PROGRESSIVE LIBRARIAN

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END OF INFORMATION & THE FUTURE OF LIBRARIES
A HOUSE DIVIDED AGAINST ITSELF
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My work has involved thinking about basic ideas of technology in ways that let us see them as products of social processes, and as part of social processes. For example, computing has very particular ideas about how to represent human activities. These ideas have histories. They could be different, and they have significant consequences for privacy.

Let us consider a basic idea of computing, information. We all think we know what information is. Computer people and librarians both define their work in relation to something they call information. But I want to suggest that information might be an obsolete concept, and that emerging technologies are yelling in our ears to move along to other, different concepts.

What is information? We can define it in a narrow technical way. Shannon defined one notion of information in his theory of the capacity of a communications channel; information for him is measured in bits, and each bit is a distinction that is meaningful to the parties on each end of the channel. Bateson said something similar when he defined information as differences that make a difference. Computer people often speak of information in terms of the states of digital circuits that represent binary states of affairs in the world.

In each case, information is an idea that builds a bridge between the states of artifacts and meanings in people's lives. We often hear that this is an information age, or an information revolution, or that information rather than capital is now driving the global economy. It is not at all clear what any of this means. I think that in practice we tell three stories to ourselves about information. Each story profoundly affects our thinking by encoding particular views in us about the relationship between designers, information users, and information itself. I will refer to these stories as information processing, masculine transcendentalism, and information professionalism.
Story #1 — Information Processing

Computers originate in automation; "computer" was originally a job title, not a machine. Early computing methodologies were modeled on industrial automation methods — a flowchart is really an industrial process chart. When you hear the phrase information processing, therefore, I want you also to hear phrases like food processing and sand and gravel processing. Information, according to this story, is an industrial material like corn or oil or metal. The information processing story assigns particular roles to designers, users, and information:

- designers — industrial engineers
- users — factory machines
- information — processed material

Story #2 — Masculine Transcendentalism

I take this marvelous phrase, masculine transcendentalism, from the historian of technology David Noble. We can see masculine transcendentalism at work in Wired magazine, or in all of the hype around artificial intelligence or virtual reality. The story is this: someday soon, the physical world is going to wither away. Everything is going to become digital. All of our minds will be downloaded onto machines. All of our books and paintings will move into digital media. We will no longer have bodies, and, most amazingly of all, we will work in the paperless office. Noble's brilliant insight is that this is a religious worldview, and his historical research demonstrates compellingly that it developed out of a religious worldview without any particular discontinuity along the way. It is a millenarian worldview in which everything will be transformed. It is a transcendental worldview in which it calls for the whole world to be raised up and dissolved into an incorporeal realm that leaves the body and all the messy stuff in the social world behind. It sounds funny and hyperbolic when you frame it this way, but it is an enormously influential way of speaking in industry and elsewhere.

Here, then, are the basic relationships posited by masculine transcendentalism:

- designers — prophets
- users — caught up in an inevitable rapture
- information — the fabric of heaven

Story #3 — Information Professionalism

Information professionalism is a story that both computer people and librarians tell, but I want to focus on the librarians' version here. This story goes: we are professionals; there is this stuff called information; and our professional expertise consists of managing large bodies of information and connecting people with information. These professionals are generalists, or specialized at most to very broad areas, and libraries treat very disparate kinds of stuff in the same way. This view is understandable when you have a dozen librarians in a library building, and they are buying, cataloguing, and managing information that a hundred different kinds of people are using. The librarians need to routinize their work, and they need highly rationalized, detailed procedures so that the product of their work — a catalog, for example — is uniform and so that this product can be produced efficiently. Libraries have themselves been factories in many ways — thousands of books just have to get catalogued. None of this is a criticism of librarians, who have been working within the constraints of particular technologies and institutions. Here, then, are the relationships that the information professionalism story posits:

- designers — professionals
- users — individuals with information needs
- information — homogenous stuff to be stored and retrieved

I do believe that information technology is contributing to a major change in the world, but I think that this is precisely a change that makes each of these stories obsolete. The old-fashioned factory story is already under heavy attack — we've automated an awful lot of tasks already, and the resulting machinery requires a lot of skill and expertise to use. But it is striking that we haven't often questioned this view in the context of information.

Masculine transcendentalism, for its part, is really one of those yesterday's tomorrows, like the Jetsons. If we look at what is really happening in the world, we see information technology as a nervous system for the physical world, not as a replacement for it. (See, for example, TNO 1(5).)

But it's information professionalism that I really want to focus on. The problem with information professionalism is really a problem that the others share underneath: it treats information as a homogenous substance. A good way to think about information is that it's the professional object of librarianship. Every profession has its object: for law everything is a case, for medicine
everything is a disease, and for librarianship everything is information. In each
case, someone walks in the door with a problem, and the profession's job is to
find their object in that problem, and to talk about the problem in a way that
makes it sound like a case, a disease, or information that can be compared with
other cases, other diseases, or other information.

There's a deep trade-off: each profession achieves generality by reducing
everything to a common denominator, leveling everything to common terms.
Each profession can help everyone, but they cannot help them very well.
Library materials are indexed in a very sophisticated way — certainly much
more sophisticated than the keyword searches that prevail on the Internet — but
it is one uniform indexing scheme, despite the many different places that
different patrons might be coming from in their lives.

We can think about solving this problem by using information technology to
support several different coding schemes, and I think this is a good thing to do.
But I want to back up and suggest a more radical approach. Let's get beyond
the stories we have told ourselves about information and tell different stories
about different sorts of objects.

I want to suggest that the defining feature of our new world is that people talk
to each other, a lot, routinely, across distances, by several media. It makes no
sense any more to ask how individuals use information. Instead, let us ask how
communities conduct their collective cognition. Let's define a community as a
set of people who occupy analogous structural locations in society. The
residents of Palo Alto are a community, but so are cancer patients, corporate
librarians, and people who are in the market to buy any particular sort of
product. Emerging technologies allow communities to think together. The fact
that cancer patients can think together is already turning medicine inside-out.
The fact that customers in computer-related markets talk intensively to one
another on the Internet is increasing the amount and variety of information in
the marketplace. The future, in my view, belongs not to information but to this
active process of collective cognition in communities.

It might be objected that we will always have libraries and bookstores, and they
will still be full of information. But that's not the best way to look at it. The
first thing that library cataloguing schemes lose is the dialogic nature of articles
and books: they are all turns in a conversation, responding to a particular
literature or cultural background and addressed to a particular audience. Every
community conducts its collective cognition through diverse mechanisms, from

rumors to conferences to newsletters to wandering bards to Internet mailing lists
to articles and books. The library is one window on this whole dynamic
interplay, but it is not a window that lets us see that dynamic interplay very
clearly. Perhaps it is an artificial window, a means to serve a subset of
"information needs" that is largely an accident of past technologies and
institutions. Many different kinds of energy pass through the library, but the
library reduces them all to information retrieval, a homogenous category that it
can work with.

The solution, I think, is not to pave the cowpaths by automating the institutions
we have now. Instead, I think we should explore the full range of means by
which we can support the collective cognition of communities. Every
community has its own mix of communications mechanisms, its own history
and institutions, its own symbols and vocabularies, its own typified activities,
its own constellation of relationships, and perhaps most importantly its own
genres of communicative materials.

If we want a focal concept to replace information, we might want to choose
genres. Genres are stable, expectable forms of communication that are well­
fitting to certain roles in the life of some particular communities. Business
memos, opinion columns, action-adventure movies, Interstate Highway signs,
business cards, and talking-head TV political shows all have stable forms that
evolve to serve needs in the midst of particular activities.

I don't think we should be automating information professionals out of business.
Quite the contrary, I think we should be giving them a bigger job: reaching out
to support the collective cognition of particular communities. This might
include systems to support the creation, circulation, and transformation of
particular genres of materials. It might include setting up and configuring
mailing lists or other, more sophisticated tools for shared thinking. It might
include both face-to-face and remote assistance. Distributed alliances of
librarians might support specific distributed communities, while comparing
notes with one another and sharing tools.

This view has many consequences. It follows, for example, that a digital library
isn't one big system but a federation of potentially quite different systems, each
embracing a range of functionalities and fitting into people's lives in potentially
quite different ways.

It also follows that each community will have, to some extent, its own
infrastructure with its own evolution. Standards are crucial. Tools for shared thinking work best when everyone is using them, and so supporting a community's transition to new tools will require consensus-building, well-timed coordination, training, and a shifting division of labor between professional librarians — or, as we might start calling them, communitarians — and mutual aid and self-help among a community's members. No more factories, no more millenarian fantasies, no more isolated information warehouses. Instead, perhaps, we might be able to build, and help other people to build, the interconnected pluralistic society that we so badly need.

A HOUSE DIVIDED AGAINST ITSELF: ACRL Leadership, Academic Freedom & Electronic Resources

by John Buschman

Because of our affiliation with the values and norms of higher education, I believe that academic librarians have a key role to play in articulating what intellectual freedom means as it is applied to our profession and new information resources. Specifically, the privileges and responsibilities of academic freedom are a strong — and respected — partner to our policies on access, equity, and intellectual freedom. Academic librarians, therefore, should have a particular insight and responsibility for articulating these issues with clarity of language and purpose. However, ACRL's leadership has a mixed record in the case of the interpretation of the Library Bill of Rights, "Access to Electronic Information, Services, and Networks" passed by the ALA Council on January 24, 1996, and I believe the principles of academic freedom form a benchmark against which we can take some measure of this.

Let me first say that I believe it is good news that the American Library Association (ALA) has spelled out some professional principles regarding electronic information resources — and has linked those to longstanding professional values in the Library Bill of Rights. Freedom of expression is described in the January 24, 1996 document adopted by the ALA Council as "an inalienable human right and the foundation for self-government" and this right is expressly linked to "the corollary right to receive information." It is encouraging to see ALA stake its turf by claiming that "based on its constitutional, ethical, and historical heritage, American librarianship is uniquely positioned to address the broad range of information issues being raised" by electronic information resources. In the process of articulating these principles in sections on the "Rights of Users" and "Equity of Access," the interpretation mentions a right to privacy, the need for preservation, and a special obligation to make electronic government information available. Finally, I am relieved to see ALA recognize the need to review these new
resources “so that fundamental and traditional tenents of librarianship are not swept away.”

**Academic Freedom**

It would appear that my chosen benchmark of academic freedom would have little more to offer this new ALA articulation. However, academic freedom is a bulwark principle of sweeping scope, frequently cited by the nation's courts in defining the sweep of free inquiry (see American Association of University Professors). This principle has been formulated, advanced, fought for, and interpreted by the American Association of University Professors (AAUP) since 1915. (It is here that I should note that I am not only an academic librarian and an ALA member, but I also am an elected national AAUP Council member and a former member of the Executive Council of the collective bargaining AAUP Chapter at my own institution.) The AAUP's “1940 Statement of Principles on Academic Freedom and Tenure” (p. 3-10) is quite simple, but sweeping in its description: “Institutions of higher education are conducted for the common good [and] the common good depends upon the free search for truth and its free expression. Academic freedom is essential to these purposes and applies to both teaching and research.” The “1940 Statement” then goes on to say that “teachers are entitled to full freedom in research and in the publication of the results” and they “are entitled to freedom in the classroom in discussing their subject...” That broad policy is only modified by the responsibilities of professors “not to introduce into their teaching controversial matter which has no relation to their subject,” to make it clear that they do not speak for their institution, and “to exercise critical self-discipline and judgement in using, extending, and transmitting knowledge” (75-76).

The “1940 Statement” has been further interpreted and clarified through the years, but its principles have been endorsed by well over 100 professional and academic associations, including the American Library Association in a series of interpretations for librarians in 1946 (207-211). In 1973 the ALA and AAUP's “Joint Statement on Faculty Status of College and University Librarians” made a further explicit extension to academic librarians:

As the primary means through which students and faculty gain access to the storehouse of organized knowledge, the college and university library performs a unique and indispensable function in the educational process.... Indeed, all members of the academic community are likely to become increasingly dependent on skilled professional guidance in the acquisition and use of library resources as the forms and numbers of these resources multiply....The librarian who provides such guidance plays a major role in the learning process....College and university librarians share the professional concerns of faculty members. Academic freedom, for example, is indispensable to librarians....(AAUP 134).

Let us break free of the policy-wonkness of all of this for a moment. John Dewey (1976) laid out our reason for having such enormous latitude — and responsibilities — clear back in 1902 with soaring language and astonishing clarity: “To investigate truth; critically verify fact; to reach conclusions by means of the best methods at command, untrammeled by external fear or favor, to communicate this truth to the student...this is precisely the aim and object of the university. To aim a blow at any one of these operations is to deal a vital wound to the university itself” (p. 55). Academic and intellectual freedom are the same, and therefore are a broad and important mandate, which would require an overriding public interest to abridge or limit, even in its extension into new communications formats.

I will argue in the remainder of this paper that we, by this I mean ALA, the profession, and specifically ACRL leaders, have some ways to go to meet this standard in our professional practices in libraries across the country, let alone in articulating and enacting these principles for electronic resources. I think the best way to do this is to examine the evolution of key portions of “Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights.”

**Problems with the Evolution of Electronic Principles**

The problem with the evolution of these electronic principles as I will call them, is not one of grand challenges to intellectual freedom (the dramatic stab in the heart, if you will), but rather one of small and picayune complaints which chip away at the base of our principles (being pecked to death by ducks). I will outline below some of these, moving, I hope, from some general to specific problems within the profession when it comes to articulating strong academic and intellectual freedom principles.

A. Perhaps it is worth noting first that this policy is late: nearly twenty five years after library automation was thought of as raising access issues, and about a dozen years after electronic information resources were a routine part of academic libraries' services.
I have always been proud that the benchmark of the Library Bill of Rights (in Gates p. 255-256) was arrived at one year before the AAUP’s “1940 Statement.” However, we have lagged behind concerning academic and intellectual freedom with electronic information resources. For instance, back in 1994 the AAUP Annual Meeting passed a resolution (“Internet and the Academic Community”) expressing concern that a particular fee arrangement is likely to create a climate in which concerns about cost will discourage communication and reduce the flow of information among members of the academic community [and] generate mechanisms for financial accountability through an analysis of Internet’s use by students and faculty members that will inhibit free expression.

Contrary to a relatively recent American Libraries cover (September 1995), intellectual and academic freedom in electronic communications has been a contentious issue for some time now. Messages with the word “gay” or “lesbian” were to be deleted from a commercial network vendor’s services back in 1984, and there was an attempted suppression of a humor bulletin board at a prestigious university in 1992 to give two instances (Buschman 1993, p. 127). Further, there has been no indication that such issues will go away, as witnessed by our current wrangling over computer decency in the courts and how they will affect libraries and academic institutions. In short, despite some clear indications for some time now, we are late and have been beaten to the punch in some instances in an area which we should clearly own as our “turf.”

B. The March 3, 1995 draft (1.1) of the electronic principles had a number of very strong statements on equity (dare I say social justice?) and our public responsibility as a profession. It noted that “many persons do not have access to electronic information resources because of economic circumstances, capabilities of technology, and infrastructure disparity....Librarians, entrusted as a profession with the stewardship of the public good of free expression, are uniquely positioned to address the issues raised by technological change.” This draft ends with the famous quote from James Madison on “a popular government without popular information.” This language, indeed any specific reference to existing inequity or our role in the public good, is absent from the final approved document.

What was the purpose in leaving this out? In excising these acknowledgements of our public role and inequities, I fear we are backing away from our civic role as providing public spaces in our libraries where ideas, to quote Walter Lippmann, are “subject to criticism and debate, challenge, reply, cross examination, and rebutt” (in Buschman 1994, p.14). If “the world is in the midst of an electronic communications revolution” as the final electronic principles document put it, then the public role and public space of libraries must constantly be asserted and supported. Adapting the work of the scholar Henry Giroux (in Buschman 1994, p. 18), I have argued that our libraries are the site of “ongoing struggles over a ‘form of cultural politics that either enables or silences the differentiated human capacities,’ and whether [as librarians] we will ‘create social forms that expand the possibility of democratic public life.’” The essence of the academic freedom standard is the public-good function of free inquiry, and I think the final policy backed away from that somewhat.

C. Even though my focus is academic freedom, it is worth noting here the draft document’s (March 2, 1995) statement on inalienable “rights extension” to children as well as adults was left out of the final approved document. The two remaining references to children left in concerned not abridging the rights of minors and the role of parents’ or legal guardians' need to provide guidance if they “are concerned about their children’s use of electronic resources.”

The American Libraries’ September 1995 interview with Judith Krug noted that “the general public, the media, and the profession seems much more alarmed about the availability of sexually graphic materials on the Internet than they are about it being available in other kinds of formats” (p. 776). I think this at least partially accounts for the omission of a reference to an inalienable right to information for children. I think Patricia Latshaw (1991) put her finger on the problem when she noted librarians broadly ignoring professional principles and policy in relation to audiovisual materials, especially in relation to minors. For instance, she notes that librarians have labelled such materials and edited portions of films which might offend borrowers. It is the graphic and visual nature of electronic resources, particularly the Internet, which I believe causes us to hesitate to extend full academic and intellectual freedom protections to these sources. Krug’s statement in the September 1995 interview places the issue back in its proper perspective: “intellectual freedom means the provision of ideas and information regardless of the format in which they appear, and making sure that it is available and accessible to those people who want to use it....Where does that leave intellectual freedom: The same place as it is now — as the foundation of American Librarianship” (p. 775).
D. Perhaps more disturbing, leaders within the ACRL raised what I can only call some astonishing and sweeping objections to various drafts of the electronic principles.1 Both the ACRL Board (June 27, 1995) and an ACRL “expert” (Martin, April 26, 1995) flatly state that “documents such as this one do not address the realities of academic life” and could “put academic librarians in untenable positions.” The then-President of ACRL (Breivik, October 13, 1995) complained that extending the Library Bill of Rights was a continuing problem “as each aspect of every possible infringement is explored and prescribed in great detail.” She noted that this was the “sixteenth interpretation of the Library Bill of Rights. Just as the laws and prophets of the Old Testament were interpreted into literally thousands of minor regulations which, for all practical purposes, put compliance beyond all but a very small group of people, there reaches a point of when increasing supplementary detail can have a negative impact on the overall effectiveness of the original intent.” The ACRL “expert” (Martin, April 26, 1995) felt that, as a result, such a document would “be of no value at best or at worse [sic] to be a detriment to efforts to address legitimate academic freedom issues.”

First of all, the religious analogy concerning interpretations of the Library Bill of Rights is simply mistaken. (I will not address the inherent judgement larded into that statement.) Rather, the Library Bill of Rights is a policy statement guiding changing professional practice in a multitude of situations. Our tradition of extension and interpretation follows precisely that of judicial interpretation and extension of the original Bill of Rights. Further, I am quite unable to find an “untenable position” for an academic librarian in either the draft or the final document. Perhaps the squeamishness over the graphic and sexual possibilities in electronic networks is behind such suggestions — I do not know. I do know that the Chronicle of Higher Education routinely reports on debates like the one concerning censure for copying or forwarding the content of intellectual debates to persons outside of that Internet list which has led to the lacerating critiques of librarianship as relentlessly utilitarian, directed toward “modern management and efficiency...and reducing library work to a ‘mechanical art’” (Harris in Buschman 1993, p. 6). At its base, ACRL leadership is arguing that the Library Bill of Rights should not be extended into electronic realms because academic librarians would have yet another arena into which we would have a critical and intellectual responsibility for making choices based on those principles and the nature of our particular institution. I do not see such a development as a bad thing, nor irrelevant to academic freedom, nor a diversion from real academic freedom issues. As for the notion that controversial materials do not warrant any more protection, that is simply dead wrong. Academic and intellectual freedom champions the minority opinion: “Controversy is at the heart of the free academic inquiry which the [1940] statement is designed to foster” (AAUP p. 6). As Dewey (1976 p. 57) put it, the failure to understand such research or publication “is only the more reason for unusual frankness and fullness of expression.”

E. Perhaps equally disturbing is the ACRL leadership's (ACRL Board, June 27, 1995, Martin, April 26, 1995) interpretation of language in the draft version that “libraries and librarians should not limit access to information on the grounds that it is perceived to be frivolous or lacking value.” The ACRL Board's response was to complain that “academic librarians are morally obligated to respond” to any faculty request “no matter how esoteric the request to the campus curriculum and research priorities.” The President of ACRL (Breivik, October 13, 1995) took this one step further, stating that this would “wave red flags before administrators of campuses. Moreover, just because a professor wants extensive materials in a controversial area, for example, he/she should not warrant ALA Intellectual Freedom championing any more than the professor with a similar level of unrealistic acquisitions expectations in a narrow area of the Classics.”

The traditional tenent that librarians not impose their own scholarly judgement on the innate value of materials is apparently misunderstood. Further, it was coupled in both the draft and the subsequently passed policy with the admonition that the mission of the institution must be considered in making these decisions and reference to the local institution's collection policy. In other words, there were acknowledged restraints on access, collection and preservation of these materials. It is precisely the kinds of arguments against extending academic and intellectual freedom which ACRL leadership put forward which has led to the lacerating critiques of librarianship as relentlessly utilitarian, directed toward “modern management and efficiency...and reducing library work to a ‘mechanical art’” (Harris in Buschman 1993, p. 6). At its base, ACRL leadership is arguing that the Library Bill of Rights should not be extended into electronic realms because academic librarians would have yet another arena into which we would have a critical and intellectual responsibility for making choices based on those principles and the nature of our particular institution. I do not see such a development as a bad thing, nor irrelevant to academic freedom, nor a diversion from real academic freedom issues. As for the notion that controversial materials do not warrant any more protection, that is simply dead wrong. Academic and intellectual freedom champions the minority opinion: “Controversy is at the heart of the free academic inquiry which the [1940] statement is designed to foster” (AAUP p. 6). As Dewey (1976 p. 57) put it, the failure to understand such research or publication “is only the more reason for unusual frankness and fullness of expression.”

F. In discussing the draft policy's statement that, “when resources are insufficient to meet demand, rationing service may be necessary to provide equitable service,” the ACRL Board (June 27, 1995) stated that “unless rationing includes charging for use beyond some basic level, then I fear that many institutions would not support the statement and their policies would
conflict with it.” Simply put, the draft document included a common sense recommendation on apportioning services in tight budgets to insure equity, and it was turned on its head by ACRL as a justification for fees.

ALA policies against the charging of fees could not possibly be any clearer. The implied argument which the ACRL Board made is, as one author put it, “it appears that technology, economics, and external events have conspired to force librarians to adopt an entrepreneurial approach to the services they provide” (Malinconico 1991 p. 28). In so doing, the ACRL Board and librarianship in general is trying to finesse our professional commitment to equity and to the reduction of discriminatory barriers. Such arguments inherently link libraries and librarianship to its potential role in the economy. As I have argued elsewhere, this is part of a larger social trend which “defines economic rationality as the model of public reason” (Giroux in Buschman 1994, p. 14), one which compromises and sometimes even guts the social and public role of libraries. In this instance, I am happy to say that the final document on electronic principles reiterates opposition to fees.

G. Finally, both the draft and final electronic principles only refer to an undefined level of a right of privacy, and note that “security is technically difficult to achieve.” Simply put, this is a low level of privacy protection.

My own institution’s policy on this matter is more specific, and notes a high level of legal privacy analogous to telephone communications.

While users do not own their accounts on the University computer network, they are granted the exclusive use of those accounts. Users therefore are entitled to privacy regarding computer communication and stored data [and] have reason to expect the same level of privacy for their files...as users have in any space under their personal control. Private communications by computers (e-mail) will be treated to the same degree of privacy as private communication via telephone. Further, computer user’s are free to utilize University computers to communicate to and read from public computer fora (e.g. use.net, BBS’s, etc.) with no greater restrictions than would apply if they were communicating in any other public forum (“Rights and Responsibilities...” November 4, 1996).

Now that is a model for academic and intellectual freedom and privacy in electronic formats. There is no reason for librarianship not to have a specific

and high level model policy for the protection of users.

Conclusion

In conclusion, when judged against the backdrop of the broad mandate of academic freedom, I believe the development of “Access to Electronic Information, Services, and Networks” reveals some serious shortcomings. In particular, the arguments against an early draft of the document by the ACRL leadership indicates a shallow understanding of academic and intellectual freedom. The failure to grasp the connection and the need for such articulation in new media — even if it is ten years late — is a serious problem in academic librarianships’ leaders. Further, I think Dewey (1976 p. 62-63) accurately noted at least part of our institutional predicament ninety-four years ago when he described problems relating to academic freedom:

Academic freedom is not exhausted in the right to express opinion. More fundamental is the freedom to work....Now freedom to work is not a matter which lends itself to sensational newspaper articles. It is an intangible, undefinable affair; something which is in the atmosphere and operates as a continuous and unconscious stimulus. It affects the spirit in which the university as a whole does its work, rather than the overt expressions of one individual....[T]he financial factor in the conduct of the modern university is continually growing in importance, and very serious problems arise in adjusting this factor to strict educational ideals....The danger lies in the difficulty in making money adequate as a means, and yet keeping it in its place — not permitting it to usurp any of the functions of control which belong only to educational purposes....But the pressure to get the means is tending to make it an end; and this is academic materialism — the worst foe of freedom of work in its widest sense.

We are clearly struggling in finding our voice amid a renegotiated and economically-driven public commitment to social goals. A large part of our leadership seeks to “save” libraries as institutions by situating them at the center of the information economy. I believe this drives much of the caution in extending academic and intellectual freedom into that realm, perhaps in fear of undermining libraries’ potential economic utility. Somewhere along the line, we seem to have misplaced the priorities of the ALA and AAUP when they stated back in 1973 that “The character and quality of an institution of higher learning are shaped in large measure by the nature of its library holdings and the
ease and imagination with which those resources are made accessible.... [Librarians] are trustees of knowledge with the responsibility of ensuring the availability of information and ideas, no matter how controversial, so that teachers may freely teach and students may freely learn" (AAUP p. 134). It is essential that we question our leadership when we are encouraged to finesse our professional commitments. It is essential that we go beyond the relentlessly practical problems we see in our professional principles. Finally, it is essential to the future of academic and intellectual freedom in all library resources that we again look beyond our immediate and local concerns to our public and social function. Fulfilling this role is at the heart of the special responsibilities and rights of academic and intellectual freedom we hold in trust. If we flee from our public role, we deserve neither that protection nor that trust.

The above paper was delivered at an ACRL Intellectual Freedom Committee program at the 1996 American Library Association convention in New York City. — Eds.

NOTES

1) Some of the documents subsequently referred to are reprinted in: Patricia Senn Breivik, "ALA Library Bill of Rights Interpretations," in College and Research Libraries News, January 1996, pages 29-33, 40. However, those memos are presented in confusing (and not well documented) fashion. Therefore, the original memorandums and draft documents are used and quoted in this paper.

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A PRIMER ON WIPO

by James Love

Database Extraction Rights*

The World Intellectual Property Organization (WIPO) considered in December 1996 a new treaty that would have required most countries (including the United States) to severely curtail the public’s rights to use public domain materials stored in “databases.” Some experts say it could be the “least balanced and most potentially anti-competitive intellectual property rights ever created.” The database treaty was being pushed by large publishing companies in response to the 1991 U.S. Supreme Court decision in Feist Publications, Inc. v. Rural Telephone Service. In Feist, the Court rejected a claim of copyright for data from a telephone directory’s white pages, saying that facts cannot be copyrighted, and that obvious items such as listing names, addresses, and telephone numbers in alphabetical order, are not sufficiently creative to qualify for copyright protection. The decision rejected the “sweat of the brow” theory of copyright.

Compilations of data or documents, including materials from the public domain, can receive protection under copyright if the creator of the compilation can show originality in the selection and arrangement of the data. Comprehensive databases, which can be expensive to create, confront problems under copyright laws because (almost by definition) they are not original in terms of the selection of the materials.

Electronic database publishers have sought to protect their data through contracts with their customers. These contracts often place restrictive conditions on the reuse or redissemination of the data. (See Pam Samuelson, “Legally Speaking: Legal Protection For Database Contents.” 39 Communications of the ACM, Nov. 1996, for a discussion about this approach.)

In other cases, database vendors permit online searching, but do not distribute the complete database itself.

Publishers are looking for stronger protection, and are lobbying hard to obtain a new *sui generis* property right to protect the contents of databases. The publishers’ first success was the adoption of a controversial proposal for database extraction rights in the European Union (EU), and by gaining the support of the Clinton Administration and the EU to propose a very similar measure as an amendment to the Berne Copyright Convention. Legislation to implement this form of data use regulation was introduced in the 104th Congress [HR 3531], but there were no hearings on the measure, and in Nov. 1996 the Clinton Administration did not support the language of HR 3531.

Despite the controversial and far reaching nature of the database protection proposal and the lack of discussion on its impact in the United States, the Clinton Administration asked for quick approval of the database treaty at a December 1996 meeting in Geneva hosted by the World Intellectual Property Organization (WIPO). The main Administration advocate in support of the publishers’ position was Bruce Lehman, Chair of the Patent and Trademark Office (PTO), a person widely considered an intellectual property rights zealot.

The Complexities and Dangers in Creating a New Property Right for Data

While many people are sympathetic to the general idea of a “sui generis” form of protection for databases, there is enormous concern about the complexities of creating a new property right that has the potential to create private monopolies on data and documents that have traditionally been in the public domain. It is often said that “the devil is in the details,” and this is certainly true for the database protection proposal. A handful of database vendors have quietly crafted a proposed treaty and law that creates a nightmare for researchers and value-added publishers. In discussing the development of the EU database proposal, J. H. Reichman and Pamela Samuelson say that “lobbying pressures converted the final version into one of the least balanced and most potentially anti-competitive intellectual property rights ever created” (in “Intellectual Property Rights In Data: An Assault On The Worldwide Public Interest In Research And Development,” in the Vanderbilt Law Review, 50).

The database vendors have sought to vastly expand the ability of database owners to regulate and restrict the public’s rights to use data, without the types...
of safeguards which exist in copyright law today. In this respect, it is important to understand that as a \textit{sui generis} property right, the database extraction rights are not part of the of the copyright regime, and the entire doctrine of fair use of data will not apply to data protected under the proposed database extraction rights treaty and legislation. Moreover, under the WIPO proposal these new data rights would be retroactive, affecting countless databases already in existence.

\textit{Digression on West Publishing and the Definition of a Database}

The Feist decision was particularly troubling for West Publishing, a company that wants to maintain its monopoly on the citations and corrected text for many court decisions. West is the only comprehensive publisher of federal circuit and district court opinions and state court opinions from all 50 states. The page numbers of the West court reporters are the basis for authoritative citations used by scholars and lawyers. As a reporter of decisions, West also makes corrections to the text of court opinions, typically after working with the judge who wrote the opinion. West wants to prevent others from using their page numbers or the corrected text of court opinions, and it is often in court trying to prevent its would be competitors from doing so.

West is now involved in at least two law suits over its assertions of copyright of the page numbers, and one law suit over the issue of the copyright to the text of the corrected court opinions. Most copyright experts think that West will lose its court case on the issue of its page numbers, and West will also be hard pressed to claim it can copyright the corrections to the text of court opinions—particularly for the US federal courts, since U.S. copyright laws exclude the works of federal employees.

Most people think that the corrected text of court opinions, and the citations to those opinions, should be in the public domain, and that the West monopoly has delayed the development of new information products and services for legal researchers. No one seriously argues that the court opinions would not be published without a West monopoly. West is among the private sector publishers who have successfully lobbied the EU and the Clinton Administration to extend database protection proposals to print products by defining a database so broadly that it will include any collection of facts, data, or documents regardless of the media. If the database protection proposals are enacted, West would have a firm monopoly on decades of judicial citations and corrections to judicial opinions.

\textit{What is a Database? What Isn't a Database?}

The treaty would protect “any database that represents a substantial investment in the collection, assembly, verification, organization or presentation of the contents of the database.” This term should be understood to include collections of literary, musical or audiovisual works or any other kind of works, or collections of other materials such as texts, sounds, images, numbers, facts, or data representing any other matter or substance [and] may contain collections of expressions of folklore. [The] protection shall be granted to databases irrespective of the form or medium in which they are embodied. Protection extends to databases in both electronic and non-electronic form [and] embraces all forms of media now known or later developed....Protection shall be granted to databases regardless of whether they are made available to the public. This means that databases that are made generally available to the public, commercially or otherwise, as well as databases that remain within the exclusive possession and control of their developers enjoy protection on the same footing.

In other words, a lot of water will go under this bridge.

\textit{What Are Extraction and Utilization Rights?}

“The maker of a database eligible for protection under this Treaty shall have the right to authorize or prohibit the extraction or utilization of its contents.” What is “extraction”? Extraction is defined as, “the permanent or temporary transfer of all or a substantial part of the contents of a database to another medium by any means or in any form.” “Extraction...is a synonym for ‘copying’ or ‘reproduction’...by ‘any means’ or ‘any form’ that is now known or later developed.”

“Utilization” is defined as “making available to the public all or a substantial part of the contents of a database by any means, including by the distribution of copies, by renting, or by on-line or other forms of transmission,” including the right to control the use of the data “at a time individually chosen by each member of the public.”
What is a “Substantial Part” of the Database?

The treaty set out tests for determining if an extraction is “substantial,” and these tests are both highly anti-competitive, and extremely broad in scope. The “substantiality” of a portion of the database is assessed against the “value of the database,” and considers “qualitative and quantitative aspects,” noting that “neither aspect is more important than the other... This assessment may also take into account the diminution in market value that may result from the use of the portion, including the added risk that the investment in the database will not be recoverable. It may even include an assessment of whether a new product using the portion could serve as a commercial substitute for the original, diminishing the market for the original.” Then the treaty added that a “substantial part” means any portion of the database, “including an accumulation of small portions... In practice, repeated or systematic use of small portions of the contents of a database may have the same effect as extraction or utilization of a large, or substantial, part of the contents of the database.”

To implement this legislation in the US, the only types of data use that would not be regulated would be “insubstantial” parts, “whose extraction, use or reuse does not diminish the value of the database, conflict with a normal exploitation of the database or adversely affect the actual or potential market for the database.” Under this language, a database owner could say that it might in the future want to charge for each transmission of a fact or an element of a database as part of its “normal exploitation” of the database. With the Internet and digital cash this claim is likely to be made. The public would not have “fair use” rights, since fair use is only defined in matters involving copyright.

How Long? 15 Years, 25 Years, or Forever?

The treaty would have required a minimum term of protection (15 years in the EU proposal, and 25 in the United States proposal) for the database. But this would be extended each time the database is revised or enhanced. According to the draft treaty, “any substantial change to the database, evaluated qualitatively or quantitatively, including any substantial change resulting from the accumulation of successive additions, deletions, verifications, modifications in organization or presentation, or other alterations, which constitute a new substantial investment, shall qualify the database resulting from such investment for its own term of protection.”

The provision on revisions raises the specter that protection for many databases will be perpetual. This could indeed be the case if the original versions of the database are only “licensed” by the vendor for a limited period of time, so that the only available versions would be the new ones, which would have a new term of protection. (Database vendors write these restricted use licenses now.)

What About Government Information?

Much of the lobbying for the sui generis database proposal was designed to enable database vendors to protect collections of government documents. The treaty would permit countries to have special rules for “databases made by governmental entities or their agents or employees.” However, this exemption will not include cases such as the West Publishing reporting of court decisions, where West is acting as an unofficial agent for the courts. In the US enabling legislation, protection is not given to a database made by a governmental entity, but protection could not be excluded from companies if a database’s “contents have been obtained from a governmental entity.” There is no provision to exempt databases created by private parties, like West, LEXIS, and literally thousands of other firms, when they act as contractors to government agencies. For example, West is a contractor for some courts in receiving electronic filing of briefs. Under the U.S. legislation, the database of briefs collected by West for the Courts would be protected. Likewise, the Security and Exchange Commission’s EDGAR public disclosure filings which are managed by LEXIS would be covered.

The Clinton Administration has gone to court in at least two cases to avoid releasing documents under the Freedom of Information Act (FOIA) when West Publishing has asserted intellectual property rights claims to elements of the data. In the FLITE case, the Clinton administration successfully argued that it did not have to release US Court opinions collected by the Air Force at public expense that contained West “corrections” and enhancements. It appears as though government entities will be permitted to avoid FOIA completely if they use private contractors, and write contracts which permit agency access to data (extraction), but do not permit disclosure to the public.

What About Fair Use Rights?

As noted several times, the public has rights, often taken for granted, under the copyright “fair use” doctrine. This includes commercial and non-commercial...
fair use. The fair use rules involve public interest balancing tests. The *sui generis* database proposal doesn't include or incorporate public fair use rights. It is difficult to know how this will play out in practice. Under the treaty language, governments "may, in their national legislation, provide exceptions to or limitations of the rights provided in this Treaty in certain special cases that do not conflict with the normal exploitation of the database and do not unreasonably prejudice the legitimate interests of the rightholder." The key terms here are "normal exploitation of the database," and "legitimate interests" of the rightholder.

In the US legislation, "a lawful user of a database made available to the public or placed in commercial use is not prohibited from extracting, using or reusing insubstantial parts of its contents, qualitatively or quantitatively, for any purposes whatsoever." But as noted earlier, the term "insubstantial" is constrained by the scope of the business opportunities that are perceived by the database vendor. Not only is "insubstantial" limited to those uses which do not diminish the value of the database, but insubstantial must also not "conflict with a normal exploitation" of the database, or adversely impact the "actual or potential" market of the database. Moreover, the "normal exploitation" of the database seems to be defined in such a way that the vendor can assert that a transmission of a database element on the Internet would be an infringement if the company has a mechanism or even aspirations to charge for the information, and the cumulative impact of many small transactions would diminish the value of that service. The treaty would require countries to provide protection prospectively for databases already on the market. Countries could exempt older databases from protection for up to two years.

Prohibitions on Technologies to Defeat Protection

Finally, as in the proposed Internet copyright treaty and legislation, the database extraction rights proposal is accompanied by very strict prohibitions against the "importation, manufacture or distribution of protection-defeating devices." This is defined as "any device, product or component incorporated into a device or product, the primary purpose or primary effect of which is to circumvent any process, treatment, mechanism or system that prevents or inhibits any of the acts covered by the rights under this Treaty." The US legislation contains similar provisions, plus a whole section which would make it a federal crime to interfere with "database management information." Persons would face up to 5 years in jail and a $500,000 fine for doing such things as providing or disseminating false database management information, or removing or altering any such information. It would seem that simply tearing the cover off a telephone book (a protected database under the treaty) would be a violation of this provision.

Government Proposes New Regulation of Sports Statistics and Other "Facts" — A Case Study of WIPO in Action

Sports fans in the United States will be surprised to learn that US Government officials have pressed for the adoption of an International treaty (the World Intellectual Property Organization treaty) that would (if enacted) significantly change the ways sports statistics are controlled and disseminated. The treaty isn't specifically directed at sports statistics — it is a much broader attempt to create a new property right in facts and other data now in the public domain — but it will have an enormous impact on the legal rights exercised by the National Football League (NFL), Major League Baseball (MLB), the National Basketball Association (NBA), the National Hockey League (NHL) and virtually all other professional or amateur athletic leagues. (The same treaty will radically affect the way that stock prices, weather data, train schedules, data from AIDS research and other facts are controlled, but this essay will focus on the issue of sports statistics, a topic that illustrates the broad impact of the treaty).

This comes at the same time the NBA and other sports franchises are stepping up their efforts to control the real-time dissemination of sports statistics through the Internet or with wireless paging devices. The treaty, however, addressed different and much more fundamental issues regarding ownership of information.

If the treaty were to be approved and implemented, sports leagues would have far broader powers to dictate the terms and conditions under which sport statistics are reported and disseminated. Nolan Ryan's Earned Run Average (ERA), the number of tackles or quarterback sacks by Lawrence Taylor, Cal Ripken's career batting average, Bobby Hull's career assists, the number of steals by your favorite NBA point guard, and similar information will be "owned" by sports leagues. According to the proposed treaty (and legislation introduced in the 104th Congress to implement the treaty), the NFL, NBA, NHL and MLB would have the right to prevent anyone from publishing these and other statistics without express permission from the sports league. This
includes the right to control access to the historical archives of sports statistics, and even to dictate who can publish the box scores from a game or print a pitcher's ERA on the back of a baseball card.

The treaty seeks, for the first time, to permit firms to "own" facts they gather, and to restrict and control the redissemination of those facts. The new property right would lie outside (and on top) of the copyright laws, and create an entirely new and untested form of regulation that would radically change the public's current rights to use and disseminate facts and statistics. American University Law Professor Peter Jaszi recently said the treaty represents "the end of the public domain."

Who Will Own Facts?

The supporters of the Treaty note that persons can independently collect data, and the US legislation says "nothing in this Act shall in any way restrict any person from independently collecting, assembling or compiling works, data or materials from sources other than a database subject to this Act." Unfortunately, this will only be helpful in those cases where there will be a separate non-protected source for the data or documents. If the entity which creates the initial data or documents qualifies for the database extraction right under the proposed treaty, the data itself will be monopolized. All sorts of data will be protected at the source under the database treaty, and may never enter the public domain. There are also the practical problems relating to the costs of data collection. The telephone companies obtain directory information when you become a subscriber, and it is practically impossible to independently collect this data. Databases of IP addressees collected by Network Solutions will be covered, giving Network Solutions broad new rights in how that data is utilized by ISPs.

Who Wants the Treaty?

In the 1991 Feist decision (see the previous article for a summary), the US Supreme Court ruled that, in general, "facts" could not be copyrighted by anyone. The Feist decision alarmed several large database vendors, who crafted this new property right that would protect facts, and just about everything else. (The vendors have already succeeded in obtaining a directive on the database proposal from the European Union, although no European country has yet passed legislation to implement the treaty). The most active supporter of this new property right is West Publishing, the Canadian legal publisher (see the previous article). A West Publishing employee chairs a key American Bar Association subcommittee which wrote a favorable report on the treaty. A number of very large British and Dutch database vendors are also lobbying hard for the treaty. Other database vendors want to protect scientific data or other non-copyrighted government information they publish. In seeking to protect these items, the treaty was written to stamp "owned by" labels on a vast sea of information now in the public domain. (Copyright experts J.H. Reichman and Pamela Samuelson say it is the "least balanced and most potentially anti-competitive intellectual property rights ever created.")

There has been an active debate within the Clinton Administration over the proposed treaty. Bruce Lehman, the controversial head of the Patent and Trademark Office was pushing for adoption of the treaty last December. Most administration officials don't have a clue what the database treaty would do. Some people think it is a minor tinkering with the current copyright law. No one in the government sought to understand the significance of the proposal in terms of the new rights to "own" facts, and until recently no one was aware that the treaty was so broad that it would change the way sports or financial statistics were controlled.

What Does This Have to Do With Sports Statistics?

Since facts cannot be copyrighted according to the Feist decision, the supporters of the treaty have framed this as a new "sui generis" property right, which will have a separate statutory framework. "Originality" or "authorship" will not be required. "Texts, sounds, images, numbers, facts, or data representing any other matter or substance," will be protected. The information can be stored in "all forms or media now known or later developed." Both published and confidential information will be covered. The only thing required is a "substantial investment in the collection, assembly, verification, organization or presentation of the contents" of the protected work. The "rightholder" will have extremely broad powers to "authorize or prohibit the extraction or utilization" of the information from the protected database.

It takes a while for the implications of this new system to sink in. Some facts can be independently gathered, like the number of baseball games played in a year, the winners or losers of a tennis match, or the scores of a football game.
For these data, there may exist several sources for the data. However, other facts are, by their very nature, only available from a single source, and will be controlled by monopolies. For example, baseball leagues employ scorekeepers who determine if a batter is credited with a hit or if a fielder committed an error, if a hit is reported as a single or double, or if an errant pitch is scored as a wild pitch or a passed ball. The league makes a “substantial investment” in the collection and maintenance of this data, which it disseminates to the press, and also stores and maintains in a database, through an arrangement with the Elias Sports Bureau. These data cannot be independently collected — and under the proposed database treaty, the league would own the facts themselves, and could dictate the terms under which these facts are published or redisseminated.

The NFL employs four persons who keep track of the play-by-play action for each game. They write up four separate reports, which are used to create a single official “box score.” The final product is supervised by the Elias Sports Bureau, as a “work for hire” product, which is owned by the NFL. The NFL box score is very detailed, and includes analysis of each play. It records the league's statistics for the number of yards gained (or lost) on each play, who is credited with a tackle or a quarterback sack, or the number return yards on a kickoff or pass interception, and many other items. While someone who attended a football game could make an independent estimate of these items, it would likely be different from the official statistics, due to the inherent difficulty in measuring or assigning credit for performance on the field. The NFL's box score is given to the press, which uses the data to create its own news media reports.

An attorney who represents the NFL told us that the NFL has an interest in ensuring that there is an “official” source of the statistics, which are gathered with an appropriate standard of care and that the NFL “protects the official designation” of its statistics. These data are used or making decisions on the Hall of Fame, and to create special reports and information products, which the NFL provides to third parties, often for a fee.

Virtually all of the major sports leagues have some system for creating statistics, disseminating the information to the press, storing the historical data, and marketing the statistics commercially. Major League Baseball, the NFL, and the NBA work with Elias, while the NHL has its own in-house system. There is little doubt that the process by which these statistics are generated will qualify for protection, under the treaty’s minimal requirement that the league demonstrate it has made a “substantial investment in the collection, assembly, verification, organization or presentation of the contents” of the database. The work-for-hire “media sheets,” “box scores,” and other press handouts which report the statistics would be considered database elements, and reporting of statistics from these products would be subject to an entirely new type of licensing and control by the leagues which is far stronger than that which exists under copyright law.

The leagues have various methods of selling their “official” branded statistics. There are also many competitors who build databases from a variety of sources, including the published boxscores that appear in daily newspapers, and probably the books and reports published by the leagues. The leagues do not currently assert “ownership” in the statistics directly, even as they try to prevent others from referring to the data as “official” statistics, but they are trying to prevent real time reporting of game statistics and situations over Internet or paging technologies.

The NBA told us that it permits accredited journalists to report scores from NBA games three times each quarter, and that it considers the minute to minute reports a “misappropriation” of its ability to sell performance rights for the event. The NFL takes a similar position with respect to its games. STATS, Inc. is a firm that provides real time scores and play-by-play descriptors to a variety of online and wireless information services. According to the NFL and the NBA, STATS, Inc. hires people to watch television broadcasts of the games, and type the play-by-play information into personal computers, which are linked to the STATS, Inc. computer network services. An example of this type of service that uses STATS, Inc. as a supplier of statistics is Instant Baseball. Disputes over the real time Internet broadcasts of game situations and scores could well end up before the U.S. Supreme Court, as a test of the First Amendment. In the NBA case involving Motorola, STATS, Inc. and AmericaOnline, the NFL and other leagues have filed amicus briefs in support of the NBA position, while the New York Times has filed a brief in support of Motorola, STATS, Inc. and AmericaOnline.

The NBA has also discovered HR 3531, a version of the database protection proposal that was introduced in the U.S. Congress last spring. The NBA is looking at HR 3531 to see if it would provide a legislative remedy for their dispute with Motorola, et al. At present, none of the leagues currently prevent anyone from publishing statistics after a game is over, because it is assumed that the statistics (facts) are in the public domain, once the broadcasts are over. But this would likely change if the database treaty is enacted. One league official told me, “no matter how appalled I am at this proposal personally, as a civil
libertarian, my client may have interests as a rightholder that it will want to exercise." A lawyer for the NFL said that the NFL might not want to do anything — he thought the free dissemination of statistics brought its own benefits, in terms of increased fan interest. But he also said, the treaty would allow NFL to "do quite a bit of stuff" in terms of new licensing arrangements or other ventures, if it wanted to.

As a _sui generis_ property right, the database proposal does not incorporate the fair use principles from copyright that reporters and value-added publishers often take for granted. The leagues would be able to require licenses to publish box scores or other statistics in any media. One can imagine a world where the leagues wouldn't require licensing of box scores to print-based periodicals like daily newspapers, but that a much more controlled regimen would evolve on the Internet. The leagues could require licensing of box scores and other statistics for Internet publications, or linking to the leagues own web sites, such as www.nba.com, www.nfl.com, or www.nhl.com. The Internet is, after all, a very easy place to locate and police violations of intellectual property rights — through a simple AltaVista search. This would also likely lead to major changes in the market for baseball (and other sports) cards, which typically feature key statistics on the flip side of the card. The new database extraction rights would prohibit any unauthorized extraction or reuse of data that had economic value to the leagues.

**Conclusion**

Of course, this treaty dealt with a lot more than sports statistics. It would do the same thing for information on stock prices that is generated by a stock exchange. It will radically change the market for weather information. There is concern in Europe over the control of train schedules. Private schools could use the new data extraction right to prevent unauthorized publication of data about its students' test scores or postgraduate placement statistics (both generated from a database). The treaty would radically change the rights to use information from gene sequencing, or hospital cost-benefit studies. It will obviously do much much more.

Consider this: the treaty, which was designed to protect West Publishing's legal reporters, was written so broadly that it would have defined even the daily newspaper as a "database" element. Since the new property right is additive to all rights claimed under copyright, every publisher will claim the additional protection, by saying each issue of the newspaper is a database element. (Virtually all newspapers today are archived in databases). The consequences of this are astounding, since every fact and article in every newspaper would have the new stronger form of protection, which would not include any public fair use rights.
CORPORATE INROADS &
LIBRARIANSHIP:
The Fight for the Soul of the
Profession in the New Millennium

by Peter McDonald

At heart, censorship is all about choice. In the United States, the freedom to choose what we want to see, hear and read is granted as a right by our Constitution, which specifically protects these rights from government or external interference. In the smaller sphere of our profession, the focus of the censorship debate, of course, rests primarily on issues attending the high-profile banning of books and the muzzling of risque ideas. Since these are rights granted to us by the First Amendment, and are specifically identified in our "Library Bill of Rights," to its credit, our profession has often been in the forefront championing our Right to Read in equally high profile litigations.

But if this were the only, or even primary measure of censorship faced by our culture, the issues and implications of the debate would be easier to untangle, if not in the courts than certainly with our wallets. After all, in most locales, we can buy the banned book and have done with it. In short, the common discussion of censorship as portrayed in the mainstream media is a red herring. It is simplistically framed and fails utterly to probe deeper into the abiding dilemma facing our democracy. What we get instead is a sound bite portraying a struggle of opposing, yet in some mysterious way, equally valid ideas, with merits and human drama on both sides! Gays vs. The Christian Right and so forth. These imbroglios gain wide notoriety not because they are particularly intractable or menacing in and of themselves, but because the corporate structure which defines these “censorship” debates in the media, clearly wants the focus of the discussion to remain glued to these diverting phenomena and not, as will be addressed in this article, on the structure of corporate hegemony itself. Plainly put, how does a free and informed citizenry remain so, when the entire structure of our society is permeated to its core by the paradigm of corporate hegemony, a power indeed which dominates many aspects of our lives. Since multi-national corporations overwhelmingly control what it is we see, hear and read, avenues by which a democratic society might logically inform itself, where do we go to step outside this dominant exemplar to find an unbiased corpus of ideas untainted by the cynical values of the marketplace?

One logical place to go, of course, and one of the few remaining openly civic spaces remaining in our harried world, is the public library, a place which we can only hope offers access to published material infused with humanistic, environmental, and people-centered world views. Unfortunately, this, too, is a simplistic description. For it will be the task of this inquiry to show that this Norman Rockwell impression of the public library (and academic ones too, for that matter) as a civic forum of free inquiry, is slowly and systematically being co-opted by the same models of corporate management which the libraries of our nation once prided themselves on keeping at arm's length.

This article argues that it is precisely this corporate hegemony which systematically squelches free expression in art, culture, information access and yes, by extension, also in librarianship itself. This surely is the real fulcrum of the censorship debate. The greatest threat to our experiencing the fullness of our First Amendment rights comes not from noisy cabals of incensed zealots bent on banning books, but rather from corporate America itself where “choice” becomes nothing more than another commodity marketed like any other — stream-lined, made safe, and sold like a sugary confection to the masses a la Wal-Mart. Arguably, financial bottom lines (it won't sell), self protection (beware the labor movement/social issues) and an equally palpable fear of controversy (why stir up trouble?) are the core reasons corporations stifle the unfettered flow of challenging ideas which might otherwise “shock” our collective sensibilities to action. But without that unfettered flow, the democratizing debate of true citizenship is handicapped at the outset. For as a citizenry, we suffer the consequences of this consolidated access to ideas. We see this in the opaque tyranny of technology, which bamboozles us into believing that the glut of “information” brought to our computer screens at ever faster speeds of gadgetry, somehow makes up for the increasing dearth in the breadth and depth of what is being offered. This is the false algorithm of the Information Age which states: more information + faster access = more choice! Librarians for the most part no more question this nod to the “bottom line” of our pervasive corporatism than they do the technological wizardry which defines it. In this cozy acceptance of the status quo lies a much more insidious
Naturally, any sensible supermarket chain out to make a profit for itself will agree to this bullying scam for reasons too obvious and numerous to describe here. But the strategic intentions of agribusiness are perfectly apparent. Corporate bullying (or in the imaginary parlance of pundits this “good marketing strategy by a corporate leader in the field”) virtually eliminates from supermarket shelves breakfast cereals from smaller wholesalers offering organic foods or locally produced granolas, or non-traditional grain products and so on. These latter offerings are closer to a real choice, of course, because they empower local control of the economy, yet to a citizenry self-servingly uninformed, the sham stacks of forty-eight brands of cereals are so easily swallowed as “choice” precisely because they “look” so different, no wonder corporations get away with the things they do. Besides, to demand real variety and choice would mean bothering to take the time to demand of the supermarket manager that you want the off-beat products which were elbowed out of the way by those Sugar Puff and Frankenberry boxes. So much easier to grab brand X and get on with your busy day!

It is a sad fact, but librarianship today suffers from this same miasma of false "choice" as does the rest of society. At all levels of the profession, there seems to be a growing lack of critical self-examination of what corporate inroads into our service means, notably when librarians make their management decisions but leave corporate-dominated assumptions unexamined. Like Janus, this peculiar self-censorship has many faces which merely vary to greater or lesser extent in their level of insidiousness. And all facets of the profession are prone. From collection development, to discarding aging card catalogs in favor of OPACs, to corporate sponsored symposia for librarians, to installing expensive digital technologies, corporations increasingly call the shots on how libraries do their business.

One area where this willingness to accept corporate-dominated information is plainly and uncritically evident lies in the selection process of collection development officers seen in most libraries. For example, studies have shown that most collection development selectors rely on the major, commercial book review journals — Booklist, Choice, Library Journal and Publishers Weekly, to make their materials selection choices — 55% of the time, apparently, with publishers catalogs a distant 24% (Serebnick 1992). While not an insidious statistic in and of itself, other studies have shown that these highly influential journals consistently review the output of big publishers compared to small presses by a ratio of almost 18 to 1 (Cullars 1984). It hardly needs emphasizing, but recall that small presses, to their credit, consistently provide alternate
viewpoints which push against the current of acceptable opinion, publishing ideas and controversial material rarely found in the catalogs and book lists of major commercial publishers. But the likelihood of their being added to library collections against odds of 18 to 1 is at best problematic, and in reality, disheartening since they are marginalized at selection source and often pooh-poohed in the mainstream journals' reviews in any case. Furthermore, as cost-cutting trends accelerate at both public and academic libraries, shared cataloging becomes the norm through computerized nationwide systems such as OCLC. With so few small press titles being processed to begin with, acquisition decisions are often adversely affected due to lack of an existing online record. The small press book is simply not purchased for lack of an existing record or a Library of Congress CIP (Cataloging-in-Publication) record (Lee 1995).

Elsewhere, in a polemic article published several years ago in The New Yorker (1994), Nicholson Baker argued convincingly that the online public catalogs of our major libraries are increasingly becoming little more than mirror images of one another, a pale reflection of the rich heritage of our written culture, with only selected and highly prized collections differentiating these “access points.” Naturally, the quirky depth and often serendipitous breadth of the old card catalog, which reflected the unique holdings of a particular library, has been universally superseded by the aseptic wonder of the commercially engineered, painfully literal, electronic catalog which looks unremittingly the same whether you are at a workstation at Yale University on Long Island Sound, or at a terminal at the Tacoma Public Library on Puget Sound half a continent away. In short, libraries are mimicking the corporate tendency to streamline operations in the name of budgetary efficiency and faster access.

Is this a creeping corporate form of self-imposed censorship? Certainly. Inherent in these time-saving, faster-access, print-on-demand technologies, are barely hidden agendas and structures of power which consistently uphold the highest denominator of the status quo. Not so long ago, for example, the charge of the Government Printing Office and other federal information repositories was to publish free of charge (or at minimal cost), the full array of documents pertaining to national governance in the broadest sense of our democracy. Flawed as this system may have been, it was certainly a cut above the current politically-motivated trend to outsource government documents to commercial vendors who then offer these same federal documents our tax dollars originally produced back to us electronically at exorbitant per-minute prices. Nowadays, if you don’t have cash wads in pocket or a handy $2000 computer lying around, accessing federal publications can be a daunting challenge, especially for the disenfranchised and the poor. It has become so costly, in fact, many libraries now charge their users for this service. (Chaffee 1995)

An anecdotal observation here might be instructive. Recently, there was a contentious debate among science selectors (to which this author was party) as to whether Cornell University should join a consortia (NERL, the Northeast Research Libraries Network) and collectively sign a contract with Academic Press for online access to an important selection of their science e-journals. From the outset, there was a vocal faction (suffering from that common library ailment — “bandwagonitis”), who espoused the morbid fear held by many librarians that institutions not hell-bent for online access might be left in the dark ages of print, while sister institutions basked in the new dawn of a nascent “virtual library.” Be this as it may, to the credit of the majority of Cornell science selectors, the contract with Academic was spurned outright for it placed the powers of access and preservation to the journals in the hands of a commercial publisher which apparently had no real idea how it would retain its market share or increase its profits in this emerging online environment. A variety of hobbled pay schemes and access mechanisms were hastily thrown together as the negotiations between NERL and Academic unfolded. The final contract proffered was little more than a muddled shot in the dark, for it stipulated, in part, that retention of print copies had to coexist with the purchase of online access for a period of three years. This essentially increased the cost for the same material (now in separate formats) by something close to 30%. To the selectors’ way of thinking, this gave Academic Press an unearned windfall in revenues as well as the right to dictate how the selectors would go about their collection duties by tying their hands to retain titles they might otherwise choose to cancel. To its credit, Cornell stood alone against the contract and NERL, when the latter signed with Academic Press despite the contract’s obvious shortcomings. Nevertheless, one AUL for collections at a sister Ivy League institution crowed via e-mail: “Signing this contract, brings us to the threshold of instigating the virtual library of the future!” This is the key slogan of bandwagonitis as it pertains to technology: To be au currant, friends, you gotta have it!

The apotheosis of this trend of signing away autonomy to corporate interests in the name of the “library of the future,” came this past autumn, when Hawaii State Librarian Bart Kane peremptorily decided to provide a $11.2 million system-wide outsourcing contract to mega-wholesaler Baker & Taylor (B&T), one of the biggest corporate book vendors in the field. By this single action,
Kane handed over selection, acquisitions, cataloging, and processing for all public libraries in the state of Hawaii to an unaffiliated, publicly unaccountable corporation with no integral ties to the citizens of Hawaii. According to School Library Journal (1996), Kane's "decision to shift selection to a vendor was necessary to comply with the governor's request for deep budget cuts." This is the tired argument of the bureaucrat, a familiar ruse often used by library administrators to justify cuts in service in order to provide, among other things, access to streamlined electronic resources which are usually exorbitantly expensive. Excellent articles by Celeste West and John Buschman (West 1983; Buschman 1994) handily refute this old chestnut of justifying all sorts of management shenanigans in the name of budget cuts in their respective articles on library censorship.

As for Baker and Taylor, they have defended themselves, in part, by stressing that they have over 18,000 publishers' addresses on file and can readily provide the breadth of material necessary to accommodate the "Aloha State's" gamut of reading tastes. But a 1988 study of B&T, indicated that "the top 200 commercial publishers account for 90% of Baker and Taylor's business. The top 50 publishers account for 80%" (Mutter 1998). In other words, of their 18,000 publishers on file, "choice" to B&T really means the top 50 commercial publishers with whom they have cozy and ongoing accounts. To any thinking Hawaiian this must be a troubling statistic indeed, notably so since Hawaii itself has a thriving cottage industry of small presses which must now compete with the entrenched accounts of B&T's big mainland publishers. Relationships between these small local presses and front library staff, cultivated over decades, have summarily been lost to corporate streamlining in the wake of Kane's decision. Indeed, e-mails posted by disaffected selectors within the Hawaiian state library system, clearly show that their worst fears have materialized. (Carpenter 1997)

Obviously, Baker & Taylor have not lived up to their promise to provide the breadth and depth of locally meaningful material to Hawaiian state libraries, and recent discussions on the matter on PLGNet, have revealed that B&T's actual contract is worded in such a way as to make the mega-vendor virtually unaccountable for its shoddy materials selection no matter how egregious its behavior. In a rear-guard action to bring attention to this matter, the Librarians Association of Hawaii has specifically asked that the B&T contract be audited (as noted in a Honolulu Advertiser article on a hearing before the Hawaii State Supreme Court). Worse yet, there is a clause in the B&T contract which states: "The STATE acknowledges and agrees that the Performance Targets set forth in Exhibit B attached hereto and made a part thereof are target goals only and Contractor's failure to achieve any or all of them will not constitute an Event of Default." Sound familiar? The author at press time, was not able to obtain a copy of "Exhibit B," but the gist of the clause, in any case, is clear. As one recent e-mail posted to PLGNet stated: "B&T therefore has been left off the hook." (Tomoika 1997)

Then in October last year, Hawaii state library staff received a memo from their central administration forbidding them from using internal e-mail to air their views on this matter or to discuss the issues and implications of the B&T contract. (Denwall n.d.)

Where was ALA's vaunted championing of First Amendment rights on this restrictive dictum? There was none, at least not from the Association at large or from its Chicago offices. To its credit, the Alternatives in Print Task Force of ALA sponsored a program on the issue at the ALA mid-winter conference in D.C. in February of 1997. But this is at best a pallid reprimand of State Librarian Bart Kane et al's peremptory behavior. If this is the extent of ALA's moral muscle, let alone of its outrage at censorship within its own ranks, what hope for the profession at large?

In an additional instance the e-mail message quoted here was sent out to the world from OCLC headquarters on January 16, 1997 from Marifay Makssour.

OCLC, ACADEMIC BOOK CENTER, SOLINET TO PROVIDE AUTOMATED COLLECTION AND TECHNICAL SERVICES TO NEW FLORIDA UNIVERSITY

OCLC, Academic Book Center and the Southeastern Library Network (SOLINET) will provide automated collection and technical services to the library at the Florida Gulf Coast University, Florida's 10th and newest state university, which is scheduled to open in August 1997.

Under the unique two-year agreement, OCLC and Academic Book Center will provide a fully cataloged, shelf-ready, opening-day collection, as well as ongoing collection development, acquisitions, cataloging, authority control, physical processing and fund accounting. SOLINET will provide training and support.

"Our library has embarked on a bold, new approach where the collection and technical services operation is completely outsourced from day one," said
Carolyn Gray, Dean of Library Services at Florida Gulf Coast University. “Our objective is to provide fully cataloged books and materials that support the university’s curriculum and that minimize physical handling by library staff.

“But outsourcing our book purchasing to Academic Book Center and our technical processing functions to OCLC, we can accomplish this goal and focus our limited resources on direct delivery of high quality, customized library services to students and faculty,” Dr. Gray said.

Thus the Library of the Future will apparently have all collection and technical processing functions outsourced from day one. The ever present OCLC, by the way, was originally chartered by member libraries as a not-for-profit organization to assist in the creation of an online union catalog of member's holdings. “In 1967, the presidents of the colleges and universities in the state of Ohio founded the Ohio College Library Center (OCLC) to develop a computerized system in which the libraries of Ohio academic institutions could share resources and reduce costs” (OCLC n.d.). What started out as a modest mid-western collaboration between a handful of public and academic libraries, has become today Online Computer Library Center, Inc., a corporate-dominated behemoth whose structure, governance and business practices are indistinguishable from any Fortune 500 company. Here in a nutshell lies the dilemma we are addressing, that a truly nonprofit library consortia evolved into a world a giant in every way mimicking a transnational corporation which has had to defend its “nonprofit” status in both the press and the courts. The direction our profession is headed is made abundantly clear in all these instances.

The American Library Association's Code of Professional Ethics unambiguously states that ALA members are “explicitly committed to intellectual freedom and the freedom of access to information.” Furthermore, they must resist “all efforts by groups or individuals to censor library materials.” These are high-sounding words, and were doubtless penned in good faith when first codified. But what becomes of that vaunted “access to information” when the very mechanisms of access, namely our computers, our databases, our networks are wholly corporate designed and in the case of many databases, wholly created and priced for commercial gain? Little wonder that agricultural systems such as organic cultivation of crops and alternative medicinal practices such as homeopathy or even chiropractice receive such short shrift, forming a mere fraction of the bibliographic citations of the whole (less than 2%) in both databases. There is probably no consciously nefarious intent here by the collaborators who compile these databases, since both MEDLINE and AGRICOLA are federally funded enterprises produced by federally funded libraries. But both the National Library of Medicine (NLM) and the National Agriculture Library (NAL) are unquestionably influenced and heavily so by their respective clientele, namely the entrenched corporate hierarchies of the health-care juggernaut on the one hand, and on the other by global agri-business, which funds most of the institutional research on farm animals and crops which ends up in the citation databases in the first place. A librarian wanting to assist a patron with a query on pesticide-free agriculture or homeopathy would be hard pressed to find much by way of an index or finding aid. There's simply no money in it, so it isn't produced in any meaningful manner, and neither of the above-mentioned citation databases is in any way comprehensive on these topics.

The point here is that there is nowhere a debate in the library press, and least of all at NAL or NLM, about the a priori assumption that in creating these databases, the dominant corporate paradigm of big health care and big agribusiness are the dominant purveyors of the “information” indexed. There’s a tacit acceptance that “that’s just the way things are in the real world” so “what are we supposed to do?” As one librarian at NAL told this author when he asked about the inclusion of alternate ag-systems in AGRICOLA: “We have been given strict guidelines about what is considered acceptable science and what isn’t. Many of the journals covering organic topics are not refereed and therefore do not meet minimum criteria for inclusion.” Needless to say, the thousands of items produced by state farm bureaus which AGRICOLA indexes annually are hardly science; in fact much of the Farm Bureau material is annually are hardly science; in fact much of the Farm Bureau material is sponsored by big pesticide companies hawking their toxins. The point is unambiguous. Since the Farm Bureau represents mainstream agriculture "par excellence" and has big bucks behind it, it gets included. Organic agriculture, by comparison, tends to be local, marginalized and cash poor, ergo it lacks the clout to self-organize and be heard. The library database AGRICOLA reflects concerned citizenry, they were marketed expressly for business and legal enterprises, and only incidentally for libraries. And even not-for-profit databases such as AGRICOLA (agriculture) and MEDLINE (medicine), are dominated by the ethics and practices of the status quo, in this case by mainstream science and big medicine respectively. Little wonder that agricultural systems such as organic cultivation of crops and alternative medicinal practices such as homeopathy or even chiropractice receive such short shrift, forming a mere fraction of the bibliographic citations of the whole (less than 2%) in both databases. There is probably no consciously nefarious intent here by the collaborators who compile these databases, since both MEDLINE and AGRICOLA are federally funded enterprises produced by federally funded libraries. But both the National Library of Medicine (NLM) and the National Agriculture Library (NAL) are unquestionably influenced and heavily so by their respective clientele, namely the entrenched corporate hierarchies of the health-care juggernaut on the one hand, and on the other by global agri-business, which funds most of the institutional research on farm animals and crops which ends up in the citation databases in the first place. A librarian wanting to assist a patron with a query on pesticide-free agriculture or homeopathy would be hard pressed to find much by way of an index or finding aid. There's simply no money in it, so it isn't produced in any meaningful manner, and neither of the above-mentioned citation databases is in any way comprehensive on these topics.

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this bias to its discredit. The basic tenets of this argument can be applied to
dozens of other indexes and databases and there's the rub.

In a letter received by this author from Sanford Berman, Head Cataloger of the
Hennepin County Library (HCL) in Minnesota, Mr. Berman wrote:

- More classism evidence. Although HCL has been suggesting new subject
  headings to LC for some 3 years now..., the following are still not
  established, meaning that the very topics/issues themselves don't appear in
  library catalogs and thus don't seem to be "real": CLASSISM,
  ENVIRONMENTAL RACISM, CORPORATE POWER, CORPORATE
  WELFARE.

Mr. Berman's observations are on target. Since the very usage of language in
our culture is defined and expressed via centralized sources of distribution such
as television and radio, or as in this case — by LC subject headings, it becomes
increasingly difficult to even frame the nature of the debate when the very
words which define these inter-relationships and avenues of power have been
expunged from the public vocabulary by the purveyors of our common culture,
e.g. big business and media conglomerates and by extension, by their lackies,
state and federal government, of which LC is clearly part.

The same story circulates throughout the profession, in special, public and
academic libraries, in our science and humanities collections respectively, and
in our protocols of professional behavior across the board. That corporations
dominate our profession as publishers, hardware manufacturers, software
providers, database creators, network gatekeepers and that an attendant
ethical corporate ethic increasingly infuses how library management defines its mode
operandi, is a sad fact we, as progressive librarians, must contend with. The
hope that organizations such as the American Library Association, or even the
Special Library Association, infused as it is with corporate membership, are
likely to find their voice to call a halt to this hell-bent romance between
corporate-dominated paradigms and the way libraries do their business, is
farfetched and unlikely in the extreme.

As with any social cause, the call to action will doubtless come from rank and
file members of the profession who are willing to loudly proclaim their outrage.
Only through constant agitation is there some modicum of hope that the
profession might possibly be awakened from its complacency, but it will be an
uphill struggle every step of the way. For one, it is so terribly difficult to even
open up the true terms of the debate without immediate ridicule by the
champions of the status quo. And there will be fierce resistance as well. Our
unquestioning fascination with technology and with the bottom lines of smart
business practice, with the desire to streamline operations, and by our obvious
acceptance of corporate-library partnerships, these are powerful forces indeed
with entrenched and fiercely partisan protagonists.

Elements of this call to action to oppose corporate inroads in librarianship might
reasonably be expected to enlist some of the following tactics (13):

- Be skeptical about fiscal and other "crises"
- Take economics seriously, learn the "facts"
- Challenge hypocrisy
- Maximize every obstacle
- Work hard to maintain solidarity
- Encourage concerned users to speak out
- Establish coalitions with other librarians and other libraries
- Support those who speak out
- Develop alternative media options
- Resist market-speak
- Be pro-active
- Challenge the TINA ("there is no alternative") claim
- Promote participatory democracy

This piece began with talk of choice. Librarianship is obviously at a crossroads.
As we near the 21st century, we must ask ourselves what is it as librarians that
we hold most dear? Is it a clear and unambiguous adherence to the First
Amendment or is it to community standards of propriety? Is it to the inalienable
provisions of a free and welcoming civic space open to every citizen in this
harried world or is it to a shopping mall mentality hawking infotainment where
the homeless, the poor and unwashed are unwelcome? Do we want big business
running our business? And what about technology? As material content (books,
journals, reference resources, print collections, etc.) are increasingly rendered
useless in and of themselves (what good a CD-ROM) without the electronic
gadgets and electricity which alone can access them, (thus rendering as a
single mechanism the content and the delivery medium), will our professional
standing in our society become synonymous with hardware mechanics and CPU
tinkerers? Are we ready for the unending push to upgrade our gadgetry and
software every other year at exhorbitant cost and at the undoubtedly expense of
personally serving our users? To be sure, these are hard questions. But if we
wish to adhere fiercely to the First Amendment, to preserve the open door policy of libraries as civic forums, if we are committed to shunning non-stop corporate huckstering at our very workstations, and to slowing the relentless march to digitization (in order to formulate and examine its implications at every step coherently, on our terms, not Microsoft's), then each and every one of us had better infuse into our daily practice a meaningful discussion of these issues and openly examine their implications among our colleagues, patrons and administrators. Short of that, the Exxon Reading Room will be coming to a library near you!

(The author wishes to express special thanks to Sanford Berman, Charles Willet and others on PLGNet who assisted him with this article. Thanks to Dr. Jane Kelsey of the University of New Zealand for the list on page 43.)

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Carpenter, Betty (1997) Locust@aol.com, To: LM_NET@LISTSERV.SYR.EDU Subject: Re: HAWAII UPDATES AND THE FUTURE PLANS OF OUR SOURCING

Date: Wed, 15 Jan 1997


DENWALL@aol.com, To: PLGNET-L@cornell.edu, Subject: DEMORALIZATION AMONG LIBRARIANS IN HAWAII


OCLC Web page: HTTP://www.oclc.org/oclc/menu/history.htm


Tomioka, Carol. carolit@metra.lib.state.hi.us, To: DENWALL@aol.com cc: laurel indalecio, Subject: Update on Material Sent to You, Date: Wed, 15 Jan 1997


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**Gil: Global Power Grab**

by Vigdor Schreibman

A One Trillion Dollar Telecoms Deal

Fins [Federal Information News Syndicate, published by V. Schreibman — eds.] Information Age Library has mounted a new directory: Global Information Infrastructure Links. If you take a look it will give you a rough idea of just how dominant a role international public sector organizations now hold (e.g., ITU, OECD, WTO, GATS, NAFTA, APEC, WIPO, EC, G7), when armed with a franchise of delegated power from the nations of the world to decide global socioeconomic public policies. A stunning example of this pattern took place Feb 15, 1997, when more than 60 countries adopted an agreement to open their own telecommunications systems to foreign exploitation, which is set to enter into force on 1 January 1998. This agreement was negotiated under the auspices of the United States Trade Representative (USTR), International Telecommunications Union (ITU), World Trade Organization (WTO), and General Agreement on Trade and Services (GATS). It followed the European Commission's Bangemann Report, 26 May 1994, for a “Global Information Society” (Fins-GII-ECb) and the proposal by the United States for “The Global Information Infrastructure: Agenda for Cooperation,” announced Feb 1995 (Fins-II2-03).

Data on telecommunications markets covered by the WTO Negotiations on Basic Telecommunications, were released Feb 17 from the International Telecommunication Union database on World Telecommunication Indicators. This reveals that “global telecom services revenue in 1995 stood at $601.9 billion (in US dollars), a figure which represented 2.1% of global GDP.” Just two of the participants in the negotiations, the European Community and its Member States, and the United States, account for 68% of revenue and 58% of international traffic.
Renato Ruggiero, the Brazilian Director-General of the WTO, congratulated member governments “for their determination and foresight in bringing the negotiations on basic telecommunications services to a successful conclusion” (Fins-GII-WTO). Explaining the expected benefits, Ruggiero claimed that, “The telecoms deal will contribute to lower costs for consumers, and the price reductions will be very significant. This is good news for firms, which in the aggregate spend more on telecommunications services than they do on oil. It is difficult to be very precise in these matters, but telecoms liberalization could mean global income gains of some one trillion dollars over the next decade or so. That represents around 4 per cent of world GDP at today’s prices.”

The Fiction of “Free Market” Theory

Nevertheless, people have heard this rosy scenario before. What gives rise to alarm over this pattern of global economic activity is the largely authoritarian decision making process put in place by the new globalization regime. The basic idea advanced by the dominant powers, the EC with the concurrence of the United States, is the implicit demand for a free ride on society, as specified by the Bangemann Report: “Market forces must drive progress of the Information Society” with removal of all “non-commercial political burdens and budgetary constraints imposed on telecommunications operators.” The import of this hard line strategy was made perfectly clear at the G7 meeting in Ottawa, June 1995, in seeking to “dismantle the labor laws and cut social safety nets,” purportedly to “encourage the world's unemployed to look harder for work and help businesses create jobs” (Fins-SR3-19; Fins-NC4-18).

Special concerns were raised by the ITU, UNESCO, and EU, concerning the social, cultural, and environmental aspects of the GII. However, a review by FINS of initiatives in those areas indicates that they have focused on securing “widespread public acceptance and use of the new technology” under market controls. In the United States, support for the remarkable National Education and Research Network (NREN) program, based on a long-term vision of “broad support of the Nation's intellectual activity” (Fins-II-02, para B.3), was abruptly terminated under pressure from industry for market controls.

The economist's model of “free market” theory is based on the “entirely independent behavior of individuals.” This is insupportable. Mary Parker Follett, who is recognized as the “Prophet of Management” (1995), observed that “[A]n individual is one who is being created by society, whose daily breath is drawn from society, whose life is spent for society.” Market theory is, in short, a “broadly perpetrated fiction,” rejected by post-industrial knowledge and experience. See e.g., James Coleman, Foundations of Social Theory (1990); and Andrew R Schmookler, The Illusion of Choice (1993).


The market simply disregards the multiple perspectives and criteria, including empowerment of the people to facilitate design by the stakeholders of social systems, followed by state-of-the-art social systems design. For all the euphoria over the GII deal, the market scheme is likely to fail all the tests: of authenticity, sustainability, responsiveness, uniqueness, personal development and organizational learning, and the ethics of design. See Bela H. Banathy, Designing Social Systems in a Changing World (1996, 223-231).

Industrial Age Newspeak in the Knowledge Age

With the advent of globalization, colossal power is being placed in the hands of a few “Global Gladiators,” as Alvin Toffler (1990) described the new breed of multinational behemoths. Yet American commentators critical of the global power grab were shunned in reports on the telecoms deal issued by leaders of the national press corps: The New York Times, Wall Street Journal, and The Washington Post. Meanwhile, the Associated Press cynically reported a derisive but easily dismissed editorial on this topic by the Iraqi government newspaper Al-Jumhuriya, Feb 17, 1997. The AP wire story was picked up Feb 19 by EDUpage, an Internet news service that quoted Baghdad’s criticism of the rapidly expanding Internet, depicted as, “the end of civilizations, cultures, interests, and ethics,” and “one of the American means to enter every house in the world. They want to become the only source for controlling human beings in the new electronic village.”
It is wicked journalism to quote the hated Baghdad on this controversial issue of importance, while censoring by silence learned American civil libertarians such as Barber, Chomsky, Grieder, Phillips, Schmookler, and Thurow who may concur with Baghdad in this instance. The threat of "total control," was named as the singular issue of concern to Americans, in e-mail sent to the Cultural Environment Movement discussion list, Feb 12, 1996, by Dr. George Gerbner dean emeritus of the Annenberg School of Communications, University of Pennsylvania. This statement followed approval of the Telecommunications Act of 1996, Feb 8, 1996. The new field of global control opened by the WTO telecoms deal greatly exacerbates such concerns.

End "total control" of GII

"Total control" of GII must end when the telecoms treaty comes before the US Senate for ratification. Global conquest and oligopoly were of the industrial age. In the 21st-century knowledge age, one may triumph only with people power.

Text of speech delivered on February 15, 1997, by Wayne Kelly, the Superintendent of Documents, to the Federal Documents Task Force at ALA’s Midwinter meeting in Washington DC.

I'd like to take a few minutes this morning to discuss a growing trend to transfer Federal Government information from the public domain to private ownership.

This is happening in a number of ways. One is for agencies to establish exclusive or restrictive distribution arrangements that limit public access to information. Another is to charge fees or royalties for reuse or redissemination of public information. In some recent cases government publishers have actually assisted in transferring copyright to the new owner.

Let me give you an example. For many years, the National Cancer Institute procured the printing of its Journal of the National Cancer Institute through the Government Printing Office. The Superintendent of Documents Sales Program sold subscriptions to the Journal and it was distributed to Federal Depository Libraries at GPO expense.

In 1987, NCI made the semimonthly Journal a more current, higher-quality cancer research publication. It was heavily promoted by our Office of Marketing in coordination with the NCI staff. By 1992, the Journal was selling 6,240 copies at an annual subscription of $51, and was distributed free to more than 800 selecting depository libraries throughout the nation. It had achieved recognition as “the number one journal” in its field, publishing the best original research papers in oncology from around the world.

In 1993, the National Cancer Institute notified us that they were developing a “Consolidated Services” concept making all print and electronic data information available only through an “Information Associates Program.” GPO could no longer sell subscriptions at $51. The only way to get a subscription was to buy an Associates Program membership from NCI for $100. NCI agreed
to supply depository copies at the agency’s expense. GPO continued to sell
individual copies in bookstores at $7 each. In December 1994, the International
Cancer Information Center, publisher of the Journal, received a Federal
“Hammer” award for its new Information Associate Program.

Then, a disturbing development. Just a few week[s] ago, in a letter dated
January 2, our Library Program Service was notified that the Journal had been
“privatized.” Ownership was transferred from the National Cancer Institute to
Oxford University Press — USA, Inc. The letter said: “Under the terms of a
Cooperative Research and Development Agreement signed by the two organ­
izations, the name of the publication will be retained, and Oxford will assume
all responsibility for printing the Journal and will hold copyright to the
Journal’s content.”

The letter went on to explain that “because the Journal is no longer a publica­
tion of the U.S. Government, copies of the Journal and JNCI Monographs will
not be provided to the Depository Library Program nor will sale copies be
available at the GPO bookstore.” The new price, from Oxford, is $120 for an
individual and $150 for an institution.

The last paragraph in this brief letter said: “We appreciate the service the
Depository Library Program has provided in disseminating the Journal and
JNCI Monographs for many years.”

Looking back, I do not regret that we at GPO invested our resources in
promoting the Cancer Journal in the late 1980s. Nor do I regret assisting in the
transfer of subscribers to the Information Associates Program in 1993. But I do
regret the loss of this valuable resource to American citizens through the
depository library program in 1997.

I have here the November 20 issue of the Journal which I purchased from the
main GPO Bookstore. Maybe this last, public domain issue has some historical
value.

Looking through the Journal, a number of questions come to mind. I note that
the masthead lists some 26 staff members. I wonder if the editorial and news
staff is still being paid by the American taxpayer, but working for the Oxford
University Press? I wonder if the Oxford Press is sharing revenues from the
new, higher subscription rate with the National Cancer Institute? I wonder if
copyright will prevent a librarian from sending a copy of an article to another
librarian?

I have no way of knowing the answers to these questions — because the details
of the Cooperative Research and Development Agreement are not public
information, according to NCI legal counsel.

Unfortunately, this is not an isolated case. There are other recent examples of
information gathered by government employees disappearing from the public
domain — for a price. I worry that these cases will become precedents and the
precedents will set an irreversible trend.

I want to make it clear that I do not question the motives or goals of the agency
publishers who take this course. They are doing what they feel is right in a new
environment which calls for cutting costs and generating revenues. They are
seeking to preserve valuable information.

But what if this new trend drives future Federal Government Information
Policy? Since the founding of our nation, the cornerstone of information policy
in the United States has been the principle of universal access to Federal
information. This principle is being set aside without many of the usual checks
and balances in our democratic society: Without any high level policy debate,
without clear rules, without thought to unintended consequences, and often
without full public disclosure of the negotiations and agreements.

Is all Federal information with sufficient demand going to be sent to market? If
so, we should think about what that means.

Does it mean that a Government agency may sell its name as well as its
information?

Does it mean that a wide array of private sector publishers will no longer have
access to the information to add value and redistribute it to many different
markets in different products?

Does it mean the public consumer must pay two or three times as much, or
more, for the same information?

Does it mean that agency publishers will focus their attention on more popular,
marketable information and eliminate other, perhaps more significant but less
marketable information?
Does it mean that programs authorized by Congress will begin to move away from public needs, to focus instead on market needs never contemplated by our elected representatives?

Does it mean Government employees working at taxpayer expense to support the information requirements of private firms? And isn't that corporate welfare?

And what if the Journal of the National Cancer Institute, now owned by the Oxford University Press, does not meet the profit goals of the new owner? Does it mean that instead of a “Hammer” award, there will be the “axe” usually awarded sub-par performers in the market place?

Who represents the public in a Bottom-line Information Era?

What is to prevent our nation's bridge to the 21st Century from turning into a toll bridge for Government information?

In 1989, the late Office of Technology Assessment, may it rest in peace, declared that “congressional action is urgently needed to resolve Federal information issues and to set the direction of Federal activities for years to come.”

Now, eight years later, there is some talk of legislation to update Federal Information Policy to the Electronic Era. The critical issues at stake today are preservation of official information, public access, Government accountability, and an informed electorate. Americans should not pass up this opportunity to define their own information future.

Those best positioned to know the value and power of information should take the lead. It is not an easy issue for the media because it lacks the essential elements of hot news. It is more significant than sensational.

It is not an easy issue for politicians because there is no visible crisis and framing sound policy seldom delivers votes.

So it may be up to those among us who by nature are reluctant to get out front. Remember those riveting lines of Yeats: “The best lack all conviction, While the worst are full of passionate intensity.” Let's not let that happen.

Before it is too late, let the debate begin.


Good afternoon. I am Robert Oakley, Professor of Law at the Georgetown University Law Center and Director of the Edward B. Williams Law Library. I also serve as the Washington Affairs Representative for the American Association of Law Libraries. I am honored to appear before the Subcommittee today on behalf of the American Association of Law Libraries, the American Library Association, the Association of Research Libraries and the Special Libraries Association to support the FY 1998 budget request of the Public Printer of $30,477,000 for the Superintendent of Documents Salaries and Expenses appropriations.

Transition to a More Electronic Federal Depository Library Program

Recognizing the need to centralize government printing and to establish a mechanism to provide our Nation's citizens with no-fee access to Federal government information, Congress passed the Printing Act of 1895 that established the Federal Depository Library Program (FDLP) within the Government Printing Office. The FDLP has evolved over more than one hundred years to become one of the most effective and successful partnerships between the Federal government and the American people today. The goals of the FDLP are based on principles that Congress and the library community have long affirmed as being essential to our democratic society. These principles
were most recently expressed in the Government Printing Office's *Study to Identify Measures Necessary for a Successful Transition to a More Electronic Federal Depository Library Program* (June 1996). This study was conducted at the request of the conference committee on the FY 1996 Legislative Branch Appropriations Act.

Principle 1: The Public Has the Right of Access to Government Information.
Principle 2: The Government Has an Obligation to Disseminate and Provide Broad Public Access to its Information.
Principle 3: The Government Has an Obligation to Guarantee the Authenticity and Integrity of its Information.
Principle 4: The Government Has an Obligation to Preserve Its Information.
Principle 5: Government Information Created or Compiled by Government Employees or at Government Expense Should Remain in the Public Domain.

We urge this Subcommittee to reaffirm these important principles and to support their implementation through adequate funding for the FDLP. The public's access to government information and the future success of the FDLP will only be achieved if the government, as creator and disseminator of information, staunchly upholds these principles.

Under the direction of the Public Printer, the GPO *Study* was successful in analyzing many of the complex issues regarding the government's use of electronic information dissemination technologies. Attached to this statement is a letter from our associations to the Public Printer reiterating the continuing concerns of the library community during the transition years to a more electronically-based FDLP. Our two most critical concerns are the public's ability to locate information in a distributed electronic environment and the fundamental need to guarantee that electronic government information will be permanently accessible.

We believe that, as the average user requires assistance in navigating through the complex layers of technology and the confusing maze of government to find the information they require, the role of depository libraries and librarians is more important than ever before. These libraries willingly invest substantial funds to provide highly trained staff, adequate space, costly equipment, and Internet connections so that the public has equitable, ready, efficient and no-fee access to government information in both print and electronic formats.

Your constituents, whose tax dollars fund the collection and dissemination of information from agencies in all three branches of government, use the resources of their local depository collection daily to access needed information. The results of GPO's most recent Biennial Survey are startling. In 1995, an estimated 189,000 to 237,000 users each week were provided expert service in locating and using depository materials at the 1,370 partner libraries. These numbers represent people from all walks of life and all levels of experience and technical sophistication. Without the local resources and services provided at depository libraries, these requests for government information would go unmet.

**FY 1996 Enhancements to GPO Access Commendable**

GPO is to be commended for the steady progress in moving towards a more electronic FDLP. The development of the GPO Access system, in terms of the growing number of electronic information products that are now available and the increased use by the public, is laudable. With the passage of the GPO Electronic Information Access Enhancement Act of 1993 (Public Law 103-40), Congress wisely sought to develop an access point to information from all three branches of government. In December 1995 we applauded the decision of the Public Printer to provide free public access to all GPO Access products and services. As a result of that decision and the addition of many new titles to the system, recent monthly usage statistics are dramatic. In October 1995, prior to the availability of free access to these products, 837,494 documents were retrieved from the system. That number ballooned significantly to 2,880,998 downloaded documents in October 1996.

GPO has added many new electronic products that provide timely and important information to your constituents. GPO Access continues to grow and currently includes 48 titles from all three branches of government in more than 70 databases. Some recent additions include the *Congressional Pictorial Directory*; the *Annotated Constitution*; the *Code of Federal Regulations*; historical Supreme Court opinions from the U.S. Air Force's *Federal Legal Information Through Electronic* (FLITE) file; and the *Commerce Business Daily*. These databases exemplify GPO's commitment to the continued development of GPO Access to meet the government information needs of the public.

Another example of this commitment is the development in FY 1996 of the Superintendent of Documents (SuDoc) web site. With the rapid and pervasive
growth of electronic government information, one of the greatest challenges for users is simply identifying and locating the database or source that they need. GPO's SuDoc web site provides centralized bibliographic access to government resources in all formats through the online Monthly Catalog. In addition, GPO's electronic Pathway Indexer links users to information resources at over 705 other federal agency web sites. And GPO maintains a centralized database that allows users to search through the Government Information Locator Service (GILS) records of twenty-six federal agencies. These finding tools are essential services in a distributed electronic environment.

GPO FY 1998 Budget Request Essential

To ensure the continued transition to a more electronic FDLP and continued improvement of GPO Access to meet the government information needs of the public, we urge the Subcommittee to fully support the Public Printer's FY 1998 appropriations request of $30,477,000 for the Superintendent of Documents Salaries and Expenses, of which $25,886,000 will maintain the FDLP. While some policy makers may view the move to electronic information as a means of cutting government costs, no data exists to support this assertion. In fact, we believe the opposite likely to be true particularly during the transition period. Congress and agencies are channeling substantial funds into developing information resource systems that take advantage of new technologies. It is equally important, however, that the channels of public access to government information remain open, efficient, and technologically relevant. Libraries and your constituents are doing their part by investing in technologies to assist them in accessing electronic information. Congress and the Federal government must fulfill their end of the partnership by continuing to invest in systems and services like GPO Access that provide the public with government information. It is essential that GPO receive adequate funding for its many electronic initiatives so that the substantial progress of the past year continues.

Erosion of Federal Government Information from the Public Domain

One of the most serious concerns of the library community is that government entities, pressured by growing fiscal constraints or a failure to understand their full responsibilities under U.S.C. Title 44, circumvent the letter and spirit of the law. Unfortunately, librarians have long found it necessarily to track down missing or fugitive documents for your constituents. Now librarians and users are increasingly frustrated by the steady removal of important government resources from the public domain. The information needs of the American public are not served when agencies move to contract with private publishers and fail to supply these resources to the Superintendent of Documents for distribution to depository libraries. Furthermore, wide access and use of publicly-funded information is substantially impaired when licensing agreements prevent or curtail redissemination. To copyright or restrict distribution and use of government information is anathema to the principles of access that we uphold.

The historical record of key government titles is also jeopardized by the discontinuation of print formats in favor of electronic distribution only. We have long recommended that format decisions be based on the value and usability of the materials, and not solely on cost concerns. As directed by the FY 1997 Legislative Branch Appropriations Act, the distribution of two of the most important historically-significant Congressional titles, the U.S. Congressional Serial Set and the bound Congressional Record, has been severely cut. ALA and AALL have formally expressed concern with the impact of this decision on long-term public access.

The Serial Set will be limited to only one depository library in each state. The bound Congressional Record, previously limited to only one copy per state, has been eliminated altogether. In neither case has a proven, comprehensive, permanent electronic replacement been developed that ensures long-term public access with the ability to migrate one technological platform to another. We consider these titles among the core documents of our democracy and vital to the public's right to know. Electronic formats such as CD-ROM at this time fail to meet the necessary standards to ensure permanent long-term access and preservation, nor are they the official, authoritative versions (see attached AALL Resolution and Scientific American article) [Not included here — PL eds.] We welcome the opportunity to work with the Subcommittee on a timetable to guarantee that these core Congressional materials are usable, effective, permanently accessible, archivable and authoritative.

Revision to U.S.C. Title 44 Needed Now

The GPO Study provides a necessary framework to assist Congress in analyzing some of the very complex technical and policy issues that must be addressed as...
revisions to Title 44 are debated. Despite provisions of the Paperwork Reduction Act of 1995 and OMB Circular A-130, electronic information is not systematically made available to depository libraries. We strongly urge members of the 105th Congress to implement necessary changes to Title 44 so that there is no longer any doubt that the definition of government information extends to electronic resources. In addition, Congress must continue its oversight of the FDLP and develop incentives to assure that all entities of the Federal government comply with the law.

There are complex implementation challenges and significant costs ahead, particularly in terms of long-term access and preservation of electronic information. Valuable government information resources, made available through agency web sites, disappear daily. If these are not systematically captured for permanent, ongoing public access, the information is forever lost to the American public. Any revisions to Title 44 must establish a systematic and comprehensive means for ensuring the preservation and permanent public access of government information. In the print world, this role has been uniquely filled by regional depository libraries. Their collections, located in every state, guarantee that the public will have ongoing and long-term access to publications from all agencies in the Federal government. In the electronic environment, however, no equivalent system exists. Publishing agencies are not equipped to permanently maintain online access to electronic data, and it is not within their mission to do so. Nor is it within the mission or scope of the National Archives to provide the general public with ready and reliable access to this information on an ongoing basis.

Libraries play an important part in providing the public with access to online services, and some libraries may have a role in electronically storing and maintaining databases in cooperation with publishing entities. But in the absence of a coordinated national program to systematically capture, preserve, and maintain ongoing access to electronic government data, important information is lost every day as files come and go from agency web sites and computer servers. GPO has taken a lead in investigating partnership opportunities with agencies and libraries to develop models for permanent public access. These efforts must be supported with appropriations and based in statute on the government's affirmative responsibility to preserve and provide long-term public access to its information.

Mr. Chairman, we are anxious to work with Congress in drafting revisions to Title 44 that will guarantee that new technologies realize the potential of the information age by improving public access to government information. We expect that Congress will be presented with many different proposals to revise Title 44, and we ask that open and thorough public hearings are held as deliberations proceed. ALA President Mary Somerville has invited representatives from the national library associations to participate in an inter-association working group on government information policy. This group, charged with developing over the next few months a detailed outline of a legislative proposal for revising Title 44, will hold its first meeting next week. We will be pleased to share the progress of this task force with this Subcommittee. Thank you for the opportunity to appear before you today.
Notes from the Front Line at San Francisco Public Library — Melissa Reilly

The following 4 items are excerpts from memos, letters, and e-mails from Melissa Riley, a librarian at San Francisco Public Library and a PLG activist, during the Dowlin-induced crisis there. See American Libraries August 1996 and Library Journal August 1, 1996 for “neutral” stories on SFPL. For better coverage, see the San Francisco Bay Guardian issues on January 29, 1997, January 23, 1997, August 28, 1996, July 6, 1996, and, of course, Nicholson Baker's October 14, 1996 New Yorker article. Ken Dowlin has resigned as City Librarian — Eds.

I. Libraries serve long term individual and collective needs and create equality by enabling us to share knowledge as a public good, essential to our democracy in redressing the inequities of the information marketplace. [K]nowledge — including old books — is available for those willing to share. The pay-per-view mode — impossible for libraries to keep up with — obliterates that kind of sharing and tends to narrow access to current popular information. We need large and vibrant public spaces for free access to knowledge just as much as we need national wilderness [areas] and parks.... The urgent question is not just the social change we might gain from providing free access to the Internet for schools and libraries, but the existing equality we will definitely lose if we don't. We need not only to forge ahead into a new information wilderness, we need also to protect our commons of knowledge: public libraries. (from an unpublished letter to the editor, New York Times, October 1996)

II. We tend to think that since electrons are free the electronic library will be cheap to run. What the electronic library does is not cheap. It can do much more of some functions...more quickly than older methods, but it requires more back room staff, more frontline help, and more hidden overhead than SFPL has calculated. We cannot abandon most of our old services. New forms of access merely supplement and do not supplant most of the new ones.

If nearly half the amount of your book budget is dedicated to telecom costs, not to mention the cost of the databases or computer staff to support them, ... it can become a case of high-tech versus books. Something has got to give, and it did. We have not bought new books for months now. What many of us are trying to say is that there should be no dichotomy between the books and computers. New technologies should overlap the old and they should be mutually enhancing. It is only when you don't really examine the long term costs that the technology and other unexamined expenses will squeeze out the book budget, as is apparently happening now.

Comparing the costs and benefits of forms of access and the actual content which patrons are able to get...requires a complex analysis of a shifting system. Suffice it to say that the vast majority of people, kids included, will not get exactly what they need without the help of a well-trained librarian, whether it's in a book or cyberspace.... Let's give up the defense that the library is popular [T]here are...deeper measures of the worth of a library than how many people walk through the door. There is also, so far as I have heard, no reason to think that we are serving more working class children, adults, or teenagers than before, and some reason to think we are serving fewer kids from the neighborhood of the Main [SFPL Library] than before. (from a January 28, 1997 memo to the SFPL Library Commissioners)

III. I think, from reading some of Mr. Dowlin's early writings, that the theory the library has been operating under was half predicated on the idea that tax money would dry up and that the library would have to find other funding sources - including fees for service to businesses and the public, donations from the Foundation, and also upfront payments from other city agencies and non-profits.... Fees for library service do not accord with our professional ethics, and Intellectual Freedom advocates actively oppose them. Foundation funding is problematic when it may appear to be influencing the direction of the library.... In the face of numerous new and expanded roles, we have to make sure that the important functions ONLY the Library can perform...do not continue to be shunted aside because we are doing too many new things...(from a January 25, 1997 memo to Margie O'Driscoll, Executive Director of Friends of the Library)

IV. The story about San Francisco Public Library (January 26, 1997, New York Times) buys into the dichotomy the resigning City Librarian promotes between books and computers, traditionalists and technologists, elite and mainstream. This polarization misrepresents library progressives, who are more interested in integrating new and old than with discarding either. [S]ince when is it undemocratic to oppose the unconsidered trashing of hundreds of thousands of books? For years the City Librarian envisioned closing a large number of SFPL’s well-loved 26 branches. The people fought like hell to keep them all open....
For a while it was fashionable even among academic libraries to imagine we would ultimately have to weed most older books simply to make room for the new....It is often "old" and currently "unpopular" books that the public particularly relies on large, regional, publicly-supported libraries to keep. No one else does it for them. "Just in time" delivery of such books may require them to sit quietly on shelves, without a date for many years. Otherwise, there may be no copies extant in the commons of knowledge when the desirous patron suddenly comes to call....[T]he top leaders [of SFPL] did not recognize the collection to be a whole — and did not focus on making room for existing collections, the consequence of a vision which explicitly states that supplying "information" is now a more important role for the library than supplying books or even being a regular old library: the people's university....

Blinded by visions of techno-rapture, leaders from Clinton and Gore on down encourage the dwindling of our common heritage by holding out wires to the Net as a cheap educational and economic panacea. Library progressives know what it takes to acquire the many forms of truth. We can see that electronically-induced blindness to knowledge is a form of censorship, a suppression of the body of knowledge a real library constitutes.

Electronic access to text, plus librarians and books, can make small branches very cost effective. Most people won't use libraries unless, like parks, they are in easy reach. [B]ringing cyberspace to libraries near people...could turn have-nots into the info rich. But failing to reserve enough money, space, and staff to buy, house, preserve, catalog, shelve, and find books while the phone bill runs up toward $1 million attacks the heart of the library....With such imbalances...and other practices like the institution of fees-for-service, [we are] neglect[ing] the SFPL mission "Free and Equal Access." [This is what] brought library workers to a recent vote of no confidence in Mr. Dowlin. Eighty eight percent of the 600 voters indicated their disappointment with a library that's deemed "attractive" but can't deliver. We now seek a great librarian to help us restore a great library. (unpublished letters to the editor, New York Times, January 1997)

Libraries Losing Their Reason: Statement from French librarians, translated and introduced by Jack Kessler, editor of FYI France

FYI France: If you think "information wants to be free"... by Jack Kessler

The Front National – a right-wing extremist party which advocates anti-immigration policies, among other disturbing things – recently won mayoral races in four southern towns in France: Marignane, Orange, Toulon and Vitrolles. Shortly thereafter, left-wing publications, such as Libération, began disappearing from those towns' library shelves.

There has been a national outcry in France. A national "loi des bibliothèques" is under consideration – central government versus local, Paris versus the provinces, "Paris et le désert..." – and the debates online and off have been protracted and bitter. But the problem seems only to be growing worse.

What follows is an open letter, just published online (April 10, to the French librarians' BIBLIO-FR conference) apparently by a group of librarians at the Bibliothèque municipale de Strasbourg – a famous library in France, with a magnificent collection and a long and distinguished history of coping with political threats and chaos – protesting against these Front National developments.

France is in some danger nowadays: persistent 12+% unemployment, major national strikes in all sectors – hospital interns, bus services, public employees, airline personnel (no this is not "the usual", it is worse) – the European Unity that isn't, the Russians, Algeria and Bosnia, and now this growing Front National cancer. Your average French citizen is like any other – basically wants a quiet life, but also has a temper – and France is beginning to rock back and forth politically, from reaction to reaction between the various extremes. Those who have said "it couldn't ever happen in France" have been wrong before.

Everyone ought to read what these Strasbourg librarians have to say here – brave, in their context as public employees and individuals and French and European citizens – and consider how much we all take for granted when we
say that "information wants to be free". Countries which enjoy such freedoms are exceptions, not the rule: Internet developers should remember this, and they usually forget it. Freedom has to be purchased and maintained, sometimes at a high price, and it seems that the price may be climbing now in France.

Note that the signatures appear at the beginning – they want you to know – signing things can be a dangerous practice in politics in Europe, and in most countries outside North America and one or two other places.

And that phrase, "une ville du Front National"... one tries to imagine this sort of language said of a "Labour" city by a "Tory", in the UK, or of a Republican town by a "Democrat", in the US. Even making liberal allowance for Gallic emotion and over-statement – and remember that these appear to be responsible professional librarians of a respected institution speaking here, and not some wild-eyed political crazies – things seem to be getting bad in France.

Is there any reason to think – to assume – that the same might not happen elsewhere? It seems myopic, self-delusional, even arrogant, simply to assume that library freedoms or any other sort of information-related liberties somehow mystically will be guaranteed anywhere, and yet much of what the Internet so far is about blandly makes this assumption.

The next time someone tells me that "information wants to be free", I will have them read this.

Jack Kessler, kessler@well.sf.ca.us
on its normal activities? This is the same question posed as when we ask:

What to do when certain elected officials of the Front National put pressure on
the library, intruding on its normal activities?

But this little nuance makes a difference.

Pressures, interference, resorts to force, distractions, orders, obligations and
responsibilities: we, as librarians, know that these things exist – we all have
dealt with them in our professional lives.

The difference is the work of the Front National.

Since June 1995, over the course of months, of weeks, of days (when the
interference became daily), the situation deteriorated so badly at the
Bibliotheque d’Orange, with so much implied violence, contempt and
ignorance, that it would be best to admit that the basic principles of
operation – good sense, experience, know-how – professionalism, in short –
could not continue to function.

With these politicians, there is no dialog. It is neither possible, nor desirable.
There is no dialog, no exchange, no listening, no respect. Their attitude, their
managerial approach, administratively and personally provoke a gradual
degradation, a fatigue caused by incessant irritation...

To be a librarian in a city of the Front National is impossible; for – simply –
libraries, as we all know, are tools of pluralism, of toleration, places for the
exchange of ideas, basically open, providing free access, and multi-cultural.

All of these terms: pluralism, toleration, exchange of ideas, openness, liberty,
accessibility, and diversity of cultures, have been defined away or denied by
these politicians.

It is enough to examine the lists of authors and titles with which the personnel
of the Front National have tried to "regulate" the Bibliothe'ques municipales of
numerous towns... It is evident that for them the library is essentially political,
a means of distributing ideology.

In such a situation, it is useless to hope to resist, to continue the job, to create a
sort of enclave of liberty at the heart of the FN operation. The experience of our
colleagues in Orange proves this: the sole solution is departure, to be labeled
"on probation", or "resigned".

One must leave "in order to leave" and to create a vacancy. This choice, these
decisions, are dramatic to consider, and to take: they signify the loss of reason
of the library, its closing (under consideration at Orange), a considerable
setback, and – for a number of years – the removal of an essential public service
(by those who appreciate this well). But I say again, very clearly: it is
impossible to exercise the profession of librarian in a city of the Front National.

Very many of our distant colleagues, living in regions less affected by all this
politically, have had, and still have, difficulties in understanding the gravity of
the situation and its oppressive nature – in taking this type of discussion
seriously. The experience of Orange, a laboratory – city for the FN,
demonstrates the seriousness. To think that the situation might evolve
differently is an illusion.

And moreover the unrest grows, as the cities of the south have been picked off:
Orange, Toulon, Marignane, but also Nice, almost... and the Front National is
advancing and taking over territory, more and more often "in disguise",
insidiously, sneaking in at times.

The most terrible thing is to hear the politicians of other parties taking on their
positions: certain words, certain phrases... Recently the mayor of a commune of
the Bouches - du - Rho'ne, a mayor who is not Front National, demanded that
his librarian cancel the library's subscriptions to "Le Point" and "Le Nouvel
Observateur" because, from reading those periodicals, people might change
their political views.

It is evident that if we do not make some response all together to these excesses,
we as professionals, like all of those involved in Culture and Communication –
I think particularly of journalists, of the popular press – will not be able any
longer to express ourselves, to exercise our
functions.

It is evident that we have an essential role, and that our libraries are alarmed,
troubled, unable to bear this further: they are too strong, too forward-looking,
too effective, for those who represent reaction, mistrust, who practice insult and
contempt.
So if some libraries must, for a time, close, let us be sure that other libraries defend their missions and their users, continuing to give reason and content to the collections which we assemble. Let us not be content with making libraries banal and ordinary. Let us make them shining, creative, active, indispensable and joyous places.

On the Librarians of the South of France,


XXX

BOOK REVIEW

by Mark Rosenzweig


William F. Birdsall’s The Myth of the Electronic Library: Librarianship and Social Change in America is an extremely important and timely contribution to critical library studies. One of a small but growing number of library scholars willing to challenge the prevailing mythologies of the information age, Birdsall has written a book which will help re-open debate on fundamental issues determining the fate of librarianship.

Proposing a framework of analysis which uses the concept of myth-replacement rather than paradigm-shift as more capable of registering changes in “contending values, perceptions and assumptions currently found in librarianship,” Birdsall proceeds to closely and masterfully analyze not just the historical development of library theory and practice but librarianship’s changing self-understanding and its implications, placing it always in a broad social and cultural context. Whatever reservation one may have about the adequacy of the concept of myth (as opposed to, say, ideology) to the task of comprehending the vagaries of librarianship, the deployment of this concept allows Birdsall to provide a richly-textured picture of librarianship in its interconnection with general social mythologies and with more regional mythologies in other related fields of activity.

Disclaiming the technological determinism of most discussions of technological issues, Birdsall’s myth analysis shows how the change from the nineteenth century/early-twentieth century concept of libraries to the prevailing notion of the “electronic library” was not merely the passive reflection of objective and impersonal technological development. It has been an on-going
process of myth-making in which a “cluster of social, cultural, and political values, beliefs, images and concepts” have been drawn together around a particular concept of the role of technology and, in particular, of information technology, consonant with an increasingly technocratic and undemocratic agenda very much at odds with “traditional conception of the library and librarianship.” He is especially successful in showing how the means and methods of self-definition, especially in the drive to create a “professional” identity, have led to very fundamental shifts in orientation which belie a unilinear and unidirectional approach to library history.

Tracing the process of displacement of the myth of the “library as place” by the ideal of the dematerialized “virtual library” currently held to be the telos of library development, Birdsall, along the way, draws out the implications of successive myth-elaboration and myth-replacement on every aspect of librarianship from organization and management, to cataloging and reference and on the changing image of the librarian in our own literature and in the social imagination.

Birdsall’s critical take on the whole “cult of information” (to use a phrase of Theodore Rozsak’s) is a refreshing alternative to the vast literature in our field (very ably explicated as well as critiqued by Birdsall) in which a reified concept of “information” and an entirely formal concept of “communication” have replaced “knowledge” as the central value and organizing principle of our endeavors. Birdsall makes a real contribution to deconstructing the rhetoric of the “information society” which has become the common currency of our professional discourse, going on to show how it narrow and distorts our sense of feasible and desirable options for library development.

While I find Birdsall’s attraction to the notion of a “therapeutic” model for librarianship problematic, I feel his discussion of this alternative mode of conceptualizing the role of the librarian and the library at least opens up the discussion of humanistic alternatives to the market-driven models currently in vogue. In summing up the book in his last chapter, he wisely provides, not a blueprint for a new librarianship (therapeutic or otherwise) but a useful list of propositions, flowing from his analysis, meant to awaken librarians to the need to “critically assess the role of libraries and librarianship in a time of social change and, in particular, to explore and debate more fully the implications of the myth of the electronic library.” Readers of Birdsall’s provocative book will find much to fuel such a necessary and urgent debate.
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Middle East: PLG Press Release; MSRRT Resolution

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Vigdor Schreibman is editor and publisher of Federal Information News Syndicate (FINS) <fms@access.digex.net>. He is the author of *Knowledge Organization for the Betterment of Humankind*, selected by the International Federation of Library Associations’ Universal Dataflow and Telecommunications Core Programme (IFLA UDT Occasional Paper, April 1997).

PLG Statement of Purpose

The Progressive Librarians Guild has been established to:

- Provide a forum for the open exchange of radical views on library issues.
- Conduct campaigns to support progressive and democratic library activities locally, nationally and internationally.
- Defend activist librarians as they work to effect changes in their own libraries and communities.
- Bridge the artificial and destructive gap within our profession between school, public, academic and special libraries.
- Encourage debate about prevailing management strategies adopted directly from the business world, and propose democratic forms of library administration.
- Consider the impact of technological change in the library workplace and on the provision of library service.
- Monitor the professional ethics of librarianship from a social responsibility perspective.
- Facilitate contacts between progressive librarians and other professional and scholarly groups dealing with communications worldwide.

Membership dues for the Progressive Librarians Guild are $20 for individuals, $10 for low income. Membership includes a subscription to *Progressive Librarian*. To join fill out this coupon and send with a check or money order to: Progressive Librarians Guild, P.O. Box 2203, Times Square Station, New York NY 10108.

Membership is open to library workers and users who agree with PLG’s Statement of Purpose.

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