December 2009

A Response from Steve McKinzie

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Recommended Citation

McKinzie, Steve (2009) "A Response from Steve McKinzie," *Against the Grain*: Vol. 21: Iss. 6, Article 23.

DOI: <https://doi.org/10.7771/2380-176X.2368>

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IMHBCO (In My Humble But Correct Opinion) – Academic Libraries and the “Arming America” Problem: A Response to Steve McKinzie

by **Rick Anderson** (Associate Director for Scholarly Resources & Collections, Marriott Library, University of Utah; Phone: 801-721-1687) <rick.anderson@utah.edu>

In the September issue of *ATG*, **Steve McKinzie** presented a very well-written and carefully argued “case for getting rid of a celebrated book” — in this case, **Michael A. Bellesiles’** infamous *Arming America: The Origins of a National Gun Culture*. **McKinzie’s** indictment of the book itself is pretty much unassailable: he demonstrates that despite the book’s commercial success, and despite its status (now revoked) as a major award-winner, *Arming America* cannot in fact be considered a reliable source of information about the history of gun ownership in America. **Bellesiles’** fabrication of data, his dishonest use of sources, and his statistical sleight of hand have all been carefully and exhaustively documented, as **McKinzie** points out. Libraries, to the degree that they consider it their primary role to provide good, accurate information to patrons, would do well to stop and think twice about adding such a book to their collections. **McKinzie** takes that logic one step further, exhorting libraries that acquired the book before its myriad failings were made public to remove it from their shelves.

McKinzie is careful in his recommendations: although he is deeply concerned about the “host of unwary readers” who may find in the stacks “a terribly misleading book that bases its arguments on fabricated data and deliberately misconstrued research,” he emphasizes at the same time that he is not suggesting “that as librarians we should buy and retain only those books whose analysis is thorough-going and scholarly.” His argument is focused more specifically on books which have been clearly demonstrated to be intellectually dishonest and factually misleading. Such books are not merely shoddy but actively harmful and, he says, should be “summarily jettison(ed)... from our collections.”

On its surface, such an argument would seem hard to refute. However, I suggest that it is built upon a mistaken premise about the purpose of libraries generally, and of academic libraries in particular.

I would argue that it is not the purpose of an academic library to provide its patrons with truth and truth alone. Instead, it is the library’s job — or, at least, one of its fundamental jobs — to help patrons solve their research problems. Obviously, most research

problems are best solved by reference to accurate information: if you need to analyze trend data related to smoking in North America or learn about treatment options for a particular kind of cancer, biased and inaccurate sources will serve you poorly. However, it is also true that some kinds of research are served — and, in fact, can only be served — by recourse to inaccurate, unfounded, dishonestly presented, and poorly written articles and books.

At first blush, this argument may seem bizarre. But consider **Adolf Hitler’s** notorious screed *Mein Kampf*. By no intellectual, literary, or moral standard could *Mein Kampf* be considered a good book; it is poorly written, disastrously argued, and morally repugnant. And yet it is difficult to see how any comprehensive academic library could justify that book’s absence from the collection. Why? Because it is a centrally important document in the social and political history of the 20th century. Its importance lies not in the quality of its ideas, but in the fact that it provides a unique window into the mind of one of the century’s most disastrously influential people. In other words, there are good and important research questions that can be answered by recourse to that book, and in no other way. I would argue, in fact, that access to *Mein Kampf* is essential not only for students and researchers in particular, but also for society as a whole; without access to that book and its repulsive ideas, it would arguably be much easier for those (and make no mistake, they are out there) who would like to see **Hitler’s** image rehabilitated.

To be sure, **Bellesiles’** book is no *Mein Kampf*, but the same principle applies. *Arming America* may be a very poor source of information about 18th-century American gun culture, but it is a highly valuable source of information about the modern American conversation about gun culture. Students and researchers studying the complexities and controversies of Second Amendment issues in modern times need access not only to the best arguments on both sides, but also to examples of dishonest and fallacious arguments, especially when those arguments have successfully influenced the national conversation. **Bellesiles’**

book has a place in library collections not because it is a good book, but precisely because it has been an influential and important bad book, and because it is bad in particularly instructive ways. An understanding of its content can contribute greatly to an understanding of the vigorous national discussion in which it played a significant part, and a command of that discussion

generally is essential to an understanding of the Second Amendment itself.

This leaves one of **McKinzie’s** important concerns unaddressed, however: what can (or should) libraries do to warn patrons what they’re actually looking at when they pick up *Arming America*? There is no faulting **McKinzie’s** legitimate concerns in this regard. It’s one thing to say that bad and dishonest books can be pedagogically helpful, and another to simply present those books without comment to a potentially uncritical audience. As it turns out, **McKinzie** himself offers an example of how one library has addressed this problem, and I think it provides a good model: he mentions a library in North Carolina that “took the unorthodox but possibly effective technique of taping a popular review to the inside cover of the book.” While this exact method may raise eyebrows, it illustrates what I think is an approach well attuned to both library values and library purposes: using more speech to counter bad speech rather than cutting potentially useful bad speech from the collection.

Does my argument imply that librarians should go through their entire collections, making sure that every controversial book includes a pasted-in rebuttal, or that they should buy controversial books on all topics without regard to their intrinsic quality? Absolutely not. Nor do I believe that most libraries should (or possibly could) buy every high-quality book that is available on every controversial topic, in the interest of making sure that every side to every argument is represented. As to the first point, I’m arguing only that in some cases it may well be worthwhile both to own a book and to give patrons a heads-up about problems with it that may not be immediately apparent.

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Information Science

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As to the second point, I'm arguing only that intrinsic quality should not be the only (or, in some cases, even the primary) criterion for acquisition. The primary criterion should be *usefulness*, and usefulness is determined by the library's mission and the needs of its patrons. Bad books can be very useful indeed, and *Arming America* strikes me as an eminent example of such a book.

By providing *Arming America* to its patrons, does the library run a risk that they will come away from it with dangerously incorrect information? Absolutely. But this raises a deeper issue with which our profession has grappled for more than a hundred years. Giving people access to information is, by its nature, a risky business. If we believe that knowledge is powerful, then we have to accept that it is therefore also dangerous. When we expose people to ideas we are not only fostering understanding and empathy and the broadening of minds, but are also running the risk that wrongheaded and mean and chauvinistic ideas will sprout and take hold. However, it seems to me that as librarians we have no choice but to take that risk. The alternative is actually rather awful to contemplate.

A Response from Steve McKinzie

by **Steve McKinzie** (Library Director, Corriher-Linn-Black Library, Catawba College, Salisbury, NC 28144; Phone: 704-637-4449) <smckinzi@catawba.edu>

Mr. Anderson makes his case eloquently and persuasively. In a spirit of friendly exchange, I counter briefly. In the final analysis, my recommendation to get rid of *Arming America* hinges on a simple distinction that bears repeating — a distinction about scholarly books that contain inaccuracies. Simply put, I draw a line. I suggest there is a huge difference between skewed historical analysis and deliberately falsified research — between a historian who may have a jaundiced perspective and one who knowingly chooses to deceive — between an honest scholar who misreads his data and dishonest one who deals in blatant misrepresentation of his sources. I charge that in every case, *Arming America* falls on the latter side of this line of distinction and consequently merits no place in a scholarly collection.

Let's be candid. If any of us knew then what we know now about *Arming America*, would we have purchased the title? I think not. And there something else we should consider. If we eagerly discard older historical monographs and outdated research in the interests of saving precious shelf space, should we not also willingly jettison a title based on what we have learned about the utter dishonesty of its approach — indeed the utter dishonesty of the research on which it is based?

Don't get me wrong. I appreciate **Mr. Anderson's** analysis, and there is likely much on what we agree. But as for *Arming America*, I remain respectfully unconvinced. I still say throw it out. 🍌

ATG Interviews Lotfi Belkhir

Founder and CEO of Kirtas Technologies

by **Martha Whittaker** (Director, Content Management, Gelman Library System, George Washington University) <mwhittaker@gelman.gwu.edu>

ATG: *Let's start by learning about your background leading up to the founding of Kirtas Technologies.*

LB: I completed my PhD in physics in 1993, and in 1995 I left the academic community to join **Xerox** as a research scientist. My five-year career at **Xerox** spanned R&D, product development, corporate strategy and corporate ventures. I started the **Automatic Book Scanner** project while an executive at the **Xerox Venture Lab** in Palo Alto, CA in late 2000. In May 2001, I left **Xerox** with an exclusive license to the technology I developed, and started **Kirtas** in June 2001.

ATG: *Your Website has the engaging tag line "Moving knowledge from books to bytes." Tell us about Kirtas Technologies, Inc. — how it was born and the path of its development.*

LB: **Kirtas** owes its existence and its purpose to four global trends that are and will continue to affect our lives for many years to come: Digitization, Globalization, Knowledge-driven economy and the Internet. These trends are also intimately intertwined. On the other hand, back in 2000, while all forms of content, communication and entertainment were going digital, the accumulated knowledge of humankind from the last 1,000 years was still largely held captive in the analog world by the covers that bind it. I'm of course talking about the billions of books that lay on the library shelves of thousands of libraries around the world. The reason being that there was no technology available to en-

able the massive, rapid, high-quality and cost-effective conversion of all that content "from books to bytes." So I set out to change that and develop that dearly needed solution. Started in June 2001, **Kirtas** went on to develop the first generation model, the **BookScan APT 1200**, which we launched in August 2004. Some of our earliest customers were **Logo Bible Software**, **EBSCO**, **Northwestern University** and **Rochester Public Library**. We also opened a service bureau to provide digitization services a few months earlier, and our earliest customers were **Atypen**, **University of Michigan**, as well as **EBSCO Publishing**.

ATG: *Who are some of your clients? Libraries? Publishers? Others?*

LB: Today, **Kirtas** products are present in more than 30 countries with over 400 customers around the world. Our client list includes some of the most prestigious names in the academic, research, government, corporate, publishing and non-profit library world such as **Yale U**, **Cornell U**, **Emory U**, **John Hopkins U**, **Emory U**, **Novartis**, the **Air Force**, the **United Nations Organization**, the **British Library**, **Cambridge University Press**, **Hong Kong U**, **Government of Canada**, **McGill U**, **Polytechnic Institute of St Petersburg**, **Yeltsin Presidential Library**, and the list goes on.

ATG: *Why are the terms "scanning" and "digitization" not to be used interchangeably?*

LB: Scanning is usually understood as the process of capturing a digital image of a document, while digitization means the process of converting the content of that document into a readily usable digital file. While obviously digitization requires scanning as a first step, it also requires additional post-processing steps which, in the case of complex documents such as books, are usually far more challenging and technically sophisticated than the scanning step.

ATG: *What do you mean when you talk about the "three pillars of digitization?"*

LB: **Kirtas** introduced the concept of the "three pillars of digitization" to describe in more concrete terms how different digitization is from scanning, and what are the three fundamental components of digitization that in practice must be delivered by the digitization process in order to ensure the longevity, the interoperability and the repurposing of the digitized assets.

ATG: *How do you define "quality" as it is applied to digitization projects?*

LB: Defining "quality digitization" has been a thorny issue for librarians since the "Making of America" project by **Cornell University** and **U of Michigan**. Too often it centers on DPI, output format, OCR accuracy, full color vs. bitonal, etc. Needless to say that with improving technology, these quality specifications have become a moving target. But

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PHYSIOLOGY

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more importantly, none of these specifications really offer a true definition of quality that can become a standard “umbrella” definition from which a well thought-out and logical set of specifications will flow. Hence, quality today is still “in the eye of the beholder.”

At **Kirtas**, we define quality digitization as follows:

Quality Digitization is the creation of digital assets that: 1) can survive the passage of time; and 2) can be programmatically repurposed to meet the new and existing access needs of today and in the future.

We believe that from this high-level definition we are able to infer a complete set of detailed specifications that will meet the requirements of both digital preservation and multi-purpose access while leveraging our initial investment.

ATG: *Please talk about what you refer to as the “cost and opportunity cost of digitization.”*

LB: Digitization is often viewed as an expensive endeavor. So to respond to the increasing demand for electronic access by their patrons within the limitations of their ever-shrinking budget, libraries feel often forced to “cut corners” when it comes to quality. The common wisdom is that quality must be sacrificed for quantity when it comes to large-scale digitization because it’s assumed that quality digitization will involve a much higher cost. Our experience is that large-scale quality digitization when done within an efficient workflow, while not free, doesn’t cost that much more than its poor counterpart. In fact, on a “total cost” basis, the evidence points to the contrary. Furthermore, there’s an enormous long-term “opportunity” cost for not doing quality digitization, especially when it’s on a large scale. That opportunity cost includes the (i) perception that it’s a “done task” and hence eliminates any future financing opportunity to do it right, (ii) the detrimental impact on the institution’s reputation, (iii) the inability to repurpose that content down the road to adapt to the rapidly emerging formats (e.g. ePub for eBook reading devices), and needs of their patrons, (iv) the high error rate inherent to those low-quality digitization programs that makes them unsuitable for scholarly research. In short, I believe that the short-term gains (if any) of having poorly digitized collections are dwarfed by those long-term opportunity costs.

ATG: *Why should librarians planning digitization projects be concerned with workflow, and what are the steps that should be a part of the planning process?*

LB: Because digitization is so much more than scanning, the cost of the scanning tends to be a small part, usually between 10-15% of the total cost of digitization. This total cost must include not only the obvious costs of post-processing, but also that of prioritization,

selection, pulling, inspection for rejects, file management, quality control, data entry, data storage, re-shelving, and so on. A well designed and efficient workflow process is hence critical to achieve a large-scale, high-quality and cost-effective digitization program.

ATG: *What should we be doing to insure interoperability and sustainability of our digitization projects?*

LB: Interoperability requires common standards for image quality, image formats, and metadata. Sustainability on the other hand requires the kind of quality and file formats that lend themselves to a programmatic conversion to other formats and uses that we may or may not foresee today. To illustrate this key difference, let’s assume that a consortium of libraries agrees on a joint and distributed digitization program with an agreed upon and well-defined set of specifications about the image quality, image format, OCR accuracy level, and metadata output. As long as they all abide by those standards, then their separately digitized assets should be interoperable. On the other hand, say they want to convert down the road their files to print-ready PDF’s for print-on-demand. Depending on how they agreed to process their images during their digitization program will determine whether they can programmatically (and hence at low cost) convert those digital assets, or whether they would have to manually convert every book (and hence at a prohibitive cost). The same goes if they want to create an ePub file. The accuracy level of their OCR, and the level of completeness of their structural metadata will also determine whether a clean and usable ePub is possible programmatically or not. If the answer is no in both cases, then those digital assets, while interoperable are not sustainable and hence will become quickly obsolete.

ATG: *You have a print-on-demand service KirtasBooks.com. What is the business model for this service and what distinguishes it from other POD?*

LB: **Kirtasbooks.com** business model differentiates itself by the concept of “Comprehensive Access.” Every title we have on our one million-record database is available either on-demand, or already digitized. Comprehensive Access means that once digitized, that title is available for free online reading, as a case-bound or paperback POD, as a fully searchable download, or as part of a research collection using the best of breed technology from ebrary. Today, no other company in the world, whether it’s **Amazon**, **Google**, **Ingram** or other offers that kind of access model.

ATG: *I know you recently announced a partnership with OCLC. Could you tell us more about that?*

LB: Our exciting partnership with **OCLC** allow us to update **Wordcat** records each time we digitize a title from our database of Digitize-on-Demand (DoD) records. That digitized title will then become visible, via a persistent hyperlink, to any **OCLC** member around the world.

ATG: *What are some other big projects in the works that you can tell us about?*

LB: All our projects center around the digitization and distribution of library content, with a key focus on quality in the sense of longevity, interoperability and sustainability. Based on our customers’ feedback, we continue to develop hardware and software products that on one end of the spectrum enable the conversion of special collections material, and on the other end of the spectrum enable the clean and painless repurposing of digitized material into emerging formats such as the ePub format.

ATG: *In your opinion, who are the major digitization players now and what will the industry look like in five years?*

LB: With **Microsoft’s** exit from this arena last year, the three other major players, besides **Kirtas**, are **Google**, **Amazon** and the **Internet Archive**. **Google** is by far the largest player today, although their output falls far short from qualifying as “digitization.” **Amazon** does a good job in its digitization of relatively recent and copyrighted material, but all its scanning is destructive. The **Internet Archive** has made commendable efforts in scanning manually over a half-million titles and making them available on its archive, but there again because of their narrow focus on scanning only and rudimentary quality control process, there will need to be extensive additional investment to make their scanned titles interoperable and repurposable. I believe that five years from now, the industry will have finally settled on a thorough set of standards of digitization that will enable interoperable content to be accessed in multiple ways. I see new international partnerships forming between libraries, governments, and corporations forming around the preservation, access and sharing of information and knowledge in ways only possible through the digital media. I see new technologies emerging spurred by new opportunities that will be created and stimulated by all the digitized content. I see the Web 3.0 taking full shape and an unprecedented level of knowledge and information sharing taking place.

ATG: *What message do you have for new people just entering the library and information services profession?*

LB: With the information explosion and the increasing need for researching and accessing vast amounts of information, there’s also a commensurate need for a new breed of library services professionals that will adapt to the rapidly changing landscape. They must learn to leverage the latest technologies to enhance not only the quality of their services but also the efficiency with which they deliver those services. Indeed digitization, when done right, is one such enabler of quality and efficiency. However to achieve its full potential, digitization needs to be embraced and owned directly by the library community instead of other organizations who share neither its know-how, nor its agenda.

ATG: *What one thing would you like readers of Against the Grain to think about when they think of Kirtas?*

LB: A partner who’s passionately dedicated to “moving knowledge from books to bytes.” 🐼

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ATG Interviews George Machovec

Associate Director, Colorado Alliance of Research Libraries
and Managing Editor, *The Charleston Advisor*

by Dennis Brunning (E Humanities Development Librarian, Arizona State University) <dennis.brunning@gmail.com>

Close Encounters with the Droid

Column Editor's Note: *George Machovec is Associate Director, Colorado Alliance of Research Libraries and Managing Editor, The Charleston Advisor (george@coalliance.org). George has followed library technology for nearly 30 years. You want to know something, you ask George. Who better to ask about this foray into the future of the smart phone? — DB*

ATG: *We heard you're a new droid customer. How did that happen?*

George Machovec: My five year old **Motorola RAZR** phone died on a Friday so I needed to get a new device ASAP. As a **Verizon** customer I was hoping that the **iPhone** would be released for that carrier but I had to get a new device immediately. I had been watching the **Blackberry Storm 2** but the new **Google OS** looked intriguing and I liked the idea of getting a user interface that would be available across several carriers if I ever decided to change. Also, it seemed like the **Google OS** was targeting both business as well as personal/recreational use, something which I really wanted.

ATG: *Which one did you buy?*

GM: I got the **Motorola Droid** with the latest **Google 2.0 OS**.

ATG: *What was your first reaction?*

GM: Of course, I had been drooling over the **iPhone** for some time so I was hoping my purchase of the **Droid** would not let me down. I have to admit I was happily blown away with the **Droid** functionality and really enjoyed its simplicity and power.

ATG: *How is it as a work phone?*

GM: The phone functionality has been great. This was the main reason that I had not gone to **AT&T** for an **iPhone**. I live in Denver and do a lot of car travelling in the Rocky Mountains and southwest — some very rural areas once I get out of the Denver metro area. **Verizon** has great coverage and I did not want to lose the broad network that **Verizon** offers.

The **Droid** phone functionality is much nicer than my old **RAZR**. Since I sync with a **Microsoft Exchange** server at work I was immediately able to import my 500 or so contacts as well as calendar and email. This was a crucial requirement for me in the purchase of a new phone. I used to have a **Dell PDA** for syncing with **Exchange** but I stopped us-

ing it about a year ago because it was such a burden to use.

ATG: *I'm sure you aren't underwhelmed with features and apps. Overwhelmed?*

GM: **Droid** currently has about 10,000 apps in their Market — some are free and some cost. This is about a tenth of what is now available for the **Apple iPhone**. But 10,000 is still a huge number and my guess is that there will be a large growth in available apps over the next year or so. I don't feel app deprived and have found lots of very cool things. The only "killer" app that is missing is **iTunes/iPod** which, of course, is exclusive to **Apple** and gives them a huge edge. I guess I'll just keep using my **Nano** for the foreseeable future.

I'm a news junkie so apps for **BBC**, the *New York Times* and **CNN** are among my favorite. But I've also downloaded apps for a free dictionary, **Pandora** (streaming music), **The Weather Channel**, **WikiMobile**, a PDF viewer, **OpenTable** (to make restaurant reservations) and a few others. One of the really cool apps I've downloaded allows me to take pictures with the five megapixel camera and turn the photo into a PDF. This is quite useful for old-school library work as well as other ways to share documents without faxing or photocopying.

One of the very powerful apps that is pre-installed with the **Google 2.0 OS** is a very powerful map function. Aside from getting **Google Maps** with its various layers it also has a built-in **GPS** (with built-in **GPS** satellite connectivity) with written as well as voice instructions when driving. A person no longer needs a dedicated **GPS** device. **Google Latitude** is also included which will pinpoint my position on a map and allow me to share it with my set of pre-approved friends. Maybe I'm getting old but this seems a bit creepy, almost stalker like. But I'm trying it out anyway.

One thing I'm trying to avoid is the "CrackBerry" syndrome with the mobile device controlling my personal and professional time. To avoid this problem, I've made the email notification on my **Droid** silent so that I only get notified for phone calls and text messages. I get dozens of emails every day (sometimes over a hundred) so I don't want the phone buzzing every few minutes. I still like getting the emails in my **Droid** but I only use that device for emails on rare occasions. I would rather use my laptop where I can be more efficient.

I've only touched the surface of available apps but as I spend more time over the next few months I'm looking to find more.

ATG: *Is the network up to the droid?*

GM: The **Verizon 3G** network in Denver seems very robust and I've had no slowness or connectivity problems. But the **Motorola droid** also has built-in Wi-Fi so when I'm at home I sometimes use my home DSL Wi-Fi connection as it's even faster.

ATG: *How would it work, you think, doing IM reference?*

GM: I think doing IM reference would be difficult unless one had short simple answers. Although there is both a screen keyboard as well as a small physical keyboard on the **Motorola Droid**, I would find it difficult to create long messages. Screen pushing would also be very difficult with the small form factor of the device. But I could see using a larger computer at the reference desk or in an office and then using a portable phone if one had to go elsewhere in the library for a quick follow-up.

ATG: *Are your iPhone friends envious?*

GM: I've had several of my **iPhone** friends comment on some of the cool features in the **Droid**, especially the **GPS** and **Google**-specific optimized functions. But I think once you get invested in an **iPhone**, **Blackberry**, **Palm Pre** or **Google OS** device there is a large incentive (in addition to the two-year required contract) to stay in an existing environment because of the investment (intellectual as well as financial) one makes in the apps.

ATG: *What will you buy in two years — after your contract runs course?*

GM: So far I'm very happy with my **Droid** phone. But it's really hard to know where the main competitors will be in two years. I'll decide then.

ATG: *Any eBook experience with your device?*

GM: I think the **Google OS** for portable devices will be a major player for not only **Android** phones but also other venues such as with the **Nook** who recently disclosed that **Google** was behind the scenes in their new reader. Interestingly, the **Barnes and Noble eBook** app is currently only available for **iPhone**, **BlackBerry** and **PC/Windows**. I assume that they will release a **Google OS** version of their eBook reader for **droid** phones in the near future, but it isn't available as of December 1, 2009 as far as I can tell. **Microsoft** appears to be the major loser with the new **Google OS** and other leading smart phones. They seem to have fumbled in the portable market. 🐼

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Connect, Collaborate, Create

Senior Vice President, Sales, YBP Library Services <mkendall@ybp.com>

by Katina Strauch (Editor, *Against the Grain*) <kstrauch@comcast.net>

ATG: *Come again? YBP (Baker & Taylor) has just bought Blackwell Book Services in the US (Blackwell NA)? This is startling news! What will happen to the Blackwell offices in the US?*

MK: Our top priority will be to work very closely with Blackwell staff to ensure that all Blackwell customers continue to receive the highest possible level of service while also beginning the process of transitioning accounts over to YBP systems as smoothly and as efficiently as possible. We have tremendous respect for the knowledge and professionalism of the Blackwell team, and will depend on their expertise as the transition goes forward. However, due to redundancies in the workforce and operations, over the course of the next 10 to 12 months, Blackwell's Blackwood, NJ facility will be closed. Blackwell's Lake Oswego, Oregon offices will remain open for a year or more, depending on business needs.

ATG: *What will happen to the Blackwell sales reps et al. (John Laraway? Matt Nauman? Etc.) When will we know who we will deal with?*

MK: We are sensitive to the fact that Blackwell regional sales managers (RSM's), like their YBP counterparts, have established close working relationships with the customers they serve. As noted above, we have great respect for the expertise and relationships that the Blackwell RSM's have with the libraries they serve, so we will be working very closely with them to transition each library customer from the Blackwell system to YBP.

We are pleased that a number of Blackwell regional sales managers (RSM's) will become part of the YBP sales team. During the transition period, we will also be evaluating sales territories to ensure that all customers are receiving the highest level of service possible. Customers will be notified of any changes in sales representation, if applicable, before January 1. In addition, Blackwell's customer service staff will be retained in Oregon for an extended period of time. They will be instrumental in helping transition Blackwell customers to YBP based on their extensive knowledge of the Blackwell account structure, approval plan and systems.

ATG: *What will happen to existing Blackwell approval plans? Firm orders?*

MK: All Blackwell approval plans and firm order customers will be gradually transitioned to YBP and this will be done in close coordination with each library in a manner that respects existing library workflow processes. We have a great deal of experience transitioning Blackwell customers to our systems, and that expertise will only be multiplied with the help of the Blackwell customer service and sales teams.

ATG: *The Blackwell and YBP thesauri are very different. How will Blackwell Profiles be incorporated into YBP? And isn't this going to be a lot of extra work for already overworked acquisitions and collection development professionals? Will all approval plan profiles have to be redone really?*

MK: Yes, the Blackwell and YBP approval profiling methodologies are quite different. However, YBP has significant experience converting Blackwell approval plans to YBP plans. Our experience shows that simply mapping out, or converting the Blackwell profiles without discussion in the library can take as long or longer than an actual session in the library and does not always yield optimal results. These sessions also allow us to develop a clearer understanding of the library's collection objectives and, most importantly, the opportunity to engage in productive two-way dialogue that becomes the cornerstone of our future working relationship. Very recently, for example, one of my colleagues was in a library with a sales person converting a profile from another vendor. The selectors had arrived well prepared and seemed to enjoy the sessions. Their comments were positive. They had not reviewed their existing profile in a while, or they were new to their job and all felt it was a worthwhile exercise and not a lot of extra work at all.

Our goal today is the same as it was 35 years ago: to truly craft a precise profile that ensures that libraries receive materials (both print and electronic) that accurately match their current collection development objectives. Our plan is to begin converting approval plans over the coming weeks and Blackwell approval plan customers can expect to hear from both Blackwell and YBP sales representatives as they work together to help begin and facilitate this process. As noted above, YBP has a great deal of experience transitioning Blackwell customers to our systems, and that expertise will only be multiplied with the help of the Blackwell customer service and sales teams.

ATG: *How many approval plans are there that need this type of attention?*

MK: There are approximately 150 plans.

ATG: *This is bound to hurt competition in the book business. Comments? What changes will we see, especially in pricing?*

MK: Actually, I would argue that this is probably the most competitive time in the history of bookselling. While there still remain a good number of traditional academic library booksellers (Midwest, Coutts, Emery-Pratt, and others) for libraries to choose from, there is also significant competition from less traditional library booksellers including Amazon, Google, B&N, eBook aggregators such as ebrary, EBL, NetLibrary, publisher direct content bundles (both print and electronic),

print on demand (POD) options, and specialized out of print (OP) vendors to name but a few. With this level of competition will come competitive pricing.

ATG: *What has Blackwell retained? The bookstores and Lindsay and Croft? Other?*

MK: Blackwell's United Kingdom office will continue to operate separately. This includes incorporating Lindsay and Croft into their existing Oxford business as well as continuing to operate their retail book stores. YBP Library Services and Blackwell Ltd. have entered into a reciprocal supply agreement under which Blackwell will supply U.K. published academic books to YBP and, in turn, YBP will supply U.S. published academic books to Blackwell.

ATG: *What will be the name of the new company? Who will be in charge? This applies to both Blackwell and YBP/B&T?*

MK: Blackwell customers will transition to YBP Library Services, which will replace the Blackwell name in the parts of the world YBP will serve (North and South America, Asia, Australia, New Zealand, the Middle East and the Pacific Rim). The Blackwell name will be retained in the United Kingdom which includes the Lindsay and Croft business. Blackwell will serve libraries in Europe and Africa. The Blackwell retail business in the U.K. will also remain intact. Blackwell will be under the management of CEO Andrew Hutchings and YBP, Baker and Taylor's academic division, is led by George Coe, President of B&T's Library and Education division.

ATG: *Why are you not retaining the Blackwell name? You retained the YBP name.*

MK: The Blackwell name will be retained by the UK based Blackwell business. This includes the library service business that will support libraries in Europe and Africa as well as the Blackwell retail business.

ATG: *If prepayments have been made to Blackwell will they be transferred to YBP?*

MK: Prepayments and/or deposit accounts with Blackwell will be transferred to YBP once a library's account is transitioned to YBP.

ATG: *Can you be more specific about how this transition will be managed? It's effective December 9? My heavens, its Dec. 11 now!*

MK: For the time being, it will be "business as usual." We are now entering an approximately 45-60 day period where we will be undertaking the necessary internal work to prepare for the customer account transitions. Blackwell and YBP operational and sales/service staffs will be working closely in planning each step of the transition. In the

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weeks and months ahead, all ordering and approval systems and customer support tools will be integrated into a single customer interface which will be **GOBI**. We will be conducting a “gap analysis” between **GOBI** and **Collection Manager** which will result in us incorporating the best features from each service into **GOBI**. Once that is completed, and after all customers are converted to **YBP** systems, **Collection Manager** will be retired. Customer updates regarding the transition planning will be issued frequently.

ATG: Can you tell us about the purchase? How much money or other securities, whatever were involved?

MK: As this was a transaction between two private organizations, we are regrettably unable to disclose any financial aspects of the agreement.

ATG: Where does James Bennett fit into this transaction?

MK: **James Bennett Booksellers** becomes part of **Baker and Taylor**. There will be no changes in the **James Bennett** operation at this time, except a pre-planned move to a larger facility in Australia to accommodate its growth. **James Bennett** will keep its name.

ATG: Will YBP offer new services that previously were unique to Blackwell?

MK: Yes. Services that were previously unique to one provider, such as **Blackwell's Table of Contents Catalog Enrichment Service**, will soon be offered to **YBP** customers. By combining mutual best practices and resources of both organizations, **YBP** will provide an even greater level of customer service and support to our customers.

ATG: Will YBP expand their services in any way or hire new personnel? How long has this been in the works?

MK: During the past few years, employment has grown steadily at **YBP** (including several members of our management team returning to **YBP**) as we worked to appropriately increase our staff, now at its highest level ever, to meet the needs of our growing volume of business and to offer the increasingly complex new range of services our customers require. With this recent transaction, we are poised to increase our staff size once again to meet the needs of our current, and new, customers. As to how this acquisition came together, both parties have long held mutual respect for one another and acknowledged within the past year that combining our resources would provide a stronger base of resources and capabilities for both organizations to serve libraries worldwide. In fact, the combined organizations create synergies that neither organization could offer on their own. We have noted but one example of a new service offering in response to the previous question.

ATG: Thanks, Mark, for your timely responses! 🐼

From the Reference Desk

by **Tom Gilson** (Head, Reference Services, Addlestone Library, College of Charleston, 66 George Street, Charleston, SC 29401; Phone: 843-953-8014; Fax: 843-953-8019) <gilson@cofc.edu>

Sage Reference adds another title to its collection of encyclopedias that draw their strength from a multidisciplinary approach. The *Encyclopedia of Human Relationships* (2009, 978-1412958462, \$425) edited by **Harry T. Reis** and **Susan Sprecher** is a three-volume set that focuses on the research and theory related to what is collectively known as relationship science. Intimate relationships like those between spouses and among family members are discussed as well as those among co-workers, neighbors and professional associates.

The disciplines drawn from are more diverse than one might initially think. Core fields like psychology, sociology and communications are well represented but so are others less obvious like neuroscience, anthropology, legal studies and physiology. Articles focus on a rich variety of topics including cognitive and communication processes, health and biology, social context, the role of individual personality and broader emotional and psychological processes. A number of entries also discuss what the editors categorize as the “dark side of relationships.” Following on this theme there are articles on topics like abuse and violence, bereavement, bullying, incest, loneliness, hostility, rejection, revenge and shyness. Rounding out the coverage there are articles that focus on the theoretical underpinnings of relationship science as well as specific methodologies employed in its study.

The articles are academic and grounded in scholarship being, for the most part, intended for undergraduate and graduate students as well as a professional audience. However, needed definitions and explanations are provided throughout enabling interested lay readers to easily comprehend and benefit from the contents of the set. The organization of the three volumes lends itself to ease of use. The articles are alphabetically arranged with a full list of all entries in the front of each volume. There is also a reader's guide that groups the articles under eighteen related categories while each article has a list of “see also” references. Helpful bibliographies are provided for each entry and a thorough and comprehensive index provides access to information at the volume and page level.

All in all, the *Encyclopedia of Human Relationships* is a well conceived and professionally produced reference that covers relationship

science more comprehensively than either *The Cambridge Handbook of Personal Relationships* (2006, 0-521-47524-4, \$90) or the dated *Encyclopedia of Relationships Across the Lifespan* (Greenwood, 1996, 978-0313295768, \$165). It will primarily appeal to academic libraries but large public libraries with demand for information on relationships will also find it a valuable addition.

Another **Sage** publication possessing similar positive qualities is the *Encyclopedia of Medical Decision Making* (2009, 978-1-4129-5372-6, \$375). Edited by **Michael W. Kattan** and **Mark E. Cowan**, this two-volume set draws on the expertise of contributors from fields as disparate as econometrics, psychology, and ethics to create a collection of some 300 articles discussing numerous relevant topics.

The approach is both normative and descriptive in that articles “investigate the processes and technology by which optimal medical decisions should be made,” as well as describe the way such decisions are made under real life pressures and limitations. Much of the encyclopedia is made up of articles that cover scientific and analytical topics falling under categories like biostatistics and clinical epidemiology, decision analysis and mathematical models, health outcomes and measurement and the impact or utility of the possible outcomes. On the more descriptive side there are essays that discuss subjects like cultural issues, the level of trust in the healthcare system, the type decisions faced by the patients as well as by their proxies, the quality of data being used, medical errors, patient rights, and religious factors.

The main audience for this set is students, scholars and professionals. While every attempt is made to make the articles accessible to the informed lay reader the more technical articles will require carefully reading. Entries on topics like analysis of covariance, decision trees, net benefit regression and test treatment threshold entail time and effort to assimilate the formulas, graphs and charts used to explain these concepts and methods. But the results are worth the effort to gain an understanding of these important topics. Naturally, each article has “see also” references to related articles as well as lists of further readings. A useful general index rounds out the set providing direct access to specifics.

Encyclopedia of Medical Decision Making is a serious work that illuminates important concerns. There is nothing else quite like it in the reference literature with its authoritative focus on both the analytical and real world elements of medical decision making. This set will be of particular value in health science and hospital libraries. Larger academic libraries may also want to give it strong consideration. Given the specific nature of its coverage, these libraries may prefer placing it in circulating collections.

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—Dianna Magnoni, Library Director, Olin College of Engineering

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Regardless, this is a quality set that deserves a place in a variety of libraries.

Grey House Publishing is coming out with a number of new editions that libraries finding previous versions useful will want to consider. *Nations of the World: A Political, Economic and Business Handbook* (2010, 978-1592374359, \$180) is now in its ninth edition and covers 232 nations throughout the world. Each entry provides a country overview consisting of historical background, current political and economic status, as well as "key facts" like population, unemployment figures, inflation rate, GNP, foreign debt, imports and exports, etc. This is followed by a more in-depth country profile with a chronological rundown of major historical events, followed by discussions of the political structure, education, health and welfare conditions, the languages spoken, and the dominant forms of media. A fair amount of space is also given to economic issues like trade, agriculture, banking, mining and tourism as well as to the environment, energy and the climate. There is also useful information for prospective travelers including entry requirements, health precautions, security concerns, tips about social customs and types of transportation available. A brief business directory ends each entry and consists of contact information for chambers of commerce, major banks, government ministries, and other business related agencies. As with past editions, *Nations of the World* offers a handy one stop source pulling together a lot of helpful information.

The eighteenth edition of the *Complete Directory for People with Disabilities* (2009, 978-1-59237-431-1, \$165.00) is also available. As with past editions, thousands of resources are provided covering a diverse range of services. The first section of the book is devoted to general resources for people with disabilities. Coverage ranges from companies that provide assistive devices and specialized computers to foundations that offer funding to programs that support the disabled. Parts of this section also list relevant associations, conferences and shows, rehabilitation facilities, educational resources, government agencies and camps. The remainder of the book offers a separate section that provides similar information for specific disabilities ranging from aging to mobility and from the blind and deaf to speech and language disorders. Sections are arranged by relevant categories and when appropriate resources are listed by state. All entries offer resource descriptions as well as full contact information. Three indexes assist readers in locating specific information by disability and subject, geographic location and entry and publisher. The *Complete Directory for People with Disabilities* is also available online which might be preferable for libraries that have high demand for such information. Price quotes are available at <http://www.greyhouse.com/online-pricequote.htm>.

Greenwood has also published two titles that have been on this reviewer's list for awhile.

Latino America: A State by State Encyclopedia (2008, 978-0-313-34116-8, \$175) is edited by **Mark Overmyer-Velázquez** the Director of the Center for Latin American and Caribbean Studies, **University of Connecticut**. As the title implies, this reference provides information about the state by state impacts of America's ever growing Latino/a population. For the purposes of this work that encompasses descendents and new immigrants from Mexico, South America and the Caribbean.

The two volumes are arranged alphabetically by state and also include the District of Columbia. Each entry starts with a chronology that gives the reader a time frame often from the earliest evidence of Spanish exploration to the current day population growth phenomena. The chronology is followed by a narrative historic overview that includes discussion of the resulting social, political and economic changes including tensions and adjustments. A list of notable Latino/as is also provided as is a section on specific cultural contributions. Each essay ends with a list of notes and a bibliography. Researchers will find that the sources in the bibliographies are fairly diverse and include books, articles, dissertations and web sites. All entries are signed and there is a list of contributors along with their academic affiliations at the end of volume two. There is also an appendix of state by state census statistics for Latino/a population from 1970–2000. Some figures for other years as far back as 1870 are also listed but given the lack of relevant census data, these are spotty and incomplete. A useful general index completes the set.

Latino America: A State by State Encyclopedia is a fascinating and valuable reference work. It sheds light on the growing influence and impact of the fastest growing minority in America. Whether discussing Alaska, where Latino/as are 5.2% of the state's population or New Mexico, where Latino/as are the ethnic majority, editor **Overmyer-Velázquez** and his contributors are adept in using research coupled with statistics to reflect the historic and current impacts of fastest growing minority population in America. Although grounded in scholarship and edited and authored by academics this work should have broad appeal and will be of equal use to high school students, undergraduates and the general reader. Larger libraries where there is strong demand (and equally strong budgets) may want to place the print edition in circulation and use the eBook version for reference. The electronic edition is available from **ABC-CLIO** who has the license to all **Greenwood** titles. The Website is at <http://ebooks.abc-clio.com>.

The next title is the *Greenwood Encyclopedia of Clothing through American History, 1900 to the Present* (2008, 978-0-313-35855-5, \$199.95) and according to the **ABC-CLIO** Website, it is the first in projected series of similar references to be published by **Greenwood**. Under the general editorship of **Amy T. Peterson** and **Ann T. Kellogg**, these initial two volumes attempt to "examine the

relationships between social, cultural and political developments and fashion in the United States." Therefore, while the fashions that people choose to wear are major focus of this reference, the reasons they wear them are given more than equal billing.

Eschewing the traditional alphabetical arrangement, each volume in this set covers different time periods. Volume one deals with 1900-1949 while the second volume covers 1950 to the present. Each volume starts with its own chronology of world and fashion events and then is divided into two large parts entitled the Social Significance of Dress and Fashion and the Fashion Industry. These large parts start with overview essays and then are divided into chapters which are in turn subdivided into time periods. For example, in the Social Significance part of volume one there is a chapter entitled Arts and Entertainment which is divided into sections for each decade covered i.e., the 1900's, the 1910's, etc. The same goes for the Fashion Industry part. There are individual chapters devoted to Women's, Men's and Children's fashions with individual sections covering each decade.

While this arrangement takes a bit of getting used to, the information in this set is worth the effort. Fashion does not occur in a vacuum. It is both an expression and a result of the time in which it occurs. Readers can get a solid sense of fashion in the context of the time that produces it by exploring these books. However, the proper use of this set will require some time and work on the reader's part to make many of the relevant connections. Admittedly, this arrangement is not the type that enables one to access specific facts easily. However, the general indexes contained in both volumes are a great help in this regard. For example, looking for information on men's sportswear, I was clearly directed to the specific volumes and pages containing the relevant information. As additional value added features, each volume has its own glossary and resource guide listing books, films and videos, museums, organizations, special collections and Websites. They are also illustrated with both black and white as well as color photos.

The *Greenwood Encyclopedia of Clothing through American History, 1900 to the Present* is another work that will be useful to a wide range of readers from public library patrons to high school students to college undergraduates. As such, it is also another one of those works that is equally suitable for circulating collections. Some subscribers to *Greenwood's Daily Life Online* database may have access to it electronically. For information about the electronic version of this work you can call 805-968-1911 or email <sales@abc-clio.com>.

(As mentioned above, according to a list of titles on the **ABC-CLIO** Website, this set is the first of a projected series. The other two titles *Clothing through American History: The Federal Era through Antebellum, 1786-1860* and *Clothing through American History: The Civil War through the Gilded Age, 1861-1899* will be published in 2010 and are single volumes.) 🌿

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Book Reviews — Monographic Musings

Column Editor: **Debbie Vaughn** (College of Charleston) <vaughnd@cofc.edu>

Column Editor's Note: On occasion, this column shares reviews on books highlighting library personnel issues. Library shelvees, however, have never been in the Monographic Musings spotlight — that is, until now. **Eleanor I. Cook**, Assistant Director for Collections and Technical Services and librarian extraordinaire at East Carolina University's Joyner Library, is no stranger to leadership or to workplace literature. She co-authored the book *Conflict Management for Libraries* (see the September 2005 issue of *ATG*) and has authored a number of articles on best practices in technical services. She's also no stranger to *ATG*; you might recognize her name from her stellar column, *Drinking From the Firehose*. Many thanks to **Eleanor** for adding her knowledge to *Monographic Musings*. Seasons greetings and happy reading, everyone! — **DV**

Tunstall, Patricia. *Hiring, Training, and Supervising Library Shelvees*. Chicago, IL: American Library Association, 2010. 978-0-8389-1010-8. 109 pages. \$48.00.

Reviewed by **Eleanor I. Cook** (East Carolina University)

I recently requested a review copy of this book to give to our Head of Circulation because we've been working together lately on a long-term weeding project and I know that shelving is the bane of her existence these days. We have a number of very overcrowded areas in our general stacks that are in desperate need of "distilling" as I like to say.

Will this book be of any use to her? — Most assuredly. It's a compact, no-nonsense volume with plenty of good advice. Its weakness for our (academic library) purpose is that it is decidedly geared toward the public library environment. However, that does not stop it from being useful in any library setting if you can substitute your classification system (LC or something else) when you hit the references to **Dewey**, and mentally interchange "student assistant" (or whoever makes up your temporary workforce) when the author refers to "library pages."

As the title indicates, this book is

focused on the management aspects of supervising those individuals who shelve books in libraries. Because this population tends to be made up of individuals who are usually working part-time hours for modest wages, with high turn-over rates, the challenges of supervising and training are considerable. However, the author does an excellent job of addressing all aspects of the process — from advertising for help through disciplinary issues and firing with dignity. The strongest takeaways are in the training sections, which is information I was hoping to find. I also find **Tunstall's** method for moving large sections of materials to be a sound and logical process. Having experienced a complete building move with professional movers, I understand her sentiments concerning the effectiveness of such services. The author offers a "do-it-yourself" system that can work and may save your library thousands of dollars both in labor and clean up costs.

There are a couple of topics that I do not find in this book for which I

expected to see at least some mention. One is the proper handling of books and materials while shelving. There is essentially no coverage of this aspect at all. Emphasis is solely on the ability of shelvees to place books in correct order. Granted, there are plenty of good guides showing techniques for proper handling while shelving, so it's not that there is any lack of information available, but I would have assumed it would have been at least mentioned along the way. Another discussion I would have liked to have seen included is how shelvees can assist library staff who are involved in weeding projects. The author notes that shelves should not be allowed to get overfull, but then does not follow through with how that might be avoided (i.e., weeding). Related to that, there is not much coverage of the topic of short-term shifting which is commonly required, especially in libraries where space is at a premium and the weeding can't be done regularly for whatever reason.

Aside from these minor shortcomings, I find the book readable, practical, and laced with a sense of humor. The examples of skills tests for candidate screening are excellent and can be easily adapted by any type of library. There is an index and an appendix with examples of personnel forms and other useful materials. There is also an accompanying web site for the book embedded within the **ALA Editions** Website, although this author is not (yet?) utilizing it. (All it says at this writing is "Coming soon ...")

While many of the resources libraries provide these days for their readers are electronic, as long as we have physical materials on shelves, we will need to take care of those shelves the old-fashioned way. This book is therefore a welcome addition to the Circulation Supervisor's reference shelf.

Something to Think About — Power Weeding!

Column Editor: **Mary E. (Tinker) Massey** (Serials Librarian, Embry-Riddle Aeronautical University) <masse36e@erau.edu>

How are things going in your neck of the woods? We are still in the throes of the economic depression/recession/or whatever the politically correct word is today. We are watching every penny and I mean squeezing it pretty hard. We have cut titles, probably some we should have done earlier. We are reassessing the formats we use and mostly the answer is any one of three choices (microform, print, electronic). Sometimes we don't have choices at all, because the organizations are hunkering down into their corporate shells and not letting us have access to their materials for our patrons. We can get a single use member status on electronic format only, but we can't share the information anymore. That defeats the purpose of having it and so we cancel the subscriptions. Of course, this year we have seen an extraordinary amount of cessations in the publishing industry and we see multiple publications by the same group being merged into one title. This is "power" weeding at its finest! All we have to do is sit back and watch the action, because our weeding is

being done for us. Since I protect the collection as a mother would her children, I find this action a little more satisfying and less guilt-ridden.

My energies today are being spent on verifying the existence of serial titles and trying to find missing items to fill our holes in the collection. Both are very frustrating! Remember, I wrote about my haunted computer? Well, it has been acting up today. Just as I get to the point of verifying a fact about a title, the computer crashes before I can hit the print button. It seems others on campus have been having similar problems, so I am a little more at ease with it. This is still annoying to lose everything when you are just at the point of printing or saving the material. A co-worker just told me she had finally completed a long contents note when her machine crashed erasing everything. I sure am glad they don't give us hammers as standard equipment or there would be no computers left standing. Give me some physical work to do, please! On these frustrating days, we take breaks by walking around the

building. It is so nice that the temperature is lower these days, so we can walk.

When you have piles of frustration, everything seems to go wrong. One co-worker found herself in a pool of coffee this morning as the cord to her warmer was wrapped around her chair leg and as she whirled the chair around to the desk, everything came crashing down. Luckily, the maid wasn't too far away and managed to save the day. I think there is a rule that at holiday times stuff just doesn't work right! Do you have the same problems? How has your week been? Not to leave you in too much of a negative bent, let us realize that the ups and downs come and go a lot like ocean waves. I feel that much good will come of the upheaval and force us to evolve our collections into leaner and stronger information packages for our patrons. We will find new ways to achieve better results and begin newer and better workflows for the future. Perhaps it will open our thoughts to more creative solutions. Is that something to think about? You betcha! 🍀

IGI Global Essential Reference Titles

Handbook of Research on Hybrid Learning Models: Advanced Tools, Technologies, and Applications

Fu Lee Wang, City University of Hong Kong, Hong Kong, et al.

Hybrid learning is now the single-greatest trend in education today due to the numerous educational advantages when both traditional classroom learning and e-learning are implemented collectively. This Handbook of Research collects emerging research and pedagogies related to the convergence of teaching and learning methods, providing researchers, scholars, students, and professionals access to the latest knowledge related to hybrid learning.

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LEGAL ISSUES

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Legally Speaking — Legal Implications of Reference Books for Publishers and Consumers

by **Bryan M. Carson, J.D., M.I.L.S.** (Associate Professor, Coordinator of Reference and Instructional Services, Associated Faculty — Library Media Education Program, Western Kentucky University Libraries, 1906 College Heights Blvd. #11067, Bowling Green, Kentucky 42101-1067; Phone: 270-745-5007; Fax: 270-745-2275) <bryan.carson@wku.edu>

Every year large numbers of reference books are published. It is inevitable that some of these books will contain factual or other types of errors. The existence of errors brings up a number of legal issues, both for publishers and for customers. This article will attempt to answer some of the questions related to erroneous reference books, including:

- Are books considered “goods” under the **Uniform Commercial Code**;
- do publishers owe any legal duties to their customers;
- what legal remedies are available to consumers;
- are there legal risks faced by consumers; and
- why it is a bad business model to sell reference works “as is.”

The release of the 6th edition of the *Publications Manual of the American Psychological Association* turned into a nightmare of bad publicity. The manual was released with a large number of errors, mostly in the examples (which are the parts that most students use).¹ Luckily the publisher took their responsibilities seriously and replaced the defective works with a corrected 2nd printing.² However, this incident brought to the forefront the question of legal implications for defective reference works.

Generally, it is fairly easy for librarians to escape legal liability if a client claims that he or she was harmed by the information in a book or a database. After all, librarians didn’t create the erroneous information. As I pointed out in chapter 8 of my book *The Law of Libraries and Archives*,³ there have been no cases involving this type of liability. In fact, a similar case from a video store found that there was no liability for defective information in videos.⁴

Interestingly, however, the courts have tended to see books, videos, and other forms of intellectual property as being “goods” in

the same fashion as automobiles, widgets, or other forms of tangible property. There is no doubt that a book or video constitutes intellectual property. But does it also constitute a good? Under Article 2 § 105 of the **Uniform Commercial Code (UCC)**, goods are defined as being “all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (Article 8) and things in action.”⁵ By this definition, books would indeed be considered goods.

The main U.S. case involving the provision of information is *Brocklesby v. Jeppesen*.⁶ The court ruled that maps are goods, although the case was decided using product liability rather than contract law.

Jeppesen was a company that published maps for the aviation industry. Their maps were based on FAA data, which was released in chart form. The company sold a map that failed to show a mountain. The original mistake was in the FAA data, but **Jeppesen** was found to be liable under a products liability theory. The court found that the charts were mass-produced, and emphasized that “Jeppesen had a duty to test its product and to warn users of its dangers.”⁷ This case established a precedent for using products liability law to deal with defective intellectual property.

Do Publishers Owe Any Legal Duties to their Customers?

This may appear to be a loaded question for publishers, chipping away at their normal business model. However, an objective analysis shows that *any* transaction, particularly in terms of sales, does involve *some* duties, including warranties.

There are two types of warranties. *Express warranties* consist of bargains included in contracts as the result of negotiation. An example would be the purchase of a new car

which comes with a five-year, 50,000-mile warranty. This express warranty is included in the contract — in writing — and can be legally enforced. On the other hand, the legal system itself attaches a series of *implied warranties* to all sales of goods.

There are several types of warranties which are implied by law. It is possible for these to be limited or disclaimed by the seller. However, this must be expressly done in an unambiguous manner. If the seller does not disclaim or limit implied warranties, they are still applicable. Warranties implied by law include:

- **Warranty of Title.** The seller promises that (a) the title conveyed shall be good, and its transfer rightful; and (b) the goods shall be delivered free from any security interest or other lien or encumbrance of which the buyer at the time of contracting has no knowledge.⁸
- **Warranty of Merchantability.** The seller promises that the goods are indeed what the contract specifies they are to be; “are of fair average quality within the description...are fit for the ordinary purposes for which such goods are used; and...conform to the promise or affirmations of fact made on the container or label if any.”⁹
- **Warranty of Fitness for Particular Purpose.** “Where the seller at the time of contracting has reason to know any particular purpose for which the goods are required and that the buyer is relying on the seller’s skill or judgment to select or furnish suitable goods, there is unless excluded or modified under the next section an implied warranty that the goods shall be fit for such purpose.”¹⁰

Publishers do indeed owe duties to their customers. However, goods can be sold with the implied warranties excluded. In order to exclude the warranty of merchantability, the UCC requires that the limitation language specifically mention “merchantability” as being excluded. The UCC is even more strict with regard to the warranty of fitness for a particular purpose. In order to limit fitness, the exclusion

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must be in writing and be conspicuous.¹¹ Yet a statement that goods are being sold “as is” does act to limit all implied warranties. (I’ll discuss later whether that is a wise business decision.)

Although selling a good “as is” allows the seller to disclaim warranties, this does not let sellers off the hook for *deliberate* errors. For example, suppose company X publishes auto repair guides. X also owns company Y, which sells automobile tires. In its guide for the 2002 Subaru Outback, X tells consumers that the only tires that fit the vehicle are made by company Y — even though X knows that many other companies make matching tires. This is not an honest error or oversight; rather, it is fraud. In this situation the consumer, the **Federal Trade Commission**, and/or state Attorneys General could sue X for fraudulent and deceptive trade practices.

Applying these principles to reference books, it is clear that a book falls within the definition of a good under the UCC. Therefore, the warranties of title, merchantability, and fitness for a particular purpose would apply, unless publishers specifically disclaim them. As long as the goods were not sold “as is,” consumers who purchase a defective reference product file breach of warranty lawsuits under the **Uniform Commercial Code**.

This is a matter of state law, and would properly be filed in state courts. The rules of each state vary on how class actions are construed, but in some states it might be possible to certify all purchasers of a defective work as a class. This would allow one trial to determine the outcome for all potential plaintiffs. However, the amount of damages that could be recovered by each plaintiff would be limited to the purchase price of the good (plus applicable shipping.)

By the way, note that a lawsuit in federal court would probably not be available for most defective reference works. Although the concept of “diversity jurisdiction” allows a case to be filed in federal court if the parties live in different states, the amount in controversy must be higher than \$75,000 for an individual party or \$5,000,000 for a class action.¹² I doubt that there would be many defective reference works which would make it over that threshold. For example, recovery on the *APA Publication Manual* would have only constituted \$17 per copy plus shipping costs.

Are There Legal Risks Faced by Consumers?

The first reaction of a consumer, when faced with a defective product, is to organize a boycott: call your friends, tell your colleagues, and start a movement. This seems to be a natural reaction to a perceived problem. However, if not done properly, consumers may face a risk of running afoul of antitrust law. An organized boycott is not necessarily illegal, but it can cross the lines established by the **Sherman Antitrust Act**. In situations where a restraint has (or is intended to have) “an effect upon

prices in the market or otherwise to deprive purchasers or consumers of advantages that they derive from free competition,”¹³ the law considers boycotts to be “concerted refusals to deal.”¹⁴

The **Sherman Antitrust Act** was adopted in 1890,¹⁵ and makes agreements or boycotts in restraint of trade illegal. The statute reads as follows:

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal. Every person who shall make any contract or engage in any combination or conspiracy hereby declared to be illegal shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding \$100,000,000 if a corporation, or, if any other person, \$1,000,000, or by imprisonment not exceeding 10 years, or by both said punishments, in the discretion of the court.

The key to proving an illegal combination in restraint of trade is that (1) there is an agreement among the players, and (2) this agreement causes an effect on the price or market for goods. It is for this reason that libraries cannot decide that they are going to band together and refuse to subscribe to any journals from publisher X until the cost is lowered. Library consortia are legal because they do not have the power to ban their members from subscribing to particular products. They are free to ask for discounts, but not to prevent their members from subscribing if a discount is refused. There is a tension between antitrust laws and the Free Speech clause of the First Amendment. Suggesting that a product not be used falls within free speech. However, libraries and librarians can in fact violate antitrust law by agreeing together not to purchase (or license) a particular product.

The recent brouhaha over subscription increases at *Scientific American* is a good example of how to stay within the law. On October 13, 2009, the *Chronicle of Higher Education* reported that 50 college library directors had sent a letter of protest to the **Nature Publishing Group**.¹⁶ As the cost of *Scientific American* rose from \$39.99 to \$299 (\$1,500 for online subscriptions), many libraries have had to cancel their subscriptions. The letter to the publisher stated that the price increase “hinders our ability to meet the information needs of our library users,” especially in a serious recession when libraries are cutting budgets.¹⁷ However, the letter does *not* threaten to cancel subscriptions. Rather, the letter states that this price increase “[is] likely to result in many libraries canceling subscriptions, thus threatening the future of a historically important magazine.”¹⁸ Those who sign the letter are free to cancel or to retain their subscriptions, so it does not constitute a “concerted refusal to deal.” Rather, it is a free speech-based warning to the publisher that their actions may result in some libraries canceling their subscriptions.

The **APA** snafu provides another good example of action that is legal. Once the **APA** realized the magnitude of the problem, they

agreed to replace the defective copies. Before that announcement, however, **John Foubert**, a counseling professor at **Oklahoma State University**, created a **Facebook** group to persuade **APA** to make their consumers whole.

Dr. Foubert wrote a series of principles about the *APA Publication Manual* which were posted online, distributed by email, and discussed in *Inside Higher Ed* and the *Chronicle of Higher Education*.¹⁹ (Full disclosure: I was a member of the **Facebook** group and passed along information to a number of library discussion lists.²⁰) The *Foubert Principles* read as follows:

1. We agree to cease all purchases of the **APA** publication manual, present and future, until **APA** agrees to refund the purchase price of the first printing of the 6th edition or exchange copies for the corrected second printing to all those who purchased the first edition.
2. If we teach, and if we require **APA** format to be used for assignments in our classes, we will continue to use the 5th edition guidelines until this issue is resolved.
3. We encourage academic journals to use a format other than the **APA** 6th edition until this issue is resolved.

The *Foubert Principles* are clear, fair, and avoid violating antitrust law. Instead of dropping the **APA** entirely, consumers would simply continue to use the previous edition. Since consumers are always free to use older editions instead of “upgrading,” this type of action is not an issue under antitrust law. (Think about **Microsoft’s** debacle with **Windows Vista**, and how many people simply remained on XP.) The *Foubert Principles* are forward-looking, and do not go beyond the time when the dispute is resolved. In fact, they anticipate “upgrades” once the issue is taken care of. These principles provide a good model for future disputes over defective reference works.

Why It Is a Bad Business Model to Sell Reference Works “As Is”

As noted above, publishers can avoid liability for defective reference works by selling their goods “as is.” However, I believe that this would not necessarily be a wise business decision. Use of reference works (both print and online) has diminished substantially. Many students prefer the ease of **Wikipedia** and other online sources. Even as distinguished a publication as the *Times of London Online* has stated that not allowing students to use **Wikipedia** “[reveals] a Ludlow-like snobbery towards **Wikipedia** that is becoming ever harder to justify as the site itself improves.”²¹

It is the reputation of quality and reliability that keeps reference publishers in business. They are able to provide something that **Wikipedia** doesn’t — namely, an indication that their work is reliable. Suppose a publisher put clear notices on their works (as the UCC requires) stating that “This work is sold ‘as is,’ and no guarantees are made as to the accuracy of the work.” Who is going to purchase a work that the publisher won’t even guarantee is accurate? Collection development money is

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better on works from a company that is willing to guarantee its products. Otherwise, I can just tell everyone to log onto **Wikipedia** for free.

Of course, minor errors do not make a reference work defective. (It was the fact that there were 80 pages with errors that made the *APA Publication Manual* a real problem.) While guaranteeing the quality of a reference work sounds like a potential issue for publishers, in reality this is what distinguishes reference materials from the open Internet. Therefore, I strongly believe that it is in a publisher's best interest to guarantee their work, admit their errors, and fix problems that arise. The *APA* has done just that with its second printing. Rather than being a sign of weakness, this is a sign of the true strength of reference publishing, and the real reason why libraries and individuals continue to buy reference works in the digital age.

Disclaimers: Please note that I am dealing with legal matters in a general way, and am not commenting on the laws of a particular jurisdiction. I think I got all the errors, but forgive me if you find a mistake. While the information in this article is correct as of the date of publication, new cases are decided every day. At this time I am only actively licensed in Kentucky, and am inactive in Ohio. I am not intending to establish an attorney-client relationship — even if we discuss the article via email. If you have a legal issue, do yourself a favor and consult the lawyer for your company, school board, municipality, university, etc. Both you and your counsel will be glad you did. — **BC**

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Questions & Answers — Copyright Column

Column Editor: **Laura N. Gasaway** (Associate Dean for Academic Affairs, University of North Carolina-Chapel Hill School of Law, Chapel Hill, NC 27599; Phone: 919-962-2295; Fax: 919-962-1193) <laura_gasaway@unc.edu>
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QUESTION: What criteria are used to determine whether an organization is a nonprofit educational institution as part of the fair use exception? Does a not-for-profit community based teaching hospital meet the criteria?

ANSWER: The *Copyright Act* contains no criteria for determining what constitutes a nonprofit educational institution, but the common understanding among most lawyers is that the status is determined by how the institution is organized under the U.S. tax code. The institution described is a hospital and not a school but it does have a teaching "piece." This means that the reproduction of copyrighted items for general patient care, etc., is treated just as if it were in a non-teaching nonprofit hospital. Any copying done for classes, however, would be treated under the nonprofit educational exceptions in the *Act*, but only that activity.

QUESTION: A state agency library often has attorneys general (AG) who argue cases on behalf of the agency. Sometimes they need a copy of an industry standard for their case. They want a copy of the entire standard which can cost from \$40.00 to over \$200.00 for each depending on who created them (American Ladder Institute, American Society of Safety Engineers, etc.). May the library reproduce them for the AG? If not, then is it permissible to check out the library's copy of the standard to the AG and let them do what they will as long as the library gets its copy back? Is there any exception to copyright law that allows attorneys to make photocopies for court cases without the restrictions of copyright?

ANSWER: According to *Nimmer on Copyright*, if the material is going to be introduced into evidence in a court proceeding, reproducing it for this purpose is fair use. But if the

standard is used only for preparation for the trial and will not be introduced into evidence, it is infringement to reproduce the entire standard. If the AG staff reproduces the standard it still may be infringement, but the agency library has avoided liability. The state has not, however.

QUESTION: A librarian has created a children's promotional video that uses the song by The Jacksons from 1978 called "Blame It on the Boogie." The video will be used only for non-profit purposes. Is there

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any problem with playing the video on the local Government Channel?

ANSWER: Many people would respond that this should be fair use and it should be! Unfortunately, it likely is not. If the librarian simply played the video for classes in a non-profit educational institution as part of instruction, there would be little problem. To perform the video even on cable television, the library needs a license in order to use the **Jacksons** recording. In fact, the library needs both a performance license and a synchronization license (for synchronizing the video with the music). Both the underlying musical composition and the sound recording are still under copyright.

QUESTION: *An audio engineer maintains a Website that many engineers worldwide use as a reference concerning audio issues. The now defunct audio trade publication Record Engineer & Producer was a treasure trove of information about analog recording. People often ask about finding back issues which would be useful to help educate today's digital*

savvy but analog ignorant audio engineers. Someone has now offered 22 years of back issues to the Website owner. May the Website owner scan some of the various articles from this magazine for the Website? Or could he make articles available to folks who request them on an individual basis? The magazine ceased publication in the early 1990s.

ANSWER: The first determination deals with the publication dates of the magazine. Issues published before 1964 are very likely in the public domain. If they are in the public domain, then digitizing those articles for the Website would be no problem. Before 1964, publishers had to register the issues and then received 28 years of copyright protection. At the end of that 28 year period, the copyright could have been renewed for an additional 28 years. But many publishers of small magazines did not renew their copyrights which meant that the issues for that year passed into the public domain. Thus, determining whether the issues were registered initially and then whether they were renewed for copyright is necessary to make the determination about whether pre-1964 works are still under copyright.

Issues published between 1964 and 1977 still had to be registered for copyright. But

Congress automatically gave them an additional 95 years of copyright protection through a series of amendments to the **Copyright Act** and no renewal of copyright was required. So, the answer to the question about digitizing articles from the journals is dependent on the copyright status of those issues.

Even if the issues of the defunct magazine are still under copyright, there might not be anyone around to complain about any infringing activity. The Website owner may just decide to take a chance and make them available online, but it would be infringement. If there is no one around to enforce the rights, however, the potential benefit in making the articles available may lead the Website owner to take that chance. If the Website owner takes this view, it might be useful to include a disclaimer on the Website that asks the copyright owner to come forward and volunteers to remove the item from the Web if the owner objects.

It probably would be fair use to provide single copies of articles to individuals who request them occasionally, but even libraries that do this have a number of restrictions including that the reproduction and distribution may not be systematic. 🐾

Biz of Acq — Things to Consider When Planning Section Programming

by **Sylvia McAphee, M.L.I.S., AHIP** (Serials Librarian, University of Alabama at Birmingham, Lister Hill Library of the Health Sciences, LHL 240A-1700 University Blvd., 1530 3rd Avenue South, Birmingham, AL 35294-0013; Phone: 205-934-2299; Fax: 205-934-3545) <smcaphee@uab.edu>

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It is more than likely that an acquisitions librarian will have the opportunity to plan a program for a section of a national library association during the course of their career, but few have experience or background in doing this. It is important to plan ahead and pinpoint how to successfully plan an event where all participating parties will learn and grow from the experience, including the planner(s).

The first thing to consider when planning an event is what subjects will be covered and what the process will be to select them. If this was a section program for a national library association, topics could be gathered from members of that section at the annual section business meeting or via solicitation of that section's listserv. The members will most likely suggest "hot topics" dealing with current best practices or trend setting innovations that will make acquisitions or collection management faster and more efficient. The selection of topics could also be chosen using a committee and the voting process as well, depending on the section and the organization. Here again popular topics will be suggested and the topic with the most votes will be the basis for the program. If there are several topics, then the committee might send out a survey to narrow

down which topic will be selected for the final program. There are some library organizations that hold training sessions to assist with the selection process and to possibly partner with other sections who might have selected the same topic or a very similar one. Once the selection process is completed, the next part of the planning process is selecting how the program will be organized.

There are several ways that a program can be set up. A program can have presented papers, invited guest speakers, a panel discussion, or any combination of the three. Members of an organization look for opportunities to share their life's work or research with others. Therefore, they write papers and submit abstracts so that they can come and share what they have learned with their peers. So, when a library association sends out calls for proposals for their annual meeting, members are more than happy to submit their abstracts and wait on an acknowledgement from the section or organization that their paper has been accepted. The program planner can select reviewers to assist with the selection of submitted papers for the program. Reviewers can be solicited via email or anyone that is co-sponsoring or working with the committee can also review the papers.

Once papers are selected, the planners notify the authors and give them specifics about the program and what the expectations are. Some organizations offer travel grants to offset the costs of attending a conference. Other organizations offer a reduction in fees for presenters to attend their conference. This is something that should be expressed to presenters so that they know what options might exist for them when planning their travel budget proposals for their library. This is especially helpful during tight budget years when the economy has taken a turn for the worse. Guest speakers are another good vehicle for program planning.

Guest speakers are very good at giving expert training or advice to audiences and can provide a unique perspective on a hot topic or new job trend. They are usually very good with questions and answers, and can provide a wealth of knowledge to their listeners. The program planner can usually find out about good potential speakers via word of mouth or by remembering a speech or talk someone gave at another organization's program or training session. Some organizations keep a list of potential speakers that can be quite helpful in choosing the right candidates to speak at a

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function. It is very important to note that some speakers want honoraria for their labors. This can be a monetary set fee or some prefer all of their travel expenses paid for by the group that is hosting them. Other speakers will accept a token of appreciation for their presentations. It is always a good rule of thumb to offer some token of appreciation even if the speaker does not require or ask about honoraria. Always plan well ahead for speakers who are very popular or well known in certain fields. Some presenters are booked a year in advance, depending on their subject area. Also, if the dates can be adjusted to accommodate the perfect speaker, then this should be done if possible. This will aid in getting the right speaker for a program and ease the planning process. Panel discussions are also a very good vehicle for program planning.

Panel discussions are usually formed by having several speakers present on a topic of interest or accept questions from the audience on a given topic or topics. The panelists can come from various backgrounds and have varying experience levels, depending on how the program guidelines are set up. When working with a panel, it is crucial that all panelists are on the same page about what is expected of them. If one panelist does something very different, like doing a power point presentation when the other panelists were told they

did not have to do one, then this could cause hard feelings and change the dynamic of the discussion. This is something that should be covered in great detail so that all of the panelists are clear about what is expected of them and how much time each will have to present their side of the topic. If more than one planner is overseeing the panel, make sure that they too are on the same page and deliver the same information to the panelists. It is also a good rule of thumb to have some questions ready to ask the panelists in case the audience does not have any or is reluctant to respond during the question and answer period of the program. Even though all three vehicles are good to use in planning a program alone, any of them can be used in combination to fit a program's theme or time schedule.

It is quite likely that the papers that are submitted to a program planner do not fit the theme of the conference or do not fit with what the purpose of the program might be. A panel discussion might have more flair if it followed a phenomenal guest speaker who got the audience engaged and ready to hear feedback on what was previously presented to them. What if the perfect program was derailed because the guest speaker is overbooked or has unexpected schedule changes? This can cause a planner to combine resources in an effort to salvage a program or make it even more useful to the audience. The whole purpose of planning and presenting a program is for the attendees to get the most useful information possible. Changing or combining the vehicles for that program

is the best way to effectively offer wisdom and knowledge for the attendees.

There is always the possibility that something might happen to thwart program planning. Even at best, the unexpected can take planners by surprise. A speaker can get sick or decide that they cannot attend a program and cancel. There are ways to remedy these stalemates, but it is always good to have a plan b. Check to see if someone else is available to step in and take over the speaking allotment. If a paper cannot be presented, then the other presenters can speak longer or there can be a longer question and answer period. Or, the membership can turn in questions that the presenters will have responses for at the program. This can aid in dealing with unexpected travesties. In dealing with AV and equipment, make sure that all of the rooms are in working order and that all the microphones work. It is a good rule of thumb to bring a laptop just in case someone has technical issues and cannot use their own. Also, be very aware about costs associated with Internet connections at hotels and business conference centers. It can break the bank! Also, **PowerPoint** slides can be made to alleviate the costs of the Internet. The planner(s) should go at least 20 minutes or more before the program to make sure that the speakers have what they need and have all their questions answered. Reassure the speakers that they will do a great job and that everything will go as planned. The speakers are relying on the planners to make sure that they have

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From the University Presses — Google 2.0: Still a Mixed Blessing?

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In the wake of a tidal wave of objections filed to the original **Google Settlement** in the last few months leading up to the “fairness hearing” that was planned for October 7, the parties to the agreement prevailed on **Judge Denny Chin** to allow them time to revise it and submit a new version by November 9. They missed that deadline but made an extended deadline, presenting **Google 2.0** to the court in literally the 11th hour of Friday the 13th.

Objections had come from many quarters, ranging from private citizens to companies like **Amazon.com** to foreign governments, but among the most compelling were those presented on behalf of the academic community, by the U.S. Justice Department, and by **Register of Copyrights Mary Beth Peters**.

UC-Berkeley law professor **Pamela Samuelson** was a leading voice among academics, writing of the “audacity” of the Settlement for her **Huffington Post** blog on August 10 and challenging it on both anti-trust and representational grounds (http://www.huffingtonpost.com/pamela-samuelson/the-audacity-of-the-googl_b_255490.html). Much of her argument was repeated at greater length in a very articulate and persuasive letter dated August 13 and signed jointly by 21 faculty leaders from the **University of California**, who “constitute the entire membership of the Academic Council, the executive body of the Academic Senate, and the chair of the Academic Senate’s Committee on Libraries and Scholarly Communication” (<http://bits.blogs.nytimes.com/2009/08/17/uc-professors-seek-changes-to-google-books-deal/>). They grouped their concerns under three main headings: “Risks of Price Gouging and Unduly Restrictive Terms”; “Support for Open Access Preferences”; and “Privacy and Academic Freedom Issues.” The letter makes a particularly compelling statement about how the Settlement takes no account of the interests that academic authors have that are different from those of members of the **Authors Guild**, which took upon itself the role of representing the entire class of authors. “Specifically, we

are concerned that the **Authors Guild** negotiators likely prioritized maximizing profits over maximizing public access to knowledge, while academic authors would have reversed those priorities. We note that the scholarly books written by academic authors constitute a much more substantial part of the Book Search corpus than the **Authors Guild** members’ books.” I think the same point could be made by university presses about how well the **Association of American Publishers** represented their interests in negotiating the Settlement. Our priorities, too, are different from those of **McGraw-Hill, Pearson**, et al.

The Justice Department, while recognizing the significant public benefit that the Settlement could bring from its “potential to breathe life into millions of works that are now effectively off limits to the public,” also took the Settlement to task for its inadequacy of class representation, but focused attention on the disadvantaged positions of foreign rightsholders and authors of out-of-print books (<http://searchengineland.com/departments-of-justice-files-objections-to-google-book-search-settlement-26144>). The Settlement’s provisions allowing **Google** to negotiate with the **Book Rights Registry (BRR)** for new derivative uses of out-of-print titles and paying unclaimed funds to rightsholders who had opted in to the Settlement prompted this objection in the Department’s brief: “There are serious reasons to doubt that class representatives who are fully protected from future uncertainties created by a settlement agreement and who will benefit in the future from the works of others can adequately represent the interests of those who are not fully protected, and whose rights may be compromised as a result.” The Department also raised two main questions about anti-trust implications of the Settlement: “First, through collective action, the Proposed Settlement Agreement appears to give book publishers the power to restrict price competition. Second, as a result of the Proposed Settlement, other digital distributors may be effectively precluded from competing with **Google** in the sale of digital library products and other derivative products to come.”

Finally, in a hearing before the House Judiciary Committee on September 10, **Mary Beth Peters** characterized the Settlement as “not really a settlement at all, in as much as settlements resolve acts that have happened in the past and were at issue in the underlying infringement suits. Instead, the so-called settlement would create mechanisms by which **Google** could continue to scan with impunity, well into the future, and ... create yet additional commercial products without the prior consent of rights holders. For example, the settlement allows **Google** to reproduce, display and distribute the books of copyright owners with-

out prior consent, provided **Google** and the plaintiffs deem the works to be ‘out-of-print’ through a definition negotiated by them for purposes of the settlement documents. Although **Google** is a commercial entity, ... the settlement absolves **Google** of the need to search for the rights holders or obtain their prior consent and provides a complete release from liability. In contrast to the scanning and snippets originally at issue, none of these new acts could be reasonably alleged to be fair use.” Because the settlement, in effect, “is tantamount to creating a private compulsory license through the judiciary,” it is “the view of the **Copyright Office** [that] the settlement proposed by the parties would encroach on the responsibility for copyright policy that traditionally has been the domain of **Congress** [and] we are greatly concerned by the parties’ end run around legislative process and prerogatives.... Moreover, the settlement would inappropriately interfere with the on-going efforts of **Congress** to enact orphan works legislation in a manner that takes into account the concerns of all stakeholders as well as the United States’ international obligations.” (For a link to the full testimony, see http://laboratorium.net/archive/2009/09/10/gbs_marybeth_peters_written_testimony.) The Settlement, in short, serves as an insurance policy for **Google** to pursue its project of digitizing what **Dan Clancy**, Engineering Director for **Google Book Search**, has estimated to be “between 80 and 100 million books in the world” free of any liability for the vast majority of those books, which are out of print. No other commercial competitor of **Google** would have such sweeping legal protection to conduct its business, which a compulsory license approved by **Congress** would create for all.

The **Amended Settlement Agreement (ASA)** takes significant steps in responding to many, though not all, of the objections raised. For academic authors who are rightsholders and opt in to the Settlement, it provides the opportunity to set prices at zero or to use **Creative Commons** licenses for designating kinds of uses that require no payment or permission. While the Settlement, in restricting its geographical scope to include only works registered in the U.S. or published in Australia, Canada, and the United Kingdom, provides for representation on the **BRR** board of an author and publisher from each of these three foreign countries, there is no guarantee that any academic author or publisher will hold such a seat.

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everything they need to perform at their best. It is important that the planners do all that is in their power to make this expectation a reality. Planners need to give themselves some time to relax and quench any qualms they might have about the programming. If this is done, all of the hard work and effort will lead to a fulfilling and successful program that all attendees will enjoy and appreciate! 🐼

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The Justice Department's concerns about representation were also met by the **ASA** with a partial response. Works published in non-English-speaking countries were taken off the table with a stroke of the pen. That change solved one major problem but created others. It significantly limits the potential value of the **Google Book Search** database by excluding millions of works published outside the four countries. (One wonders about the omission of New Zealand, which is the home to several university presses at the universities of Auckland, Canterbury, Victoria, and New Zealand. Is this another indication of the lack of academic representation in the Settlement?) It also exposes **Google** potentially to suits by authors and publishers in other countries for the original scanning of their books from the participating libraries. **Google's** argument about "fair use" has no obvious basis in the laws of these foreign countries as it does under U.S. copyright law, and it could be legally challenging for **Google** to prevail in their courts.

With regard to authors of out-of-print books, the **ASA** tweaks the definition of what is "commercially available" in a variety of ways and, most significantly, creates a new "**Unclaimed Works Fiduciary**" (**UWF**) to assume some of the responsibilities in representing these authors' interests that were originally assigned to the **BRR**. But, as **Randal Picker** of the **University of Chicago Law School** points out in his perceptive working paper titled "Assessing Competition Issues in the **Amended Google Book Search Settlement**" posted on November 16 (<http://ssrn.com/abstract=1507172>), the **UWF** only offers a partial solution: "The **UWF** mechanism enables separate representation of those interests. But the settling parties have limited the role of the **UWF** to merely stepping into the shoes of the registry in some circumstances. They could have broadened the role for the **UWF** to have the **UWF** step into the shoes of the rightsholders of unclaimed books instead. Had that been the focus, the **UWF** would then be an elegant solution to the going forward problem of how to license the orphan works." In addition to providing this new mode of representation, the **ASA** also specifies different uses of unclaimed funds: none will go to other rightsholders, but instead a portion can be used after five years to help the **BRR** cover the cost of locating rightsholders and what is left over after ten years may be distributed by the **BRR** to charities focused on improving literacy with the approval of the court and in consultation with participating libraries.

The **ASA** deals with anti-trust issues in a number of ways. Perhaps most crucially, it accepts that the court's approval of the Settlement will not result in automatic immunity for it from anti-trust challenges in the future. It thus postpones resolution of whether or not pricing provisions will prove to have anti-competitive effects in the marketplace. That change responds to fears about monopolistic power in part. Another change in this direction is the excision of the much criticized "most favored nation" clause that would have guaranteed **Google** the same terms as offered to any possible competitor by the **BRR**. Still other changes speak to fears of price-fixing and foster more flexibility: the pricing algorithm used to set default prices for the consumer purchase of books will be controlled by **Google** alone, not as previously in conjunction with the **BRR** and rightsholders; **Google** may discount book prices at its discretion and will allow other companies like **Amazon.com** to sell access to the **Book Search** titles for consumer purchase as well; **Google** and rightsholders may negotiate a different split of revenues for any title included in any of the authorized programs from the 37/63 designated in the original Settlement. On the other hand, the virtual monopoly that the Settlement provides to **Google** as a sole-source provider for out-of-print books remains unchanged despite the addition of the **UWF** to the **BRR** as a potential licensor to third parties "to the extent permitted by law." As **Randal Picker** observes: "My understanding is that **Google** does not believe that that provision actually enables either the registry or the **UWF** to license the works to third parties and that they instead believe that legislation would be required by **Congress** to make that operative. Be very clear: the settlement agreement is giving **Google** rights directly to use the orphan works. **Google** is not getting rights to the extent permitted by other law."

So, how does this **ASA** meet the needs of academic libraries and university presses? Libraries, which are not direct parties to the Settle-

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ment but are obviously affected in many serious ways by it, have not gained much with the changes made. Little was done in response to concerns about privacy beyond a clause that holds **Google** responsible for not sharing personally identifiable information about users with the **BRR** "absent valid legal process." The **BRR** board will still not have anyone on it representing libraries. Concerns about price-gouging were not directly addressed and, to the extent they are connected with price-fixing worries, were partially alleviated but mainly delayed to resolution at some future time. The scope of content has been further restricted by the redefinition of "book," which now excludes any work that contains more than 20% of pages containing musical notation as well as books reproduced in microform, comic books, calendars, and compilations of periodicals. Illustrated books are even further disadvantaged by the **ASA's** excluding children's book illustrations from the definition of "insert." Maybe the most significant step forward for libraries (but only public, not academic libraries) is that the **BRR** is now free to authorize additional public-access terminals beyond the one per building originally provided.

For university presses, undoubtedly the most salient change is the introduction of the possibility of negotiating the 37/63 revenue split for every title in every program. Concomitant with this benefit, of course, is the additional transaction costs that any publisher will incur in negotiating with **Google** title by title. Also at play here is what **Google** will decide to do with its publisher partners whose contracts will now all need to have an addendum that will permit **Google** to move ahead with its **Google Editions** program, which will run parallel to the **Book Search** program and be based on agreements signed with the current partners that choose to expand their dealings with **Google** in this way. **Ian Paul** of *PC World*, in announcing this new initiative in a blog on October 16 (and congratulating **Google** for eschewing DRM so that the books supplied through its program can be read on many different types of devices, not just dedicated eBook readers), noted: "Under **Google's** payment scheme, publishers will receive about 63 percent of the gross sales, and **Google** will keep the remaining 37 percent. **Google** also hopes to offer **Editions** titles through other online book retailers. In this scenario, online retailers would get 55 percent of revenues minus a small fee paid to **Google**, and publishers would get 45 percent. **Google** may also create deals to sell **Google Editions** books directly through a book publisher's Website, but no details have been announced for how that scenario would work" (http://www.pcworld.com/article/173789/google_editions_embraces_universal_ebook_format.html). Now that the 37/63 split has been made open for negotiation in the **ASA**, one wonders how publishers will react to a non-negotiable split for **Google Editions**. The split is peculiar to begin with as it relates to no traditional standard in book publishing. Whence

did it come? According to **Ken Auletta** in his new book about **Google**, this split is traceable to **Google's** experience with linked Website advertising, where **Google's** share includes a 15% administrative charge and makes it total about 37%. This transposition of a revenue-sharing model from one domain to an entirely different one is questionable at best and seems purely arbitrary. To impose it unilaterally on publishers of all kinds seems equally arbitrary. So, too, the 45/55 split between publishers and online retailers. That mimics what is standard for trade-book publishing, but hardly represents well the main business that university presses conduct, where "short" discounts of 20% to 25% for monographs and textbooks are more common. It will be interesting to see how presses evaluate the pros and cons of working with **Google** through either the Settlement arrangement or the partner program; perhaps some will experiment with both. The Settlement imposes significant extra costs on presses in burdening them with requirements to negotiate with individual authors over such matters as display percentages, and it also deducts an administrative fee that might be as much as 20% or 25% from the 63% of the gross that is due publishers, leaving them in effect with not much greater a share of the overall income than **Google** gets. Much will depend, therefore, on whether **Google** decides to be flexible at all with the 37/63 split in the partner program. Uncertainty also exists for the pricing algorithm that the **ASA** now mandates **Google** alone to define and control. According to the Memorandum of Law submitted by the parties to the court on November 13, "the Pricing Algorithm will be designed to simulate how a Rightsholder would unilaterally price its Book in a competitive market." (Links to this Memorandum and other **ASA** documents may be found here: http://lawprofessors.typepad.com/law_librarian_blog/2009/11/amended-google-book-settlement-filed.html.) Well, how do rightsholders determine what price to charge? In the eBook world, in fact, this is not an easy question to answer. Many publishers are struggling with it now, and some are even inclined to set the price for a book differently depending on what kind of platform offers it for sale and what the features of that platform are. (For a very suggestive discussion of this question in relation to the introduction of the **Kindle 2 Reader**, see the comments by **Tony Sanfilippo**, Sales and Marketing Director at **Penn State University Press**, on the Press's blog here: <http://psupress.blogspot.com/2009/04/kindle-2.html>.) If this kind of variable pricing by device and feature becomes prevalent, it will pose a huge challenge to **Google** in making its pricing algorithm truly reflective of what is happening in the marketplace.

Google 2.0 is unquestionably an improvement on **Google 1.0** in many respects, and the chances for approval by the judge after the final fairness hearing now scheduled for February 18 now seem much better than before. But, besides the loose ends and only partly satisfactory solutions identified above, the Settlement still leaves much to be desired in other respects. Although it is good to have some funding explicitly aimed at helping identify and locate the

rightsholders of unclaimed, including orphan, works through the redirection on monies not claimed by rightsholders, publishers in general and university presses in particular continue to face the daunting challenge of knowing what rights they actually have. As **Mike Shatzkin** observed in his blog about "A serious issue for big publishers" on April 14, "they are largely in the dark about what rights they own.... The **Google**-related issues primarily revolve around whether the rights to an inactive book (or, in the settlement lingo, what they would call 'not commercially available') have reverted to the author or are still held by the publisher. Publishers also have problems with books on which they unambiguously have the rights to print and sell copies. What they don't know, without looking at the original contract, is whether the language in it gives them a shot at an eBook, a print-on-demand edition, or allows them to include some of the material in that book in an electronic database. Even looking at the contract might not tell them if they have the rights to use artwork that is in the book in any other edition" (<http://www.idealogue.com/blog/a-serious-issue-for-big-publishers>). Some commercial publishers face an additional challenge that university presses fortunately do not have to worry about: companies that once were independent have merged, sometimes several times over, and tracking the disposition of rights across various stages of merger can be a major obstacle to clarity about who now holds what rights. But university presses have the same problems commercial publishers do with rights reversion and old contracts not containing any or inadequate language about electronic rights.

The **BRR** plays a central role in the whole Settlement scheme, yet it is faced with an enormous challenge of creating a sophisticated technical infrastructure to record rights claims and process payments to **Google**, rightsholders, and potential third-party licensees. As one who has witnessed the growth of the **Copyright Clearance Center** as a member of its board of directors for nearly twenty years, I have a special appreciation for what is required to be successful in this kind of business. It requires an organization nimble on its feet, always seeking new ways to serve its customers better, and a large and dedicated staff who have the public interest at heart. The **CCC** is now over thirty years old, but the **BRR** is expected to get up to speed almost overnight by comparison. Related to this is the sorry state of the metadata that publishers have so far had to work with in getting ready to claim books in the **Google** database. One can only hope that the **BRR** will be able to make marked improvements in the metadata once it is off and running with a full staff. Otherwise, publishers will continue to be burdened with yet another type of heavy transaction cost in just getting their books properly set up in the system.

Finally, there is the continuing concern about content, not only that the **Book Search** database will ill serve the needs of people who want to access illustrated works such as art history books but also that the quality of the content it can deliver is not high. Numerous

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critiques have displayed the results of the often erratic nature of the scanning that **Google** contractors have performed, complete with smudges, misaligned pages, and even pages containing images of the scanners' thumbs. But the problems go beyond simple quality of reproduction. There is a serious concern about metadata here, too, from a scholar's point of view. As **Geoffrey Nunberg** so devastatingly catalogued in his article for *The Chronicle of Higher Education* (August 31) titled "**Google's Book Search: A Disaster for Scholars**," the current metadata "are a train wreck: a mishmash wrapped in a muddle wrapped in a mess." **Nunberg's** survey covers errors in dates, problems with classification, and mismatches of titles and texts. I particularly sympathize with his critique of **Google's** decision to use BISAC codes to classify books. "Why," he wonders, would **Google** "want to use those headings in the first place"? As **Nunberg** notes, "The BISAC scheme is well-suited for a chain bookstore or a small public library, where consumers or patrons browse for books on the shelves. But it's of little use when you're flying blind in a library with several million titles, including scholarly works, foreign works, and vast quantities of books from earlier periods. For example, the BISAC Juvenile Nonfiction subject heading has almost 300 subheadings, like New Baby, Skateboarding, and Deer, Moose, and Caribou. By contrast, the Poetry subject heading has just 20 subheadings. That means that **Bambi** and **Bullwinkle** get a full shelf to themselves, while **Leopardi**, **Schiller**, and **Verlaine** have to scrunch together in the single heading reserved for Poetry/Continental European. In short, **Google** has taken a group of the world's great research collections and returned them in the form of a suburban-mall bookstore." For most university press books, I can attest, the BISAC codes compel one to be very creative in trying to use enough codes to represent the subject of a scholarly book at all adequately. Just to give one example, there is no way of straightforwardly identifying a book about modern Latin American politics. One has to cobble together a set of codes covering History/Latin America/General, History/Modern/20th Century, and Political Science/Government/Comparative at a minimum. And to identify a book in feminist philosophy, one has to leave the category of philosophy altogether to find any code representing feminist or gender studies (under the main rubric of Social Science). **Google's** decision to employ BISAC codes is yet one more glaring revelation of how skewed the Settlement is toward the interests of trade-book authors and commercial trade-book publishers rather than academic authors and academic presses. And the irony of it all is that the vast majority of books now among the ten million **Google** has in its database are academic books, making **Book Search** a potential boon for scholars everywhere — if only **Google** had talked with the right publishers to begin with!

Group Therapy — A Case of Discredited Research

Column Editor: **Jack G. Montgomery** (Associate Professor, Coordinator, Collection Services, Western Kentucky University, Bowling Green, KY) <jack.montgomery@wku.edu>

*Column Editor's Note: I posted this question to **COLLDV-L** and received a host of thoughtful answers that span the range of opinion on this complex issue. I sincerely thank all those who weighed in on this question. A similar issue has arisen concerning **Disney's Baby Einstein** product. (See the *New York Times* 10/23/09 issue http://www.nytimes.com/2009/10/24/education/24baby.html?_r=1) however, the following answers concern the **Bellesiles'** book. — JM*

GRIPE: Submitted Anonymously. In the September 2009 issue of *Against the Grain* was an article by **Steve McKinzie** of Catawba College entitled "The case for getting rid of a celebrated book." In his article, **McKinzie** discussed the discredited title *Arming America: The Origins of a National Gun Culture* by **Michael Bellesiles** which was first given the **Bancroft Literary Prize** in 2001. Later in 2002, the prize was withdrawn and the author discredited due to professional scholarly misconduct with regard to the research and its presentation. **McKenzie** made the case for removing such a book from the library's collection. Although I understand **McKenzie's** argument, I am personally confused as to what our responsibility is in such matters. I would like to hear from other librarians but would like to remain anonymous. Can you help me?

RESPONSE: Submitted by **Linwood DeLong** (Collections Coordinator, University of Winnipeg Library, Winnipeg, MB, Canada)

I am a Canadian and therefore possibly not totally qualified to weigh in on this one, but because it is an intriguing topic, I will do my best.

To me, the issue should be first and foremost, the quality of the books in our collection. If we discovered that a history book about any topic was full of factual errors, based on faulty research, citing phantom sources, etc. then we would remove the book for those reasons. We remove many old books because they contain outdated information — a book about the U.S. that refers the "48 states and their capitals" would disappear from our shelves, unless it were a famous travel book, such as **De Tocqueville's** accounts of his travels.

Books that take a controversial stand — we had a recent, highly publicized case in Canada about a book published by **McGill Queen's University Press** that took a very contro-

versial stand about native peoples' issues — are different. Our library, probably many libraries, bought the book, because it presented this viewpoint and would enable students to study the articulation of the viewpoint and respond to it. At the far end of this spectrum are completely nonsensical books (we all see promotions for self-published books) that are so un-scholarly that they are not useful at all in our collections. We don't buy those.

We probably have some books in our collection that deny that the Armenian genocide ever occurred. Many of us would dispute this, but propaganda material (if it is clearly understood to be so) can still be useful, again for study and research purposes.

I'm starting to stray a bit from the topic. If we had *Arming America* in our collection, or a book about a medical topic in which the results were demonstrated to be false because of the use of phantom data or the deliberate misuse of existing data, I would argue for the removal of the book from our collection.

I guess that I am trying to draw a line between factual inaccuracies, misrepresentation of data, etc. and controversial opinions. It appears, from what I saw in the email on **COLLDV-L**, that *Arming America* is of the first type.

I enjoy collections development problems or challenges and would be pleased to respond to others, if you think that my response is useful.

RESPONSE: Submitted by **Sarah Tusa** (Associate Professor, Coordinator of Collection Development & Acquisitions, Mary & John Gray Library, Lamar University, Beaumont, TX)

First of all, I must admit that I am not familiar with the details of the complaints against the author's research conduct or methodology, but it would seem that the validity of the information presented in the book was very probably tainted by the improper research and invalid presentation of the research results, then that book is very similar to an outdated edition of any other book. If the author were to produce a revised (and corrected) edition, we would definitely withdraw the original edition. Some larger, more comprehensive (probably **ARL**) libraries might make the argument to keep the original, tainted edition as a part of publishing history. However, I personally would be tempted to withdraw the *Arming America* book even without the prospect of getting a new, revised edition, for the same reason that we withdraw out-of-date medical books: We at least *attempt* to minimize the amount of outdated or invalidate and/or discredited information that our students can get their hands on in our library.

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I don't consider it censorship, if the errors in research and in the end product are documented. As an integral part of a teaching institution, the library has a responsibility to try to provide the most valid and up-to-date information possible. If we had the space to keep such a book, I suspect that we would put a note in one of the 500 fields of the marc record to cite the documented grievance against the book and place a similar note inside the front cover. To allow this book to be published and then to award it before discovering the problems with the research makes me wonder about the due diligence of those involved in the publishing and then the awards process. However, a book with discredited information does not really have a place in our library, as far as I am concerned. I would, however, take into consideration the extent to which the validity of the information is compromised — and hope that there are reviews to guide in that determination.

RESPONSE:

RSubmitted by **Meris Mandernach** (Collection Management Librarian/ Chemistry Liaison, JMU Libraries & Educational Technologies, **James Madison University**, Harrisonburg, VA)

I think that a discredited book would likely get more use in a library collection due to the hype around the situation. I think that if it falls within the guidelines of the weeding policy then it could be removed, but if not, then it could become a teaching moment and used as an example during instruction of what constitutes scholarly misconduct.

RESPONSE:

RSubmitted by **Paul Metz** (Assistant to the Dean for Special Projects, University Libraries, **Virginia Tech**, Blacksburg, VA)

The question you posed on **COLLDV-L** never came up quite that directly in my 20 years as head of collection development at **Virginia Tech**, but for what it's worth here's some of what I did, and some of what I think I would or would not have done, when/if such issues arose: **Fatwa vs. S. Rushdie**, we put *The Satanic Verses* on Reserve for its own protection "room temperature confusion" (if you remember the cold fusion controversy out of Utah), Soviet-style Lamarckian evolution (hopelessly wrong), other discredited science — we never went looking for it because we weren't going to pull it from the stacks even if we found it. You have to trust your readers, and I think that in the case you cited in your note that's what I would do — in other words, nothing.

Errata slips sent by the publishers of (usually) scientific journals — we were happy to tip them into the issues, though I'm not sure we always followed through and did so.

One of the most interesting issues for me was gift items. I didn't mind having the very occasional book saying that global warming was all wrong, the occasional DVD from Scientology, the occasional item arguing against any

gun regulation, because I think there's a place for all views even if I find them nutso. But I was cautious and took only the occasional representative piece because I know that in these debates, one side is always much better funded than the other and so to take gifts too openly actually feeds a bias... just as the rich right in this country has very cleverly done by founding and underwriting innumerable "objective think tanks" like the **CATO Institute**.

RESPONSE:

RSubmitted Anonymously.

This sort of question came up in my library some years ago regarding a book by **Louis Farrakhan**. My opinion is that however a librarian may find a book reprehensible, and even if the material therein is considered or proven false, a decision must be made on the basis of the importance of the title for research and teaching. There are many books in the library based on incorrect or deliberately misleading research. **Mein Kampf** comes to mind. I think as a university library these materials must be made available to established scholars and budding scholars. Learning critical thinking and reading is part of the education process. In the case you cite, it appears that the history prize was taken away, which seems right for that body, however it is up to the librarian to decide the importance of the book for his collection. In this case since it is a controversial book I would keep it in the collection.

By the way we kept the **Farrakhan** book despite the demands of a member of the university community.

RESPONSE:

RSubmitted by **John P. Abbott, MS** (SMLS (Coordinator, Collection Management University Library, **Appalachian State University**, Boone, NC)

I thank **Mr. McKinzie** for raising the issue and opening an interesting discussion.

My view is retain it and forget about it. The postmodern library does not pretend to arbitrate absolute quality or accuracy in the materials it holds. If librarians understood deeply the areas in which we collect, we would know that there are thousands of books on our shelves containing false or erroneous content. Almost every book I read in an area I understand well contains significant errors due either to typos, poor editing, or insufficient research. By **McKinzie's** standard, we would block access to almost all Websites because they are inaccurate and knowingly inaccurate. Students today, after a life of Web-searching, are deeply skeptical and are unlikely to be significantly misled by **Bellesiles'** book unless it is the only work they consult for their pro/con Eng 101 paper.

Out of date health works and other works that clearly put a reader in known danger deserve examination for w/d on the basis of content, but little else. Books are w/d everyday for lack of use or poor condition, but much rarely on a judgment about the scholarly quality of content.

Other books offer more significant challenges, e.g., *The Anarchist's Cookbook* flap of a decade ago. Here some of the "recipes"

were rumored to blow up someone who cooked them. Here the danger was much more real. **William Powell**, the author, has publicly repudiated the book on **Amazon**: http://www.amazon.com/Anarchist-Cookbook-William-Powell/dp/0974458902/ref=sr_1_1?ie=UTF8&s=books&qid=1258038076&sr=1-1. A quick look at **WorldCat** indicates that 100s of libraries still hold the book.

Any danger, lack of quality, or betrayal of the scholarly enterprise by **Bellesiles'** book seems trivial in comparison.

RESPONSE:

RSubmitted by **Jack G. Montgomery** (Associate Professor, Coordinator, Collection Services, **Western Kentucky University Libraries**, Bowling Green, KY)

This is a familiar topic for me. My friend and colleague, **John Budd** conducted his own research of **Medline** from 1966 to August 1997 revealed that 235 articles had been retracted, 86 of which were deemed to be due to misconduct. It was alarming to learn, however, that these 235 articles had been cited 2034 times even after the retraction notice had appeared. This issue speaks to long-term, largely irresolvable problems with the whole process of academic research and ethical standards.

As to this book, my thoughts and suggestions are as follows: I did not remove the discredited book from the shelves as, even as a fraudulent piece of scholarship. It could be an object of study for research on academic fraud. I did however, glue a disclaimer inside the book stating the issue but also stating that the book is retained for historical purposes and warning the patron to use this material at their own risk. Here is a sample label that was placed across from the title page of *Arming America: The Origins of a National Gun Culture*.

"Attention: Discredited Research! Please be aware that this book and the research contained within it has been discredited and the research declared fraudulent by the peer-review process. We are retaining this title in our library for historical purposes only. Use this book at your own risk! **WKU Libraries.**"

RESPONSE:

RSubmitted by **Douglas Black** (Collection Development Librarian, **Northwestern Michigan University**, Marquette, MI)

While **McKinzie** does have a point regarding responsibility for our collections, I'd say his argument presents a false dichotomy between avoiding censorship and maintaining our integrity. As knowledge advances and cultural perspectives develop and change, it's worth recording not only the honest errors arising from what simply had yet to be learned but also the hiccups and blind alleys arising from human nature. While **Bellesiles'** intellectual fraud doesn't rise to the level of Ptolemaic texts or **Mein Kampf**, I think the general principle still applies.

The fact that *Arming America* is unreliable gives it some value as part of the cultural debate surrounding its topic. From that perspective, it's reasonably good material for

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studying American political/cultural history. Alerting readers to the book's history and current status, perhaps by taping or tipping in a respected review, or the publisher's press release announcing the prize rescission (like errata), makes good sense. We routinely try to publicize our collections and let potential users know what great materials we have available; likewise, added information about individual items can enhance their value. I think that's a more balanced approach to this particular dilemma than deaccessioning the book as if it had never appeared. The fact is that it did appear and has had some influence — both as it was intended and in how scholarly research is received — and librarians do have a role to play in recording those events as part of the human record. So much for a short comment... I'm looking forward to the compiled responses!

RESPONSE:

Submitted by **Christy J. Wrenn**
(Director of Library Services, **Centenary College of Louisiana, Magale Library**, Shreveport, LA)

As well as I remember, our good friend **Oprah Winfrey** was in this same pickle once when she interviewed **John Frey** regarding his book "A Million Little Pieces." Boy was her face RED after the interview! However, her endorsement turned it into one of the top

selling books of 2005, but she felt conned by the author. That book was not pulled from bookstore or library shelves.

This is the same type of situation with **Steve McKinzie at Catawba College**. **Mr. McKinzie** felt that he had to become one of the Library Police and save a college student(s) from ever reading this book, or using it as a reference in a term paper. According to him, this book did not stack up or was not written in a way that someone else thought that the book should have been written.

I have been in the librarianship field for 35 years, and the last time I heard, there was still a human right called "Intellectual Freedom" that said we could read what we wanted to read. The part of libraries and librarians is to make available materials for patrons to read, not be judge because of award activity or people groups to pull materials from shelves. When we do this we are taking the "Critical Thinking" development away from our young developing college minds that have not yet encountered all those GOOD or BAD things out in the world yet. 🐼

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been appointed Director of the Libraries at **KAUST (King Abdullah University of Science and Technology)**. He assumed his duties in September 2009. **KAUST** is an international, graduate-level research university dedicated to inspiring a new age of scientific achievement. The University is set to open in September 2009 with degrees in 11 fields of study. The core campus is located on more than 36 square kilometers along the Red Sea at Thuwal — about 80 kilometers north of Saudi Arabia's second largest city, Jeddah. www.kaust.edu.sa/

My son **Raymond** went to **West Point** many years ago so I was interested to read that **Bryn Geffert**, library director and associate professor

of history at the **U.S. Military Academy at West Point**, has been named **Amherst College's new librarian of the college**. **Geffert** will start work at **Amherst** on Jan. 21, 2010. Particularly interested in research instruction, in libraries' efforts to guide the changes afoot in academic publishing and in facilitating the digitization of special collections, **Geffert** was the "unanimous and enthusiastic choice of the search committee," according to Amherst Dean of the Faculty **Gregory S. Call**. **Geffert** became the director of **West Point's library** in 2008 and went on to help open and oversee the institution's new library. A high school basketball and football official, **Geffert** also enjoys cross-country skiing and running and expressed delight about moving to a state "that enjoys good snowfalls and the Boston Marathon." And I would say that's a good thing! www.amherst.edu/

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Booklover — Bridges

Column Editor: **Donna Jacobs** (Research Specialist, Transgenic Mouse Core Facility, MUSC, Charleston, SC 29425) <jacobsdf@musc.edu>

Bridges are powerful both as structures and symbols. They connect us, as the 37 bridges across the Seine connect the city of Paris. Bridges can also isolate us. Any of the 231 bridges that cross the Mississippi River will facilitate a journey between East and West, but they cannot take us to the world of **Mark Twain**. The river was his world, not a muddy wet obstacle to bypass.

Bridge the Gap. Build a Bridge and get over it. Cross that Bridge when I come to it. Bridging Time. Bridge over Troubled Waters. Water under the Bridge. These common sayings have become part of our everyday speech, often mean quite different things, and the opportunity for overuse is ever present. For I'm sure I will find these words coming out of my mouth sooner than later. A **Google** search on "bridge definition" further expanded this train of thought beyond where I wanted to contemplate.

Yet on a recent trip to **Blue Bicycle Books** I discovered **Ivo Andrić's** book *The Bridge on the Drina* while perusing the alphabetically organized fiction section of the store with my **Nobel Literature Laureate List** in hand. *The Bridge on the Drina* is part of what is known as the *Bosnian Trilogy* written while **Andrić** was living quietly in Belgrade during World War II. His **Nobel Prize** recognition came in 1961. Soon my thoughts on building bridges, words about bridges and this column were colliding. As I touched the edge of the binding to remove the book from the shelf my mind began to wander to the Cooper River Bridges. I was completely fascinated with the recent construction of the **Arthur Ravenel, Jr.** cable stay bridge, the longest in North America. I also watched the complicated orchestrated destruction of the two previous bridges that spanned the Cooper River that separates the peninsula of Charleston from Mount Pleasant and points North. The life of the Lowcountry has been forever changed by these bridges.

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I know that a lot of people don't agree with me, but, what the hey, what are opinions for? I saw that the **Special Libraries Association (SLA)** announced the results of its association-wide vote on a new name. Voting in record numbers, **SLA** members failed to approve a proposal to change the organization's name to the **Association for Strategic Knowledge Professionals**. 50 percent of those members eligible to vote participated in the referendum, with 2,071 voting yes and 3,225 voting no. It recalled an article in *ATG* many years ago (see v.12#6 and v.8#1) by **Lucretia McClure**, a famous medical librarian, when she defended the use of the "I" word and decried the tendency by many associations, schools, etc. to change it! Was talking to **Lucretia** the other day and she is alive and well and still of the same opinion!

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Could I relate these current events with **Andrić's** book? Maybe Yes. Maybe No. Yes in the simplistic view that a bridge was constructed to connect communities divided by a river. No because **Andrić's** book spans 400 years of complex history and was described by **William H. McNeill** in his Introduction as "one of the most perceptive, resonant, and well-wrought works of fiction written in the twentieth century...No better introduction to the study of Balkan and Ottoman history exists, nor do I know of any work of fiction that more persuasively introduces the reader to a civilization other than our own." Many newcomers entering the Lowcountry via the Cooper River Bridge may indeed feel they have dropped into a whole new civilization. Yet, in Yugoslavia, the history of the Ottoman Empire, the complexities created by the different ethnic and religious groups, and the clash of East and West in the area create a civilization that is distinct, sometime mysterious — maybe not too unlike our Lowcountry. The two sides of the Cooper River have been connected for less than 100 years. **Andrić's** village, the Višegrad, became connected through the bridge over the Drina to the two parts of the Sarajevo road in the 16th century. "For this great stone bridge, a rare structure of unique beauty, such as many richer and busier towns do not possess ("There are only two others such as his in the whole Empire," they used to say in olden times) was the one real and permanent crossing in the whole middle and upper course of the Drina and an indispensable link on the road between Bosnia and Serbia and further, beyond Serbia, with other parts of the Turkish Empire, all the way to Stambul."

Andrić provides an historical account of how the bridge was built over the mighty green waters of the Drina as a legacy for the Grand Vezir **Mehmed Pasha** of Sokolovići. Each chapter spans time toward the twentieth century with the intimacies of fictional characters and individual tales providing us a window into the flow of life, conflict, and belief along the Drina. We experience the torture, fear, and even death of the workers who toiled for five years to build the 11 bridge arches from stone, the sensations of the river's energy as first pedestrians traverse the bridge, and the assassination of the Grand Vezir just as his bridge was replacing the Drina ferry.

Almost every time period embraces a story around the kapia, a structure in the middle of the bridge that is considered to be the heart of the bridge. "So, on the kapia, between the skies, the river and the hills, generation after generation learnt not to mourn overmuch what the troubled waters had borne away. They entered there into the unconscious philosophy of the town; that life was an incomprehensible marvel, since it was incessantly wasted and spent, yet none the less it lasted and endured 'like the bridge on the Drina'." Scholars came to the kapia to rest and argue the issues of the day. Decapitated heads of Serbian intruders were displayed in warning along the kapia. Wedding processions stopped along the kapia. Dressed in her

wedding garments **Fata**, distraught with the arrangement to be wed to better her family's status, counted on this moment as she gave herself to the Drina rather than her arranged husband. Austrian soldiers marched across the bridge and a young soldier found himself bedeviled and trapped by the subtle glance of a young Turkish girl near the kapia. The town grew at the base of the bridge. Vendors, inns, taverns, brothels, "Lotte's Hotel" and their influence were wrought by the bridge on the village. The railroad introduced a new form of connection and thus "The great stone bridge which according to the ideas and the pious intentions of the Grand Vezir from Sokolovići, was meant to link the two parts of the Empire, and "for the love of God" make easier the passage from West to East and from East to West was now in fact cut off from both East and West and abandoned like a stranded ship or deserted shrine." Ultimately the bridge succumbs to relentless bombing during World War I. The description of the destruction is intimate and personal as seen through the eyes of **Alihodja** while experiencing the demise of his shop. At the end only the kapia is seen by **Alihodja** and not the seventh pier of the bridge, just the green energy of the Drina.

Finally another attempt to "bridge time" or "bridge the gap." "We will bridge greater rivers and deeper abysses. We will build new, greater and better bridges, not to link foreign centers with conquered lands but to link our own lands with the rest of the world." This somewhat prophetic and timeless quote challenges the reader to embrace the future by understanding the past. Social structure, religion, cultures and technology are just a few subjects that fall in this challenge. Even literature is not immune to the future. In the twenty-first century, digital photography, blogging and Websites are modern tools for recording an important event in history. This is illustrated in two photo Websites, <http://ravenelbridge.net/> and <http://oldcooperriverbridge.org/>, developed by **Frank Starmer** chronicling the "building and "unbuilding" of the Cooper River Bridges. Unlike **Andrić's** book which used **Nobel** worthy words of fiction to convey an understanding of a region's history based around a bridge. I accept the challenge proposed by a student espousing to his peers on the kapia, although as I write this column on my laptop with the Internet open in the background I still find myself touching the book, rereading passages and contemplating the Balkan history. I have to reflect on **Andrić's** words: "Everything appeared as an exciting new game on that ancient bridge, which shone in the moonlight of those July nights, clean, young and unalterable, strong and lovely in its perfection, stronger than all that time might bring and men imagine or do." At this point I don't believe I can build a technology bridge and just get over it — not yet. 🌿