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THE OUT-OF-PRINT BOOK MARKET AND THE THEFT OF LIBRARY MATERIALS

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ABSTRACT. Libraries now need to protect more than their rare books from systematic theft since the rapid growth of the out-of-print book market on the Internet has created a market for thieves to sell stolen materials easily with relatively few worries about being caught. This article will focus on shelf books that normally do not justify the protective measures taken by libraries to safeguard known rare items though many libraries have items in their stacks that are more valuable than the books in the rare book vault. While the article focuses on print monographs, thieves can also sell other media on the Internet, principally CD's and DVD's. The article considers materials that are stolen from the collection as well as thefts of in-process items and gifts. Finally, both external theft by library users and internal theft by library employees will be discussed.

KEYWORDS: theft of library materials; out-of-print book market; charging for lost items; library gifts

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The Internet Out-of-Print Book Market

The Internet has radically changed the market for out-of-print books by allowing anyone to become an Internet vendor with a minimum of fuss. Used.addall.com, one of the two major meta-search engines for out-of-print materials, claims that it is possible to “[s]earch, compare, and save at >40 bookstores, 20,000 dealers, and millions of books) (*AddAll: Used And Out of Print Search*) On March 6, 2009, a search on Half.com, one of the major sites, indicated that its inventory included 7,730,290 books, 1,062,419 music titles, 306,400 movies, and 60,025 video games. (*Half.com*) In cataloging terms, these numbers represent individual bibliographic entries rather than copies. Similarly, Alibris claims to provide access to “[o]ver 60 million, used, new, and out-of-print books!” though these are copies offered for sale rather than different items. (*Alibris.com*) On the same date, Amazon.com offered for sale 25,303,454 books, 2,216,821 music titles, 77,540 video games, and 328,153 movie & TV titles. (*Amazon.com*) Once again, the count indicates unique titles though it also includes new titles that are sold directly by Amazon.com in addition to used items. Finally, Alibris, Amazon.com, and other bookselling sites not mentioned above allow sellers to add new titles to the sales database.

It is therefore possible to sell almost anything no matter what the subject, publication date, or condition. A thief can potentially sell any item stolen from a library. Potential sellers find few barriers to entering the market. Casual sellers are especially welcome on Half.com where there are no upfront fees for listing items for sale and commission rates are a low 15% of the sale price. Amazon.com and Alibris are also possibilities though they have per item charges for those who sell only a few books plus the normal commission. Finally, some vendors such as Abebooks and many textbook vendors will buy books directly though the prices are much lower. This anonymity makes it easier to sell stolen items without causing suspicion, especially if the thief concentrates on shelf books rather than rare items. While book dealers would buy used items before the arrival of the Internet, the honest ones were more inclined to be wary of dubious offerings so that they would check with local libraries for missing items. The Internet seller is most often shipping the books far enough away from the locations where they were stolen to avoid this type of concern on the part of the buyer who is also most often an individual rather than a dealer.

Media offers additional selling opportunities beyond Internet sales. Pawn shops and other stores like Gamespot are quite willing to purchase DVD's and music CD's in good condition whether or not they have library markings so that these items are targets for thieves who do not have the skills or time to sell materials on the Internet. The Clinton Macomb Public Library in Michigan lost 4,000 discs that represented about one-sixth of its collection of CDs and DVDs “valued at \$92,000 (including processing)” before the library took countermeasures “to use a piece of laminate to cover the tag that had been peeling off” and “placing a 15-item limit on checkouts.” (Low-tech Responses Stem Major Thefts at MI Library 2005)

Modern technology also makes it easy to identify marketable items. For under \$10 per month, anyone can hook up a portable scanning device to a service that searches the various used book sites for prices. Honest dealers can often be seen at library book sales where they search for the marketable items among the masses of materials with little value in the out-of-print market. The potential thief can use the same tools to evaluate materials to steal within the library. The thief can also access the library catalog on the Internet at home either to look for selected known marketable items or to browse the catalog for desirable merchandise. Even without such technology, experienced thieves will have a good idea of what is worth taking from their knowledge of the market.

Thefts from the Collection

Many legitimate items in the out-of-print market are library discards. Libraries often sell withdrawn items in their book sales, let employees take them at little or no cost, or consign them to vendors such as Better World Books or B-Logistics that then resell them to individuals. If libraries recycle items without destroying them first, dumpster divers can retrieve them from the recycling process. In my current research project on the availability of scientific books in the out-of-print market, I would estimate that ex-library books make up between 50-75% of the items offered for sale though the percentage would be lower in other areas where individuals rather than libraries would have been more likely to have purchased the items in the first place. While prices for ex-library books are lower than those without markings, they do sell and can bring excellent prices. I am currently trying to sell an ex-library book for \$150 that I legitimately obtained from a library book sale and that appears to be the only copy currently offered for sale in the world according to the two major meta-search engines. If thieves have any concerns that the materials lack a “discard” or “withdrawn” stamp, they can simply order such a stamp from a local store or from an online vendor. “The problem is that with the purchase of a rubber stamp that says „discard’ a buyer of these books has no way to know whether the book is truly a discard or the thief has made an investment in a rubber stamp.”(Bibliofuture 2003)

I have sometimes been quite surprised at the fact that sellers were offering library discards that appeared too recent and too popular to be deselected by a library and suspected that they might be stolen items. In my research for this article, I did a small test on March 8, 2009 to see if any current New York Times bestsellers would be offered as library discards on Amazon.com since this type of material would be the least likely to be withdrawn from any type of library. I consider my results to be inconclusive and an area for future research since I found only one ex-library copy for sale. The book in question was *Multiple Blessings* by Jon and Kate Gosselin and Beth Carson that was one of the older books on the list with a publication date of October 14, 2008. To reaffirm the point that many if not most libraries have shelf books worth stealing, I will summarize a recent column by John Riley in *Against the Grain*.(Riley 2008) He makes the key point that “books on the shelves of our libraries may be much more valuable than we think.” One of his examples is the Middlebury College Library where a librarian’s

analysis of the collection against the OCLC database “discovered that his collection contained over two thousand unique items” that most likely would fetch a good price on the Internet. In addition, he affirms that “library markings used to be the kiss of death to the value of the book, but they no longer affect the prices of technical and scientific works that are some of the most sought after books.” Finally, he surmises that part of the problem may be that libraries do not have enough secure storage to house their newly discovered treasures but suggests that many libraries may need to convert their open stacks to protect these items. I agree with his contention that older libraries that have been collecting and keeping books for generations may have more valuable items than newer, more popular, and smaller libraries. I would nonetheless bet that a dedicated thief would find least a few items worth stealing in almost any library.

The first strategy for theft is to remove the items from the building without checking them out. I would suggest that readers consult the many articles on library security since this type of theft is the kind that libraries have worried the most about since they came into existence. The one additional concern would be to ask stack attendants and book shelvees to report any suspicious activity such as checking materials with a barcode scanner to identify marketable items. I believe that it would be more difficult to separate the legitimate user who is systematically browsing an area from the thief who is doing the same.

The second theft strategy is to check out materials with no intention of ever returning them, often by using multiple false identities. In several reported cases, the same person visited many different branches, acquired multiple library cards, and then checked out the maximum number of marketable items. For example, at the Denver Public Library, “[p]rosecutors say Pilaar checked out 1400 books and DVDs and sold most of the items.”(Cheung 2008) This situation requires taking care to verify identities and to ask circulation staff to be wary of the same person who appears to be using multiple library cards. In addition, many libraries limit the number of items that a new patron can check out.

A sophisticated thief who wishes to remain a valid library user can take advantage of the fact that many libraries charge a fixed rate for lost items that is well below their price on the out-of-print market. The person pays the library replacement costs and then sells the item for its commercial price. This strategy may work best in large research collections where items purchased when published have become valuable over time. While well before the arrival of the Internet, I heard the story many years ago about a professor who was systematically reselling rare items in his field that he had checked out from a major research library, claimed as lost, and then paid the replacement fee. Unfortunately, he boasted about his scheme loudly enough to have it come to the attention of university administrators who told him never to do it again. Since the library never intended to sell the item, legal ownership does not pass to the person who paid the replacement fee. While the following citation deals specifically with English law, the same principle would normally apply in the United State:

An item remains the property of its original owner unless:

the owner sells that title in a legitimate contract of sale. Under English law, anyone purchasing a stolen item while under the impression that they are buying the legal title, will not acquire a clear legal title unless the vendor can prove they hold the legal title. Purchasers should always require proof of title. (Group)

In addition, the library can seek return of such items under the doctrine of replevin, even from innocent subsequent owners since “[a]nyone buying or selling property without the permission of the original legal owner is liable to the original owner for the tort (civil wrong) of 'conversion'. the library could recover these items from subsequent owners.” (Group) To avoid this type of theft, libraries can take two relatively easy steps. The first is to flag any users who are paying for multiple lost items; integrated library systems can run reports on lost items though I am not aware how easy it would be to link these reports with individual patrons. The second step is to have a policy of billing actual replacement costs for lost items and searching the out-of-print meta-search engines, used.addall.com or bookfinder.com, for an average cost in all cases or minimally in cases that match certain criteria such as an early publication date or certain publishers. (Older university press titles can be particularly valuable.) Relatively inexpensive student workers should be able to handle such searching.

Thieves do not even need to visit the library if the library is willing to send valuable materials out on interlibrary loan. A graduate student at Central Michigan University borrowed two books written by John Kerry that were sent via interlibrary loan from Michigan State University and sold them for about \$5,000 on eBay. Not unexpectedly after this theft, “Dean of Libraries Thomas Moore said that the stolen loaned books may prompt some security measures for the university’s interlibrary loan program.” (Marckini 2004) Joseph Sharpe, Interlibrary Loan Librarian, at my own institution reported that Wayne State University, after researching the value of non-returned items, has had to charge relatively high replacement costs for some materials that have not been returned by the borrowing library. He also reported that state-wide meetings of ILL officers often include reports of similar experiences. Such losses occur, according to him, even though ILL staff review material before sending it out to other libraries. (Sharpe 2009) This type of theft is particularly vexing because such losses undermine the traditional desire for libraries to share and can create ill will between the lending and the borrowing library. At a minimum, both parties in any ILL transaction should make efforts to identify valuable items to avoid having them stolen.

Library employees and others with access to the library such as janitorial staff and maintenance workers can more easily steal items since they normally are not subjected to the same level of security, sometimes have access when the library is closed, and can often leave the library through an unsecured exit. (See the next section for possible solutions to this problem.) One strategy to obtain valuable items is, however, available only to collection development staff. In this case, the staff member knowingly weeds

valuable items and then either purchases them or has a confederate purchase them at the library book sale. This strategy works best when staff are able to purchase items before they become available to the public. The counter to this subterfuge is to have the head of collection development or some other expert in book valuation review any discarded items before they become available for sale though the intent to commit theft could be difficult to prove. In general, library employees who are known to sell books on the Internet should take care to avoid any suspicion of impropriety.

Thefts from In-process or Gift Materials

In-process or gift materials have more value in the out-of-print market since they lack library markings and can most often be sold at the higher condition levels (“like new” or “very good”) for higher prices. In fact, most in-process materials will be brand new. This fact makes them even more tempting targets for thieves. Guarding in-process materials is easier as long as the library records them its ILS. While the existence of such a record may not deter the theft, any systematic disappearance of materials can alert the persons responsible for library security to take counter measures. At a very minimum, the library should add security strips to materials once it is clear that the items will be added to the collection and may even ask vendors to do so before delivery if this is an option. As I stated above, this strategy may not deter those who do not have to pass through security in leaving the building. In the case of large losses, the library might want to consider a temporary or permanent security camera or Web cam in the area where the thefts are taking place. Whether the library announces the presence of surveillance may depend upon policy and whether the library wishes to catch the thieves or stop the thefts.

In my opinion, gifts pose the greatest problems for theft because most libraries do not track them or provide security until a selector makes a decision to add the gift to the collection. Many libraries also pick up large gifts from donors. I see little to stop the employee, who may be a student or volunteer, from stopping briefly to take the more valuable items either from knowledge of the book trade or by using on the bar code scanners connected to the out-of-print databases. While the donor may have an inventory of valuable items to help claim tax benefits that is shared with the library, even an ordinary gift may have some mid-range items that can be easily sold for a nice profit. Even when they arrive in the library, the gift items usually remain more vulnerable to theft for the reasons given above. Lori Burger, Lincoln Library, Springfield, Illinois, was charge with the theft of 2,000 books over eighteen months. She sold about 1,000 on Half.com for approximately \$10,000. In her defense, she claimed that “she didn’t realize it was wrong” since “many were destined for the gray Dumpster-size bin ... where they would have sent to a shredder.”(Rhodes 2005) One countermeasure would be for an experienced collection development person to take a quick look at all gifts upon arrival and remove potentially valuable items, but my sense is that few if any libraries have the resources to devote this much attention to gifts. I suspect that most libraries would conclude that losing a few gifts is an acceptable risk in their cost-benefit analysis. In

addition, the library employee above was stealing shelf books that were not particularly rare individually but that collectively were worth quite a bit of money. At a minimum, libraries should make it clear that gift books, even those rejected by the library, cannot be taken without formal approval.

Other Measures

Since I am not an expert in employment law, I am not certain if it is legal to ask employees to declare whether they are book dealers. I do not hide this fact from my employer though one librarian only somewhat humorously routinely accuses me of purchasing all the valuable items from the book sale room and contends that I should give any of the valuable items back though purchased quite legally. Knowledge of the book trade acquired from being a dealer can be a beneficial skill not only for the individual but also for the employer. In several places in this article, I suggest that an expert evaluate materials; selling items on the Internet is one of the best ways to achieve these skills. At a minimum, the library administration should make it clear that taking books, even gift books, is a serious offense that could lead to dismissal or prosecution.

Conclusion

While libraries have always worried about theft, materials in the mid-price range were much less at risk before the arrival of the Internet. The main outlet for selling such materials was most likely the local book dealer who would justifiably offer a relatively low percentage of the retail value and might become suspicious enough of multiple sales from the same individual to ask local libraries if they suspected thefts from their collections or gift books. Now librarians can consider most of their books to be at risk. The Web provides the opportunity to sell these items at retail price with relatively small commissions and also provides anonymity for sellers who most likely will sell many items to customers far away from the library where they were stolen. While I have suggested some countermeasures in this article, I imagine that many libraries will consider the growing risk of possible thefts as just another increase in the cost of doing business. I will conclude with a quotation from Julie Burke: "The real significance of online book auctions to libraries is that for the first time in history, the after-market book trade has been liberated from middleman brokers, and the entire world is now participating in what was a small and controlled market previous to the universal availability of the internet." (Burke 2006)

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