustrate the "dangers of allowing these copyright protections to be disabled." He continues to try to conflate Dialog with N2H2's censorware list, and the others aren't buying it. At one point, Band suggests that Burt's testimony reminds him of the Iraqi Information Minister…

If Burt sometimes seemed strained as a defender of the censorware companies, he comes off better than Metalitz—whose role is really to argue against any exemptions, not just this one. Consider this sentence as an argument for eliminating the censorware decryption exemption:

> We know that filtering software that may fit the description that appears in the exemption that exists now is one of the key tools in keeping our network safe and secure. And many of those filtering software packages may include lists of websites that either are the sources of viruses or the source of spam, which is of course is a scourge that we're all having to deal with increasingly now.

[The repeated "is" is in the transcript, but could well be a transcription error.] In other words, we shouldn't allow decryption of censorware—because you could also use censorware to prevent virus attacks! This substantially misstates the methodology of antivirus software, but does show the likely reaction of censorware companies to a narrowly tailored exemption: Just add an extra anti-spam/anti-virus function to your database, and it's wholly protected. Tyre picks up on that, of course.

Tyre discusses some actual examples showing the need for decryption—and also real-world examples showing the need for *ongoing* investigation, since censorware companies keep adding and reclassifying sites. In one classic case, CyberPatrol was blocking "maplesoccer.org," a youth soccer league, apparently because it talked about "teens age 13 to 15." The Censorware Project reported that; CyberPatrol unblocked it. Then the automated blocking spider *re*-blocked it. The project reported that again. It was reunblocked. Then it was reblocked again… As Tyre concludes, "Not because they're malicious, but because they do most of this by computer robots, not by human review, and the computer robots are stupid. Computers are not smart for this kind of work. They never have been. Some day they may well be, but they surely are not today." I'm less optimistic about "some day."

There is, as always, *lots* more in the transcripts. You can find the HTML versions at sethf.com/anticensorware/, and the PDF versions are also readily available.

What will come out of all this? Since the Supremes upheld CIPA, it's even more important that we be able to understand just what those mandatory programs are doing.

Perspective

Making Sound, Making Music

Jon Carroll, that great San Francisco *Chronicle* columnist, has taken to beginning some columns with outlandish propositions—all of which wind up with the belated warning that he's writing another cat column. That overlength sentence is a way of noting that this is another essay that doesn't relate much to library-and-librarian issues but does relate to "Crawford at Large."

First background item: A few months ago, I had lunch with a lawyer/librarian, sometime reader, and person I respect considerably, who I'd never met. We were talking about the extent to which my own tastes and interests are revealed through *Cites & Insights*. This person said that, among other things, it was clear I'm an audiophile. But, as I noted, I'm really not at this point (although maybe I was many years ago). I'm interested in sound reproduction and I enjoy music, but I have neither the hearing nor the equipment to claim audiophile status.

Second background item: An increasing number of product reviews in *Stereophile* rave about the musical qualities of products (especially speakers and amplifiers) that, by objective measurement, are seriously flawed as sound reproducers. One columnist carries on a crusade for incredibly underpowered tube amplifiers (some costing a "mere" few thousand dollars) that deviate substantially from flat frequency response. The founder of *Stereophile*—no longer associated with the magazine—had a phrase, "euphonic distortion," that the current editor does not see fit to use for these devices. One recent essay came right out and said what I was beginning to understand: Some of the reviewers are less interested in whether playback systems accurately represent what was recorded than in whether they *make nice music*.

I always assumed that the goal of high fidelity was just that: Fidelity, faithfulness to the original—reproducing it with high accuracy. That's apparently not the goal of many of today's most expensive "audiophile" devices. They "smooth off" the edges of overly bright recordings; they provide "mellow" musical sounds under almost all circumstances. They *make nice music* rather than reproducing what's given to them. Maybe that's OK. It certainly moots arguments on whether *Stereophile* (and other high-end audio magazine) reviewers have lost touch with reality: If the goal is to make pretty music, only the taste of the reviewer matters. If being dear friends with a speaker's designer means that the speaker is more musical *to you*, that's good enough (although I'm not sure how it helps other potential buyers).

All of which is also a little beside the point. In the May 2003 *Stereophile*, Barry Willis comments on the fundamental obstacles of getting most people who listen to music to switch from CDs to higher-resolution recordings (DVD-Audio or SACD). "The audio systems owned *and enjoyed* by most people aren't capable of delivering the full performance encoded in ordinary CDs. Why should we think that the owners of such systems are going to appreciate the improvements offered by hi-rez recordings?" [Emphasis added.]

Willis points out that most people won't "gladly sit motionless" through a solid hour of recorded music (very high-resolution audio systems work ideally for one person sitting in one single spot, the "sweet spot," as do surround-sound systems). He points out

that most people enjoy music in conjunction with other pursuits—it's not "a destination activity."

Enjoying Music

Willis omits the flip side: Many high-end audiophiles care less about the music than the sound. Notoriously, many "audiophile-approved" recordings are awful music, beautifully recorded. One sign may be the ratio of money spent on music to money spent on equipment—assuming that the music is actually listened to, not just stored. It's not hard to spend six figures on a high-end sound system; it's fairly difficult to spend that much on a music collection (almost 6,000 CDs even at today's prices).

At one point, nearly 30 years ago, I had a fairly high-resolution system for its time: Floor-standing ESS tower speakers, four feet tall with wonderful rosewood tops, transmission line loading of a flat-panel woofer (and several other drivers), driven by reasonably good electronics, with a good turntable and quality cartridge. I had, at the time, more than 1,200 LPs—I spent a *lot* more on the music than on the system. I also spent way too much time listening to music as a way of avoiding the rest of life.

That was then. This is now. We gave away the speakers recently: They were always too large for our living room, and neither of us spends the time with recorded music that I used to. We have better things to do (including, in my wife's case, making *live* music on a first-rate piano). I rarely listen to music while I'm writing because it distracts me. We mostly listen to music in the car or at Sunday dinner. For a while, we were listening to dinner music using the speakers on our TV set (much better than most TV speakers).

We recently purchased a system that suits our needs, in terms of size, resistance to cats with claws, and—yes, the ability to play music well. It's certainly not a "high-resolution system" in audiophile terms, not at $700 total for integrated CD player, receiver and three speakers—but it makes music enjoyable without muddying useful distinctions. For its price, it's a heck of a bargain. (Denon D-107, if you care.) It's not a musical instrument; it does pass on the music in a way that we both find more than satisfactory. That, for my life as it is now, is what a sound system should do: Let us enjoy music as part of our lives.

A Quizlet

Here's a playlist. If anyone cares (which I doubt), they could send me email telling me why this playlist appears in this article—which would include 23 fairly specific items.

Billy Joel, "Baby Grand"; Christopher Parkening, "All Creatures of Our God and King"; Elton John, "Sorry Seems to Be the Hardest Word"; George Winston, "Prelude"; Gordon Lightfoot, "Shadows"; Harry Nilsson, "Salmon Falls"; James Taylor, "Captain Jim's Drunken Dream"; Joan Baez, "Diamonds and Rust"; John Williams, "Canarios"; O Brother Where Art Thou soundtrack, "Down in the River to Pray"; Paul Simon, "Spirit Voices"; Randy Newman, "Dixie Flyer"; Randy Travis, "Somewhere in my Broken Heart"; Simon & Garfunkel, "The Boxer"; Beatles, "Yesterday"; Tom Paxton, "Victoria Dines Alone"; Willie Nelson, "Georgia on my Mind"; Gordon Lightfoot, "Changes"; Randy Newman, "1914 (from Avalon)"; Cat Stevens, "Rubylove"; Billy Joel, "And So It Goes"; Judy Collins, "Farewell to Tarwathie."

That may tell you more about my taste than I want you to know—but it's too late now. If anyone chooses to respond, you know the email address. And if you have a $50K stereo system and are sneering right now, that's fine with me.

PC Progress

When "PC Group Reviews" disappeared based on reader feedback (and better uses for the space), I didn't stop gathering material. Instead, I'm offering a summary of key notes from group reviews over the last "half year" (broadly interpreted), including award winning models, other highly-regarded alternatives, and—where appropriate—some sense of the state of the particular product category. Instead of full citations for group reviews that form the basis for this summary, I offer a brief locator to the issue, in the form X v:i, where "X" is a code for the magazine and v:i represent volume and issue.

Magazine codes: C = *Computer Shopper*; M = *Macworld*; P = *PC Magazine*; R = *Consumer Reports*; W = *PC World*.

Databases

Of seven current database management systems, FileMaker Pro 6 ($299) gets Editors' Choice (P 22:1), but if you may need to migrate to a high-end DBMS, MS Access offers the easiest migration.

Desktop Computers

Today's state-of-the-art PC (P 22:9): Pentium 4-3.0GHz with Hyper-Threading and the Canterwood (875P) chipset. Ideally, Serial ATA hard drives in RAID 0 configuration. Editors' Choice (lacking the Serial ATA drives): Gateway 700XL, $3,499: 1GB

400MHz DDR SDRAM, *two* 200GB 7200RPM drives, DVD-RW *and* CD-RW drives, 128MB ATI Radion 9800 Pro graphics, Audigy 2 sound card with Boston Acoustics 5.1-speaker system, *and* an 18.1" LCD.

Other recent "hot" PCs worth noting: Dell Dimension 8250, $3,419: Pentium 4-3.06GHz, 1GB RAM, a 200GB hard disk, DVD-RW/+RW drive, 18" LCD, Audigy-2 sound card, and ATI Radeon 9700 Pro graphics, Editors' Choice (P 21:22). Polywell Poly 880NF2-3000, $2,099: AMD Athlon XP 3000+, 1GB DDR SDRAM, two 80GB hard disks in RAID 0, DVD-ROM and CD-RW drives, 128MB ATI Radeon 9700 Pro graphics, 18"-viewable CRT, Editor's Choice for an all-AMD roundup (P 22:5).

Cheap PCs: :Less than $500 without display, P 22:1): Editors' Choice: Gateway 300S Value, $399: Celeron 2.0GHz, 128MB RAM, 40GB hard disk, CD-RW burner and six USB 2.0 ports; MS Works 7.0 and Corel WordPerfect Productivity Pac. Less than $600 *with* display (C 23:4): Highest rated: Cyberpower AMD Value XP, $599: AMD Athlon, 256MB RAM, 40GB hard disk, CD-RW, nVidia GeForce 4 MX graphics, and an 18" CRT.

No-name PCs (C 23:5). Highest rated: ZT Gamer Desktop Z1129, $2,499: Pentium 4-2.8GHz, 512MB DDR RAM, 17" LCD, 120GB hard disk, DVD-ROM (not writer) and CD-RW, nVidia GeForce 4 Ti 4600 graphics (128MB), Sound Blaster Audigy 2, Creative Labs THX-certified 5.1 sound system, MS Works Suite and some games.

Desktop Publishing

Midrange programs costing $99 to $149, with one at $30 (P 22:2). Editors' Choice: Broderbund's $99 Print Shop Pro Publisher DeluxeVersion 15, which now comes with more than a million images (!) and a solid integrated art (photo) editor.

Digital Cameras and Software

High-rated digital still cameras vary widely in price, resolution, etc.:

- Top rated by category (R 68:5): Fujifilm FinePix 3800 ($400, 3.2megapixels) for casual snapshots, Canon PowerShot G3 $800, 4megapixels) for advanced amateurs, Olympus Camedia C-50 Zoom ($600, 5megapixels) for a very compact high-res camera.
- Small midprice cameras (W 21:6): Canon PowerShot S400 Digital Elph ($499, 4megapixels, 3.4x2.2x1.1"). (W 21:1): Fujifilm FinePix ($350, 2.1megapixels, 3.0x2.7x0.9").
- High ratings in small roundups: Canon PowerShot S45 (M 20:4), $649, 4 megapixels.
- High ratings in large roundups: Fujifilm FinePix 2800 Zoom ($379, 2 megapixels) for point-and-shoot users, Olympus C-4000 Zoom ($499, 4megapixels) for advanced amateurs (W 20:11).

Photo editing software: A dozen under-$100 programs (R 68:5). Recommendations include Jasc Paint Shop Photo Album 4 ($50), Microsoft Picture It! Photo 7.0 ($30) and ACDSee 5.0 ($45) for basic work, MS Picture It! Digital Image Pro 7.0 ($90) and Adobe Photoshop Elements 2.0 ($100) for advanced work.

Photo management programs (P 22:4 and 22:5): Editors' Choice is Adobe Photoshop Album ($50), not shipping in time for the group review, which found Paint Shop Photo Album 4 ($49) and Picasa 1.5 ($30) highest rated of the other programs.

Digital videocameras, MiniDV, $800 to $1,100 (C 22:12): Top ratings go to Panasonic Digital Palmcorder MultiCam PV-DC252 ($800) and Sony DCR-TRV18 ($800).

Digital Media Software

General-purpose CD-burning software (C 23:2): Editors' Choice: Nero Burning ROM 5.5 ($69).

Playback software (P 22:2): Editors' Choices are MusicMatch Jukebox Basic 7.5 (free) and Plus 7.5 ($30?) for music lovers, RealOne Player Plus 2.0 ($30?) for video and streaming media.

Displays

Mostly LCD displays, since that's where the market's moving:

- "TV-friendly" displays (W 21:4): Highest-rated is ViewSonic N1700w, $999, 17", 16:9, 1280x768.
- Large group reviews. P 22:7 Editors' Choices: Planar PL150M ($300) and Sharp LL-T15G3 ($300) for 15" displays, Samsung SyncMaster 171N ($620) and Sharp LL-T17A3 ($450) for 17". W 21:2, all 19", Best Buys: Samsung Syncmaster 191T ($950) and ViewSonic VX900 ($920).

Graphics Hardware

Inexpensive high-speed graphics cards ($170 or less) P 21:22, Editors' Choice: MSI G4Ti4200-VTD64 ($140), nVidia GeForce 4 Ti4200 with 64MB DRAM and loads of software.

Notebook and Tablet Computers

Notebooks first:

- One big roundup (31 notebooks), P 22:9. Editors' Choices: Desktop replacement, HP Pavil-

ion ze5300 ($1,893): Pentium 4-2660, 512MB DDR SDRAM, 40GB hard disk, DVD+RW drive, 15" display, three USB2.0 ports, one FireWire, 7.8lbs. Value notebook: HP Pavilion ze4200 ($999): Athlon XP-M 1800+, 256MB DDR SDRAM, 20GB disk, DVD/CD-RW drive, 14.1" display, two USB1.1 and one FireWire port, 6.6lbs. Mainstream notebook: IBM ThinkPad T40 ($3,399): Pentium M-1.6GHz, 512MB DDR SDRAM, 80GB hard disk, DVD/CD-RW drive, 14.1" display, two USB 2.0 ports, 5.3lb. system weight: You pay a *lot* for high performance and low weight. Ultraportable: IBM ThinkPad X31 ($2,369): Pentium M-1.4GHz, 256MB DDR SDRAM, 40GB hard disk, *external* DVD, 12.1" display, two USB 2.0 ports, FireWire port, 3.6lb. All four include WiFi (802.11b); three of the four include higher-speed 802.11a or 802.11g.

- Intel Centrino notebooks and others using Intel's Mobile Pentium 4 Processor-M. P 22:6 Editors' Choice: Dell Latitude D600 ($2,267), 1.6GHz CPU, 512MB RAM, 40GB hard drive, 14" 1400x1050 display, combo DVD/CD-RW drive, gigabit Ethernet, combo 802.11b/11g wireless networking, and MS Windows XP Pro; 5.5lb.

Tablet PCs (P 22:6): Editors' Choice for convertibles: Toshiba Portégé 3500 ($2,799), 1.3GHz PIII-M, 256MB RAM, 60GB hard disk, 12.1" screen, 4.1lb.. Editors' Choice for slates: Fujitsu $2,200 Stylistic ST4000 Tablet PC ($2,200), 800MHz PIII-M, 256MB RAM, 40GB hard disk, 10.4" screen, 3.2lb.

Optical Storage

CD-RW burners:

- External Firewire CD-RW drives for Macs, all 40x or faster (M 19:12): Highest rating goes to LaCie 48x12x48 d2 ($199), using a Lite-On drive.
- Internal 48x CD-RW drives for Windows: Highest score goes to TDK VeloCD, $120.

DVD burners:

- Large roundup, all formats, W 20:12: Best Buy: Sony DRU-500A, which writes all DVD formats except DVD-RAM.
- External drives, P 22:8: Editors' Choice: Pioneer DVR-A05 ($299),the first 4X DVD-R drive.

PDAs and Pocket PCs

Big roundup, all categories, P 22:8. Editors' Choices in six user categories. Consumer: Palm Zire ($100). Connected consumer: T-Mobile Sidekick ($249). Entertainment enthusiast: Sony Clié PEG-NZ90 ($799), with 320x480 display and 2 megapixel camera—the most expensive Palm OS device on the market. Mobile professionals and office workers: HP iPAQ h5455 Pocket PC ($700). Connected mobile professionals: Kyocera 7135 PDA/phone combo ($499).

Inexpensive Pocket PCs, P 22:1, Editors' Choice: HP iPAQ Pocket PC h1 ($300), 4.2oz, 4.5x2.8x0.5", 64MB RAM.

Palm OS devices, M 20:5: Highest rating goes to Palm Tungsten T ($399), with a 320x320 display.

Printers

Multifunction devices (printing, scanning, copying, sometimes faxing):

- Midrange, $399 to $799, C 22:11: Editors' Choice laser-based, Brother MFC-9700 ($550), color scanning (but not copying or printing), 14.4Kbps fax modem. Tested print speed 11ppm b&w, 8 copy ppm, 32 second 150dpi color scan. 600x2400 scan, 600x600 print. Editors' Choice inkjet: HP OfficeJet D145 ($599), 48-bit color scanning, duplex printing. Tested print speed 4 ppm b&w, 2:08 color photo, 3 ppm. copy, 18 second color scan. 1200x4800 scan, 2400x1200 print. Very noisy, "gorgeous color output."
- Units with photo-printing claims, W 21:5: Highest-rated, HP Officejet 7130 ($499).

Ink jets: Highly-rated units include Epson Stylus Photo 960 ($400, M 20:2), Canon i850 ($200, M 20:3 and C 23:4), Canon i320 Color Bubble Jet ($79, W 21:1), Epson Stylus Photo 2200 ($699, W 21:1), HP Photosmart 7550 Photo Printer ($300, C 23:4)

Laser printers: Editors' Choices and high-rated units include monochrome HP LaserJet 4200dtn ($2,099, P 22:5), testing at 20ppm; color Xerox Phaser 7300/DN ($4,199, P 22:5), testing at 15.5ppm. Earlier color Editors' Choices: HP Color LaserJet 2500 ($1,000) and Minolta-QMS magicolor 2300DL ($800).

Projectors

Five pounds or less (C 22:12), Editors' Choice: NEC LT158 ($3,195), 4.9lb., 2.8x8.2x11.2, bright and with good contrast for an LCD projector.

General roundup (W 21:4), Best Buys, both DLP, 1024x768: NEC LT240 ($3,025), 8.6lb. travel weight; Dell 3200MP ($2,199), 5lb. travel weight.

Scanners

Flatbeds with transparency-negative support, 2400dpi, 48-bit, USB 2.0 (P 22:1), Editors' Choices: HP ScanJet 5500C ($300) with a photo feeder for snapshots; Microtek ScanMaker 6800 ($400), the first print scanner with Digital ICE technology to clean up scratches and dirt.

Scanners costing $230 or less (R 68:5): Epson Perfection 1260 ($130), HP ScanJet 3500c ($100) and Canon CanoScan LiDE 30 ($100) at 1200dpi; Canon CanoScan LiDE 20 ($80) and HP ScanJet 2300c ($70), 600dpi, only if you're on a budget.

Scanners compatible with Mac OS X at $300 or less (M 20:3), Editors' Choices: Epson Perfection 2400 Photo ($229, 2400dpi); Canon CanoScan LiDE 30 ($100, 1200dpi).

Utility Software

Firewalls (P 21:20), Editors' Choices: Norton Internet Security 2003 ($70) as software; D-Link's DI-604 ($50) and Linksys' Firewall Router ($80) as hardware; SonicWall SOHO3 ($411 for ten users, $826 for 50 users) for office use.

Antivirus software (P22:7), Editors' Choices: Norton AntiVirus 2003 for personal use, Trend Micro Enterprise Protection Strategy for corporate use.

Spam fighters highly rated: ChoiceMail One 1.505 ($40) and Qurb (Editors' Choice, $25), both whitelist products (P 22:9). McAfee SpamKiller 4.0 (C 23:4). Best Buy: iHateSpam for Outlook 3.2 (W 21:5). Worth noting: in *PC World*'s testing—but *not* in *PC Magazine*'s testing—highly-rated products labeled an enormous amount of legitimate email as spam: in iHateSpam's case, 30% before training, 18% after training.

disContent

The Magazine Quandary

"The party's over. Now the blame game begins." That's the tag line on *The Industry Standard* for August 20-27, 2001. Although the article was about "Tech bankers on trial," the line hit closer to home. Two days after that issue appeared in my mailbox, *The Industry Standard* ceased publication.

I miss it. Considerably more than I thought I would.

So what? *Suck* and *Feed* both disappeared a few weeks earlier; I didn't write a column about them. Who knows how many content sites and dot com companies went belly-up since *EContent* began its new focus? What's different about *The Industry Standard?*

Losing the *Standard*

A few of you—those who read *Cites & Insights* and remember the September 2001 edition—already know some of my reasons for missing *The Industry Standard*. To quote from the lead essay in that issue: "While *The Industry Standard [TIS]* was one of too many new-economy magazines, it was different in three ways:

- "As a weekly, it offered faster commentary without adopting a straight 'newsweekly' approach.
- "The writing, reporting, and commentary in *TIS* had depth and quality that belied its weekly status and seemed fresher and better than most competitors.
- "Uniquely, in my experience, *TIS* covered the dot com boom without becoming a cheerleader for the 'Internet revolution' or buying into the constant stream of hype. Indeed, *TIS* had a strong record for exposing hype and fraud."

As its editors pointed out, even though *The Industry Standard* succumbed to the burst of the Internet bubble, it had one enormous difference from most of the companies it covered. It was profitable in 2000, less than two years after it began. It all fell apart quite rapidly, as ad revenues declined 75% while fixed expenses (such as leases) couldn't be chopped that fast.

This column isn't really about *The Industry Standard*: I've already written that article. This is about my reaction to the shutdown and what I believe to be a problem for some econtent plans. In fact, this column topic has been on my list for a while—but I planned to write it months from now, just as I would normally have written this column in early October, not late August.

The Magazine-Subscriber Relationship

How many people felt a little sorrow when the old *Life* stopped weekly publication? Millions, I'd guess. The same holds true for the original *Saturday Evening Post* and *Collier's*. The time of such general-interest magazines passed decades ago—but the loss we feel when a good magazine dies continues. It's certainly not comparable to a death in the family—but it's still a loss. The closest comparison might be reading the obituary of an actor, scientist, writer, politician, or librarian we "knew" and loved—but I think it's more than that.

When you subscribe to a magazine, you begin a relationship. That's also true when you agree to take

a circulation-controlled freebie, at least if it's a good one. You pay a modest sum in advance. The publisher sends you an interesting package at regular intervals. If you like the package, you may pay more attention to the ads that really pay for the magazine—and you keep renewing your subscription. The publisher can show demographic data to advertisers and guarantee a certain minimum exposure; advertisers can work in a medium that minimizes "viewer" dissatisfaction and maximizes the possibility that messages—sometimes detailed messages—will get through. Ideally, everyone wins.

That may be why new magazines continue to be introduced, more now than in the past. There are always ways to carve out new areas of reader interest and new approaches to serve readers in existing areas. If everything works well, a new magazine becomes a member of enough extended families (either in homes or at work) to succeed in the long term.

I'm painting with a broad brush here. Every successful magazine has its own story, and some of those stories don't depend on warmth or relationships. Thousands of magazines are really trade and professional journals in magazine form: there to serve a specific workplace need and judged by how well they serve that need.

You can tell a lot about a magazine's "relationship" status by its standing columns and its letters pages. If there are no columns, there's less predictability and (probably) less warmth. If the magazine doesn't publish letters, it cuts off the feedback loop that helps a relationship to grow. But when there is a relationship, and when the magazine carries out a major redesign or refocus, the letters pages will show the warmth—frequently in the form of heat. When our friends change unexpectedly, we have to cope with it; if we're not thrilled about the change and the "friends" aren't people, we're likely to be vocal about our unhappiness. And when those friends disappear, we're a little sad.

Comparable Econtent Relationships?

The quandary for econtent providers boils down to this: How can an online artifact establish the same relationships as a good magazine?

You could restate that: Is it possible for a nonprint magazine to succeed?

I'm not sure that's the same question (and it's possible to have nonprint magazines that aren't online), but it's an equally difficult one.

I don't have an answer for either question, at least not an answer that translates to satisfactory financial rewards for all concerned. Print magazines combine packaging, predictability, and ease in special ways:

- **Packaging:** A good magazine offers a consistent, coherent package of design, intent, content, approach and advertising. When you receive a new issue, you have a reasonable idea what to expect—and it's probably something you look forward to. Maybe you start with certain columns; maybe you check on certain writers; maybe you just want to check out this issue's top stories. You know the general approach; the specifics offer welcome surprises.
- **Predictability:** Once a month, twice a month, once a week, maybe once every other month, sometimes with a predictable missing issue or two. You don't have to go looking for it; it shows up in your mailbox—but you can expect it within a certain range.
- **Ease:** Magazines keep the reader in control—without any real effort on the reader's part. If you're on vacation or busy with other things, you can set the magazine aside for later reading and know it won't disappear because the next issue has replaced it. You know you won't miss an issue through inattention: that's what subscriptions are for. You can pass right over ads when you're reading articles--and you can go back to consider the worthwhile ads. You can read where you want, when you want, as rapidly or slowly as you want. When you're done, you can rip articles out to keep—or, in some special cases, store the whole magazine.

Can you do that on the Web? Has anyone?

It's certainly not easy: otherwise, we'd have dozens of success stories.

Am I missing the successes? Quite possibly.

If so, let me know: wcc@notes.rlg.org. I'll discuss the successes (and the claims of success) in a future column.

This "disContent" column originally appeared in *EContent* 25:1 (January 2002), pp. 42-3

Postscript

Total responses to the final paragraphs: Zero.

Success stories among online magazines: That depends on how you define "magazine" and how you define "success." *Slate* claims to be profitable, but much of that success clearly belongs to its wild and wooly reader-generated "Fray." I'm not sure I'd call *Slate* a magazine these days; I'm not quite sure what to call *Slate*. *Salon* continues to lose money,

well past the point at which most non-political magazines would cease publishing. (Political commentary magazines almost always lose money—always have and probably always will.)

Suck is still dead (and that's still a shame, if also an easy joke). So is *The Industry Standard*.

The wider picture for libraries, librarians, and technology? Maybe this: It's never trivial to replicate physical relationships in a virtual environment. That's not to say that online and remote services aren't important, or even that they don't do a better job than in-house, "visible" services. But visibility is a virtue, particularly for institutions that rely on public support for their health and existence.

Or maybe it's just a column about media, messages, and people.

Scholarly Article Access

Open-Access Journals

The Public Library of Science announced its first journal in a May 8, 2003 message from Kerri Allen of SPARC. *PLoS Biology* is set to begin monthly publication in October 2003 and began accepting submissions on May 1. The announcement doesn't mention PLoS' extraordinarily high $1,500-per-accepted-article fee. It does note free online access—and a paper product that may or may not be reasonably priced: $160 for a 12-issue 2004 volume (with the three 2003 issues thrown in free). Is that a bargain? That depends on the number and quality of the papers in *PLoS Biology*—but it's certainly low enough to encourage subscriptions.

"Open access: Is there a way forward," an address by Mary Case of ARL at the April 4, 2003 ALPSP seminar on open access, must have been interesting to hear. I downloaded the bullet points—and some of them give me pause. The very first point raises one of my standard red flags: "Open access is inevitable." Well, then, very little point discussing it, is there?

As I read the expansion of the bullet points, one thing kept arising, although it's never stated: An all-or-nothing attitude. That is, if *everything* doesn't move to open access, the whole peer-reviewed communications structure could collapse. That's my own reading: It's certainly never stated. Instead, we're told that open access leads to "increased citations"—and that, if journal's *don't* move to open access, "authors may increasingly use and cite open access non-peer reviewed literature hosted on institutional or disciplinary repositories." But BOAI and all the other repository schemes I've seen focus on *peer-reviewed* literature. The paragraph, one of the lengthiest pieces of text in this outline, appears to claim that the only way to save peer review as a central part of scholarship is for peer-reviewed journals to "move to open access early on."

The "all or nothing" theme appears most strongly in section B.2., on libraries, where Case asks whether a move to open access will solve or exacerbate current economic problems for large libraries (ARL's constituency). "One library estimated that its costs would increase tenfold for APS under the proposed fees. Neither the library nor the institution could absorb the increased costs." The next point: "If all publishers migrated at once, it is possible that the curve would smooth out…" Later, Case admits that "acquisitions monies [are] likely to be reallocated within the university," but will it only be acquisitions monies—and won't that hit monographic purchases even harder?

Case suggests a transition period of "2-3 years," then concludes, "Change will come through small steps made in concert by all members of the community." Hmm. Maybe "All or nothing" isn't that much of a stretch.

James E. Till published a "viewpoint" in the *Journal of Medical Internet Research* 5:1 (2003), "Success factors for open access." (www.jmir.org/2003/1/e1/, downloaded May 7). He discusses the need to assess the impact of open-access research journals—and goes on to propose an "incentive model" whereby an agency that provides grants-in-aid establishes an eprint archive limited to reports by researches who have received the grants-in-aid. The article proper includes a simple test of open access success—by taking the first 20 articles found on PubMed as related to Peter Suber's "Open access to the scientific journal literature" in *J Biol*. Only one of the first 20 articles was openly accessible—but Till had access to ten (half) of the articles through licensed databases at the University of Toronto. The 20 articles were in 20 different journals.

The unconventional eprint archives are interesting. Till claims they would add an additional guarantee of quality, since the research projects (but not the reports!) would have been peer-reviewed by the agency. But he goes on to say that the agency should only "archive" eprints "temporarily," either five years or until the report had appeared in "an appropriate journal." In other words, these archives would serve no archival function and would do nothing to improve long-term access to scholarly articles. I fail to see the point—but I don't fully understand what "medical internet research" is either, although I suppose there are new diseases related to the internet.

A pair of items appeared in the April 19 and May 3 *BMJ*, followed by lots of "rapid response"

correspondence. (Since there's no expansion of *BMJ* on the printouts from *BMJ.com*, I take that as the true title of the journal. The first page of each listing includes this astonishing name for one of *BMJ*'s "collections": "Other Journalology." *Journalology?*)

The first is a news item by Susan Mayor, "Libraries face higher costs for academic journals." That's not news to academic librarians, to be sure. It includes comments such as Jan Velterop's claim that high costs arise because journals are monopolies (Velterop is at BioMed Centerl) and the *Wall Street Journal*'s report that Reed Elsevier showed a 43% net profit—an extraordinary rate of return—and "predicted double-digit per-share earnings growth this year." (Elsevier reps say this is because it acquired Harcourt, not from price increases, and that "The problem is not the pricing of journals. It is the funding of research." Just to clarify: "There were problems with the prices of some Elsevier journals in the 1980s and 1990s, but these had now been addressed." It's good to know that problems with Elsevier pricing have "now been addressed"!) Feedback on this news piece includes a howl of pain from a researcher at a small operation who regards $500 as far too high, much less PLoS's $1,500, and two different grumbles from one man with two different identifications, who apparently doesn't get along well with Biomed Central and doesn't care for journals or for blind peer review. (He shows his disdain for journals by establishing a new one.)

The other piece is an editorial, "Scientific literature's open sesame?" It strongly supports open access, notes BioMed Central's 90 new ejournals and PLoS's planned journals, discusses the high costs of current journals and—sensibly—argues for earmarking a portion of research grants to pay for author charges. That's the only way open access can work without debilitating libraries, in my opinion. (I know nothing about biomedical literature; presumably, we really *needed* another 90 journals.) This editorial drew a *bunch* of responses, some of them fairly peculiar. The editor of *Tobacco Control* talks about the need to reject papers that are "highly unlikely to be of any interest to many other than those who've worked on the paper" and that are "uncitable." Issues of affordability appear once again, at least for those not working at "large, well-funded institutions that will pay to publish as a form of self-advertisement." One person says, "The idea of charging authors is frightening." Peter Suber responds to some of the objections—but also says that objections to charges should be reserved "until we see journals charging submission fees…that are suspiciously high." Peter doesn't think $1,500 is on the high side? One French author suggests that *reviewers* should be paid—and refereeing should be signed.

Related issues are discussed elsewhere—note particularly the Jefferson, Alderson, etc. paper on "Editorial peer-review…" below.

Other Articles and Events

There's a new open archive for library and information science, E_LIS, touted as "the first international e-server in this area." The announcement I saw was a January 20, 2003 posting in fos-forum. E-LIS plays all the usual notes: "It is a free-access international archive, in line with the Free Online Scholarship movement and with the Eprints movement, and it is based on the Open Archive Initiative standards and protocols." (The actual announcement interleaves initialisms and addresses.) Housed in Italy, the site is at eprints.rclis.org.

As of late April 2003, there are 80 documents in the archive—42 of them by Antonella de Robbio, another eight by Gerry McKiernan. That leaves 30 for everybody else in the field. The documents are distinctly *not* limited to peer-reviewed journal publications, and no such claim is made.

Victoria A. Reich has another article on LOCKSS in the April 2003 *High Energy Physics Libraries Webzine* (library.cern.ch/HEPLW/7/papers/1/). It's a good discussion of the reason for LOCKSS and how it would work. Worth reading.

I must have been referred to John Ewing's "Predicting the future of scholarly publishing" (version 2.5, 12/09/2002) from the FOS weblog. Based on a talk at the August 29-31, 2002 Conference on Electronic Information and Communication, this paper notes that predicting the future is hard—particularly if you ignore the facts of the present. (I would suggest that predicting the future is nearly impossible even if you *know* today's facts.) Specifically, Ewing believes that a "*special* group of experts" is promoting a radically different future for scholarly publishing by ignoring the facts. Ewing looks at scholarly publishing in mathematics. He notes that, from 1998 through mid-2002, mathematicians contributed 12,618 papers to the arXiv (the biggest repository in the field), while *Math Reviews* indexed more than 280,000 journal articles. He suggests that when mathematicians think about journals, they think about "the best known and the most visible"—what I'd call the core journals. But the 51,721 articles indexed in *Math Reviews* in 2001 came from *1,172* different journals—and only half of those, with 60% of the articles, were journals considered sufficiently math-centric to be indexed cover-to-cover. In other words, 40% of the journal literature is outside the

mainstream math journals. Four percent of the journals were primarily electronic (containing 2.5% of the articles)—and math is an area where e-journals have had early success. Mathematicians know that older articles are important: Of 336,201 citations to journal articles in articles published from 1998 to mid-2002, 53% were to pre-1990 articles and 28% were to pre-1980 articles. (This article suggests there are 25,000 STM journals, noting that the ARL source doesn't seem to list any original source for that number. See the Jefferson article.)

Ewing then goes to suggest two alternative predictions for what "alternative models" (FOS, preprint archives, etc.) will do. In the first scenario, independent journals diminish further while the big commercial publishers expand and add features, consolidate "and eventually dominate the scholarly literature." The second model is that independent journals are driven out—but commercial publishers close down as well, since alternative models have solved the problems of financing, covering dispersed literature, archiving, etc. Ewing says, "Many scholars hope for the second; only the first is supported by the facts." Does FOS (and related models) require the second to succeed? That's unclear.

Don't take Ewing's paper as literal truth—but don't take it lightly either. He asks some questions that keep bothering me. "Who will watch over collections when enthusiastic volunteers move on? Who will pay the costs of ever-changing servers and software to keep papers accessible? Who will provide the huge sums for archiving—not only saving the bits but updating the format of millions of papers? Surely we should not rely on government agencies, which have an increasingly short-term view in all their activities." Can we rely on the universe of academic institutions and their long-term commitments to all computing activities, even after those who began the activities have moved on?

Ewing doesn't call for the status quo. He calls for cautious experiments and long-term thinking. He does call for skepticism. I particularly appreciate one statement: "Finally, be especially skeptical of the experts who demand that you are either with them or against them. Subscribe to their vision of the future or be branded a Luddite. This is a false dichotomy—resist it."

Then there's "Editorial peer-review for improving the quality of reports of biomedical studies," by TO Jefferson, P Alderson, F Davidoff, and E Wager, originally published in *The Cochrane Library* 2003, issue 1. It's a short paper (8 pages) with lots of background detail (14 pages of references and tables), covering 21 studies on the effectiveness of peer review (culled from an initial 135 reports). The overall conclusion:

> At present there is little empirical evidence to support the use of editorial peer-review as a mechanism to ensure quality of biomedical research, despite its widespread use and costs. A large, well-funded programme of research on the effects of editorial peer-review is needed.

How much biomedical literature is there? This article cites a 1999 article by F. Godlee stating, "[O]ver 20,000 biomedical journals are now published globally." Unless we are to believe that 80% of all STM journals are biomedical journals, one of the numbers in the essay you're reading is wrong. Which one?

As you would expect, this piece drew some press. Robin Peek's "Focus on publishing" in the April 2003 *Information Today*, "Could peer review be wrong?", discusses the Cochrane report, the fact that Jan Hendrick Schon managed to have eight "false" articles published in *Science* over the past three years, and a new project of the Royal Society to "examine best practices in peer review." A brief piece in the February 2003 *BMJ* notes the Cochrane report and adds a few interesting comments from Tom Jefferson, lead author on the report. "He said that there had never been any consensus on [peer review's] aims and that it would be more appropriate to refer to it as 'competitive review.' Not only did peer review pander to egos and give researchers licence to knife each other in the back with impunity, he said, but it was also 'completely useless at detecting research fraud' and let editors off the hook for publishing poor quality studies." The piece also includes a motherhood defense of peer review from Peter Lachmann: "Peer review is to science what democracy is to politics. It's not the most efficient mechanism, but it's the least corruptible."

Interesting and Peculiar Products

It's here: The Internet Refrigerator. A quick take in the April 2003 *PC World* shows the monster—an $8,000 refrigerator from LG Electronics with "an Internet-ready computer and a 15" LCD screen." Rich fools everywhere should be lining up…

Floorwax, Dessert Topping, Notebook

PC World gives it three stars, and oddly enough I think it's one that quite a few people may find intriguing: Sharp's $1,499 Actius MM10. On its own, it's an unusually thin and light notebook (half an

inch thick at the front, 2.1lb.) but hardly a powerhouse, with a laggard Transmeta 1GHz Crusoe CPU, 256MB RAM, 15GB disk, 10.4" display, and Wi-Fi connectivity. The keyboard's cramped; battery life's fairly poor. What makes it interesting is the dock/battery charger, a stand in which you set the Actius sideways. The dock has a USB2 connection—which makes the Actius look like an external hard disk to your PC. As the review says, this makes it "the perfect complement to a standard desktop computer." (An April 2003 *Computer Shopper* review notes that the little display offers 1024x768 resolution and the unit measures 0.8x10x8.1 inches, although it's thinner at the front.) *PC Magazine* arrives at a three-dot rating in its April 8, 2003 review.

Digital Innovations Neuros

I'm not sure what to make of this one, also profiled in the April 2003 *PC World* (three stars). The Neuros is an MP3 player—a $249 model with 128MB flash memory or a $399 20GB iPod competitor. Both are bulkier "and a bit uglier" than some rivals; they connect to a PC with USB1.1 (?), not USB2; they include FM tuners.

The gimmick is FM broadcasting—they can send your music to nearby FM radios (presumably over a fairly short range). Harry McCracken says that "the music ultimately sounded fine (not CD quality, but comparable to FM)." Since it *is* FM, that's reasonable enough (and, by my reckoning, 128K MP3 is roughly FM quality anyway).

There's a second gimmick: If you're listening to FM on the built-in tuner and hear a song you like, record some of it. When you sync with your PC and connect to the Internet, the Neuros tries to identify the song's title and artist. "The company claims 95 percent accuracy." *Name That Tune* goes digital…

For Serious Photographers Only

Canon's new EOS-1Ds digital camera breaks new ground in several ways, if you're ready to spend $8,000 for a camera (which I suspect doesn't included lenses). Here's the start of Les Freed's rave review in the March 25, 2003 *PC Magazine*: "A funny thing happened during our testing of the EOS-1Ds…We ran out of superlatives."

This is an SLR and uses Canon EOS-series lenses. It *exceeds* standard 35mm film resolution at a remarkable 11 megapixels, so high that *PC* couldn't measure effective resolution (the standard test charts aren't fine enough). It has excellent ergonomics, a big, bright viewfinder, excellent battery life, and the ability to operate as a tethered camera storing direct to PC (via FireWire) for studio photography.

What *really* stands out for a pro digital SLR camera is the size of the sensor: Identical to a frame of 35mm film. That means the focal length of a lens will be the same as it is for a film camera—wide-angle means wide-angle, standard doesn't mean "moderate zoom." That's a first, and an important one for pro users.

OQO Redux

Last July I poked fun at the OQO "pocket novel sized" PC, described in a *Wired News* story as a $1,000 full Windows PC with 256MB RAM, 10GB hard disk, and small touch screen. The writer wasn't sure there was a market. According to the April 2003 *Computer Shopper*, the OQO Ultra-Personal Computer is now "set to launch," a mere nine months later; the processor is a 1GHz Crusoe (don't expect big speed) and the screen's 5" diagonal, 800x480 resolution; the unit weighs nine ounces and measures 0.9x4.1x2.9". It's "intended to be a primary computer." Sure it is. Oh, and the price now starts "at around $1,500." You know, PC prices have been increasing so much lately…

Hype and Hard Drives

"These days, moving through life inevitably means collecting gobs of digital data… Some files are mandatory to have on your person at all times." *Give me a break!* Which files are you *required* to have with you "at all times," according to Brian Bennett's May 2003 *Computer Shopper* review of the $159 Shecom Ikebana USB 2.0 Slimline? "That must-have party pic, the tunes that get your groove thing going, or top-secret corporate intelligence." Yup, you really should carry around top-secret corporate intelligence: A scientist at Lawrence Livermore can tell you how much managers appreciate people carrying top-secret files around with them.

The Ikebana is basically a cheap portable hard disk—a 20GB unit in a 7.2oz. 0.8x3.3x5.3" brushed-silver package. It's *purely* a portable disk—there's no battery or power supply, as it draws power from the USB2.0 connection. As such, it may be sleek and inexpensive (although you're basically paying $30 for a hard disk and $130 for the case and connection), but it's no challenge to the Apple iPod and its competitors, which can *do* something with data. But, you know, you gotta keep your company's top-secret files in your back pocket at all times. As for those tunes that "get your groove thing going," I guess carrying them around is *almost* as good as having them on a player and being able to listen to them. In some strange parallel universe where life means collecting gobs of data.

Hot Personal Lasers

The Brother HL-5040 doesn't *look* like a personal printer—it has the boxy look of most office lasers, with a 250-sheet paper drawer and the traditional S or U paper path. It's also fast (17 pages per minute, rated and tested) and high resolution (600x2400 dpi). On the other hand, it's fairly small (15x15 footprint) and surprisingly inexpensive ($300). There's a competitive Dell/Lexmark printer with roughly the same speed and almost precisely the same price. You don't get color, but you do get low laser operating costs, better text quality than with most any ink jet—and *much* faster printing.

Speech Recognition Software

Dragon NaturallySpeaking was king of the speech-recognition field for years. Then the company that owned it had problems and it seemed to disappear for a year or three. Now it's back from a different company (ScanSoft), Dragon NaturallySpeaking Preferred 7 ($200), and according to a four-dot review in the May 6, 2003 *PC Magazine*, it's working better than ever. After a five-minute training session, initial accuracy for dictation ranged from 90 to 95%; after an hour of use, accuracy was up to 96-98%. Correction works smoothly. You don't get advanced voice scripts; for those, you pay an extra $500. But for normal use, NaturallySpeaking has once again passed IBM's ViaVoice as the most accurate choice.

The Big Portable Screen

It's always more interesting to see a strongly positive Mac review in *PC Magazine*—and not that unusual. A full-page "First look" in the May 27, 2003 issue gives four dots to Apple's $3,299 PowerBook G4. It's not cheap and it's not ultraportable—but it's a remarkable system. Most remarkable: the wide-screen 17.1" LCD display (1440x900). That's a 14.5x9" display sitting directly in front of the keyboard. Assuming that you sit the same distance from the notebook's keyboard as you would with a desktop, that means the visual angle is equivalent to using a 14x23" (26" diagonal) desktop display!

The system also has 512MB SDRAM, a 60GB hard disk, nVidia GeForce 4 440 Go graphics, a DVD-R/CD-RW burner, 802.11g (high-speed/compatible WiFi) wireless and gigabit Ethernet. While there's a FireWire port and Bluetooth, the USB port is 1.1. The aluminum case is surprisingly small given the vast screen: 15.4" wide, but only an inch thick and 6.8 pounds. Cute and worthwhile: light sensors in the speaker grills that lower the screen lighting in a dark room—and illuminate the keyboard letters and numbers. The software is Apple's usual iEverything. Other than the choice of USB1.1 rather than USB2.0, the only drawback I see is that the keyboard is smack up against the back of the unit—meaning that the "wrist rest" is *way* too big and your fingers are blocking part of that gorgeous screen.(

Finding That Problem: Hyping the Smart Display

Leave it to Bill Howard. When he did a "First Look" review of ViewSonic's $1,000 Airpanel V110 in February, he couldn't come up with more than two out of five dots. As I said in *Cites & Insights* 3:5, "It's a geek's dream. That's about it." The 2.7lb. 10" display is useless without a PC—it functions as a wireless "remote display" with slate capabilities, and nobody else can use the PC while the Airpanel's operating—and the battery only lasts about four hours.

But where geeks find a dream solution, they'll eventually find a problem. And so Howard has, in his May 27 "On technology" column. He calls the Smart Display a "money-saving" device—because you can use it as a universal remote control! Universal Electronics offers Nevo, remote control software that understands most TVs, DVD players, and similar devices. Once you add a CompactFlash card with Consumer IR emitter, the remote control might actually do something. You still need a dedicated PC running all the time, so his comparison of $1,000 with the $3,00 to $1,000 you'd pay for a high-end universal remote control is a little suspect. But, as any good geek would crow, you can *surf the net* while you're "watching" TV when you use an Airpanel. Wowie zowie.

The Details

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