Cites & Insights

Crawford at Large

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Bibs & Blather

Open Access and Libraries

Open Access and Libraries: Essays from Cites & Insights, 2001-2009 is now available via Lulu, at lulu.com/content/8764834

The 519-page book is available as a free PDF download or as a 6×9 trade paperback for $17.50. (If you're wondering, I get $2.10 of that $17.50. For every three print copies purchased, I can buy lunch.) I'd like to think the cover design is obvious for anyone who knows much about OA. I could be wrong.

Why this book?

In short:

- I've stopped writing about open access within *Cites & Insights* for a number of reasons.
- When I asked a couple of knowledgeable people whether a collection of those essays might have some value, the answer was Yes.

From the time I made the draft PDF and some different trial ePub versions available (through April 26, for reasons that aren't relevant here), the PDF has been downloaded 123 times and the epub versions have been viewed/downloaded anywhere from 71 to 290 times each. So, even with lots of ebook-oriented folks looking at those versions just for fun, I conclude that a few dozen people find enough value in this to download it.

In long–here's the introduction to the book:

> This book brings together articles (and, in a few cases, sections of articles) on open access and other aspects of library access to scholarship that appeared in *Cites & Insights*.
>
> Articles appear exactly as they did in the original journal, modified only to fit the book's page size and typography. No updates or corrections have been made (except for one or two typographical errors. Articles appear in strict chronological order. There is no additional commentary.
>
> This book appears only for the record. It is not a comprehensive overview of OA during the first decade of the new millennium, and it is not even a comprehensive view of what Walt Crawford thinks about OA. It is what it is: A record of what I published about OA during that decade, quite possibly omitting some short pieces.
>
> The first C&I article related to OA, before that name was well established in the field, appeared in May 2001. (At the time, the term was FOS—Free Online Scholarship.) The last, as I was concluding that I was no longer able to add value to OA-related discussions, appeared in November 2009. Quite a few appeared during those nine years. I've also included one "disContent" column from *EContent* that's directly on topic (that column appears as submitted, not necessarily exactly as published).
>
> It's possible, even likely, that some OA-related commentary within *Cites & Insights* doesn't appear here—for example, predictions from Peter Suber and others would have appeared in larger Trends & Quick Takes articles, not picked up for this compilation.
>
> Thanks to Peter Suber for agreeing that this might be a worthwhile compilation.

Inside This Issue

But There's No Index!

For which I apologize. I had planned to include a partial index—including people, journals, article titles, but probably not topics—using Word's indexing facilities.

It was not to be. Perhaps it's the sheer length of this book; perhaps it's the number of sections. Maybe there's some obscure bug in Word2007.

Whatever the case, whenever I go beyond the first 60 pages or so, using "Mark All" and "Mark" as appropriate to flag index points (hey, Peter Suber's name appears a few dozen times!), then save the result, then open that result...well, the result is chaos. Last time, the 519-page book suddenly turned into 1,290 pages, with multiple lines of

headers from various chapters making up a huge and unchangeable page footer on each page.

If this was a project expected to yield significant income, I might prepare a separate index document—but for a book this long, that would take scores of hours. I honestly can't justify the time for a book that's being given away in electronic form and sold for barely more than the cost of production in print form.

If this book is useful, maybe some reader will generate an index. If not, well, again, my apologies.

I now have a pretty good idea what was causing the autoindex blowups (it was a bug, but between my ears more than within the software)–but the fix would make indexing more effort than I could justify. (It has to do with indexed terms appearing within page headings...)

What's Here?

Here's the table of contents–noting that articles appear in strictly chronological order:

Closing Notes

It's a 6×9 trade paperback because single-column serif text set on a 4″ line is just about optimal for reading long text...there's a reason most text-oriented books (other than mass-market paperbacks, which squeeze every word possible onto each page) are 6×9 or thereabouts.

Yes, you can download the PDF and print it out, and maybe save a couple of bucks (if you can print 519 pages for less than $17.50). You won't get the cover, and I'm afraid you'd be wasting a lot of paper on a typical 8.5×11″ printer–but it's your choice. The paperback version is there as a convenience; I don't plan to get rich off $2.10 times an anticipated sale of one to ten print copies. Especially since I bought one copy for my own records–which wipes out the profit on the first seven sales.

The typeface is Berkeley Oldstyle Book, which is still my preferred text face for books (and was the *C&I* typeface for several years).

Oh...about the ePub version:

1. I never did find a truly satisfactory conversion that didn't cost money.
2. Lulu seems to have offed a lot of their FAQs in favor of articles that are harder to make my way through, and at this point I don't quite understand how I'd attach an ePub version to the project.

Therefore, until further notice, I'll leave the most recent ePub version available—just go to waltcrawford.name/oal.epub. (That's an el, not a one.)

If you read *Walt at Random*, you've already read all of this. I didn't include the book cover here, since this isn't a Big Promotional Push to Build my Retirement Fund. (It's basically two gradient fills from the top-left and bottom-right corner representing the two primary colors of OA; no big deal.)

ALA and Rehearsals for [Semi?-]Retirement

I'm still hoping to find sponsorship for *Cites & Insights* starting in July 2010. At least to that extent, I'd like to stay *semi*-retired. I'm open to other possibilities as well, to be sure.

On the other hand, as I try to put together specific proposals (e.g., for books), I find little zeal

for doing anything marginal—either for the field or for my own interests. When I come up with an idea I believe a publisher would go for and I'm capable of doing, I'm not ready to flesh out and submit the idea unless it's something I really *want* to do—and something I believe will have substantial value for the field. Otherwise, why bother? But I don't always know what I *would* find interesting and worthwhile doing. For example, I wouldn't have thought of the part-time position that (unfortunately) ended recently, but I believe I was the best person available to do that job.

Am I just rehearsing for retirement? [Phil Ochs RIP.] I honestly don't know.

Meanwhile, I will be at the ALA Annual Conference in Washington, D.C., and would be delighted to discuss sponsorship, part-time possibilities, writing/research ideas or whatever. I'm taking a red-eye Thursday night, so should be in DC by noon Friday, June 25 (but perhaps not in my room yet), and I'll be there through Sunday evening (leaving *very* early on Monday, June 28). Known commitments at this point include the program I'm speaking at, Sunday 10:30 a.m.-noon. Otherwise, I'm open to possibilities (and plan to be at the Bloggers' Salon). My email address is waltcrawford at gmail dot com. Or you can always follow me on FriendFeed: I pretty consistently use waltcrawford or walt.crawford as a username.

The Zeitgeist
There is No Future

That's an alternate form of Wayne Bivens-Tatum's title for the February 1, 2010 post at *Academic Librarian* that leads off this discussion: "Nothing is the Future." I liked that post a *lot*—along with follow-on posts on a number of blogs. Let's consider that post and reactions—and follow it up with a range of other discussions on library futures.

If you're one of those who responded to B-T's title with "Huh?" and didn't *read* the post, you could think of it as And Thinking (Inclusionary Thinking) applied to library futures, where—as with futurism in general—it's all too common to use Or Thinking (or Exclusionary Thinking), to assume One Future.

> Prognostication isn't something librarians tend to be good at, just prone to. We often have to hear about the future of libraries from people who aren't, it turns out, from the future. (Or at least I don't think they are). The future of libraries is Second Life. Wait, I mean Facebook. Or maybe it's Twitter. It's librarians in pods. Etc. The beauty of talking about the future is that it never happens...
>
> The kindest interpretation of statements like "the future is mobile" or "the future of reference is SMS" or "the future is librarians in pods" or whatever is that the librarians are trying to create that future by speaking it. The incantation will somehow make it so. At the very least, perhaps everyone will believe it's true, even if it's not, and that's good for speaking invitations. After all, the future never arrives, so it's not like we can verify it.
>
> The less kind interpretation is that the authors of such statements are reductionist promoters, reducing a complex field to whatever marginal utility they're focused on and claiming that this is the future, while simultaneously promoting themselves as seers. They're hedgehogs with their one big thing, but perhaps aren't aware it's their big thing, not the big thing. I suppose it's all part of "branding" themselves...
>
> The obvious and most likely statement is that nothing is the future, as in no thing is *the* future, period. Anyone who tells you different is just plain wrong. With technology, it should be clear to anyone who bothers to see past their obsessions that formats and tools die hard. Some people like to imply that if librarians don't take up every new trend they'll become like buggy whip makers. I should point out that there are still people who make buggy whips. Buggy whips aren't as popular as they once were, but they're still around. There are even buggies to accompany them.

I could stop here, as that last paragraph is the heart of this commentary. You do know that vinyl (LP) record sales have been climbing for the last several years—and, from what I can see, there may currently be more innovation in new turntable designs than in new CD player designs? "Formats and tools die hard"—unless they're inherently self-destructive (e.g., 8-track tape).

> Communications technology seems to drive speculation on the future of libraries. There's some new tool--Facebook, IM, Second Life, the telephone, cable television, etc.--and it's going to revolutionize libraries. Except it doesn't. If the new technology succeeds at all in libraries, it will join most of the older technologies rather than replace them.
>
> What older communication technologies have gone away completely? The oldest is probably the letter, but libraries still get letters... They're not as popular as they used to be, but that's only because we now have an electronic equivalent...

> ...Students email me all the time for help. It's a reliable medium where significant questions can be asked. A student just emailed me to set up a research consultation. She sent a 254 word email that included a two-page attachment. It's difficult to ask serious research questions in a text message. I have no problem with SMS reference, and I think we'll be adding it soon. But if there are students for whom a library without SMS reference is invisible, they probably aren't very good students anyway and no amount of reference will help them succeed.

Here, B-T gets into a problem with some futurism—the claim that, if libraries don't start doing X **right now**, they'll be invisible to all those people for whom X is *the only medium*. Are there such people? Probably. Are they going to have a variety of other problems with an "If you don't use My Current Favorite Technology, you don't exist" attitude? Almost certainly. On the other hand, that final sentence is more combative than it needs to be—and, after others called him on it, B-T rethought what he was saying.

> If librarians still interact with their users through letter, telephone, and email, there sure seems to be a lot of past in this future. There's always a lot of past in any future. We are living in the past's future, and we still have most of it with us. What is the chance that our future will somehow be different?

The set of things that make up the future is *inherently* built on the set of things that make up the present, and the tendency is for that set to become more complex, not simpler. Suggestions that, for example, iPads are going to *replace* desktops and notebooks (or even netbooks) are popular but counter to reality for most things. Smart phones haven't replaced cell phones across the board (or even in a majority of cases). Cell phones haven't replaced landlines for most people in countries with strong, well-priced landline systems. Most sensible ebook advocates (and quite a few who are less sensible) now recognize that ebooks should *complement* print books, not sweep them off the face of the earth.

> You can plug in any term you want, and know that when anyone tells you that thing is "the future," they're wrong. And to be clear, my criticism isn't of any particular services or trends. If there's a new, popular way for librarians to communicate with or reach out to library users, by all means librarians should adopt it, or at least experiment with it. My criticism is the hype and the reductionism, and the implied claim that some librarians really know what the future holds, and that it just happens to be centered around whatever they happen to like at the moment. Maybe they're convincing themselves, but they're not convincing me.

Well said. What of the comments? Most (not all) were supportive (I noted that I've been saying similar things for more than a decade—while failing to note that B-T's take on it is refreshingly different). Tim Spalding found it necessary to take more whacks at librarians.

One person argued that libraries "need to quickly jump on the bandwagon in order to stay relevant"—that slow adoption of even faddish technologies will cause them to *become obsolete*. B-T responded that he's not arguing against adding tools, he's arguing against hyperbolic and apocalyptic rhetoric and cited the example in the comment:

> "If libraries are slow to adopt 'faddish' technologies (whether or not they fade in a few months) they will quickly become obsolete (in the view of patrons) in this on-demand age."
>
> What does this really mean? If EVERY library doesn't adopt EVERY tool/software/service model that YOU say is crucial then they will ALL become obsolete? That's what you imply, and there's no way something that extreme could be true.

Dave Tyckoson noted that "libraries are actually very good at adapting to change"—without, in most cases, losing sight of fundamental functions and missions that don't change rapidly. Ammie E. Harrison had a useful real-world perspective on the "do it MY way or you don't exist" idea:

> I may receive a text message that needs a different "venue." When I ask the person to email me, they do not balk and act as if I requested for them to chisel the information into a stone tablet using cuneiform. They send me an email and are often delighted that I am willing to take the extra step to help them.

Something is the Future

Tim Spalding offered this on February 2, 2010 at *LibraryThing*. He calls B-T's post excellent and an attack on "a certain form of insipid library futurism." He offers a reason for the oversimplifications:

> It starts, I think, from the popularizers and enthusiasts who take up new technologies and communicate them to the great mass of librarians whose life revolves around other things. To get through the clutter—to be one of the things you take back from a weekend of ALA or PLA talks—the message

> is simplified and the rhetoric ratchets up. "This is useful" loses out to "this will save you." As it passes through libraryland the cycle repeats in spirals of simplification and amplification. Over and over I see broader intellectual discussions of technology and the future of libraries reduced to trivial and ephemeral exhortations like "every library needs to be on Meebo!" or "the future is SMS!"

I'd like to believe that, but I think there's a lot more than cutting through the clutter. In any case, that's not where Spalding is going:

> At the same time, you're missing something. I don't know if you're missing it for real, or just in this focused expression. But there's a powerful "yes but" here, and it needs saying—shouting even!—lest people take the wrong thing from your post.
>
> For all the nonsense and hype, libraries are subject to an extraordinary and rapid cultural change. They have already changed drastically—especially if "libraries" means what libraries mean to culture generally, and people who don't work in them.
>
> Libraries are in the "information business" and this business is in one of the most profound transformations in human history. This isn't buggies vs. Stanley Steamers—different ways of getting to the haberdasher. It's horse-and-buggy culture vs. everything the car has brought...
>
> The world is changing, and for all the noise about this or that technology, I don't think libraries are dealing with it squarely. (Forget Web 2.0; libraries haven't really ingested Web 1.0 yet.) "The future is X" isn't the best response to that change, but it's a response.
>
> I expect your post will get wide circulation. It says something that hasn't been said before as well. But if it prompts librarians to dismiss technology's impact on the future of libraries, it will do great harm. Instead, I hope people use your essay as a way to "kick it up a notch" intellectually, get past the small stuff and confront the very real changes ahead.

Why does Spalding believe libraries aren't coping? Hard to say. It's an assertion, along with the "most profound transformation" assertion. The final paragraph is peculiar—since *nothing* in B-T's post says "ignore technology." Not for the first time, I wonder at Spalding's ability to lecture librarians on what they should do...without much apparent knowledge of, or interest in, what they *are* doing. B-T responds first—and doesn't disagree with Spalding. Or maybe he does:

> If anything, I think the heated rhetoric makes it easier to ignore the difficulties of changing significantly or improving services, especially in a large library. Libraries can be sclerotic organizations, but in dealing with a large system there are a lot of people who need to be convinced and a lot of effort to make significant changes. There are bureaucracies to please and committees to form that have to be managed effectively. I see a lot of cheering, but not much discussion of how to persuade the powerful but unpersuaded that such changes are indeed good for libraries and their users. There's a lot of complaint about systematic barriers but not much discussion of how to use or bypass them.

"The world is changing" is not persuasion; it's empty rhetoric. Any argument that ignores *actual use of libraries* and library supporters is likely to be ineffectual, because it conflicts with the real world. The second comment—from a new LIS student—notes that library schools are definitely "embracing Library 2.0" (whatever that is)—but also that "no one is ever going to abandon old fashioned books." That's an overstatement—I'd guess millions of people will do so, if only to make a point—but it's a useful one. (Another library student partly disagrees...and, unfortunately, talks about taking an LIS path "which is basically Luddite," a term that really doesn't help at all.) A bit later, we get one of those cases that makes you wonder about supposedly tech-savvy folks like Spalding: The final comment is clear-cut spam, and (at this writing) has been on the blog for more than a month. Is it only us Luddites who actively prevent spam comments?

Re: Nothing is the Future

Also on February 2, 2010, by "Andy" at *Agnostic, Maybe*. (This blog is quasi-pseudonymous—Andy's last name turns up often enough in other social media, linking to posts, but he chooses not to include his last name in his "About the author." Curious, that.) Andy has another take on B-T's post:

> I feel that there is an excellent lesson to his post: while librarians can and should act as leaders for their patrons, they should also be followers and listeners. I see librarians as bridging the gap between the past and future, interacting on a medium of the patron's choosing. While we should have an eye to emerging technologies to gauge their development and adoption by society as a whole, it behooves us to remain mindful of the established and accepted communication media.

["Media" isn't the word Andy repeatedly uses as the plural of "medium," but I'm unwilling to use his word.] He seems to be saying libraries *should* start

using new communications tools as soon as they're available ("the patron's choosing"):

> [P]eople still interact with the library using letters, telephone, and other last established technologies. There should be no rush to usher to declare these media dead in the favor of what holds the current fancy of the technological vanguard.

I'm not sure I've seen anybody call for libraries to abandon email, postal mail or phone service. So I really see this as a call to adopt new techniques as soon as (what? one? several?) patrons show *any* use of them.

I applaud Andy's call for attention to local needs—and have no problem with Andy's suggested alternative, "People are the future." But I get confused by a footnote that, among other things, includes simple Or Thinking: "as all forms of television and movie content make their way to online." That's a given, that The Future for visual content is online? Amazing how easy it is to slip into Or Thinking.

In the comments, Tim Spalding speaks of "library obstructionists" and the need for "library futurists" to tell libraries what's coming and what they should be doing. He closes, "In sum, don't give your patrons what they want. Do a little bit better?" Better *by whose standards*? Peter Bromberg says that might be fine changed to "Give your patrons what they want *and* do a little better."

Another response appeared on February 3, 2010 at *librarytwopointzero*, and it's a short and somewhat difficult one. I think citing my *four year old* LIBRARY 2.0 AND "LIBRARY 2.0" as a good previous discussion of B-T's theme is odd, and I wonder about this:

> Repackaging the library may seem foolish to some, but I think we may all agree doing everything the same, everyday is dull and repetitive. Yeah, second life maybe not the future or blogging, but at least you may improve the service and your own skill set.

And, for that matter, this:

> [P]eople today have adapted to the web 2.0 idea for career reasons just as much for helping users. In the world today our library careers are based on short-term contracts. What we learn and can transfer to similar roles are as important to us as ever. Without a new skill set to assist our resumes we are dead in the water.

I was not under the impression that most (American, at least) librarians based their careers on short-term contracts. Have I missed something? I do agree that adding new skill sets probably improves your future hirability—although I wonder whether claiming to use Second Life or various "2.0" tools constitutes demonstrable new skill sets.

Andy was back with a second response on February 3. This time, he's arguing that B-T's post is *not* a response to Library 2.0 as such (or to Library 101, not *at all* the same thing). Then things get strange:

> Mr. Bivens-Tatum is addressing all forms of library future hyperbole. While Library 2.0/101 make an excellent target for such criticism, the logic presented also makes an excellent case for the librarians who are overly cautious and/or completely rejecting minor changes to the practice and profession (e.g. the people who make the overzealous argument that rejects any new service, program, event, material, web tool, or website based on their own biases without patron consideration or input). It's a dangerous, dismissive, and ultimately untenable position to maintain in this information-communication revolution. It's antithetical of the evolution of knowledge and ultimately critical of anyone working on better content delivery, regardless of their means and methods. If the zealotry of the web 2.0 techno-narcissists with their grand prophetic-like innovation announcements is bad, then their counterpart in the sneering cynical criticisms of pompous ludbrarians rejecting deviance from the status quo is equally harmful for rational forward looking discourse.

Huh? That straw man—pompous "ludbrarians" rejecting change entirely—is burning pretty brightly at this point. Andy throws in a bell-curve chart that says B-T's argument "refutes" two relatively small groups, which he characterizes as "We are OK as we are!" at one end and "We need to change *now*!" at the other. But those are *not* the extremes, at least not as I read the literature and hear from librarians. The extremes are "No change whatsoever is needed"—a group with an astonishingly small population, as far as I can tell—and "*Radical* change is needed *now*!"—which is, I think, the other end.

If the middle is where most of us are, and I believe that to be the case, then the middle must be "We're always changing, but it's an evolutionary process."

The last paragraph is interesting:

> It's really time to get past the crap, get over our hang-ups, and talk like adults. This divisiveness

> that has been generated is really beneath a profession who values the free exchange of ideas. Let's start acting like it.

Fine, except that "ludbrarians" as a term *incites* divisiveness; it's spreading the crap, an odd way to get past the crap. The second response, from Kimberly, emphasizes that in an odd way:

> Your last paragraph resonates with me, as well. I am currently in library school and there was one class last semester in which I spent a lot of time frustrated with future ludbrarians and felt myself getting closer and closer to the right end of that spectrum.

So a paragraph calling for adult discussion and against divisiveness is met with being "frustrated with future ludbrarians"—which works against divisiveness *how*?

Preaching and Persuading

That's Wayne Bivens-Tatum's followup, on February 3, 2010 at *Academic Librarian*. He's puzzled by parts of Tim Spalding's response:

> What puzzles me was how anything I've written could prompt "librarians to dismiss technology's impact on the future of libraries." I'm not even sure how anyone could do that. My point was more that no one technology is going to be *the* future.
>
> My approach and those of the librarians I've critiqued might be formulated as one between preaching and persuading. There's an evangelical tone distinctly present in some of this. It's always a stark dichotomy. Do what I tell you the future is or libraries will die! It's so hyperbolic it's hard to take seriously. I, for the most part, *am* the converted, and I still find the preaching grates on me.

B-T contrasts this with, for example, the "blended librarians" initiative, which involves serious discussion and reasons to change: "There's nothing apocalyptic or hyperbolic, but neither is there any attempt to avoid serious thinking on the problems we face if we don't make some serious changes."

> Changes have to be specific and they need reasons based on a common mission. What are we supposed to be doing and how can we do that better? Will this new tool or organizational change help us accomplish our mission? How? If people are agreed on what the goal should be, and it's clear how introducing change X will accomplish that goal more effectively without creating havoc, they'll be more likely to accept it. Politics is about compromise and progress often consists of gradual but constant change.
>
> If you want to lower morale and create chaos, by all means come storming into your workplace with sweeping revolutionary changes that upset everyone and try to implement them because this is the "future." To discuss contentious issues of change and try to move forward, hype doesn't help. Hype hurts. Hype alienates as much as reaction.

B-T is *very* clear about true reactionaries: "My opposition is to all future hyperbole *and* all reactionary stances. The radical and the reactionary have very similar mindsets, both uncompromising." He also believes libraries aren't "perfectly okay as they are" *and* that "none need to change *everything* immediately." [Emphasis added.] The range of truths (not "the truth") lies in the middle.

> Change isn't made by a blog or from a conference podium. Changes are made in offices and conference rooms, in whispered hallway conversations and lunchtime banter. People are persuaded less by bold proclamations than by calm conversations and careful evidence. But the people doing the persuading need to think concretely and strategically. The moral support they might get from true believers is useful in its place, but more useful are arguments, evidence, and strategies of persuasion.
>
> And these arguments and evidence must be particular to a given library. Nothing is the future for libraries because libraries are all different. The pressing changes needed in my library are not the same as the ones needed at the public library down the street. Futures have to be envisioned in particular places to solve particular problems and negotiated with particular audiences, but it's hard to make a big name for yourself with that sort of thinking.

Good stuff. Here's another point—one that becomes obvious the more I write and think about this stuff, and one people should consider. If there is a significant mass of true reactionaries, people as fervid about changing *nothing* as some "library futurists" (scare quotes intentional) are about the need for radical change *everywhere*, I can guarantee you this: **They're not hearing you**. They don't read blogs, they sure as hell aren't on FriendFeed, they don't read *Cites & Insights* (it's not fully professional literature)... By yelling at them, you're wasting your breath and alienating those of us in the middle.

One (anonymous) commenter asks an interesting question: "Does anyone have any documented cases of librarians actually claiming that 'We are okay as we are?'" B-T says he's definitely heard librarians say "more or less just that" and "seen them fight any change at all"—but also that "the hyperbolic and apocalyptic approach can

make anyone who isn't as hyperbolic and apocalyptic seem reactionary by comparison." I don't doubt that there are *some* librarians (mostly near retirement—what field doesn't have people who stopped thinking years ago and are just putting in time?) who brook no change at all; as noted above, I'm pretty certain these people are not and will not be engaged in this discussion.

A lay librarian's thought on "Nothing is Future"

That's Bohyun Kim, on February 4, 2010 at *Library Hat*. Kim thinks her reactions to B-T's posts (and responses) "have gotten surprisingly long," but at some 460 words (plus intro and quoted material) they're really not. (I'm not quite sure what a "lay librarian" is—Kim has an MLIS, is in a professional position and is professionally active.)

Kim quotes Derek Law saying [academic] libraries have failed to step back and view their roles in a broader context. As Kim puts it, "The problem seems to be that overall our library world appears lost on what a library should be in the future." There's a lot of conversation about the new and catching up, lots of "Have tos" but less focus on "Why" and "For what." Kim thinks librarians have been "working hard and frantically" on catching up with the latest trends"—"Yesterday wiki and blog, today Facebook and Twitter, tomorrow mobile websites, content, and devices."

> But, now that we have done so, are we significantly better off? Have our efforts significantly changed the way our users and our parent institutions perceive us? Why this nagging suspicion that we all seem to share and worry about, i.e. libraries are still ill-prepared for whatever the future will bring about? Why doesn't this doubt cease that we are running in parallel with our users and parent institutions rather than running together as a team?

I think a root issue here—the future role of a library in its parent organization—needs to be read differently for public than for academic libraries. For public libraries, the *relevant* "parent organization" is, or should be, *the community*—not Parks & Rec (if that's where the library lives) or the City Council (if the library's an independent department).

The Lesson of Library History

Wayne Bivens-Tatum again, this time on February 15, 2010. The start:

> Some librarians seem to be obsessed with technology and its relation to their own obsolescence, maybe because they falsely believe that librarians are slow to adapt to technological change. In the counterfactual world of luddite librarians, perhaps libraries would become obsolete. But we're not living in that world.

That introductory paragraph requires careful reading. B-T is *not* saying there are no reactionary librarians; he's saying the field *as a whole* is not all that slow to adapt to technological change.

He's willing to label one comment as *being* hyperbolic and apocalyptic, namely "if libraries are slow to adopt 'faddish' technologies (whether or not they fade in a few months) they will quickly become obsolete (in the view of patrons) in this on-demand age." Hard to disagree that that comment is hyperbole. But this time around, B-T wants to talk about technology and libraries rather than hyperbole.

He doesn't understand the fear of obsolescence.

> What is this fear based on? My commenter seems actually to think that if all libraries are slow to adopt whatever technology is hot at the moment, then people won't use libraries. There's no evidence or argument to support such a hyperbolic statement. Would anyone these days claim that a library is going to become "obsolete" because it's not represented in Second Life?... As long as scholars are doing academic research, libraries will not become obsolete. Will libraries change? Definitely. Will things be vastly different in 20 years? Probably. But the future of academic libraries is as dependent upon the future of higher education and the commercialization of scholarship as it is on instant adoption of any given communication technology.

While B-T clarifies (portion omitted) that he's primarily concerned with academic libraries, I believe the fear of rapid obsolescence for public libraries is similarly ill-founded. He also doesn't buy the "slow to adapt" argument and, in this case, cites history, noting a Robert M. Hayes article.

> MARC, DIALOG, OCLC, RLIN—all created in the late 1960s! Libraries were creating OPACs in the 1970s. How many department stores had online searchable catalogs in the 1970s? From microfilm to digitization, from punch cards to OPACs, from the telephone to IM, librarians have been adopting new information technologies for decades to provide library users with improved access to information. Far from lagging behind, they've been pushing the technology to its limits in their search for improved library services.

As one who's been involved in that pushing since 1968, when I designed and implemented my first

library automation system—and who knows that automated *circulation* systems were already in use in the 1960s—I applaud. And, *of course*, "the entire technical infrastructure of libraries is still evolving" and will continue to. B-T says academic library users gain more benefit from a link resolver than from Twitter; I suspect he's right.

Then we get to the nitty-gritty, and here I recall the same appalling (and, frankly, pointless) 1971 article quoted indirectly:

> Sure, there has always been resistance. The [Hayes] article has a great quote from a 1971 *College & Research Libraries* issue: "In sum, our experience with the computer in library operations has been one more replay of The Emperor's New Clothes, and what we were led to believe were distant mountains laden with gold, available merely by boring a drift in the slope, turn out, upon close inspection, to be the hairy buttocks of the well-fed computer industry. And from such a source we have gotten exactly what we should expect." But what should be clear is that while there are obvious dead ends (such as library catalogs based on IBM punch cards in the 1950s) to feed such resistance, the resisters in the aggregate *always lose*.
>
> They always lose because they're always in the minority and in general they're always wrong. The early adopters are also in the minority, and they're often wrong in the particulars, but error spurs innovation as surely as success. Technological innovation doesn't hit every library equally, making nonsense of claims about "libraries" becoming obsolete if "they" don't adopt some change wholesale. There aren't universal solutions to universal problems. What we have, and what we've always had in librarianship, are librarians working away in various places experimenting and exploring, trying to figure out if some new technology will improve library services. When they show that it can, word gets around, the idea spreads, and other librarians give it a try regardless of the resistance. "We've never done things this way" loses force against "This worked at other places, and there's no reason it shouldn't work here."

Hardly the rantings of a reactionary. B-T is suggesting that evidence is more useful than rhetoric and that local solutions work better than universal nostrums.

B-T quotes Hayes on the future of libraries—noting that forecasts of their demise have been heard for "at least the past three to four decades" but that they're likely to continue to be essential. Hayes is an And thinker: "It is also a fact that the effect of electronic information resources was to increase not decrease the use of the library. The various forms of publication are complementary and mutually supportive rather than being substitutes for each other. The use of any of them leads to increased use of the others, and the library serves as the agency for access to all of them."

B-T closes:

> Libraries are not going to become obsolete. That statement is more provable than its contradiction, because at least I have precedent on my side. The claim that libraries will become obsolete for whatever reason has nothing to support it, and certainly not the false belief that librarians don't adapt well to technology. They've been doing it for decades and doing it successfully. If you want to see how librarians will adapt to technology in the future, just see how they adapted in the past. The lesson of library history tells us to expect adaptation, innovation, improvement, resilience, and endurance. I find that a more positive and more believable statement than any amount of panicky hyperbole.

I don't have a lot to add. Comments begin with Meredith Farkas thanking B-T for the post and noting the problems with universal nostrums. "Every patron population is so different and we need to be cognizant of their culture and how they use technology and meet them where they are. It's all about **our** users." Most commenters applaud (fairly standard for liblogs and other blogs), although Amanda does fear for the future of *physical* academic libraries. (Meredith clearly does not.)

How can I wrap this all up? First of all, no, Wayne Bivens-Tatum was not just offering a pale echo of what I did in 2006. I was focusing on one ill-defined bandwagon; he's looking at a tendency that has some overlap with that bandwagon.

Second, it strikes me as implausible that B-T's posts could be read as supporting reactionary librarians, as saying "we don't need to consider change at all." I believe he *is* making the case that hyperbole and apocalyptic predictions damage the case for change, by overstating and by turning off those who might otherwise favor incremental changes.

Third, it seems utterly clear that there *are* people calling for libraries (all libraries?) to jump on every fad for fear of becoming obsolete—that may be a straw man, but it's one capable of making comments.

Fourth and finally, for now, the goal of adult discussion is a good one—but claiming you're

against divisiveness is hard to square with tossing out snide labels for those who disagree with you. If you call someone a Luddite or a ludbrarian, don't be surprised if they think of you as an asshat. Who knows? You may both be right. (And, to be sure—but I think it's worth repeating—those who are truly reactionary *aren't engaged in these discussions* because they're not involved in social media or reading gray literature.)

Various Library Futures

Here's a range of commentaries about the future(s) of libraries and library services. If you keep in mind the discussion above, it may help—particularly the possibility that overstating the need for drastic immediate change may *hurt* the goal of continued library improvement. As usual, items are generally chronological.

Musings on Periodicals

This one's from February 8, 2008—a long time ago, but the post is an evergreen. It's by Iris Jastram at *Pegasus Librarian.* Jastram has shown herself to be an And thinker (or Inclusionist)—and a smart one at that. This is no exception.

> Personally, I love electronic journals better than print journals in most cases. There's just so much more you can do with them... So faced with a list of journals and the choice to continue with the print subscription, flag them as candidates for e-access only, or cancel them entirely, I'd go with the electronic version in a heartbeat for many, many titles.

Then comes the "however" cases—areas where she's not ready to see print go away:

> Periodicals that include ads or images that aren't indexed or included in the electronic version. I spend enough time with my American Studies students (and my colleague spends even more time with her History students) finding ads and images that being forced to give up basically our only accessible copies of these ephemera makes me weep for the students of 20-years-from-now who will be basically prevented from pursuing whole swaths of research topics.
>
> Periodicals that include or are primarily composed of fiction, poetry, or art. These genres are used in many ways, some of which are enhanced by electronic access, and some of which are decidedly NOT. I want to leave the door open for the later cases.
>
> Periodicals that are routed and that a) don't have good alerts built into the electronic version or b) are routed to people who don't care for alerts because they and their workflows are set up to need the thing itself sitting and staring at them before they'll be reminded that they actually did want to sit down and read for a while. I'm that way, myself, with some things. Not with my professional journals, but with some things, so I can entirely sympathize.

Strong as I believe the second case is (does it *really* make sense for architectural and art journals to go e-only?), the first one is particularly compelling. I did a substantial research study that relied *entirely* on ads in *PC Magazine* during its first 20 years—research done at the college library my wife was then director of, which had a full run of bound volumes. Without those, the research would have been impossible.

Jastram also offers four questions and one assertion for other periodicals. Summarizing slightly: Does access include PDF full text? Is perpetual access included? Is the interface usable—with understandable search results? Are there RSS and email alerts for new issues (and searches)? And the assertion: "It sure would be nice if we could still send articles to other libraries via Interlibrary Loan."

Oddly enough, there were no comments—and the only trackback is from, well, Iris Jastram, on February 25, 2010, as *another* biennial serials review comes around. She cites the two-year-old criteria, which she says really helped—as they should, since they're good ones.

Why has it taken so long to comment on this post? Because it never fit neatly into a MAKING IT WORK essay. Why am I including it in a "future" discussion? Because criteria like these continue to matter, particularly given the all-too-common assumption that what seems to be true for sciences (a future of only e-journals) is and should be automatically true for all other fields. It shouldn't. The hard sciences are not the soft sciences are not the humanities.

The library real-estate bubble

I've mostly abandoned posts from Dorothea Salo's former blog, *Caveat Lector*, because *she* abandoned it for what appear to be sound reasons—but she also left it running (at cavlec.yarinareth.net). I'm going to make an exception for this one, from September 30, 2008, because it raises interesting questions about near-term futures for academic library *systems* (that is, all of the libraries on a given campus)—and because Salo is asking questions, not presuming to know all the answers.

At a Purdue symposium, she was told that Purdue had closed many of its small branch libraries—moving the collections, reallocating positions, *closing* the spaces. This encouraged her to think about "library real estate" and to wonder whether lots of small branches make good sense.

> The other day I was walking from a meeting with a valued colleague when she started on what I believe to be the Librarian's Eternal Plaint: not enough time in the day. We all say that, every last one of us. I do. You do. We all do. Her edition contained something I don't always hear, though. "... and we have to keep the library open and the desks manned somehow!"
>
> Hm. Do we? I wonder. Do we have too many desks to man? Too many rooms and buildings to monitor (and clean, and secure, and provision with terminals and e-reserves scanners and circ gadgets, and route materials to, and put signs in, and...)? Maybe some of the staff and resource overhead that goes into routine space management and service-point provision could find more productive uses?

Here's the key: "I don't know the answer; I'm not being a fire-breathing revolutionary again. I just think we...ought to be asking the question, instead of treating the spaces as sacrosanct." Salo considers embedded librarians and the desire for unstructured time with faculty (harder to do when you're "chained to the desk" in a small branch); tradeoffs involved in maintaining space and in giving it up; and more.

I have no useful contemporary experience to offer—but I do remember Berkeley's branch system, back when I was an ILL page (and got to visit most of them). Unless I'm mistaken, Berkeley did consolidate some smaller branches into larger ones, and I'm pretty sure it worked to the benefit of all concerned. There's not a single answer to this set of issues, but it continues to be a set of issues worth considering.

libraries might not provide content in the future & it's okay

That's from Aaron Schmidt on March 4, 2009 at *Walking Paper*—and he starts by noting that he finally decided to join Netflix based on the "Watch instantly" feature and his realization that he could support Netflix *and* his local rental store.

Then he says how smart it is for Netflix to offer streaming-only subscription plans—based on a story in *PC World* claiming that this would happen "soon." It's now May 2010 and apparently "soon" has been deferred. But I'm more interested in this sentence and facts not in evidence, the exclusionary thinking:

> This is a way for them to not only increase revenue but also it is also a way for them to **transition people through the death of physical formats.** (Emphasis added.)

Schmidt doesn't say "this would be a good hedge if physical formats declined." Nope, it's apparently a known quantity: "the death of physical formats." There's One Future and it doesn't include physical formats. At all. And Netflix is guiding us there (or was, before their plans changed—remember last month, when I quoted Netflix' CEO saying the company would be mailing out DVDs through *at least* 2030?).

He doesn't stop there. "Holy smokes, the situation is *absolutely incredible*."

> The iTunes Music Store is the world's largest music retailer, newspapers are shuttering and magazines are going web only. I can download 80% of music and movies I want for free? Are you kidding? No? Awesome!

The celebratory sense here is more than a little disturbing; the conversion of a few papers shutting down to "newspapers are shuttering" (with an implicit "all") and *one* magazine dropping its print edition to "magazines are going web only." This is generalization gone gonzo. "Incredible" is the right word, as in "lacks credibility." (The post linked to quotes somebody else—"John Gruber of Daring Fireball"—with the punditry that moving to web-only is likely to be "ever more frequent...as the recession deepens." I went to that original post, and here it is *in its entirety*, evidence and all:

> I have a feeling that print publications turning into online-only publications is going to be a recurring theme during this recession.

So what gives John Gruber such deep insights? He's a 27-year-old technology pundit who runs the Daring Fireball technology blog—that's his *full-time job* (according to Wikipedia, where he's famous enough for an article, noting that *every source in the article* is another website—so much for Wikipedia's famed rules for sources). In other words, he's a blogger (and a self-described Apple fanboy). His background in journalism and knowledge of magazine economics? Nonexistent. (The accuracy of his "feeling"? The number of print magazines

turning online-only in 2009 was a single digit—*three*, I believe.)

Now we get to the heart of Schmidt's post:

> It really doesn't matter if we stop providing content in the same way. It might be the best thing to happen to public libraries. Yes, there will be some access equality issues that need sorting, but if we don't have to concern ourselves with making sure people have access to content we'll have more time to create excellent programs and experiences based *around* content and conversation.

Yep—giving up books and other circulatable objects might be a great thing. Sure, Aaron. And "sorting out" access issues is just one of those minor issues. Here's the close:

> If anything, we should consider books, movies, music and computers loss leaders and show people what we can really do for them once we're lucky enough to have them in our buildings.

Programs and conversations: *That*'s more important than circulatable materials? That's *the future* of public libraries, and it's a positive one? I find that hard to believe—and I suspect most funding agencies would find it a bit tough to swallow as well. Particularly given Schmidt's example of how public libraries can prosper: Gaming tournaments.

A few items from two dozen comments might be worth noting. Jonathan Rochkind sees *a* future beyond content provision (and if that means that good public libraries do more than just provide content, I fully agree)—but isn't ready to give up content without a fight:

> It may (soon) no longer be necessary to have a whole bunch of content in one place to provide a good research environment. But that's not the only reason libraries have been in the content provision business. We've also been in that business in order to provide *affordable* access to content via collective purchasing and cooperative sharing, access to content individuals would not be able to afford on their own. This is a common mission to both public and academic libraries in fact.

"caleb" interprets an OCLC report as saying that "it's not the books or the content at all that matters," that "libraries are transformational because they are safe and ordered public spaces." As *a* role of libraries, yes; as *the* role, public libraries are an expensive way to provide "safe and ordered public space," if that's all they're good for.

Terry Dawson is a little more down to earth: "Yes, we are increasingly a community center. But let's not kid ourselves: it's access to materials and the Internet that are bringing people to our doors. Kathleen de la Pena McCook has famously noted that information equity is the core value of our profession..." And, as to those shared gaming experiences: "True as far as it goes, but the 'shared experience' part of our service is still only a small fraction of the 'circulating materials' part of our service." I'll highlight Dawson's last sentence: "**We need to intentionally prepare for changes, but I'm not ready to shrug off materials provision in the future just yet**." I'd add that "just yet" is likely to be a very long time.

Patty nails it: "Why would I want to go to a library to exchange thoughts and ideas about materials that I have found and (using the examples you have cited in the first six paragraphs) paid for outside of the library?" She can go to an online community; she can go to Starbucks. I disagree when she says "the **only** reason why people are flocking to libraries today is because of a bad economic situation" (emphasis added)—that's counterfactual, since library circulation has been rising for *many* years, boom or bust.

Some people say that it's *not* OK for libraries to be cut out of digital distribution (and they probably won't be)—but in two cases, I fail to see recognition that digital is *not* necessarily becoming the sole means of distribution any time soon. I got involved, saying (among other things):

> I think tens of millions of Americans–let's say roughly half, since the median household income in March 2007 was $48,201 in 2006 dollars–may not agree that stuff is so cheap they'll just buy everything for their ebook devices because it's so convenient. Those are the people who *need* libraries with good circulating collections. (Remember: Median: That means almost exactly half the households in America have *less* income. And that's gross income, not spendable.)

One commenter said nobody browses the stacks in their library. I found that not true in the libraries I use, and Terry Dawson said the same and continued:

> This is not the time to assume that content is passé, nor that broadband access to a variety of electronic media will be universally available. Even people who can buy a Kindle or iPhone and subscribe to Netflix are likely to support public library collections for those less affluent.
>
> Sure, we're developing a mobile website, etc. But we're putting even more effort into collecting

> physical items. Materials aren't loss leaders; they're the core of our services, and will be for the foreseeable future.

A fair number of posts commented on this one. One of the more astonishing ones is "Inherit the Wind" by Jason Griffey, posted March 10, 2009 at *Pattern Recognition*. Here's what Griffey believes:

- It isn't likely that any major national newspaper will still be in print in 5 years.
- Magazines will almost certainly follow...their collapse may be more slow motion because they have a different advertising base, but it will come.
- Hardcover books are next to go. They are, in effect, just publicity engines.
- After that, I'm betting that the slowly-dwindling dead-tree printing that is done becomes, essentially, a beskpoke process where there are paper-fetishists who purchase "books" for their sensory natures. But 99.9% of publications will be digital.

The first one might be a trick: There are only two national newspapers at this point, *USA Today* and *Wall Street Journal*. The second is actually increasing circulation, the first isn't. I suspect Griffey doesn't just mean those two, though. The rest are simply assertions, coupled with a snide comment in the last one about those who prefer print books. I've never thought of calling Griffey a digital fetishist, but maybe that's appropriate. In the next paragraph, he calls this a "5-10 year spiral," so I guess all print publishing will be gone by 2020, right?

Griffey is consistently an exclusivist, a Digital Futurist with no room for anything else:

> **As the analog dies** and the digital rises, unless we get in front of the content providers and claim our place at the digital table, we run the risk of being increasingly marginalized.

How clear-cut can you get? The new always destroys the old; just because that's almost never been true until now, "we" *must* assume it's true for the future.

What's the problem here? It is, I believe, that the nonsense of asserting that physical media are all going away—and the celebratory tone of that nonsense—gets in the way of rational discussion of what to do about digital resources. That's a shame, because digital is no more disappearing than analog is. Some commenters on the original post are absolutely right: It's *not* OK to simply accept the idea that digital distribution can or should lock out libraries. That's not true for ebooks, journals and classical music right now; it should not be true in general. Keeping libraries and free distribution in the loop *will* require compromises—probably accepting limited DRM with the effect of putting digital copies into the same only-one-circulation-at-a-time realm as physical copies, but without the stringency of some DRM. I see no reason to believe libraries can't function in that role. I also see no reason to believe digital distribution will be the be-all and end-all.

Here's how Terry Dawson puts it in "The Death of Content?"—a followup post at *the New Cybrary* on March 5, 2010:

> I think we need to be serious about content provision in new ways. It doesn't bother me that users will get new content in new ways—I enjoy streaming Netflix too—but we have an interest in assuring that diverse content is broadly accessible. Although equity of access and quality shared experiences are both critical for public library, the importance of access will continue to be primary for the foreseeable future. I suggest we need to do several things:
>
> - continue collective action on DRM legislative issues. ALA has terrific resources on this, and we may currently have a more receptive audience in Washington than we've seen for awhile;
> - our market muscle may not be huge, but it exists: we can encourage vendors to broaden offerings and make them easier to use and license, e.g. Overdrive's adoption of MP3;
> - continue to develop other digital resources via digital and digitized collections, robust vital websites, chat reference and the mobile web
> - continue to help our patrons know that however content and information channels change, however the digital divide evolves, librarians have a commitment to helping them get access to the resources they need;
> - continue to do our best to work with currently available media—seems like a no-brainer, but **people are borrowing more books than ever**. [Emphasis added.]
>
> Libraries' role as content providers cannot be a warehouse function only, but needs to look forward as well as backward. Libraries' role as an agency of transformation needs both sacred communal space and connection to unlimited possibilities. Digital excitements notwithstanding, the novel and the picture book seem stronger than ever and not likely to go away soon. I'm glad teens can play Guitar Hero here, but that doesn't supplant the importance of a parent with a toddler in their lap reading *Goodnight Moon*. Some

> parts of libraries' transformative power are more intimate than they are collective.

This is an inclusionary stance that keeps libraries in the loop for *all* forms of content. Focusing on some of Dawson's ideas seems much sounder than claiming that physical is going away. If at some distant point, most physical content *does* go away, librarians will still have roles considerably more sustainable than as custodians for community centers.

10 questions about books, libraries, librarians, and schools

That's from Scott McLeod on *Dangerously Irrelevant*, posted November 3, 2009. I only encountered it because Doug Johnson cited and quoted a big chunk of it at *Blue Skunk Blog* on November 5, 2009. McLeod is an academic dealing with schools (that is, K12 education)—and Johnson's a school library person.

McLeod's questions, with portions of his expansions and some of my comments:

> 1. What constitutes a "book" these days?

His expansion cites all the supposed advantages of ebooks, so his real question is whether book continues to be the right term.

> 2. [You can annotate a book passage on the Kindle and might eventually be able to share those annotations.] What kind of new learning capabilities will that enable for us?

Apart from DRM issues, I wonder whether his future scenario—push a button on your ereader and see "everyone else's notes and highlights on the same passage" is utopian or dystopian. It's a different kind of reading, one that may frequently complement but hardly replaces solitary reading. I, for one, *hate* it when someone's annotated a library book: I'd rather do my own interpreting, thank you very much. But different uses for different tools...

> 3. If students and teachers now can be active content creators and producers, not just passive information recipients, doesn't that redefine our entire notion of what it means to be information literate and media fluent?

The paragraph asks whether librarians and teachers are doing enough to master these "new literacies." I'm inclined to suggest that this question is about 15 years late—and that things like the iPad may push back in the "recipient" direction—but still worth considering.

#4 is about the Cushing Academy, that "bookless" wonder. "How tough would it be for other schools to move to this model (and what would they gain or lose as a result)?" Interesting question—and as long as "or lose" is part of the consideration, worth discussing.

> 5. **When** books, magazines, newspapers, reference materials, music, movies, and other traditional library content all go electronic and online—deliverable on demand—what does that mean for the future of the physical spaces known as "libraries?" [Emphasis added.]

Pure exclusionary thinking, amplified with the "*all* go electronic and online."

#6 speaks of an increasingly complex information landscape, says we still need people to navigate and teach navigation—"But does that mean we still need "librarians" who work in "libraries"? Or will their jobs morph into something else?" Valid question, I suppose, once you've gone along with the earlier premises.

#7 suggests outsourcing librarians' work, and it's one of those questions you could apply to any profession or field, certainly including education professors.

> 8. Can a librarian recommend books better than online user communities and/or database-driven book recommendation engines [such as Amazon]?

Since I rarely ask librarians for book recommendations and since I find Amazon's aggregated reviews nearly useless, I won't comment here.

> 9. If school librarians aren't actively and explicitly modeling powerful uses of digital technologies and social media themselves and also supporting students to do the same, should they get to keep their jobs? And if they are doing so individually (which is what we want), what's their responsibility to police the profession (and lean on those librarians who aren't)?

Whew. Confrontational, much? Are school librarians provided in sufficient number and with sufficient resources so they can *all* be doing this stuff without abandoning their patrons? I emphasize *all* because of the second question: He's pushing for universalism.

> 10. There is no **conceivable** future in which the primacy of printed text is not superceded [sic] by electronic text and media. [Emphasis added.]

Really. [He's an education professor and this was clearly a carefully-prepared post, so I'm not going to quietly correct the spelling error, as I normally do when quoting posts.] Given that sentence, is there any point in repeating the question?

He used these questions in a couple of conferences, assuring librarians that he has nothing against them and "was just asking questions that I thought the profession should be discussing." That's nonsense—some of those questions are loaded enough and include assumptions such that "just asking questions" doesn't cut it.

He quotes some reactions. They're hard to interpret since we don't know what else he said. The direct commenters include one who notes how cost-effective a cheap picture book can be and the unlikelihood of providing Kindles for all the students in a typical school. Joel VerDuin offers a detailed set of answers to the ten questions, and an interesting set it is. He wonders how seeing *everybody*'s notes on a piece of text would make things better; he wonders how students and teachers haven't already been content creators with "paper, pencils, markers, paint, words, gestures…"; he suspects a school librarian may *think* about book recommendations in a way Amazon can't; and he calls #9 "nonsense thinking"—the idea that job role "A" is "the perfectly correct and perfectly agreed upon role" and that you should be fired if you aren't doing "A." He points up something that struck me and may help explain why some librarians felt that McLeod was negative about librarians:

> These are not the types of questions one would ask if one was seeking dialogue and understanding. These appear more to be along the lines of, "I have a preconceived notion—please tell me why I am wrong."

McLeod responds—and in doing so makes his exclusionary thinking even clearer. He mentions things that "went away" when people felt they no longer added value—like travel agents, newspapers and publishers. "And marketers." Right. As for #9, he uses "new paradigm" and basically says those who fail to adapt should be fired—and fails to recognize the possibility that his "new paradigm" isn't one everybody agrees on. I love one sentence, since it carves out disagreement so neatly: "Does anyone in the know think that mastery of social media isn't an important skill these days?" If you disagree, you're *not in the know*.

One comment (from a teacher) is so error-ridden I shudder to think this person's charged with creating literate children. "Donna" offers a detailed response that shows enormous good sense; she's an elementary school librarian. If you're interested, read her comments at the post itself (#23—scroll WAY down). Gotta love her response to #9:

> 9. Should administrators, school board members and political leaders get to keep their jobs when they overload their most technologically savvy instructional leaders with menial tasks and cut paraprofessional staff to the point librarians are reduced to clerks and a babysitters for teacher conference periods?

On the other hand, Donna has "a very large imagination fed by all of those dreadful plain print children's books that can conceive of a future which does not economically support the complete transition to electronic text and media for everyone." So, you know, she's not *in the know*—she disagrees with McLeod's Single Future.

"Brian," #24, gets some of that too, beginning with a pungent paragraph:

> This whole discussion makes me wonder if anyone writing articles or giving presentations in the educational field has a sense of reality.

He's another one who wonders who's going to pay for all those ereaders. He thinks some of the questions are like "what will the oil company employees do when all the cars run on hydrogen?"

Doug Johnson quoted the questions (in full) without adding much beyond his own prefatory remarks. He thinks librarians (school librarians?) tend to be "a professional echo chamber in our journals, blogs and conferences" (which is why there are no differences of opinion *ever* in *C&I*, right?) and that librarians need to "explain our values and mission and realities [to people like McLeod] without sounding defensive, self-serving or reactionary." I'd comment that it's tough to avoid being defensive when someone appears to be attacking you. While Johnson didn't comment directly on the questions, his readers did—22 comments to date. The first is from Joel VerDuin, already noted above—and he considers a defensive tone predictable because of the question wording.

Libby—an academic librarian—responds to questions 3, 7 and 9. She doesn't see students as content creators as "new in any way"—after all, assigned essays are content creation. For #7, she notes some of the things she's currently doing for students that couldn't be outsourced effectively—and she's another one who finds that #9 "just pushes my buttons and makes me mad."

> I don't think that not being on the very cutting edge of technology even *makes* school librarians

> mediocre. Many of the university students I work with know how to use social media to the hilt (for personal use, at least), but can't write a bibliography entry. Why shouldn't the school librarian who doesn't quite get Facebook, but knows that every one of his/her students leaves understanding what a bibliography is, how to write one in some approved style, and how to get help learning other styles keep their job, and indeed be acknowledged for this contribution to the students' education?

Michael Doyle has a little fun, and I love his start:

> Futurists are charlatans, and they know it, we know it, but it's fun to gaze into crystal balls, so we play the game.
>
> Like fortune tellers and seers, they state the obvious in deep and mysterious ways, which is not hard, since the future is (in our heads, anyway) deep and mysterious.
>
> Scott McLeod has a nice side job stirring folks up. So long as he doesn't get swallowed up in his own hype, he performs a necessary service, and he performs it well.

Doyle also takes issue with the start of #19 ("There is no conceivable future")—it "either reflects brilliant tongue-in-cheekiness, or a lack of imagination."

Erin Downey Howerton, who I hadn't previously encountered, writes at *schooling.us* (schoolingdotus.blogspot.com) and offers a set of answers for McLeod's questions on November 3, 2009. Howerton seems pretty clearly a fan of digital technology (she works at the Johnson County Library). A few of her comments, paraphrased or quoted:

#1: Libraries have been circulating media beyond books for a long time—and I like this: "Libraries are story repositories, and whether those stories are accessible through hypertext, games, songs, movies, or any other form of media is sort of… um… irrelevant." I'm not sure I agree 100% with "irrelevant" (I'm sure I wouldn't, actually, because the medium *does* affect the story in many cases), but the idea of "libraries as story repositories" is one I've been pushing for considerably longer than the Shanachie folks she links to.

#2: *Your chosen community*'s notes may be relevant; having *all* the notes may be more distracting than helpful.

#5: Howerton doesn't challenge the single-future premise (I suspect she may agree), but does have an answer for how those library spaces would differ from other community spaces: "What has, does, and will distinguish us from these spaces are LIBRARIANS." Would that be enough? (I started to write "Will that," but that accepts the all-digital library as a probable future, which I don't.)

#7: Here, the answer is locality—good librarians are steeped in the needs and resources of their community, and you can't outsource that. (She also brings up the art of the reference interview—getting the patron from what they *ask* to what they *need*—if indirectly.)

#9—here, unfortunately, Howerton seems to be on McLeod's side: "If they're not at least actively learning about these things and *trying* to use them, then no." And, unsurprisingly, she doesn't challenge the start of #10 either.

McLeod also commented and *absolutely insists* that physical media are going away, and rapidly at that. He brooks no disagreement on this issue. Which makes honest discussion difficult. As VerDuin puts it, McLeod isn't so much asking as asserting—and only accepting discussion within his own parameters.

Futures thinking and my job in 10 years

"Thinking about the future is very hard." That's how John Dupuis begins this December 17, 2009 post at *Confessions of a Science Librarian*. Dupuis loves to do it—but notices that the more he thinks about it, "the harder it is to pin down what I really think is going to happen" for a variety of reasons.

> When I started work at York University in 2000, we seemed on the verge of an incredible digital transformation, out with the old, in with the new, print is dead, everything will be online in a couple of years.
>
> Of course, it didn't work out that way. Progress towards the digital utopia has been slower than I thought, uneven and halting. I'm somewhat surprised by how many print books I still buy and often surprisingly gratified that they're still getting used. Even if everything we had in print was also online, would people be ready to completely abandon print? Journals yes, books, give it another few years.

So far, so good—but now Dupuis *again* thinks we're "on the verge of an incredible digital transformation"—and this time he thinks "it'll happen faster than we expect and will be more all-encompassing and transformative." He does admit that he could be wrong. As you can guess, I think it's likely that he's wrong, perhaps because he's tending toward The Future, and The Future doesn't exist.

Dupuis quotes a futurist and makes a good case for "futures thinking"—an awkward phrase

that seems to mean thinking about possible outcomes and how what we do today does or does not prepare us for a variety of futures—or, maybe, moves things toward a *preferred* future. Most of the post discusses the process of "futures thinking" and some of the questions Dupuis has—and you're better off reading the post than reading a summary I might prepare.

Dupuis asks 28 questions. Some of them seem to involve a *lot* of underlying assumptions, a lot of "when" rather than "if" (e.g., "post media singularity/Open Access revolution" issues and "what will be the last print book I buy"), but maybe that's my uncharitable reading. I know Dupuis thinks hard about these things; go see what he's thinking about. One oddity: He closes the post—which might be an excerpt from a chapter of a book he's writing—by asking readers to respond to some of it. There have been no comments in four months. I'm not sure what that means.

Our Future from Outside the Box

If that last item was mostly a pointer rather than a discussion, so is this one, to the following URL: staging.ala.org/ala/mgrps/divs/alcts/confevents/upcoming/ala/future.cfm. (Or just Bing the phrase above—it gets you to the same place or an equivalent.)

You may know that ALA Midwinter Meetings are supposed to be *meetings*, not conferences—except for the ALA President (and a few ALA offices), you're not *allowed* to have programs.

You may also know that this particular rule behaves oddly. There are the equivalent of preconferences at Midwinter, there are discussions that look an *awful lot* like programs (I was part of such "discussions" as part of LITA Top Tech Trends for several years)—and there are symposia. Such as this one, an ALCTS symposium held all day Friday during the 2010 Midwinter. A bunch of "cutting-edge thinkers" prepared opinion pieces on future issues—and the site links to all those opinion pieces, eleven in all.

I've glanced at the opinion pieces. I wasn't at the symposium and don't know how things went, so I'm not going to comment on them. Do recognize that some of these are very drafty (including typos), and I'm pretty sure that was deliberate. I find some of them absurd, some exclusionary...and some well worth thinking about. (Two of them I find pretty much sensible, but those are by Virtual Friends so maybe that opinion doesn't count.)

Did this symposium reach wonderful conclusions? Will it make a difference? I have no idea. You can go read the papers and see what you make of them.

Yesterday's libraries, tomorrow's libraries—12 differences

Doug Johnson of *Blue Skunk Blog* sets forth 12 oppositions in this March 2, 2010 post, planned for a recorded presentation on library futures for a school audience. Here are the first five:

> 1. Yesterday's libraries were all about books.
>
> Tomorrow's libraries will be all about readers.
>
> 2. Yesterday's libraries were all about getting information.
>
> Tomorrow's libraries will be all about creating and sharing information.
>
> 3. Yesterday's libraries were all about silent individuals.
>
> Tomorrow's libraries will be all about active groups.
>
> 4. Yesterday's libraries were all about term papers.
>
> Tomorrow's libraries will be all about multimedia projects.
>
> 5. Yesterday's libraries were all about bricks and mortar, tables and shelves.
>
> Tomorrow's libraries will be all about online services, digital resources.

This all leads up to the assertion that today's libraries are all about transition, exploration, planning, survival, optimism and opportunities—"or they'd better be if there are to be libraries tomorrow."

I read Doug Johnson because he writes well and says interesting things. In this case, one big problem is a repeated phrase that Johnson may not actually mean: "**all** about." Because, you know...yesterday's libraries were *not* **all** about books unless yesterday means many decades ago—and tomorrow's won't be **all** about readers. The same throughout.

Put it this way: If tomorrow's *public* libraries (and, I suspect, school libraries) are not at least *partly* about books, at least *partly* about getting information, at least *partly* places where silent individuals can learn, at least *partly* about term papers, and at least *partly* about bricks and mortar—well, then, maybe there won't be any libraries.

One commenter—BabetteR The Passionate Librarian—said this nicely. Her comment:

> Do they have to all be either/or? Cannot most be both/and?

The next commenter chose to add even more OR statements, more "**all** about" oppositions. In responding to comments (almost all of which applauded the dichotomies), Johnson said "I am sure this will not be a total dichotomy. More poetic license in pointing out the differences for now." But, Doug, couldn't you get the poetic effect without as hard-line a phrase as "all about"? Even "mostly about" would be better...but, I suppose, less striking.

Thinking about library futures

Seth Godin wrote a brief and deeply ignorant post, "The future of the library," saying *the* role of libraries should be to "train people to take intellectual initiative." Why? "They can't survive as community-funded repositories for books that individuals don't want to own (or for reference books we can't afford to own)" and some librarians Godin talks to tell him that free DVD rentals is their primary business. Oh, and, of course: "The information is free now. No need to pool tax money to buy reference books." Indeed, his opening line is "What should libraries do to *become relevant* in the digital age?"—which means he regards them as currently irrelevant (emphasis added).

His factual basis for all of this? Hey, he's Seth Godin: He don't need no stinkin' facts! Nor does he brook any back talk: Godin's blog, for this guru of social media, does not allow comments.

Terry Dawson responded in a January 11, 2010 post at *the New Cybrary*. Portions:

> Godin seems to assume that libraries are now irrelevant, that books are passe or that people can afford all the books they want and all other information is available free online... [He] begins with the preconception that we're already irrelevant...
>
> Our library circulates a lot of books that people either don't want to own or can't afford--and that's not just reference books. DVDs are hardly the number one thing our library does: most of what we circulate is books and the number of books we circulate has been growing every year, and holding steady as a percentage of circulation for several years...
>
> Godin's assertion to the contrary, information is not free, and that which is apparently free comes with hidden costs. Not everyone can afford even most of the books they'd like to read, nor highspeed Internet connections, nor the databases that hold information they're seeking...

I didn't elaborate on Godin's prescription, one that Dawson finds elitist (with good reason). Here's what Dawson thinks libraries *can* do to stay relevant (those final words are mine):

- recognize that our core functions of education, connection, information equity and opportunity have not changed, though the delivery methods have
- make books and other media available in a variety of formats to meet user needs...
- train people to become savvy consumers of information resources, help provide tools and instruction in their use--and give needed assistance where savvy is lacking
- provide formal and informal community spaces
- have a sophisticated understanding that although the public needs equity and "information wants to be free," publishers and creators of information content want to put food on the table...
- find a variety of channels to push information and learning opportunities out into their communities...helping leaders and non-leaders alike find ways to meet their needs
- actively promote family literacy

That's a good list, and Dawson says his library is doing these things already.

> We're hardly sitting around unhappily contemplating our DVD circulation. Education and libraries are for everyone. We're looking to the future—and it's exciting.

Nicely put.

The World Without Public Libraries

Here's another one where I'm mostly pointing. March 9, 2010, by Andy at *Agnostic, Maybe*. A 3,000 word discussion of how public library functions might be replicated if public libraries disappeared. It's interesting and I might pick at pieces of it—but it's *not* a prediction. I agree with one underlying conclusion (that libraries should focus on local strengths, serving their own patrons and community) and disagree with his presumption that libraries don't fit into any government spending niche (he seems to ignore Parks & Rec, which are also neither life-and-death services or absolute necessities). I *certainly* agree that too much time and energy is spent hand wringing and invoking "dire warnings of our demise."

Go look. It's an interesting commentary.

Checking Out the Future

Also a pointer, albeit with considerably less enthusiasm. This is a 24-page PDF issued in February 2010 by ALA's Office of Information Technology

Policy (OITP) and written by Jennifer C. Hendrix. Searching "checking out the future" requires fewer keystrokes than the URL. After skimming through it, I think I'll choose not to comment at all. Maybe you'll find it convincing, invigorating and useful; maybe you'll consider the literature review to be broad and balanced. Or then again, maybe not.

Report on the Modernisation of Public Libraries

I'll close with this one. It's from *What's Next: Top Trends*, "The diary of a supposed futurist," dated March 29, 2010—and is distinctly British, which means the writer is dealing with a far different set of public library realities than in the U.S.

The writer favors public libraries—and sees "promotion of reading and the celebration of physical books and local history" as key missions, and actual librarians as important to that mission. He's commenting on a national report that he finds too negative—but does find some good ideas.

He likes the idea of a universal library card (which may make sense in a nation where most library funding is national) and a national library database—but *not* the idea of returning books to one library that are borrowed from another. Here's one that I feel is *very* bad advice—or at least it would be in the U.S.:

> 5. Stop trying to please all of the people all of the time. Young children and seniors are the key target markets for local public libraries. Secondary audiences might be kids wanting to do their homework, people wanting to interact with government services and people running their own businesses. As for teens forget them. They have already been lost, although they might come back when they get older.

Wow. American libraries have not, by and large, given up on teens—and teens certainly haven't all given up on libraries. On the other hand, "do not make libraries loud" is, at least in part, a good idea.

> Best quote in the report? Public libraries are ..."one of the few remaining community facilities. Where else is there free and safe community access"?

A with Australia, the UK's public libraries are not American's public libraries are not Canada's public libraries. I believe *local* will continue to be more and more relevant in all cases (and that local funding and control of libraries in the U.S. is, on balance, a very good thing)—but systems in different nations, those that actually have broadly available public library systems, are all different.

There is no future for libraries. There are many futures, with lots of uncertainty and overlap. You can reasonably predict that most of what's important today will continue to be important in the future—and that new elements will be added, with proportions and priorities shifting. Inclusive thinking can get us there; dichotomous, exclusionary thinking can set us up for failure—and unthinking adherence to the status quo would certainly do so, if this particular straw man represented a significant part of library leadership or practice. I don't believe it does. If it does, there is little hope, because those who are wholly committed to an unchanging status quo *are not paying attention*, almost by definition.

The introduction to this essay ended "possibly branching out to other aspects of futurism and predictions, if space allows." It appears that the last three words are controlling in this case, particularly given that the source materials for that "branching out" are roughly equal to those already used. Space doesn't allow; some other time.

Feedback and Following Up

Making it Work: Philosophy and Future

John Dupuis wrote (on FriendFeed) to clarify his comment (*Cites & Insights* 10:3, March 2010, p. 11) that, in ten years, "we might only be spending one percent or less of our budgets on print":

> When I was referring to academic libraries spending as little as 1% of their budgets on print materials, I was thinking of the 10+ years timeframe. Looking that far ahead, it's extremely hard to predict but I do think that we'll be looking at virtually all *academic* monograph content being online-only. To the extent we buy non-academic materials, yeah, I guess we'll buy some of that in print. But even then, it's not hard to imagine that our users will want to read that content on some sort of reading device, be it a smart phone, a tablet, a netbook, or whatever else those devices evolve into. Not to mention the business model challenges that trade and academic publishing will face in the next 10 years. If I may be provocative for a moment, it's not hard to imagine that we'll be buying all our book (or book-like) content online from Google or Amazon.

I might stick with "possibly, but it seems unlikely"—but Dupuis is a lot closer to academic libraries than I am!

Making it Work: Thinking about Blogging 5: Closing the Loop

On page 17 of *Cites & Insights* 10:4 (April 2010), I took issue with a number of things Steven Bell said in what was admittedly an old post (from October 2008). One of the things that bothered me was this sentence:

> Personally I think it's getting hard to stand out in the crowd and attract the attention of the bread and butter of librarian blog readers—the younger generation of librarians who are accustomed to blog reading.

Part of my response: "You know I'm going to push back on 'the younger generation of librarians'; I don't think blog readership breaks down that way."

Bell emailed me, pointing to a *Chronicle of Higher Education* summary of a Primary Research Group survey of 555 full-time academic librarians, which included this:

> Librarians who were at least 60 years old spent the most time reading print publications, at 31 minutes a day. Academic librarians 30 or under spent the most time reading library-related blogs, at 19 minutes a day.

Bell comments: "My conclusion: younger librarians are more likely to read blogs than older librarians and thus make for a better target market for librarian bloggers."

My response? If the Primary Research Group survey is in fact indicative of the field as a whole—and I have no counterevidence—then Bell was right and I was wrong.

I may think it's a shame—not that I was wrong (I'm used to that) but that older librarians apparently don't read liblogs—but thinking it's a shame doesn't make it false.

Writing about Reading 5: Going Down Slow

On pages 22-25 of *Cites & Insights* 10:3 (March 2010) I discussed John Miedema and his commentaries on slow reading—and also Miedema's approach to blogs, which includes deleting and editing posts. He has stated his reasons for doing that, and—as I said—"I understand and appreciate his reasoning for deleting posts—and urging others to do likewise." Although, by and large, I don't and don't plan to.

Miedema posted a useful followup on February 9, 2010 at *John Miedema*, "Walt Crawford on Slow Reading." Here's his post, in full (but without some links):

> Walt Crawford has written a thoughtful piece on slow reading in the March 2010 issue of *Cites & Insights*. I am honoured that Walt highlighted some of the important themes that I have discussed at this blog and in my book. He also refers to a number of other related writings by T. Scott Plutchak, Will Richardson, and Steve Lawson. Well worth reading.
>
> Walt is not new to the subject of slow reading. In my research, I ran across an article called "Contemplation and Content: Getting Under Their Skins" in the March 2005 issue of *EContent*. While most web pages are written for fast reading, this author recommended writing web content that is memorable, thought-provoking, and resonant. He observed that the various slow movements are a testimony to people's desire to get away from content overload and investigate beneath the surface. Writing this kind of content may be just what is needed to retain readers. The author, of course, was none other than Walt Crawford.
>
> Walt gently (and fairly) pokes at my tendency to move content and delete posts. For what it's worth, yes, I was the author of slowreading.net. Early on, my content moved around a few blogs, but most of it has been transferred here, http://johnmiedema.ca, my permanent home on the web. The URL will remain the same even if my blog name changes from time to time. It's true that I delete blog posts, though that practice seems to be diminishing with time (no promises). Overall, I am happier with the content of my blog over the past several months. Perhaps I have found my voice.
>
> My most recent book project, *I, Reader*, is still cooking fiercely. I have double the thought energy for it now that I have completed my MLIS. I intend to work this book out slowly and carefully. Count on plenty of book reviews and related series here at this blog in preparation for that book.

The book referred to is *Slow Reading*, published by Litwin Books. You'll find information at litwinbooks.com/slowreading.php

Copyright Currents

Catching Up with the RIAA

Remember Jammie Thomas? Or, now, Jammie Thomas-Rasset? She was the subject of one of the more surprising essays in *Cites & Insights* (November 2007, 7:12): SOMETIMES THEY'RE GUILTY.

Briefly, Jammie Thomas was the defendant in the first case where an RIAA filesharing infringe-

ment suit actually went to a jury—despite RIAA's best efforts to avoid that happening. Thomas seemed like a sympathetic defendant: Single mother, Native American. But her IP address was attached to a KaZaA account offering more than 1,700 recordings with a user name she'd apparently used for years on several different accounts...and shortly after receiving a settlement letter from RIAA, Thomas had Best Buy replace the hard drive in her PC. And, under questioning, said it had been replaced a year earlier. To make a long story short—up to October 2007, at least—the jury found her guilty, not surprising given the evidence in the case. The judgment was for $220,000. She appealed the decision, in part based on a claimed flaw in the jury instructions. That's where things stood at the time of the earlier article.

Court activities can sometimes seem to be in very slow motion. Most of this article brings things up to date on the Thomas case—and, so you're not too surprised, it's not over yet. (There's other stuff about RIAA and copyright at the end of the article—but the Jammie Thomas saga is fascinating.)

Narrowing Infringement

During the 2007 trial, the jury was instructed as follows:

> The act of making copyrighted sound recordings available for electronic distribution on a peer-to-peer network, without license from the copyright owners, violates the copyright owners' exclusive right of distribution, regardless of whether actual distribution has been shown.

The judge—Michael Davis—had second thoughts about that instruction and summoned the parties back to the court in August 2008 to consider whether that instruction was a "manifest error of the law." Thomas' side said it was—that something wasn't distributed unless somebody actually *took* it. (I'm reminded of Michael Hart's old claims, years ago, that Project Gutenberg had "given away" a trillion dollars worth of etexts—by assuming that everybody who had an internet connection had virtually received the texts.) You gotta love the recording companies' response: It doesn't matter—because MediaSentry, working on recording companies' behalf, *did* download the songs. No evidence was offered that anybody else downloaded those songs. From Judge Michael Davis' findings on appeal (from his own trial): "Thomas retorts that dissemination to an investigator acting as an agent for the copyright owner cannot constitute infringement"—basically, *you can't infringe your own copyright*. Or, in this case, your hired gun can't infringe your copyright acting on your behalf. The recording companies—let's just call them RIAA from now on—disagree. The court sided with RIAA on this one...but didn't think that was enough to preclude a new trial.

You can guess where the Register of Copyrights came down on whether making available is, itself, a violation of the distribution right (that is, whether the quoted instruction is legitimate). Even though "the leading copyright treatises" conclude that it's not enough, the Copyright Office slanted toward the interests of Big Media. But there's no single definition of "distribute" within copyright law—and "the Court notes that when Congress intends distribution to encompass making available or offering to transfer, it has demonstrated that it is quite capable of explicitly providing that definition within the statute."

There's a lot more in the 44-page decision, but it boils down to this:

> Liability for violation of the exclusive distribution right found in § 106(3) requires actual dissemination. Jury Instruction No. 15 was erroneous and that error substantially prejudiced Thomas's rights. Based on the Court's error in instructing the jury, it grants Thomas a new trial. Because the Court grants a new trial on the basis of jury instruction error, it does not reach Thomas's claim regarding excessive damages set forth in her motion for a new trial. Plaintiffs' request to amend the judgment is denied because the judgment is vacated.

Davis didn't stop there. He finds the current situation with statutory damages out of whack:

> The Court would be remiss if it did not take this opportunity to implore Congress to amend the Copyright Act to address liability and damages in peer-to-peer network cases such as the one currently before this Court. The Court begins its analysis by recognizing the unique nature of this case. The defendant is an individual, a consumer. She is not a business. She sought no profit from her acts. The myriad of copyright cases cited by Plaintiffs and the Government, in which courts upheld large statutory damages awards far above the minimum, have limited relevance in this case. All of the cited cases involve corporate or business defendants and seek to deter future illegal commercial conduct. The parties point to no case in which large statuto-

> ry damages were applied to a party who did not infringe in search of commercial gain.
>
> The statutory damages awarded against Thomas are not a deterrent against those who pirate music in order to profit. Thomas's conduct was motivated by her desire to obtain the copyrighted music for her own use. The Court does not condone Thomas's actions, but it would be a farce to say that a single mother's acts of using Kazaa are the equivalent, for example, to the acts of global financial firms illegally infringing on copyrights in order to profit in the securities market...
>
> While the Court does not discount Plaintiffs' claim that, cumulatively, illegal downloading has far-reaching effects on their businesses, the damages awarded in this case are wholly disproportionate to the damages suffered by Plaintiffs. Thomas allegedly infringed on the copyrights of 24 songs—the equivalent of approximately three CDs, costing less than $54, and yet the total damages awarded is $222,000—more than ***five hundred*** times the cost of buying 24 separate CDs and more than ***four thousand*** times the cost of three CDs. While the Copyright Act was intended to permit statutory damages that are larger than the simple cost of the infringed works in order to make infringing a far less attractive alternative than legitimately purchasing the songs, surely damages that are more than one hundred times the cost of the works would serve as a sufficient deterrent...

Has Congress listened to Davis' plea? Not so you'd notice, at least not so far: Statutory damages continue to be wildly excessive. (I don't see a contradiction in concluding both that Thomas is probably guilty and that the judgment is wildly excessive: They're two separate issues. I would note that 24 songs is the equivalent of *two* CDs—or maybe one compilation CD...but that's irrelevant.)

Thanks to Charles W. Bailey, Jr., for the September 25, 2008 *DigitalKoans* post "Judge in Capital Records v. Jammie Thomas: Merely Making Available Not Enough for Infringement" and for including links to stories from EFF, *Wired* and *Ars Technica* offering details on the decision.

The Second Time Around

The new trial took place in mid-June 2009. The notes that follow come primarily from *very* thorough coverage by Nate Anderson of the trial and issues leading up to it at *Ars Technica*, including posts on June 4, 15 (two posts), 16 (two posts), 17, 18, 19 and 21, 2009—with the verdict discussed on June 19, 2009.

Going in to the trial, the two sides agreed on three things: record labels do print copyright notices on their CDs, Thomas had a Charter internet account and the MAC number of her cable modem did represent *her* cable modem. That's about it.

Anderson's summary of that Thomas' attorney said its side would prove is thoroughly charming; here's the start of it:

> Buckle up, because this is going to be a white-knuckle ride through the Tunnels of Logic.
>
> Thomas says that she will prove the following:
>
> - That she "never used KaZaA at all"
> - That every WMA song on her computer was ripped from her CD collection
> - That she "did not download and share any of these songs"
> - That her alleged file-sharing conduct—which, remember, she did not engage in— "did not cause substantial harm to the RIAA and would not even if widespread"
> - That any infringement she may have committed—with the KaZaA program that she did not use—is "fair use"

Thomas—through a new attorney—also asserted that MediaSentry's downloads (from that nonexistent KaZaA account) shouldn't count as distribution because it's functioning as RIAA's agent—but there's precedent for demonstrating infringement by having hired investigators do the infringing. Ah, but if MediaSentry's an investigator, where's its license to be a PI in Minnesota (which requires such licenses)? There was also an underlying issue: That the statutory damages were so excessive as to be unconstitutional.

The RIAA's case was simpler. 1,702 songs were being shared on KaZaA; the username and IP address both matched Thomas; claims by a computer science professor that Thomas might have been framed are "breathtakingly unlikely" or "downright impossible" (Anderson's words)...basically, she's guilty on the facts. The RIAA, being what it is, couldn't "shy away from a bit of rhetorical overreach. For instance, it says in an early footnote that Thomas was distributing 1,702 digital audio files 'to millions of users on a peer-to-peer network at the time Plaintiffs' investigator caught her doing so.'" But Davis already concluded that making available is *not* distribution, so this is nonsense. (The RIAA wouldn't give up this premise, raising a variant elsewhere in its filing.) There's one more

claim: That Thomas tried to conceal her infringement by replacing her hard disk. (RIAA wanted the fair use claim dismissed outright.)

Some highlights from the trial itself (again, excerpted and paraphrased from Nate Anderson's excellent coverage at *Ars Technica*):

- Of 19 potential jurors questioned, *none* admitted ever using a peer-to-peer program and nobody had any opinion of the recording industry. Anderson called the group "shockingly law-abiding."
- When defense lawyer Kiwi Camara pushed Sony lawyer Gary Leak on what's reasonable as a penalty for this sort of copyright infringement (the legal range for statutory damages is $750 to $150,000 *per song*), specifically asking whether the maximum--$150,000 per song—would be an appropriate amount, Leak answered "Certainly!"
- Camara proclaimed Thomas completely innocent, made a point of her owning 200 CDs and called her "one of the recording industry's best customers," and said the hard disk replacement was entirely innocent (and that Thomas never received either of two notices regarding the RIAA investigation, one electronic, one via FedEx). Meanwhile, a MediaSentry witness pointed to metadata questioning the defense claim that Thomas ripped all these songs from her own CDs.
- By the end of the first day, the proposed fair use defense was eliminated, Sony had entered certified copies of its copyright registrations and MediaSentry's evidence had been admitted.
- One bit of drama came on Tuesday, June 16 when, at the end of a computer scientist's testimony for RIAA, he mentioned a log file on Thomas' computer—a log file that the defense hadn't been informed of. Judge Davis considered tossing the expert's complete testimony, but wound up excluding only the testimony related to the log file. I love the phrase used by a defense lawyer: the recording industry had "thrown a skunk in the jury box."
- While the defense *was* able to demonstrate that the hard drive in Thomas' computer was damaged when it was replaced (because Best Buy wouldn't have replaced it under warranty otherwise), its case wasn't helped much when it became clear that Thomas had hired an investigator to examine the hard disk—*the replaced hard disk*, clearly manufactured after the alleged infringement. Eventually, Thomas herself admitted on the stand that her two previous statements *under oath*, that the hard disk had been replaced in 2004 and not since, were incorrect. Ah, but that KaZaA account, with a username that Thomas had been using for 16 years and kept password-protected? "It is not mine."
- The defense called only one witness—Thomas—who, among other things, said the computer scientist was brought in to give "false testimony" and the case (which she persisted in pursuing) had made her life a "complete nightmare." She claimed she wasn't *lying* about the year the hard disk was replaced; she was "consistently off" by a year in the depositions. She never got the instant message about the investigation, two weeks before her son "got frustrated by a computer game" and hit her computer, breaking the hard drive—and she *threw away* the FedEx letter without reading it. (Hey, you know, people send junk mail at FedEx rates *all the time,* right?) She offered various alternative explanations for the shared songs—some of them immediately undermined during cross-examination. Essentially, her defense gave up almost all of its claims and came down to the claim that, while her *computer* might be guilty, *she* wasn't.
- That's how the closing arguments went. The defense argued that Thomas shouldn't be found guilty because somebody else might have been using her computer. The prosecution discounted the various theories.

The Judgment and Beyond

Then it went to the jury—with somewhat shocking results. Not that she was guilty of infringement: That's hardly shocking. What's shocking: The amount of damages awarded to the recording companies for infringement of copyright on 24 songs**. $1.92 million**. That's $80,000 per song—a little more than half the possible maximum (which RIAA never asked for), but many times more than at the first trial.

Thomas' lead lawyer, Kiwi Camara, had been convinced that—even if she was found guilty—the liability finding would have been the minimum $750 per song or $18,000 (still more than three times the amount the RIAA first proposed settling for). Thomas said the companies couldn't collect anyway—"Good luck trying to get it from me...it's like squeezing blood from a turnip." The RIAA made it fairly clear it was still willing to settle, that it had no interest in trying to collect such an absurd judgment. But Thomas planned to fight on, with Camara ready to file all sorts of motions.

Fred von Lohmann of the Electronic Frontier Foundation weighed in with a post questioning the constitutionality of the verdict—finding two concerns. First, "grossly excessive" punitive damages have previously been found to violate the Due Process clause—but these are statutory damages, not punitive damages. Second, there's a hint in some rulings that you can't award statutory damages "for the express or implicit purpose of deterring other infringers who are not parties in the case"—in other words, "sending a message" isn't allowed.

Alan Wexelblat used the title "A Win Too Far?" on a June 21, 2009 *Copyfight* post about the verdict. The post includes an odd sentence: "To be fair, she probably wasn't the one who shared the songs, but they were shared from her computer." *To be fair?* Really? OK, she wasn't sitting at the keyboard approving individual file sharing—but there didn't seem to be credible evidence that anybody else used her protected account name. Wexelblat notes that Thomas could simply file for bankruptcy—and offers the opinion that "they'll settle for some token amount. I can't imagine either side wanting this fight drawn out further in the courts or in the press."

David Cravets asked "Will File-Sharing Case Spawn a Copyright Reform Movement?" in a June 22, 2009 *Wired* post. The giveaway comes in the first paragraph:

> Thursday's $1.92 million file-sharing verdict against a Minnesota mother of four could provide copyright reform advocates with a powerful human symbol of the draconian penalties written into the nearly-35 year old Copyright Act. Then again, maybe not.

Of course the penalties are ridiculous when noncommercial sharing is involved. Yes, the size of the verdict is "the clearest example yet" of abuses arising from current copyright law. Absolutely, the damages are wildly disproportionate to actual damages. But...well, "She's not quite the poster child for change." Cravets calls her lines of defense (that a hacker hijacked her nonexistent wireless connection or that her kids did it) "ludicrous." He notes that RIAA is largely winding down its horrendous punish-casual-sharers campaign.

Nate Anderson offered a fine summary on June 21, 2009 at *Ars Technica*: "What's next for Jammie Thomas-Rasset?" The options he suggests, with brief versions of his commentary:

- **Pay it.** Not gonna happen. She's a "brownfield development coordinator" for the Mille Lacs band of the Ojibwe; she doesn't have $1.92 million sitting around (and apparently her lawyers are acting *pro bono*).
- **Settle**: Which she could have done years ago, for $3,000 to $5,000. But she claims innocence and won't negotiate a settlement.
- **Bankruptcy**: While some debts can't be discharged in bankruptcy, this one wouldn't be clear.
- **Constitutional challenge**: Already discussed.
- **Appeal**.
- **Change the law**: Also discussed.

The article notes that the RIAA ran more than 30,000 of these infringement cases—with one, so far, going to jury trial and through to verdict. This one (the Tenenbaum case, discussed later, resulted in a directed verdict in favor of the RIAA). So far, the RIAA's won—twice.

Since The Second Trial

On July 7, 2009, Nate Anderson reported on Thomas-Rasset's appeal in "Jammie Thomas challenges 'monstrous' 1.92M P2P verdict" (again at *Ars Technica*). She asked the judge to reduce the damage award to the minimum ($18,000) or grant her a new trial. Here's the start of the motion:

> The verdict in this case was shocking. For 24 songs, available for $1.29 on iTunes, the jury assessed statutory damages of $80,000 per song—a ratio of 1:62,015. For 24 albums, available for no more than $15 at the store, the jury assessed statutory damages of $80,000 per album—a ratio of 1:5,333. For a single mother's noncommercial use of KaZaA, and upon neither finding nor evidence of actual injury to the plaintiffs, the judgment fines Jammie Thomas $1.92 million. Such a judg-

> ment is grossly excessive and, therefore, subject to remittitur as a matter of federal common law.

It's hard not to ask right off the bat, "what does being a single mother have to do with anything?" As Anderson says, the ratios cited are essentially irrelevant—but "the jury's verdict was nuts." Meanwhile, RIAA asked for a permanent injunction against future infringement by Thomas. "One suspects, however, that if a $1.92 million award isn't enough to make Thomas-Rasset stop sharing files, a permanent injunction won't be any more effective." Both Anderson's wording and, maybe more so, the thread of comments suggest that Thomas just isn't a very sympathetic defendant, single mother or no. Another filing says the judge should reduce the damage amount *because* the two verdicts were so different. (You can see that story, dated August 31, 2009 at *Ars Technica*, as "Jammie Thomas slams $1.92 million P2P verdict as 'arbitrary.'")

Now we jump to January 2010—when Judge Davis *does* reduce the damage award by 97.2%--down to $54,000. ("Judge slashes 'monstrous' P2P award by 97% to $54,000," Nate Anderson, *Ars Technica,* January 22, 2010.*)* He notes the inconsistencies and perjury in Thomas' testimony (saying flatly that *she lied*) and that statutory damages have both deterrent and compensatory purposes—but there are limits. He thinks $54,000 is still "significant and harsh," but at least not "monstrous and shocking."

The RIAA had a week to accept the reduced amount or ask for a third trial. It did neither. Instead, it sent a letter to Thomas' lawyers saying that $25,000 would settle the matter, that the $25,000 could be on a payment schedule—and that the $25,000 would go to a charity benefiting musicians. The lawyers responded: No deal. As noted in a January 27, 2010 *Wired* story by David Kravets and a January 28, 2010 *Ars Technica* story by Nate Anderson, Kiwi Camara says "Thomas-Rasset would likewise rule out *any* settlement asking her to pay damages." Joe Sibley (another defense lawyer) says the settlement offer "proves our point" about exorbitant damages. So a third trial seems likely. The RIAA won't back down entirely—and, despite being labeled a liar *even by the judge*, Thomas-Rasset has lawyers ready to keep fighting. As Anderson says:

> Given the facts in the case, which after two trials don't appear to be in dispute, it's hard to see how Thomas-Rasset hopes to prevail without paying a dime, but that appears to be the plan. If she had been willing to pay something, she would have done so long ago, when the RIAA offered her a settlement of a few thousand dollars. Instead, Thomas-Rasset has spent years of her life working with two law firms on two federal trials, and she's willing to risk a third.

Will Thomas-Rasset become the figurehead for reform of outrageous copyright penalties—penalties that might make sense for commercial piracy but make no sense at all for casual file-sharing? So far, I've seen no signs of that. That's unfortunate—but it's just hard to view Thomas-Rasset as the right figurehead for the job. At this point, she may be doing reform more harm than good.

Other RIAA-Copyright Notes

Some of these date back almost two years. Sorry about that. As usual, they're mostly chronological.

RIAA's Bullying

Ray Beckerman wrote "Large Recording Companies v. The Defenseless: Some Common Sense Solutions to the Challenges of the RIAA Litigations," which appeared in the Summer 2008 *Judges' Journal* (an ABA publication). Links to the PDF are at recordingindustryvspeople.blogspot.com/2008/07/aba-judges-journal-article-large.html.

It's a 9,000-word article that covers a lot of ground, and it's fair to say Beckerman (a commercial litigator in a New York law firm) comes at it with a specific viewpoint, given that he runs a blog called *Recording Industry vs. The People*. I won't attempt to excerpt the whole article, but you might find it interesting. It's intended as an "attempt to remove some of the mythology regarding these cases, to make observations regarding some of the points at which the process is breaking down, and at each of those junctures, to offer one or more practical, constructive suggestions as to what the courts need to do to make the process more fair and balanced."

He starts out by pointing up the "common misconception, actively fostered by the RIAA's public relations spokespeople," that these are downloading cases—which, as he says, is nonsense, since the cases are brought without any proof of downloading. (Except that MediaSentry, now apparently called SafeNet, downloads a few tracks as part of its "investigative" process.)

Beyond that, things get dense, as you might expect in a legal journal. I believe Beckerman's arguing that the RIAA process does not meet the minimum standards needed for Federal lawsuits and that the whole process is unbalanced and abusive. (It's certainly unbalanced, and I find it hard to argue with abusive as well.) Anyway, there it is, if you'd like to explore the legal issues from a lawyer's viewpoint—a lawyer who is distinctly *not* on Big Media's side. (Nate Anderson of *Ars Technica* calls him a "longtime RIAA scourge" in the article noted below.)

The Tenenbaum Case

I hadn't been following this one—a graduate student, Joel Tenenbaum, accused of "sharing copyrighted music files for years on P2P networks," to quote a May 21, 2009 article at *Ars Technica* by—oh, c'mon, by now you can guess who it's by. The article's title may say it all: "Copyleft vs. Copyright: FSF, RIAA face off in court." To wit, the Free Software Foundation (Richard Stallman and friends) filed an *amicus* brief in the case, primarily saying the sheer size of statutory damage awards in these cases is inherently unconstitutional—and, indeed, that even the $750 minimum is too high. FSF asserts that there *must* be a link between statutory and actual damages—and further claims that "The RIAA's lost profits in the case of an mp3 file are approximately 35 cents." That's presumably true if only one illegitimate copy was ever made. (Ray Beckerman cowrote the FSF brief.)

Did you know that Richard Stallman *doesn't browse the web*? He says so in a December 19, 2007 post: "To look at page I send mail to a demon which runs wget and mails the page back to me. It is very efficient use of my time, but it is slow in real time." That helps prevent wasting time following interesting links and maintaining focus on other things, I guess. Totally irrelevant to RIAA and copyright, but *so* interesting for a technology guru that I really couldn't pass it up.

The Tenenbaum case appears to be somewhat of a zoo. The primary defense lawyer, Harvard Law professor Charles Nesson, asserts that noncommercial filesharing is *presumptively* fair use—that statutory damages only apply to commercial infringement. I'd love for that to be true, and I'm certainly no Harvard Law professor. At least the Tenenbaum case involves a headon attack on penalties rather than the Thomas "I didn't do it" approach. (Tenenbaum *did* originally use "I didn't do it" as a defense—but also offered a $300 settlement to counter RIAA's $3,500 request. Later on, he admitted to downloading.) Is it a plausible argument? Lawrence Lessig says **no**—that it's just not plausible to stretch fair use that far. Wendy Seltzer, who's worked with EFF and runs the Chilling Effects website, finds the fair use argument puzzling and says, "I fear that we do damage to fair use by arguments that stretch it to include filesharing."

The RIAA was less than kind about FSF's brief, saying the organization has "an open and virulent bias against copyrights in general, and against the recording industry in particular" and should not be allowed to file a brief. RIAA's accused Beckerman of vexatious litigation—which to some observers (such as another *Ars Technica* writer, Eric Bangeman) must feel a lot like the pot calling the kettle black.

By mid-June 2009, apparently, Judge Nancy Gertner had had enough. To quote Gertner (as quoted in a June 18, 2009 *Ars Technica* piece):

> The Court's indulgence is at an end. Too often, as described below, the important issues in this case have been overshadowed by the tactics of defense counsel: taping opposing counsel without permission (and in violation of the law), posting recordings of court communications and emails with potential experts (who have rejected the positions counsel asserts) on the Internet, and now allegedly replicating the acts that are the subject of this lawsuit, namely uploading the copyrighted songs that the Defendant is accused of file-sharing.

That's right: Nesson apparently records everything he can and posts the recordings, even after being told not to do so. He also posted private email from other copyright experts (some of it noted above), "all of whom disagreed with Nesson's view that P2P file-sharing was fair use." And, yep, Nesson's team "then uploaded every song at issue in the case to an online storage locker...and Nesson posted the details on his blog." (Those details included the password, so anybody could download the songs.) Well, if noncommercial filesharing *is* fair use, what's the problem? (Sigh: One of the first comments on the June 18 post was a classic "if you're not doing anything wrong, why do you care about being monitored constantly?" bit.)

Some of what's happened since then—noting that, in this case, Tenenbaum had pretty much admitted to the RIAA's accusations (*Ars Technica,* EFF and a February 16, 2010 post at *Out of the Jungle* served as resources):

- The judge originally accepted the possibility of fair use as a defense—but shortly before the jury trial began, she granted RIAA's request for summary judgment on that issue. She found that there was no right for such a defense to go to the jury, because it's a matter of law (the judge's bailiwick), not facts (the jury's role). She noted that the proposed defense was "so broad that it would swallow the copyright protections that Congress has created. Indeed, the Court can discern almost no limiting principle." (Judge Gertner has come down hard on the RIAA as well.)
- Jury selection must have been a kick to watch, with Nesson asking potential jurors how they felt about his wearing a black turtleneck or how they'd feel if they found out he's a pot-smoker.
- After Judge Gertner reviewed testimony transcripts, she granted a directed verdict: Since Tenenbaum *explicitly* admitted liability for "downloading and distributing all 30 sound recordings that are at issue…," there is no question of fact, leaving the jury only to decide the size of the penalty (and whether the infringement was willful).
- Guess what? This jury was no more ready to go for a flat $750/song than the Thomas jury was. They settled on $22,500 per song, or $675,000 total. It took them three hours. (The jury did find that his infringements were willful.) Nesson promises to soldier on through appeals and a class-action suit against recording labels. (Tenenbaum's already said he'll file for bankruptcy if the appeal fails.)
- In December 2009, Gertner signed off on the damage amounts—while saying that, if the defense team hadn't acted so inappropriately, she was "prepared to consider a more expansive fair use argument than other courts have credited." But she couldn't countenance what amounted to an attack on *all* copyright.
- In January and February 2010, Tenenbaum's team filed briefs and motions basically arguing the "unconstitutionally high damages" notion. And in March, the court assessed $2,249 in attorneys' fees against Tenenbaum and Nesson related to a motion to produce evidence in the case.

One almost wonders how the RIAA could be so lucky as to have the *only two cases* that come to trial be ones where it's hard to sympathize with the defendant. I'm no fan of Big Media and feel the RIAA and its members have done much to hurt themselves—but in both of these cases, the worst I can do is suggest a curse on both houses.

There are other cases…

Which usually don't reach trial. For example, there's one where a middle-aged woman thought the lawsuit was a scam and didn't show up in court—but when she got help, the lawsuit was dismissed with prejudice (which means it can't be refiled) and no money changed hands. That was a more typical RIAA overreaching: The "facts" on RIAA's side were sloppy at best.

Looking for conclusions? If there are some, maybe Ed Felten gets them in a November 9, 2009 post at *Freedom to Tinker:* "Targeted Copyright Enforcement: Deterring Many Users with a Few Lawsuits." Felten quotes a paper "The Dynamics of Deterrence" that explains how this can work. It's an interesting read. Whether it could apply in this case—well, that's not certain.

My own conclusions are as before, unchanged by two cases that both "went RIAA's way" (and RIAA really wants the Thomas case to go away):

- **Of course** statutory fines for noncommercial infringement are way out of line. In a saner world, Congress would address that.
- That doesn't mean noncommercial infringement—file-sharing—is either legal or ethical. I don't believe it is, or should be, either one.
- Theoretically, the courts could also address the absurdity here. Will they? We'll have to wait and see.
- Meanwhile, if you're trying to make vast changes in a legal environment, lying usually isn't the best way to go about it.

Offtopic Perspective
Spaghetti Westerns

Full disclosure: This five-disc 20-movie set was one of the freebies Mill Creek Entertainment sent me when I had a tiny problem with one set (they also corrected the problem rapidly and with an apology). As of May 7, 2010, it costs $9.49 from

Amazon (down from $13.49 in December 2009, and one heck of a deal).

I regard most spaghetti Westerns as guilty pleasures: Colorful, usually with good production values, frequently absurd plots, sometimes loads of odd translated dialogue but fun in their own way. My critical faculties are tuned to match—but, on the other hand, you expect full color and generally good transfers, and to my surprise you even get wide screen on some of these. They're still generally VHS-quality, to be sure, but not bad at all. Not that there aren't occasional issues...

Disc 1

Beyond the Law (orig. *Al di là della legge)*, 1968, color. Giorgio Stegani (dir.), Lee Van Cleef, Antonio Sabato, Gordon Mitchell, Lionel Stander, Bud Spencer. 1:49.

> An odd trio of dusty bandits robs the payroll for a silver mine through an unusual ruse, dependent on the assumption that a black man would be required to ride on a stage's backboard instead of inside—and on his ability to go underneath the moving wagon and saw out some boards so as to retrieve the payroll from its locked hiding place.
>
> That's the start...and in the end, the trio of casual outlaws winds up saving the silver mine and the town it supports, through a wild and wooly set of incidents and consequences. It's hard to say much about the plot here, but it does include a fair amount of humor, a tiny bit of romance, an unlikely sheriff (Van Cleef), a truly loathsome villain with incredibly deep cheekbones and a vicious streak (Mitchell), Lionel Stander as a spitting preacher/bandit, and an extended, complex shootout at the climax. (Apparently this was released as a 90-minute version in the U.S.; this is the uncut version.)
>
> I'm reluctant to give a spaghetti Western much more than $1.50 (I might make exceptions for those starring future California city mayors and Oscar-winning directors). This one, which appears in widescreen and has generally very good print and sound quality, has one rough patch in the first quarter: For two minutes or so in an outdoor scene, the dialog is suddenly in Italian with semiliterate English subtitles. Then people go inside and they're all speaking English—and then go back outside, and there's another brief session of Italian dialogue with English subtitles. Before and after, it's all English, partly dubbed and partly (based on lipsynch and accents) the original actors. Strange. All in all, though, this gets $1.25.

Apache Blood, 1975, color. Vern Piehl (dir.), Ray Da*nton, Dewitt Lee. 1:26 [1:29].

> If *Beyond the Law* was an unexpected pleasure, this flick makes up for it. People who believe *Plan 9 from Outer Space* is the worst movie ever made are sadly lacking in experience. Let's talk about what's wrong here—the first thing being that this doesn't belong in the set, since it's an American production.
>
> Beyond that, the digitization's lousy, with overcompression yielding block artifacts in various scenes (unless the film itself is that bad, which is quite possible).
>
> Other than that, we have a poor 10-minute plot expanded into 86 minutes of nothing. Here's the complete plot: An Apache chief, who along with his partner is among the few survivors of a U.S. slaughter of the tribe (which was peacefully obeying a treaty), goes on the warpath against U.S. troops. A party of half a dozen troops and a mountain-man scout knows he's causing trouble and needs to get back to the fort—but the mountain man, who's saved everyone's skin once or twice, gets mauled by a bear and seems dead. They dig a shallow grave...but he's not quite dead.
>
> At the end of the picture, he is dead. I suppose that's a spoiler, but it might save you 90 minutes of excruciating boredom. You'll miss Ray Danton as an Apache and the co-writer as an overacting mountain man/scout. You'll miss the discovery that Mescalero Apaches apparently don't speak and that someone who's barely able to crawl in one scene is suddenly able to run a couple of scenes later. You'll miss some of the most incompetent filmmaking I've ever encountered. What can I say? This deserves a special price that I rarely give: $0.00—it's not worth a cent.

*This Man Can't Die (*orig. *I lunghi giorni dell'odio)*, 1967, color. Gianfranco Baldanello (dir.), Guy Madison, Lucienne Bridou, Rik Battaglia, Anna Liotti, Steve Merrick, Rosalba Meri. 1:30.

> On one hand, this one has English-language credits and no language oddities—and it's fair to assume this doesn't come from a videotape used for American TV showings, given bare breasts in a couple of scenes. On the other, there's an unfortunate amount of sadism (the villains in this one are *really* villainous) and a *lot* of shootings—but after all, it is a spaghetti Western.
>
> Martin Benson's a mercenary on a government mission to find out who's sending guns and booze to a renegade tribe (in 1870—the location's not clear, but the date is). Meanwhile, marauders have gone to the ranch where his parents and siblings live, killed the parents and ravaged one daughter (so badly that she may never speak again!), and ridden off.

Little by little, the plots intersect. It's not quite clear whether the title refers to Martin or to Tony Guy, presumed to be a wounded member of the marauders but, as it turns out, actually a government undercover agent. If you've seen many cowboy B films, you'll guess who the primary villain is long before it's made clear.

Lots of scenery. Pretty good score. Some very strange secondary parts and dialogue, par for the course. Beautiful women (with remarkably well-tailored clothes for 1870) and the handsome loner hero, Martin. Long, complex shootouts with no false nobility. A ballad for the opening and closing titles that makes no sense at all (also par for the course). Google translates the original title as "I hate long days," but the alternate U.S. title "Long days of hate" seems a little more plausible... Not great, not terrible. What the heck: $1.25.

Gunfight at Red Sands (orig. *Duello nel Texas* or *Duel in Texas*), 1963, color. Ricardo Blasco (dir.), Richard Harrison, Giacomo Rossi-Stuart ("G.R. Stuart"), Maria Maria Huertas. 1:37 [1:35].

I reviewed this flick in the *50 Movie Western Classics* set in early 2008—and at the time I was watching it on a 12" screen. This time, I watched the first quarter on a 32" screen, and noticed how often it was out of focus or otherwise "soft" in a way that good transfers aren't. I've lowered the final value from the original $0.75 to $0.50, now that I see just how poor the transfer really is.

For the rest of the review, see *Cites & Insights* 8:2.

Disc 2

Death Rides a Horse (orig. *Da uomo a uomo* or *From man to man)*, 1967, color. Giulio Petroni (dir.), Lee Van Cleef, John Phillip Law, Mario Brega, Luigi Pistilli, Anthony Dawson. 1:54.

Remember the blue-eyed blind angel in *Barbarella*? What if he was a 21-year-old whose family was slaughtered (after his mom and older sister were raped) and house burned down 15 years earlier by a truly evil gang—one of whom saved him from the fire? And he became a crack shot, presumably planning revenge sometime? Now mix in the ever-stoic, ever-slightly-sardonic Lee Van Cleef as an outlaw just emerging from prison after a 15-year sentence, after he'd been sold out by the gang he thought he was part of—and he finds that some of the gang members are now Highly Respected Citizens. Throw in a Morricone score with singing that's either supposed to be incoherent or is marred by a poor soundtrack—oh, and a Mexican village so suppressed by an outlaw gang that dozens of them won't rise up against four of the gang left to guard a million-dollar theft.

There you have it: The seeds for a movie that combines vengeance and revenge, generational (and style) conflicts (Ryan, Van Cleef's character, calls Bill, the younger one "kid"; "Grandpa" is the responding epithet), suppressed memory, lots of trick gunplay and not-so-trick gunbattles, truly bad bad guys and the gray Ryan and more. Law does a fine job as a hate-filled but naïve young sharpshooter; Van Cleef is, well, Van Cleef (after just two movies, I see why spaghetti western aficionados hold him in high regard.) It's a solid spaghetti western, the print's generally fine, and even with the muddy score I'll give it $1.50.

Sundance and the Kid (orig. *Vivi o, preferibilmente, morti* or *Alive or Preferably Dead*), 1969, color. Duccio Tessari (dir.), Giuliano Gemma, Nino Benvenuti, Sydne Rome. 1:43 [1:23].

Is there a theme here? First movie on a disc is a first-rate spaghetti western—and the second one is something else entirely. This time, the "something else" is tolerable, but maybe tries too hard, beginning with the on-screen title, "Sundance Cassidy and Butch the Kid."

It's a comedy/slapstick Western, and that's a tough genre to bring off if you're not Mel Brooks. The setup is that one of two brothers, a city slicker/gambler, finds the other—because they're set to inherit $300,000 if and only if they live together peaceably for six months. The other brother, a down-to-earth Westerner (the time's a little indistinct, but the first brother arrives in an early automobile), really wants nothing to do with it. And on the first evening, a huge bandit ring shows up, steals the horses and burns down the ranchhouse because the city brother challenges the theft.

Oh yes: Before that, the city brother had an encounter with an apparently down-on-his-luck gambler who "lost it all"—and after suggesting a friendly game, next thing we know the gambler owns the car (he later becomes the agent or co-conspirator of the brothers). The brothers become wholly incompetent outlaws; there's a kidnapping where the father really doesn't *want* the daughter returned, which allows for romantic stuff; and there's lots more. Oh, there's a score that uses kazoos heavily and has songs that comment directly on the plot (but the sound's sometimes a little distorted to make sense of the lyrics).

Interesting details at IMDB: the on-screen credits have good "American" names for the leads—e.g. Gemma's billed as "John Wade" and Benvenuti as "Robert Neuman—and that includes renaming Sydne Rome (the heroine) "Karen Blake," which is interesting because she hails from Akron, Ohio and Sydne Rome is her real name. Not terrible,

but not terribly funny either. Maybe the missing 20 minutes would help? All things considered, it barely rises to $1.00.

Grand Duel (*Il grande duello*), 1972, color. Giancarlo Santi (dir.), Lee Van Cleef, Alberto Dentice/Peter O'Brien, Jess Hahn, Horst Frank, Klaus Grünberg, Antonio Casale, Marc Mazza, Dominique Darel. 1:38.

Here's a true oddity—not necessarily the picture (a good spaghetti western) but the situation with Mill Creek. I saw *Grand Duel* in late 2008, as part of the Classic Western set (see *C&I* October 2008). I gave it a so-so $1.00 rating.

But *this isn't the same print*—not by a long shot. That one was full-screen; this one's wide-screen. That one was missing 10 minutes or so; this one's nearly full length. And maybe I'm a little more attuned to the qualities of spaghetti Westerns and, particularly, Lee Van Cleef.

The plot's too complicated to summarize, but it involves an (ex-)sheriff (Van Cleef), a condemned (but innocent) murderer who has to be the most acrobatic sharpshooter I've ever seen (although Van Cleef's the fastest gun in the state, the younger guy's definitely the most nimble), a truly evil clan who slaughter the innocent and rule a town (with their name), the mystery of who *really* shot "the patriarch" of the clan and a "grand duel" that runs about three minutes and may be the least interesting part of the flick, even if it is the climax.

It seemed more logical and interesting than last time around. The flashbacks made more sense. The dialogue ranged from not bad to fairly tasty. Great scenery, good production values. (The film was co-produced by companies from Italy, France, Morocco and Germany.) Despite an absurdly large body count (it becomes Movie Violence) and a lovingly-filmed massacre of innocents that seemed more brutal than needed, I found it enjoyable, and give it an easy $1.25. Lower the innocent body count, or at least don't show it so vividly, and it gets $1.50.

Twice a Judas (orig. *Due volte Giuda*), 1969, color. Nando Cicero (dir.), Klaus Kinski, Antonio Sabato, Cristina Galbo, Jose Calvo, Emma Baron. 1:32.

This one might have been better if presented widescreen (the movie itself was *very* widescreen), since it seems to be more "cropped & chopped" than panned & scanned, with some really awkward scenes resulting. It's awkward in several other ways as well, including a beginning that's never really explained and a situation pitting one set of bad guys against another force that's pretty obviously bad, even if briefly semi-sympathetic. It's also a movie that seems to view valiant Confederate fighters as noble, but overrun by those villainous Union soldiers and their murderous ways.

I'm not sure I can summarize the plot, but it involves one long-lost brother who's hired to kill his older brother, gets amnesia along the way as a result of an unexplained shooting, and at the last minute prevents the killing. There's a drunken doctor, a sympathetic lady of negotiable virtue, a sheriff who really does seem to be favoring neither side and a banker who may *or may not* be evil.

It's sort of a mess. In the end, I found it brutal and incoherent and worth, at best, $0.75.

Disc 3

The Man from Nowhere (orig. *Il pistolero de Arizona*), 1966, color. Michele Lupo (dir.), Giuliano Gemma, Fernando Sancho, Roberto Camardiel. 1:58 [1:53].

We open on an adobe prison (or "prision"), with a handful of guards and a drunken old coot riding up with a wooden whiskey flask around his neck. The guards engage him in idle chatter while he lights a fuse on the flask, tosses it at them and—well, boom. Then this huge band of gun-crazy outlaws rides up, shoots all the guards (and loses a few of their own) and busts all the prisoners out (except that one cool dude, Arizona Colt breaks out on his own).

The catch: The prisoners have been broken out to build the ranks of the bandit gang—and your choice is to join them (with a brand on your arm) or get shot down immediately. (We learn this via a grumpy guy who was in jail for drunkenness and due to be released the next day. Bye, grumpy old guy.) Colt says he needs time to think about it—and he's as good a shot as the maniacal, sadistic, superhuman-shooting gang leader, so he manages to ride away.

That's just the start. There's bank robbery in Blackston Hill (yes, spelled that way), killing a young woman because she recognizes the brand, lots of killing *for the fun of it*, not just to get a job done, the drunk seeking redemption...and a long, slow scene near the end between Colt and the maniac that should be more exciting than it is.

I dunno. On one hand, this is not only widescreen, it's in stereo (or at least the awful theme song at the start and finish is in stereo), although the picture's also soft, presumably from overcompression. And it's a long'un, almost two hours (but missing five minutes). On the other, the maniac and his gang are so evil that they go beyond stereotypical to repulsive in an annoying way. We never do learn why Colt (who's a bounty hunter) was in jail; neither did I much care. In the end,

while it's not incoherent, I found it pointless and dispiriting. Maybe $0.75.

Minnesota Clay (orig. *L'homme du Minnesota*), 1965, color. Sergio Corbucci (dir.), Cameron Mitchell, Georges Riviere, Ethel Rojo, Diana Martin, Antonio Roso, Fernando Sancho. 1:30 [1:25].

A prison labor camp in the old West. Thanks to a brawl, Minnesota Clay (Mitchell) escapes (using a doctor—who's already informed him that his eyes are bad and one good blow would blind him—as a hostage). Goes back home, where one gang (run by the bad guy whose testimony *should* have acquitted Clay) has taken over the town from another Mexican gang, now holed up nearby (the new gang was invited into town and the bad guy's the sheriff).

Clay is the Best Shot in the World. He also has family secrets nearby. And, by the time we get to the long, slow-moving climax, he's essentially blind. But still the Best Shot in the World with superhuman reflexes.

I'm not sure what to make of this. The print's unusually good, widescreen and high quality with great scenery, but with just enough missing frames to mess up the soundtrack (never the visuals) at times. As these things go, the *innocent* body count is on the low side. The last 20 minutes are slow and somewhat suspenseful, but the ending's—well, it's not happy. Balancing good and bad, I come up with $1.25.

White Comanche, 1968, color (orig. *Comanche blanco*). José Briz Méndez (dir.), Joseph Cotton, William Shatner (dual role), Rosanna Yanni. 1:33.

See *Cites & Insights* 8:10. $1.25.

China 9, Liberty 37 (orig. *Amore, piombo e furore*), color. Monte Hellman and Tony Brandt (dirs.), Warren Oates, Fabio Testi, Jenny Agutter, Sam Peckinpah. 1:38 [1:32].

See *Cites & Insights* 8:10. $1.25.

Disc 4

It Can Be Done...Amigo, 1972, color (orig. *Si può fare... amigo* and actual screen title *Can Be Done, Amigo*). Maurizio Lucidi (dir.), Bud Spencer, Jack Palance. 1:40 [1:38].

I reviewed this in *Cites & Insights* 10:8 and gave it $1.25. Rewatching, I changed the rating. Without repeating the original review, here are new notes:

I'm pretty sure this is the same print, but I found myself watching the whole thing—this time, in one day on a great 32" TV. And found myself enjoying it even more—as a spaghetti western *farce*. One thing I noticed: In some early scenes and in most of the last 20 minutes or so, the color's odd, as though this was a partly-colorized black-and-white movie, with some natural colors and lots of bright blue-green, a sort of teal. That may be a print problem; it might be intentional, but it adds to the surreal quality of the film (when Coburn stops a bank robbery—only because they wanted to take *his* money as well—the bank proprietor complains that his head-bashing and consequent furniture damage has turned a nice simple bank robbery into a disaster). This only works as farce, but works very well in that regard. (In fact, there are *no* killings—the one death is a heart attack with a Monty Pythonesque quality to it, as the dead man—the uncle—keeps waking up to provide further instructions to Coburn.) The title song is, well, *very* strange. It's decidedly an odd one, and an easy $1.75.

God's Gun (orig. *Diamante Lobo)*, 1976, color. Gianfranco Parolini (dir.), Lee Van Cleef, Jack Palance, Richard Boone, Sybil Danning, Leif Garrett, Robert Lipton. 1:34 [1:37].

The good stuff: An impressive cast—not only Lee Van Cleef, but also Jack Palance, Richard Boone, Sybil Danning and Leif Garrett. (Oh, and Peggy Lipton's brother.) Also, there's clearly a plot, hinted at right at the start of the flick and carried through to its conclusion.

That's the good stuff. The other list is considerably longer—including the print itself, which is soft and almost seems to have been digitized from 8mm.. But that's the print. In this case, I have zero interest in seeing a better one because—well, if this had been the first true spaghetti western in the package, I might have thrown the entire package away on the spot.

What's wrong? First, there's almost no humor, usually a staple of spaghetti westerns. Second, the villains—the Clancy gang, headed by Palance—are apparently on drugs or just crazed, including Palance. It's not just that they're gratuitously violent and sadistic; they're *nuts*. Third, unlike spaghetti westerns where the body count may be high but it's largely cartoon violence (you hear a shot, someone cries out, spins around, falls down), this one lingers lovingly on the violence, with blood and close-ups. Ditto sexual assault—a lot of time spent on this as well. Fourth, the acting (Van Cleef, in a dual role of twin brothers, one a priest, one a reformed gambler/gunslinger, aside) is somewhere between horrendous and nonexistent. I've never seen Palance this bad, Richard Boone is a shocking waste, Leif Garrett made me wish for stronger child labor laws. The hostesses in the saloon seem to think that standing around sort of swaying back and forth to music is hot stuff.

Fifth, the logic—even by spaghetti western standards, this one's loony. The kid (Garrett) is apparently the owner of the saloon/gambling hall that seems to be the only business in a town specifically founded by the priest, in which everybody—*everybody*—attends daily Mass. At one key plot point, the bad guys tear down the rear wall of the jail one evening...and the next morning, everybody goes off to Mass as though nothing has happened. The priest seems to think the right way to arrest one of the gang members is to sneak up on the gang while they're sleeping—and *successfully* remove every rifle and pistol, including holsters, without disturbing them. Oh, and then confront them...without a weapon. He's also apparently convinced that a clearly vicious gang of 20 or so thugs won't make any attempt to rescue one of their leaders from a local jail with one guard and an incompetent sheriff.

Oh, there's more. The kid flees on horseback, then, after defeating a bad guy who's after him, goes the rest of the way on foot. (He finds the priest's twin brother, who's "somewhere in Mexico," in less than two days of walking. Right.) There are some plot twists that could be interesting in a better flick; I won't spoil them for any sap determined to watch this. I'll stop there, leaving out the lack of good scenery and the absurd sound effects and production values.

Apparently this turkey was filmed in Israel. I'm not sure that explains anything. This is a nasty little film, one that gives trash a bad name.

What a waste. For my own taste, not worth a cent—but I'll reluctantly, and only for Van Cleef fans, give it $0.50.

The Fighting Fists of Shanghai Joe (orig. *Il mio nome è Shangai Joe* or *My name is Shanghai Joe*), 1972, color. Mario Caiano (dir.), Chen Lee, Klaus Kinski, Gordon Mitchell, Claudio Undari, Katsutoshi Mikuriya, Carla Romanelli. 1:38 [1:34].

Unlike most earlier Mill Creek collections, with main menus consisting of a still from each of the flicks and your choice of play or scenes, this set has a clip from a film—wide-screen, scenic, with a first-rate Spaghetti Western theme song—that runs for a few seconds and then has the particular disc's menu superimposed. I'd wondered which movie that great theme came from.

Now I know—but it's a peculiar situation. The theme is from this flick, but the clip used for the main menu is widescreen, where the movie is pan-and-scan (full-frame). That seems odd, particularly since some of the movies in this set *are* presented widescreen. (The movie was filmed in full Cinemascope ratio—that is, *very* widescreen.)

Ah, but what of this movie? Well, first, the title as presented is actually *The Fighting Fist of Shangai Joe*—note singular "fist" and odd spelling of the city. Second, it is indeed a Eurowestern with a mild-mannered Asian protagonist played by Chen Lee, who never uses a gun (at least not as a weapon) but has somewhat superhuman abilities in the martial arts and several other areas. He shows up in San Francisco's Chinatown in the 1880s, having come from China and dressing in Chinese garb. He buys a stagecoach ticket to "Texas" and has to ride up top (for predictably racist reasons, and that seems all too likely in terms of historical accuracy). He gets in various kinds of trouble in Texas, all of which leads up to the finale, a long showdown with a would-be assassin who happens to be the only *other* Chinese in the U.S. from this mysterious organization of superheroes. (OK, that could be a spoiler, but it's both obvious and doesn't detract from the movie.)

All in all, very good. Chen Lee (I don't think we ever learn the character's name) does a first-rate job. With one exception (a massacre of Mexican peasants handled cartoon-violence style, but still), the only victims of violence are Bad Guys (although I could have done with less explicit gore). The action and dialogue are over the top in some interesting ways. It's fun and it has probably the only ending it could have without being a total downer. Pretty good print, very good sound. I'll give it $1.75.

Between God, The Devil and a Winchester (orig. *Anche nel west c'era una volta Dio* or *Even in the West once upon a time God* or *God Was in the West, Too, at One Time*), 1968, color. Marino Girolami (dir.), Gilbert Roland, Richard Harrison, Ennio Girolami, Folco Lulli, Raf Baldassare, Dominique Boschero, Robert Camardiel, Humberto Zempere, Luis Barboo. 1:38.

Another widescreen presentation, with a pretty decent print (although the sound's sometimes a bit distorted on music)—and an unusual plot, with a lot more travel than usual. It really seems to be two different films, although the progression makes sense in terms of plot. The first quarter involves a fat outlaw, combinations of not enough trust and too much trust, a treasure map and an outlaw gang: Fast-moving, violent...and winding up with one nameless hero, a mild-mannered type who saves a kid from fire and also saves another victim.

The rest of the movie involves that hero, the kid, the treasure map and a whole collection of bad

guys—some of them people the hero's hired to lead a wagon train (to find the treasure, which they're not supposed to know about), some of them an outlaw gang. The ending is, well...the ending. The plot partly involves the Civil War, partly involves religion, and is partly inspired by *Treasure Island*.

I'm not sure what to say about the plot or the acting. The film works reasonably well, has mostly cartoon Spaghetti Western violence (not lots of closeup blood), has a fair amount of humor along with lots of scenery—*lots* of scenery—and, after the first quarter, has only one innocent victim. This may be too generous, but I'm inclined to give it $1.50.

Disc 5

Trinity and Sartana... Those Dirty Sons of Bitches (orig. *Trinità e Sartana figli di...*), 1972, color. Mario Siciliano (dir.), Alberto Dell'Acqua (as "Robert Widmark"), Harry Baird, Beatrice Pella, Stelio Candelli, Dante Maggio (as "Dan May"), Ezio Marano (as "Alan Abbott"). 1:42.

This flick gets into trouble right off the bat, as you see *portions of* the credits—and it becomes clear that the approach to pan&scan used was, apparently, just to take the central portion of the widescreen shot regardless. There are scenes where the person speaking is entirely cut off to the left; you can't read any of the cast names; it's a little bizarre.

Which is a reasonable description of the film itself, a farce that tries a little too hard. Trinity is a sailor from Trinidad who somehow finds himself an outlaw in Texas, but with a bad habit of giving away whatever money he steals—and having lots of seaside dreams involving a certain woman. Sartana is a wisecracking Texas outlaw who can shoot like nobody's business...and who somehow keeps partnering with Trinity although he should know better. There's a third partner at one point, an aging lunatic who rides a wagon with a player piano (and, as needed, a hand-cranked machine-gun...). The film also includes some obese Fancy Ladies, a Mexican gangleader who appears wholly incompetent and lots of other hapless villains. There's lots of fancy shooting but nobody ever actually gets shot; when there's actually a showdown, all the fancy shooters use nothing but fists (and chairs and other objects); there's a certain amount of self-reference and it's all very silly. The score is, well, awful. Apparently there are Spaghetti Western series starring characters named Trinity and Sartana, respectively, in which case this is mostly a bad ripoff (with no relationship to the series).

Decent print except for the absurdly bad cropping. I found it more silly than funny, but you may have different tastes. Charitably, $0.75.

*Find a Place to Die (*orig. *Joe... cercati un posto per morire!* or *Joe...searched for a place to die!*), 1968, color. Giuliano Carnimeo (dir.), Jeffrey Hunter, Pascale Petit, Giovanni Pallavicino ("Gordon York"), Reza Fazeli, Nello Pazzafini ("Ted Carter"), Adolfo Lastretti ("Peter Lastrett"). 1:29.

As the film begins, a young woman and older man are shooting it out with a scattered but large gang, apparently trying to protect a run-down house. They're actually trying to protect a gold mine in Mexico, and the woman is vocally unhappy about her husband's decision to abandon his university job in New Orleans to find and reopen this mine.

The battle ends with the guy tossing bundles of dynamite out to wipe out the rest of the band—and, in the process, starting off an avalanche that winds up with him trapped by a half-ton log. Nothing to do but have his wife try to get help in a tiny little former-village a two-day ride away...

Which she does. The village is now inhabited by a loose band of mostly semi-outlaws, one woman with a great voice and guitar, and an American who's basically a drunk but used to be an officer (before he was court-martialed for shooting somebody he thought deserved it). He's also a gunrunner, but never mind... She needs four people to come rescue her husband; since the promised payment comes from a bag full of gold nuggets, everybody figures out that there's a mine out there for the taking. The American, first refusing the job, notes that the area is ruled by "Chato's gang"—particularly vicious thieves who love to torture and rape.

The rest of the movie? The band, all of whom mistrust one another (for good reason) and who've been joined by a particularly questionable preacher, make their way back. Along the way, there's some nudity and almost rape (*of course*, a beautiful young married woman from New Orleans would think nothing of going for a nude swim in the evening when her only companions are four thugs and one semi-good-guy!) Plot spoilers ahead: They're too late for the husband—and the gang has taken the gold. The rest of the flick has to do with attempts to retrieve the gold.

Funny thing is, it's a pretty good movie. It's widescreen, the score is particularly effective, there's lots of good scenery, it's less flamboyant and more atmospheric than most and with one exception, only bad guys get killed (of course, almost everybody in the movie's a bad guy). I give it $1.50.

Johnny Yuma, 1966, color. Romolo Guerrieri (dir.), Mark Damon, Lawrence Dobkin, Rosalba Neri, Luigi Vannucchi/Louis Vanner, Fidel Gonzales, Leslie Daniels. 1:40 [1:35]

> I have to say, this one was impressive if also a little depressing at times. Widescreen, excellent print, good music—and, oddly, no credits at either the start or end of the movie. (Maybe that's the missing five minutes?) A rancher (who also keeps the local town going) is wheelchair-bound and sending for his nephew, Johnny Yuma (although Yuma's not his real last name) to run the ranch. His much younger wife wants her brother to take over—and arranges to have the rancher shot. She sends for a guy name of Carradine (possibly a tribute to one of the stars of *The Rebel*, the TV show about Johnny Yuma?) who's an ex-lover and who she expects to kill Yuma—for a fee.
>
> Why kill him? Well, if he's gone, then she clearly inherits the ranch, which she's already arranged to sell for a fortune. There's no will (or, well, actually there is one, a small but interesting plot point). Complicating matters: Her brother and his people are vicious—and, early on, Carradine and Yuma exchange pistols and holsters after dealing with a saloon full of crooked gamblers.
>
> Lots of fancy shooting. Too much physical abuse. An odd would-be sidekick who keeps turning up. Great scenery. Well-made—good direction, fine cinematography. Generally good acting. A reasonably natural pace with very little nonsense. Unusually satisfying ending. The plot even makes sense. The theme song...I guess they couldn't license Johnny Cash's version, so there's a very odd new song with the same name. All things considered, I'll give it $1.75.

Fistful of Lead (orig. *C'è Sartana... vendi la pistola e comprati la bara* or *I Am Sartana, Trade Your Guns for a Coffin*), 1970, color. Giuliano Carnimeo (dir.), George Hilton, Charles Southwood, Erika Blanc, Piero Lulli/Peter Carter, Linda Sini, Nello Pazzafini, Carlo Gaddi, Aldo Barberito. 1:33.

> The first movie on this last disc was apparently a spoof intended to capitalize on the characters in two series of Spaghetti Westerns, Trinity and Sartana. To wind up the collection, we get one of the *real* films with Sartana—and Sabbath, his nemesis/compatriot/white hat to his black hat. (Sabbath's a strange dude, what with the white parasol and constant poetry reading.)
>
> The plot has to do with a mining company that keeps losing miners' gold shipments to bandits—but, as becomes fairly obvious fairly soon, the shipments carry sand, not gold. We get a Mexican bandit gang, an evil company owner, various other evil folks—and Sartana, who seems mostly to crave freshly-cooked eggs but can outwit and outshoot any seven men at once.
>
> Lots of trick shooting. Lots of uneven odds. Lots of temporary doomed alliances. Thoroughly enjoyable, with a semi-coherent plot, no gratuitous gore or explicit violence (other than the usual cartoon shootings), good music, reasonably good acting. Not widescreen, but a good print that makes the most of the many close-ups in this flick. $1.75.

Summing Up

For several discs, I would have said that the set would be stronger if the second movie was discarded. There's some real garbage in this set—but some surprisingly strong films, presumably all filmed with minimal budgets.

Nothing rose to the "classic" status of $2 or more, but I count four that are close at $1.75: *It Can Be Done...Amigo*, *The Fighting Fists of Shangai Joe*, *Johnny Yuma* and *Fistful of Lead*. Three more are worth $1.50 each—and a surprising 6 at $1.25. With a singleton at $1, I count 14 of the 20 movies that get at least acceptable scores, for a total of $20. The other six? Three $0.75 mediocrities, two worse-than-mediocre $0.50—and a rare totally worthless film. Overall, pretty good value.

I hadn't seen much of any spaghetti westerns before this set, only the two or three in the *Western Classics* megapack. Now—and after seeing how much enthusiasm there is among some of my acquaintances for this genre—I think I need to see the Clint Eastwood trio.

Masthead

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