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On October 5, 2011 library systems in the state of Maryland held an event called “Snapshot Day, a day in the life of libraries.” Metrics were collected from each participating system across an array of library services. People took photos or filled out comment cards and a few special events occurred. Some of you were able to read to groups of kids that day. Thank you.

On Snapshot Day more than sixteen thousand people visited one of Montgomery County Public Libraries’ (MCPL’s) branches. That’s more than enough people to fill Strathmore Concert Hall, the Filene Center and The Barns at Wolf Trap, all of the performing arts theaters at Clarisse Smith Center on the College Park campus of the University of Maryland, the Round House Theater in downtown Silver Spring and the Fillmore, Silver Spring.

25,564 items were circulated. That’s 43 items per minute—all day long. 417 were from the elibrary which is currently the fastest growing segment of the collection so I’d like to spend a bit of time on it.

In 1909, E.M. Forster (in a story called “The Machine Stops”) imagined a place where people would not have to leave the comfort of their homes or offices to tap into the riches of human experience—books, movies, music, art and artifacts would be available to view on optical devices.

Increasingly the digital world we have actually created is one of haves and have nots—content for cash, kilobytes for kilobucks where both the content and the access are governed by how much money we have to spend.

This is true in the world of library systems also.

Most of the major publishers (in the world) have severely limited the amount, kind and duration of the digital content they will provide to libraries.

Harper-Collins, for example, allows only twenty six check-outs on ebooks before they evaporate into the ether.

Penguin sells nothing to libraries at this time. Hachette Livre, Simon and Shuster and MacMillan have all suspended sales to libraries for the time being as well. Nor does Penguin sell to OverDrive, the elibrary consortium to which MCPL belongs.

The folks over at Penguin are also reassessing how ebook service with libraries might be reframed seemingly wishing to change the duration of ebooks that are already in library collections. The idea of books that last forever is troubling to all of the big six publishers

Random House has doubled or in many case, tripled, the price of all ebooks sold to libraries as of March 1st this year.

If Penguin, and others, decide to follow Harper-Collins lead then library ebooks will regularly vanish into digital purgatory after x check-outs and libraries will be forced to buy and rebuy the same content to satisfy the needs of library users.

If Penguin, and others, decide that the agreements they made with libraries for ebooks already “owned” by libraries are moot then those ebooks, too, will be subject to hardware or software restrictions at the whim of the publisher.

How can they do this?

Well for treebooks the content may be copyrighted but the physical object belongs to the buyer. That person may do what they wish with the object—turn it into kindling, gold plate it, color it, cut it up, add pages, draw art over the text, highlight it, make notes in the margin, sell it to someone else or give it away.

The treebook is like a brick, solid, substantial, permanent.

Not so the ebook. The content of books was always copyrightable. With ebooks, the content is all there is. We are not actually buying the content when we buy a digital book. We are buying the right to read the content with protected software on specified digital devices.

I’ll say it again. The content was always copyrightable. When we buy treebooks we don’t have the right to make endless copies of our own or sell them or give them away. We own the object. With ebooks there is no object only content that we are licensed to use.

If you look at a software agreement sometime, all the way through, you will see a couple of interesting things, stated in plain language. The buyer has just purchased a license to use the software, the code belongs to the company that sold it. And the software company can change the agreement at any point without having to notify the user before those new rules kick in.

Let’s imagine that Penguin decides to change the rules for the ebooks that libraries have already purchased, that those books will expire like the ones at Harper-Collins do. Here are some of the selections that might be affected.

These authors/ books are represented in the Penguin catalog:

- Kathryn Stockett /The Help
- Tom Clancy
- Nora Roberts
- Clive Cussler
- Richelle Mead/Vampire Academy series
- Ludwig Bemelmans/Madeline series
- Eric Carle/The Very Hungry Caterpillar
- Roald Dahl/The BFG; Charlie and the Chocolate Factory
- Jan Brett/Annie and the Wild Animals
- Don Freeman/Corduroy

Let's look at books from Random House where MCPL and other library systems will have to pay as much as three times retail for new copies of these ebooks.

- Nora Ephron/I Feel Bad About My Neck
- George R.R. Martin/Game of Thrones series
- Steig Larsson/The Girl with the Dragon Tattoo
- Christopher Paolini/Eragon Series
- Philip Pullman/The Golden Compass
- Rebecca Skloot/The Immortal Life of Henrietta Lacks
- Stephen Hawking/A Brief History of Time
- Alexander McCall Smith/The No. 1 Ladies' Detective Agency series

And, lastly Harper-Collins. These are books that are already limited to the twenty-six check-outs.

- Terry Pratchett/Discworld series
- Neil Gaiman/The Sandman
- C.S. Lewis/Perelandria
- Ann Patchett/Bel Canto
- Edward P. Jones/The Known World
- Dianne Wynn-Jones/Howl's Moving Castle
- Patrick McGilligan/Alfred Hitchcock
- Beverly Cleary/Beezus and Ramona; Ramona Quimby, age 6
- Dennis Lehane/Shutter Island; Gone, Baby, Gone

We are all here to talk about the operating budget and the fastest growing segment of the MCPL materials collection has become substantially more expensive so I will ask that you fund MCPL at least to the level in Mr. Leggett's recommended budget. Thanks again.

Books will get you through times of no money better than money will get you through times of no books--Anne Herbert