Back Talk -- Article 23

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So what picture emerges from all these data—and what are the implications for the publishers and librarians?

First, it's clear that corporate America still relies primarily on original documents and photocopies for the majority of its information; therefore, as stated above, publishers still have time to develop the tools and strategies to protect their intellectual property from unauthorized and uncompensated digital use.

Second, Internet use for data acquisition continues to climb, albeit at a slower rate than in earlier years. We won't know how much Internet/intranet use is growing now until we obtain and analyze the results from a subsequent survey, sometime in mid-2003. But it's clear that digital content is far more convenient to access, store and distribute and, therefore, will continue to grow at the expense of print media.

Third, the Internet has increased the demand for content from all sources, digital and non-digital, a trend that will certainly continue.

Fourth, the volume of online content purchases appears to be growing at a healthy clip; but, like the apparent boom in overall Internet usage, we'll have to wait until the next survey results are in before we can assess this definitively.

Adventures in Librarianship — Reality
by Ned Kraft (Ralph J. Bunche Library, U.S. Department of State)
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Cable Television's most iconoclastic station, the ATG Network, is planning to bombard its summer audience this year with reality shows that are sure to please.

In June, prepare yourself for "Sweat Shop." ATG cameramen spent two months in the highly dysfunctional and very amusing Technical Services office of Moritify College's Bantering Library. Have there ever been catalogers so cantankerous? Has there ever been an acquisition office so paraoid? Doubt it. Thrown in a handful of territorial preservation technicians and a foul-mouthed, grumpy systems administrator and you've got yourself a makings of a hit show! Where did they find these people?

Keep an eye out for "Lib Cribs" in August, when ATG will take you inside the homes of famous librarians. You'll love the two-bedroom bungalow that Dr. Samuel Prudent, dean of Darnmouth University's Fraught Memorial Library, calls home. Its slate-tiled entrance hall and blackened stone fireplace are warm and inviting. Dr. Prudent himself will guide you through his plans to install indoor plumbing next year. Missy Sooner, from New York's PL 480 will show off her half-bedroom pied-a-terre with its magnificent view of room 603 in the Hotel Metro. And you won't want to miss the improvised cardboard and sheetrock abode designed and built by Malachy Esposito of Underlining Library fame. Its setting, under the Interstate 57 bridge, is certainly unique and probably illegal.

"Book 'Em" will follow the adventures of Chicago Public Library's famous Library Police squad. Ride along as they use handwriting analysis to expose a dangerous margin-writing scheme. Visit their DNA lab as Sergeant Pifer tries to unravel the mystery of the missing Newsweek issue. Watch Detective Dolores Hunt confront an indignant patron who refuses to put current newspapers back where he found them. The dedicated men and women of Chicago's Library Police leave no stone unturned!

"Survival Ex Libris" takes six academic librarians from Yale and dumps them in a small town public library somewhere in Idaho. Their challenge? To organize and conduct a book sale for the locals without condescension. To hold a Friends of the Library meeting without using bibliographic jargon. To weed the collection without throwing away all the romance novels (which proves hilariously difficult for our Yalies). Who will be voted out of the library first? After reviewing the first show, my vote goes for Robert, the didactic engineering reference librarian who can't abide cooperative assignments. But I'll hedge my bet with the lovely Arianna, whose Ph.D. in physics doesn't seem to lessen her frustration with shelf list cards and the Dewey Decimal system.

ATG is promoting this summer season line-up as a new approach in niche-market programming. CEO Katina Strauch told her executive staff that "this daring and innovative schedule will surely boost ATG beyond Fox and Warner...or you'll all be looking for new jobs come September."

Back Talk
from page 94

do they print, publish or sell such publications. It is critical that libraries continue to select, catalogue, circulate and preserve materials that discuss all points of view. Our students and teachers, indeed all of our citizens, need the freedom to read, think and ponder the important issues of our time. We look forward to additional open and free discussion of Article 23 and to being able to see the exact language of Basic Law 23. We congratulate the Government for taking this very positive step forward."

<http://www.against-the-grain.com>
I must admit that I typically turned a deaf ear/blind eye to the whole Freedom to Read thing when I lived in North America. In the U.S. the freedom to read is so wide spread that when your read of the county board of education in State X banning Black Beauty or Harry Potter you more or less say “so what?” and expect that eventually the more educated populace will stand up and overturn the decision.

More recently here in Hong Kong our government officials have been having an interesting time writing laws related to the freedom or lack of freedom to read materials that would challenge the right of the government to rule. When Hong Kong was returned to the U.K. to China in 1997, it was decided that rather than immediately make up every possible law for use in Hong Kong (Chinese laws not to be adopted for another 50 years), some less critical laws would be drafted over time. One of these is the law governing sedition acts, an anti-subversion law. A brief outline was circulated for comment. The part that has concerned librarians is as follows:

"Thus it should be an offense if a person — (a) prints, publishes, sells, offers for sale, distributes, displays or reproduces any publication; or (b) imports or exports any publication, knowingly or having reasonable grounds to suspect that the publication, if published, would be likely to incite others to commit the offense of treason, secession or subversion. To cater for cases where such publications are dealt with under legitimate circumstances, such as academic research or news reporting, a defense of "reasonable excuse" should be provided."


Our Secretary for Security, Regina Ip, said not to worry. If librarians were arrested they could use the "reasonable defense" excuse on the grounds that they were not inciting sedition but only supporting research. Somehow that didn't seem too encouraging to people like our special collections librarian or Chinese materials selector who specialize in importing/collecting and circulating materials from all points of view, including some that might be seen as encouraging the overthrow of the government. Scenarios like the following passed through my mind: Provocateur X shoots a government official, the police search his/her apartment and find a book checked out from our library arguing for the end of the government, police then go to the library to see what else we might have, find thousands of supposedly seditious materials, arrest librarian (me or hopefully someone else [joke]), and after a six-month trial the librarian is hopefully found innocent using the reasonable defense argument. The plot ends happily but the ordeal is threatening enough that most librarians with families and mortgages would stick to books not about politics of China or Hong Kong.

Following the circulation of the outline, various librarians and groups of librarians got involved, e.g., the Hong Kong Librarians Association, the Joint University Librarians Advisory Council, and myself as director of the largest library in Hong Kong. In my case, after asking a simple question at a public book launch by a pioneer lawyer in Hong Kong about how the proposed law might relate to libraries — I was barraged by print, radio, and television reporters. I began to feel uncomfortable. My university is publicly funded. I feared that the university administration would be concerned that it would be seen as overly critical of the government — and that their new librarian would be sent back to his homeland. Secretary Ip stated that "We shall study [the librarians'] views." I wasn't sure I wanted her to study my views very closely. I am a foreigner and Hong Kong just got rid of its foreign government. I was invited, along with hundreds of others, to go to hearings related to Article 23 and have the legislators ask their questions. At my session there were 20 speakers: 16 in favor and 4 of us questioning the wisdom of the enterprise. Parts of the proceedings were televised and this led to other TV spots designed to get me and the other librarians to say something especially inflammatory to make the evening news more exciting.

On December 23, 2002, the three month period of public discussion ended. Apparently 97,057 submissions were made, most of which were submitted by citizens loyal to the government who were in favor of the new legislation. Frankly, it has been looking fairly discouraging. I have thought of having Secretary Ip's "Librarians are not to worry" statement done in bronze and placed outside of our library.

Today we seemingly got good news. The government announced "the offense of possession of seditious publications will be abolished." It was further stated that the prosecution would have to "prove beyond reasonable doubt the intention of the person concerned [printing, publishing, or selling such publications] to incite others to commit the offense of treason, secession or subversion." Of course, this is bound to move the fear to local publishers who are now on the hot seat. It will be illegal to own seditious publications, just not legal to publish them if they might inspire people to action.

I am not sure about the degree to which I should be in sympathy with librarians who must fight to keep Harry Potter on the shelves — yet, I am much more sensitive now than before about the need to fight for the right to collect and circulate materials with political content. As the newly elected [presidential candidate], we need to make sure that the Hong Kong Library Association, I drafted the following bit of political spin in hopes of reassuring the government that librarians were not the enemy, and at the same time encourage them to move in the right direction.

If the following doesn't work, make room for me back home:

"We greet with enthusiasm the recent statement in the January 28 'Government further clarifies legislative proposals to implement Bl. 23' press release that there will be an 'Abolition of the offence of possession of seditious publications.' We are further encouraged that the same press release indicates 'In relation to the offence of dealing with seditious publications (such as printing, publishing or selling such publications), the prosecution will have to prove beyond reasonable doubt the intention of the person concerned to incite others to commit the offense of treason, secession or subversion.' This language makes it clear that libraries and librarians will not be arrested or prosecuted for sedition acts since they do not have such intents nor continued on page 93"