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Policy

The Rapid Rout of RWA

Seven weeks—from January 5, 2012 to February 27, 2012. That's all it took to get from AAP/PSP endorsing HR 3699, the Research Works Act, to Elsevier withdrawing its support and the bill disappearing. By today's legislative standards, it was all over before it started and scarcely worthy of a story here (except maybe a paragraph in THE BACK).

But it's not that simple, and I'd like to believe it's not really over—that this rapid rout is one in a series of events that will eventually change the landscape of scholarly publishing for the better. That makes the story worth telling. Well, that and my personal sense that it leads into a story that's not directly related but has similar resonances. More in the next essay.

As usual, the organization of this discussion is mostly chronological, and since I wasn't personally involved in the rout, it's all second-hand.

Inside This Issue

The Beginnings

Darrell E. Issa (a California Republican) introduced the Research Works Act on December 16, 2011. (He found a New York Democrat to cosponsor the bill.) Here's the full text:

> A BILL
>
> To ensure the continued publication and integrity of peer-reviewed research works by the private sector.
>
> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
>
> SECTION 1. SHORT TITLE.

This Act may be cited as the `Research Works Act'.

SEC. 2. LIMITATION ON FEDERAL AGENCY ACTION.

No Federal agency may adopt, implement, maintain, continue, or otherwise engage in any policy, program, or other activity that--

(1) causes, permits, or authorizes network dissemination of any private-sector research work without the prior consent of the publisher of such work; or

(2) requires that any actual or prospective author, or the employer of such an actual or prospective author, assent to network dissemination of a private-sector research work.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHOR- The term `author' means a person who writes a private-sector research work. Such term does not include an officer or employee of the United States Government acting in the regular course of his or her duties.

(2) NETWORK DISSEMINATION- The term `network dissemination' means distributing, making available, or otherwise offering or disseminating a private-sector research work through the Internet or by a closed, limited, or other digital or electronic network or arrangement.

(3) PRIVATE-SECTOR RESEARCH WORK- The term `private-sector research work' means an article intended to be published in a scholarly or scientific publication, or any version of such an article, that is not a work of the United States Government (as defined in section 101 of title 17, United States Code), describing or interpreting research funded in whole or in part by a Federal agency and to which a commercial or nonprofit publisher has made or has entered into an arrangement to make a value-added contribution, including peer review or editing. Such term does not include progress reports or raw data outputs routinely required to be created for and submitted directly to a funding agency in the course of research.

You say the text doesn't seem to have much to do with the supposed intent (the first sentence)? You're right. It has *nothing* to do with peer review and "private sector" refers to publishers, not researchers, since this would apply to all researchers who aren't Federal employees working in Federal government labs. And, of course, it's all about government-funded research, whether carried out by employees of public institutions (e.g., the University of California) or not—as long as they submit articles to publishers.

The bill is a flat-out attack on the NIH mandate (for green OA to NIH-funded articles) and an attempt to prevent other mandates to make govern-

ment-supported research available to the public. It's a deliberate attempt to kill OA except on publishers' terms.

The bill was introduced on December 16, 2011, just in time for the holiday season. The first real notice of it was on January 5, 2012:

Science-Journal Publishers Take Fight Against Open-Access Policies to Congress

That's the headline for Paul Basken's January 5, 2012 item in "The Ticker" at *The Chronicle of Higher Education*, and Basken gets the real import of the bill right off the bat. The one-paragraph item is about the Association of American Publishers Professional and Scholarly Publishing Division (AAP/PSP) endorsing the bill. He calls AAP "the main lobby group representing book publishers." He links to the endorsement (which was in late December 2011), which has its own spin on the legislation:

> The legislation is aimed at preventing regulatory interference with private-sector research publishers in the production, peer review and publication of scientific, medical, technical, humanities, legal and scholarly journal articles. This sector represents over 1.3 million articles published annually which report on, analyze and interpret original research; more than 30,000 U.S. workers; and millions of dollars invested by publishers in staff, editorial, technological, capital and operational funding of independent peer review by specialized experts. North American-based science journal publishers alone account for 45% of all peer-reviewed papers published annually for researchers worldwide.

Ah, but it's really all about peer review:

> "The professional and scholarly publishing community thanks Representatives Issa and Maloney for supporting their significant investments that fund innovations and enable the essential peer-review process maintaining the high standards of U.S. scientific research," said Tom Allen, President and CEO, Association of American Publishers.

Carefully worded, that: Allen doesn't actually *say* STM publishers fund peer review, since nearly all peer review is done for free. There's more to AAP/PSP's press release, and it's interesting reading, including the standard answer to access questions:

> Journal articles are widely available in major academic centers, public libraries, universities, interlibrary loan programs and online databases. Many academic, professional and business organizations provide staffs and members with access to such content.

Can't read a scientific article? Go to your public library: Don't they all subscribe to the major STM databases?

The brief item drew 19 comments, including this gem from "2202476" (excerpted):

> So the government pays for the research. The researchers do all the work. Other researchers do the peer review. And the publishers make a "value-added contribution" which apparently trumps all that has gone an before. Unbelievable. Have we entered the Twilight Zone?

Another commenter noted that an Elsevier-backed PAC has funded the election campaign of the Democrat cosponsor and to some extent Issa.

Elsevier-funded NY Congresswoman Carolyn Maloney Wants to Deny Americans Access to Taxpayer Funded Research

That lengthy title appears over Michael Eisen's January 5, 2012 post at *it is NOT junk*. He notes the NIH policy, which he says was enacted "under bipartisan pressure from Congress to ensure that all Americans would be able to access the results of taxpayer-funded biomedical research" and that the policy has been popular with disease and patient advocacy groups.

> But the policy has been quite unpopular with a powerful publishing cartels that are hellbent on denying US taxpayers access to and benefits from research they paid to produce. This industry already makes generous profits charging universities and hospitals for access to the biomedical research journals they publish. But unsatisfied with feeding at the public trough only once (the vast majority of the estimated $10 billion dollar revenue of biomedical publishers already comes from public funds), they are seeking to squeeze cancer patients and high school students for an additional $25 every time they want to read about the latest work of America's scientists.

Then he goes for the money, showing just how extensively Elsevier has contributed to Carolyn Maloney. His comment:

> It is inexcusable that a simple idea—that no American should be denied access to biomedical research their tax dollars paid to produce—could be scuttled by a greedy publisher who bought access to a member of Congress.

There's a *long* comment by Tom Reller stating Elsevier's viewpoint and recounting all the ways people can get free access to articles (if somebody else has paid the big bills). Eisen disagrees in detail with some of Reller's assertions and offers an interesting analogy to the claim that publishers' value-add should entitle them to full control over articles:

> Perhaps a metaphor will help explain this issue to people unfamiliar with scientific publishing. Consider the process of bringing a new baby into the world. Few would dispute that obstetricians play a significant role in the healthy delivery of a newborn baby. In exchange for their service they provide, they could demand ownership of the baby, and charge the parents a monthly fee to access their child. After all, the doctor "added value" to the baby by ensuring that the birthing process went well, and they deserve to be compensated for it.

Peter Murray took aim at Reller's assertion that "Free access to journal articles is also provided through research libraries throughout the country":

> That would be big news to research libraries. Those same libraries now pay millions of dollars a year each to Elsevier for the right to offer those articles for 'free.'

There's more in a long comment stream (with Reller coming back from time to time with lengthy explications). At one point Reller essentially admits that the peer review *process* paid for by publishers isn't peer review (mostly done free): it's management overhead (*not* Reller's words!). And, in that stream of comments, there's one from Andrew King on January 9 that comes back later in a broader manner—a decision not to review Elsevier articles, by one for whom that's a *real* choice that could have negative career consequences. (It's easy for me to say "I won't do peer review for Elsevier"—they've never asked. It's not so easy when you frequently do so, as King has.)

I can't let the comments go without noting one from "Just Saying" that's a miracle of misdirection and seems to assume that OA is all about *print* journals; I dunno who wrote it, but it's a sloppy and direct anti-OA attack. (That's followed by two more dumb comments from the same pseudonym. He—and I'd guess it is a He—says such amusing things as "there is no excessive revenue in the [STM publishing] system" and that the public doesn't care about journal articles anyway.)

What can we do? Strike. When should we do it? Now.

The Library Loon posted this on January 7, 2012 at *Gavia Libraria*. Loon calls scholarly publishing a "house of chicanery," specifically calling out Elsevier's SOPA support and evidence that "they bought and paid for the Research Works Act."

> There's at least one thing we can do. *Strike*, even as the University of California threatened to Nature Publishing Group. Without *our* articles, *our* review labor, *our* editorial work, what price Elsevier's information journals?

Was this the first call for a boycott? Possibly, possibly not. I believe it was the first call within librarianship. The Loon went looking for Elsevier LIS journals—which required finding the publishers Elsevier owns (such as Pergamon). The Loon came up with a list of fifty-odd journals, followed by:

> Speaking plainly: This is war. Any information professional publishing in or otherwise aiding an Elsevier journal is collaborating (in the Vidkun Quisling sense of that word) with an enemy of librarianship, an enemy of the Internet, an enemy of human knowledge.

That list includes at least one *very* high profile academic library journal: *The Journal of Academic Librarianship*. More on that a bit later.

Threat Of Job Loss As Motivation For Research Works Act: Real Or Fear-mongering?

Heather Piwowar asks that question in a January 7, 2012 post at *Research Remix*—and you can probably guess her response. It's a detailed post buttressed by facts. Her conclusion is that, at most, we might be talking about 7,000 U.S. jobs—and that's a true worst-case assumption. I'd suggest reading the post (and comments including a link to Peter Suber's comment on playing "the job card") directly.

What Should The Publishers Lobby For?

Piwowar added another question and answer later on January 7, 2012 saying that, while traditional publishers have the "right and maybe even…responsibility" to lobby to shape government policy in their interest, they're taking the wrong approach. Here's what Piwowar thinks publishers *should* lobby for—although she's not saying they should get these things:

> 1. Time. They should insist that any federal mandate that requires the article-of-record be made openly, immediately available does not take effect for a year or two, to give themselves time to change their business models (to author/funder pay-on-publish or pay-on-submit or some other method, thereby saving their companies and jobs).
>
> 2. Access to publication funds for federally-funded authors. Publication costs are already available to NSF and NIH awardees as budget line items in grants. I don't know if all other federally-funded investigators have access to author-pays grant money… if not, publishers should argue that access to these resources must be a condition of a mandate. There must be a creative way to redirect money which payed for university library subscriptions into university OA funds or federally-disseminated research distribution reimbursement (has anyone proposed such an approach yet?)…. publishers should lobby for this.
>
> 3. Measurement of the impact of the papers they publish. When research papers are openly distributed, redistributed, deconstructed, and mashed up it becomes much harder for publishers to understand (and therefore brag about, and then capitalize on with higher publication charges) the impact their publications have had vis-a-vis their competitors. Publishers could insist that all federal hosting services report back usage stats (as PubMed Central does), and lobby for requiring a manner of attribution that facilitates easy and robust impact tracking (beyond just mention or citation).

I'd argue they've already had the first, since the NIH mandate has been around for several years and was being discussed for years before that. The first part of #2 is reasonable, but I *really* dislike the suggestion that university library money should be "redirected" in this manner: It's not

as though libraries don't have other worthwhile uses that are being strangled by subscription costs. I don't know enough to comment on #3.

Around the Web: Some posts on The Research Works Act (Now chronological!)

I'm just going to link to this January 9, 2012 post by John Dupuis at *Confessions of a Science Librarian* for completists among my readership. (It's superseded by a later post, which I'll get to…later.) It's entirely a set of links, and *what* a set: More than 170 links through January 17, 2012. Since I'm noting something like 12-14 items through that date, you can easily read ten times as much stuff as I'm considering. Enjoy.

Or not. I don't have the patience for that much, although I can tell from the authors and titles that some of it would be worth adding to this discussion.

Elsevier editorial boards: The Journal of Academic Librarianship

This from the Library Loon, posted January 9, 2012 at *Gavia Libraria*. Noting a comment on the Loon's earlier call for a strike (or boycott) (see "What can we do…" earlier), the Loon notes one useful response: name folks currently donating labor to Elsevier. To which the Loon says: "Fair enough. Editorial boards are public record."

> The Loon suggests that the individuals on Elsevier's boards have several ethical options, in increasing order of desirability:
>
> Express opposition to SOPA and RWA in an editorial inside the journal, calling upon Elsevier to change its stance and lobbying practices
>
> Make a public statement opposing Elsevier's stance on SOPA and RWA, calling attention to it within Elsevier as well
>
> Leave the editorial board, individually or in a collective declaration of independence, and explain both publicly and privately why

Then she names the editorial board members of Elsevier's *The Journal of Academic Librarianship*, suggesting that those fine folks might want to consider contributing their labor instead to *College and Research Libraries* or *portal: Libraries and the Academy*.

The Loon offered similar lists of some other Elsevier LIS journals later; I'll leave it at this.

Anti-Open Access Rises Again

Bob Grant used that unambiguous title for this January 9, 2012 item at *The Scientist*. It's another short item and quotes both sides (Tom Allen of AAP on one side, the Alliance for Taxpayer Access on the other). The final paragraph provides recent history:

> The Research Works Act is the latest push in a series of efforts to reverse the NIH's open-access policy that started soon after the agency

> enacted it in 2008. The Fair Copyright in Research Works Act (H.R. 6845)—introduced by Issa and Representatives John Conyers (D-MI), Tom Feeney (R-FL), and Robert Wexler (D-FL) in September 2008—languished in legislative purgatory in the House. Conyers resurrected the act (this time called H.R. 801), along with Issa, Wexler, Maloney, and Representatives Steve Cohen (D-TN), Chaka Fattah (D-PA), and Trent Franks (R-AZ) in February 2009, but that bill, an exact replica of its predecessor, still lingers in committee, according to Congressional records.

When it's not working, try, try again—this time with a shorter title.

Comments are difficult to cope with, as each appears three times or more: one long comment appears at least six times. John Timmer also has a brief article with historical background at *ars technica* on January 9, 2012: "Here we go again: Congress considers blocking government's open access policy." The comment stream there is more readable but not terribly enlightening.

Thoughts on the Research Works Act

Marcus Banks posted this on January 9, 2012 at *Marcus' World*—noting the situation, concluding that RWA is so brazen that he's not worried it will pass, then adding this:

> I support discussion among parties that each have legitimate if irreconcilable views. Librarians wish to maximize access, publishers must protect their business interests. This has always been the problem. But this particular bill is stacked absurdly on one side of the ledger.
>
> That said, there would be a silver lining if it actually becomes law. The consequences would be so outrageous that authors may finally break free of the chains of a publishing model that dates from the 17th century. Knowledge is what matters, not articles, and we now have new and exciting ways to spread knowledge. Publishers should be careful what they wish for.

I'm less optimistic that RWA's passage would have had such a silver lining—but the RWA rout suggests a silver lining in its defeat.

Shoes and other feet

The next day—January 10, 2012—the Library Loon posted (at *Gavia Libraria)* another suggestion that RWA—not its passage, just its introduction and AAP's support—might cause some lasting grief to STM publishers. It's good enough to quote in its entirety (the blog has a Creative Commons BY license):

> One aspect of the Research Works Act fracas is generating some little schadenfreude in the Loon's feathered breast. Small doses of schadenfreude are healthy, so she'll share.

> Faculty and researchers generally display a stubborn sense of entitlement matched only by human three-year-olds. So much as suggesting to them that some of their existing practices deserve reconsideration spurs rather remarkable tantrums. (Don't you even suggest to the Loon they don't. The Loon has a quiltful of singed and plucked feathers to show you.)
>
> Historically, the burden of creating praxis change has rested with open-access advocates. "Self-archive," we said. "Try these new journals," we said. "There's more to life than journal impact factor," we said. And because faculty thought all these things threatened faculty autonomy—"I'll publish where I damn please, thank you, and I won't pay a damn penny for it, either!"—the blowback was severe.
>
> With the Research Works Act, the shoe is on the other foot. "*Don't* self-archive," says the AAP. "*Don't* enact mandates," says the AAP, "and if you're subject to one, don't follow it." "*Don't share your data*," says the AAP.
>
> (That last bit is intriguing and appalling all by itself. There isn't a thriving market in data-sharing. Yet. But because publishers don't want to manage data—it's a significant cost center, and they don't see how they can make any more money off it, openness being most of the point—they don't want anybody else changing the market in favor of data-sharing, or promoting data to a first-class research product. The Loon is agog at the dog-in-mangering here. How dare AAP members call themselves research advocates? How dare they?)
>
> Faculty don't like to hear "don't." Not from librarians, and not even from publishers. It doesn't even matter what the "don't" is, or whether they've ever done the thing they're being told not to do. Encroach on faculty entitlement only at great risk.
>
> Welcome to the Loon's hell, publishers. You won't enjoy it. The Loon sure didn't.

To my mind, the Loon makes a good point here. Another librarian managed to read things differently:

The Final Provocation

Posting on January 11, 2012 at *Academic Librarian*, Wayne Bivens-Tatum says he's not quite ready to agree with the Loon. Not that faculty don't hate to hear "don't"—but that RWA isn't directly telling *faculty* they can't do something, it's telling government agencies they can't do something.

> As far as I can tell from the text of the bill…there's no stipulation that the authors of research articles can't post those articles on their own websites or in institutional repositories. It just says that the government can't force them to do that as a condition of funding.

B-T believes that, to be consistent, AAP should *also* oppose self-archiving and policies such as those implemented by Harvard and Princeton. B-T thinks it will take more to push faculty over the edge, but believes that could happen:

> The final provocation of the faculty will come when publishers start paying for legislation making institutional open access policies and personal "networked dissemination" of one's own research illegal. That will be the moment when faculty start hearing "don't" from publishers, because that will be the moment that publishers try to deliberately and publicly interfere with decisions about their institutions or their research that the faculty have made themselves. When or if that time comes, we might finally see widespread revolt against the worst abuses of commercial scholarly publishers. The question is whether in their drive for profits the offensive publishers will finally be brazen enough to alienate the community that provides all their free content.

Interesting that B-T didn't think RWA was brazen enough. I'm inclined to believe (or hope) he was too cautious.

Open access without anger

Here's an odd one, from Zen Faulkes (an invertebrate neuroethologist at the University of Texas-Pan American), posted January 13, 2012 at *NeuroDojo*. It's odd because Faulkes finds herself alienated by much of the RWA discussion, thinks OA has too much "righteous anger" and that it's just fine for STM publishers to be profitable, thinks publishers add value—but still:

> That said, while I am not angry at publishers for running successful businesses, said publishers are annoying me mightily with their refusal to innovate, exemplified by their support of the Research Works Act. While I support your right to earn a profit, publishers, you don't have a right to do it by trying to get legislation passed that protect your current business plan.
>
> And publishers, when you're pissing off someone who is kind of on your side...

I don't believe most OA advocates object to publishers making profits. Some of us look askance at the sheer *amount* of profit firms like Elsevier make. Many of us, I believe, look even more askance at the extent to which STM publishers are hamstringing libraries through outrageous prices and bundling techniques. Most OA advocates really do believe that people *should* have access to research and that STM publishers are preventing that access. But never mind…

After also objecting to "the taxpayer" as an argument for OA, Faulkes says why *she* supports OA—and it's the most common reason I've heard, frankly: the importance of sharing. Still, I don't quite get this:

> Appealing to people's willingness to share could be a much more powerful argument for open access than appealing to their sense of outrage over payments that many of them will never make. Complaining about value for tax dollars feels kind of small in comparison to, "We just want everyone to be able to read the stuff we do. Because it's awesome."

Can't we have both—and, specifically regarding RWA, isn't it reasonable to be *outraged* when stuff like this happens? I appreciate Faulkes' discussion of good reasons for OA; the rest of it seems off-target, especially given that RWA is *specifically* about taxpayer-funded research.

Is It Hyperbole To Say That The US Research Works Act Is the Greatest Threat To Academic Publishing and The Open Access Movement?

Another post where the title pretty much states the stance, this time by Michael J. Parry on January 18, 2012 at *The Room of Infinite Diligence*. Clearly, he doesn't think so, and quotes a piece by Dr. Mike Taylor calling RWA "a declaration of war by the publishers."

Nature Publishing Group and Digital Science do not support the Research Works Act

Richard Poynder posted this on January 18, 2012 at *Open and Shut?*—one of several indications that the supposed AAP/PSP stance was already beginning to crumble. Part of a joint statement from the two (noting that Nature Publishing Group is an AAP member):

> NPG and Digital Science do not support the Research Works Act.
>
> NPG and Digital Science exist to support the creation and dissemination of human knowledge on a sustainable commercial basis. We seek to enable the open exchange of ideas, especially in scientific communities, in line with the requirements and objectives of relevant stakeholders.

Poynder notes other AAP members that disavowed RWA: MIT Press, ITHAKA, Pennsylvania State University Press, California University Press, Rockefeller University Press. An update notes a statement from the American Association for the Advancement of Science (which publishes *Science*) explicitly disavowing support for RWA.

Who Gets to See Published Research?

Finally for this first act in this four-act comedy, Jennifer Howard posted this article on January 22, 2012 in "Hot Type" at *The Chronicle of Higher Education*. It's a good overview of the situation at that point—and gives more than adequate representation to AAP's viewpoint, extensively quoting AAP's Allen Adler along with briefer quotes from some university press representatives. Excerpts:

> In a 19-page statement submitted to the Office of Science and Technology Policy, the publishers' association argued against the idea that the government should get to decide what happens to the results of research it helps support financially. "It has become necessary for publishers to pointedly remind the federal government that their 'peer-reviewed scholarly publications' that report, describe, explain, analyze, or comment on federally funded research do NOT 'result from' such research in any sense that can legally justify the assertion of federal government control over the contents or distribution of such publications," the group said…
>
> I had a long conversation on the topic with Allen Adler, vice president for government and legal affairs at the publishers' association. After a decade's worth of debates over public access, "it shouldn't be surprising to anyone that we come to the matter of government mandates with a jaundiced eye," he told me.
>
> As his group sees it, mandates like the NIH's set up the federal government in competition with private-sector publishers. Because of such requirements, "the government becomes an alternative source of access" to the results of researchers' and publishers' hard work, Mr. Adler said.

Adler also offers what I regard as disingenuous comments about how much AAP's members *support* OA. I'll refer you to the article for that. As usual with Howard, it's well written. There are some interesting comments, although we eventually get to the point where *CHE*'s not patrolling for spam as well as it should.

I could offer dozens more notes from this period—see John Dupuis' list, for example—but it's time to move on to the second act, where people start to say "enough!" more forcefully.

The Boycott Begins

The first 20 days were mostly about RWA itself and AAP/PSP—with a growing number of the latter's members explicitly disavowing support for RWA. But there was an undercurrent specifically pointing to one STM publisher: The biggest of them all, Elsevier, with its 35% profit margins, its (former) arms trade fair, its consistent opposition to OA. PZ Myers used the title "Elsevier = Evil" in a January 16, 2012 post at *Pharyngula*, calling Elsevier "the gouging publisher scientists love to hate."

As I read that phrase, I was immediately struck that if scientists *truly* hated Elsevier, they'd simply stop submitting papers to it and Elsevier's scientific journal division would disappear. So it's not that simple: (some) scientists may hate Elsevier, but many want to publish in its journals.

Elsevier's support for RWA was clear, as outlined in Richard Poynder's January 26, 2012 post at *Open and Shut*? "Elsevier needs to get out more." He quotes email from Elsevier on the issue:

> Our support for the Research Works Act comes down to a question of preferring voluntary partnership with government agencies and other funders to promote access to research works, rather than being subjected to inflexible government mandates like the NIH policy, which don't take into account the needs of different journals.
>
> One of Elsevier's primary missions is to work towards providing universal access to high-quality scientific information in sustainable ways. We support the bipartisan bill, which seeks to prevent US government policies, like the one imposed by the NIH, that mandate the dissemination of journal articles published and funded by the private sector. Elsevier and other publishers have embraced and nurtured a whole range of access options to ensure broad dissemination — author pays journals, delayed access, manuscript posting, and patient access, to name a few. We've worked constructively with a number of government agencies to develop new ways to expand access to journal articles reporting on, analyzing and interpreting agency-funded research. But like other publishers and societies we have always opposed the adoption or extension of the NIH policy, which restricts the author's freedom to choose where to publish and undermines the sustainability of journals published by the private sector. The legislation is an effort to prevent such unsustainable policies.

Read that statement carefully. Do you believe that Elsevier is intent on "providing universal access to high-quality scientific information"? To my mind, the only significant part of that sentence is the last three words, where "in sustainable ways" means "in ways that sustain Elsevier's profit margins and salaries." "Unsustainable" in the last sentence similarly means—to me at least—"threatening to Elsevier's fat profits."

Poynder seems sympathetic to Elsevier. Most of the rest of the post is saying that Elsevier needs a public spokesperson so it's not viewed as "a faceless, anonymous, and unheeding, moneymaking machine intent only on sucking the lifeblood out of the research community in order to feed the insatiable appetite of its shareholders." I know *I'd* feel ever so much better about vampiric publishers if they were represented by amiable spokespeople! Poynder also informs us how, as the consummate insider, he sat down for coffee with two Elsevier folks to stress the need for them to talk to people more.

I don't want to make this about Poynder, but I do note that he fairly consistently misstates how Gold OA works (e.g., his interview with Elsevier's Alicia Wise, in which he says flatly that Gold OA involves a "one-off article processing charge," which is *simply false* for most Gold OA

journals) and seems to have become a Harnadian "Green OA is the only way!" follower.

In any case, we had the spectacle of an Elsevier spokesperson providing a remarkably lame explanation of how Elsevier could be pushing RWA and claim to be positive about PubMed Central in a January 19, 2012 post to *Liblicense*. Alicia Wise makes it clear that PMC just might be ever-so-slightly eroding Elsevier's sales of individual articles, thus making it "unsustainable"…for Elsevier. Oh, and "inefficient," because the trivial amount spend on PMC could be considered duplicative of the money spent on Elsevier's e-platform.

In any case, some scientists weren't buying the line that Elsevier is really and truly devoted to universal access and found the company to be an appropriate target. Read on…

Goodbye Elsevier, Goodbye Tet Lett etc

That's the title for this January 26, 2012 post by Mat Todd at *Intermolecular*. RWA was a U.S. bill and Todd's an Australian chemist, but that didn't matter:

> I've decided to stop refereeing for, and publishing in, Elsevier journals. I was just asked to review for Tet Lett again, and sent notice that I'm out:
>
> "Apologies, but I have decided to stop refereeing for (and publishing in) Elsevier journals because of 1) the lack of a positive policy towards open access (to all content, not just individual articles) and 2) Elsevier's aggressive commercialism, in particular its sponsorship of the Research Works Act in the United States which would unquestionably harm science. Please remove me from your list of referees.
>
> If Elsevier were, in the future, to decide to support full open access to the academic literature I'd be delighted to resume refereeing duties."

That's the start of a long and careful discussion, one that links to Tim Gowers' January 21, 2012 post at *Gowers's Weblog*, "Elsevier—my part in its downfall." Gowers, a mathematician, outlines the problem with Elsevier and pushes for coordination among academics to boycott Elsevier.

> It occurs to me that it might help if there were a website somewhere, where mathematicians who have decided not to contribute in any way to Elsevier journals could sign their names electronically. I think that some people would be encouraged to take a stand if they could see that many others were already doing so, and that it would be a good way of making that stand public. Perhaps such a site already exists, in which case I'd like to hear about it and add my name. If it doesn't, it should be pretty easy to set up, but way beyond my competence I'm afraid. Is there anyone out there who feels like doing it?

That post drew a remarkable 486 responses—including one from Cameron Neylon, who on January 21, 2012 set up *thecostofknowledge.com*, a site to gather declarations from authors that they will not support Elsevier journals (by publishing, refereeing or serving on editorial boards) "unless they radically change how they operate."

The boycott began. As of this writing, 12,868 researchers have signed on.

Now, back to the history…

Librarians Oppose Research Works Act HR3699

While I'm characterizing late January and early February 2012 as "The Boycott Begins," that's not the only story during this period. Betsy McKiernan posted this item at *Out of the Jungle* on January 26, 2012, citing a letter from "a coalition of 10 library groups" to the House committee considering RWA. The letter isn't really from 10 *library* groups: the groups include Creative Commons and PLoS as well as ALA, ACRL (which is part of ALA), AALL, ARL and others. It's a good letter, worth reading in full. Here's what McKiernan quotes from it:

> Our government funds research with the expectation that new ideas and discoveries from this research will propel science, stimulate the economy, and improve the lives of all Americans. Public support for science is enhanced when the public can directly see the benefits from our investment in scientific research.
>
> Unfortunately, H.R. 3699 is designed to protect the business interests of a small subset of the publishing industry, failing to ensure that the interests of all stakeholders in the research process are adequately balanced.
>
> Scientific progress depends on the broadest possible dissemination of knowledge, and the subsequent building upon the work of others. To this end, the highly successful NIH Public Access Policy currently ensures that the results of our nation's $29 billion annual investment in biomedical research reach the broadest possible audience. The Policy simply requires that, in exchange for receiving federal research dollars, grantees make a copy of any electronic manuscript reporting on the results of that research available online via the agency's PubMed Central database within 12 months of appearing in a peer-reviewed journal….
>
> H.R. 3699 would overturn this vital policy, rolling back the gains that the public has made in these crucial areas. It would prohibit any other federal agency from enacting similar policies, stifling our nation's ability to effectively leverage our investment in scientific research in areas other than the biomedical sciences, including areas such as energy research, sustainable agriculture, and green technology.

> At a time when our focus should be on providing mechanisms to encourage innovation, fuel the development of new ideas, and stimulate job creation – H.R. 3699 does exactly the opposite. It imposes restrictions on access to peer-reviewed research results that benefit one small sector of an industry, rather than encourage their use by the widest possible audience. (snip)
>
> We fully respect copyright law and the protection it affords content creators, owners, and users. The NIH Public Access Policy operates fully within current U.S. Copyright law as articles reporting on NIH-funded research are copyrightable, and the copyright belongs to the author. The NIH Policy requires only the grant of a non-exclusive license to NIH, fully consistent with federal policies such as Circular A-110 and Circular A-102. The author is free to transfer some or all of the exclusive rights under copyright to a journal publisher or to assign these anywhere they so choose – a freedom crucial to the authors of scientific articles, who rightly want to determine where and how their work is distributed.
>
> Under H.R. 3699, authors of articles reporting on federally funded research would face a new restriction. The proposed bill requires authors to seek the permission of a publisher before their work can be distributed through an online, networked government channel such as NIH's PubMed Central, even if they themselves - as the author of the work and the relevant rights holder – have already consented to do so, potentially limiting the authors ability to distribute their work as widely as they may wish.

Elsevier's economic case is lacking

So says Joshua Gains in this January 26, 2012 post at *Digitopoly*. Gains notes the boycott (and links to the Gowers post that started it) and some of Elsevier's statements…and analyzes why Elsevier's claims are questionable.

> Elsevier could make it a condition of publication that they have to agree to any open access. That means that a publication based on NIH funding could not publish with Elsevier unless, at the time of publication, Elsevier agreed to open access. In this situation, there is no risk that Elsevier makes an investment in a publication that it can't recoup. Put simply, if recoupment requires it to negotiate open access and perhaps be paid for it, then if that deal isn't struck, no article is submitted or published and so no investment is made.
>
> Now, of course, it is not as simple as that. Elsevier will argue that this makes it a choice for researchers between having NIH funding or Elsevier publication rather than having both. That raises the costs to scientists of dealing with Elsevier and they may choose not to do so.

> But, isn't that interesting? Elsevier claim they are investing and doing all manner of stuff that improves the dissemination of research—making it easier to access and also providing scientists with greater visibility. These are things that are surely of value to scientists. But then, at the same time, they are claiming that in the potential choice between accessing all of that and receiving NIH funding, the scientists don't think the Elsevier deal is worth it. In other words, if Elsevier can't recoup their investments with open access, but those investments are really valuable to scientists, scientists don't think so. From an economics perspective, on Elsevier's own assumptions, they shouldn't be making these investments. And note that, without the economic efficiency case for these investments, their case for the legislation falls away. That is, Elsevier are claiming that the NIH policy prevents them from making investments but, as I have argued here, the very reason those investments are prevented is because scientists would choose not to take advantage of the benefits of those investments.

There's more here, to be sure.

Publisher statements that may get me on the boycott-peer-review bandwagon

That slightly strange title (was there really a bandwagon to boycott *peer review itself*?) appears over a January 27, 2012 post by "DrugMonkey" at their eponymous blog. The post dissects Tom Reller's comments on a post previously discussed. It's an interesting discussion, one that might be considered fisking if anybody still uses that term: unrelenting, hard-edged and powerful. It's actually fisking both Reller's comments and a Graham Taylor piece in the *Guardian*. I refer you to the post itself—it's funny and pointed—but I will quote one item, responding to a claim that public funds don't pay for peer-reviewed articles, they "only" pay for the research:

> Another falsehood, wrapped up with a disingenuous misdirecting belittlement. "Only" for the research? ONLY????? These publishers seem universally unaware that the VAST, VAST majority of the value of an academic article is the bloody research. The damn content. That is what has value. The fancy layout? That's nice and all but we can do without that. The science is the thing. Trying to dismiss this as a minor contribution is...well.....that takes some serious chutzpah.

Lots more in the post, including a response to Graham Taylor's seeming claim that interfering with the private STM publishing market would result in "a Stalinist nightmare." Only 27 comments, some of them well worth reading.

Branding academic publishers 'enemies of science' is offensive and wrong

Here's the Graham Taylor piece that DrugMonkey wasn't thrilled with, in the January 27, 2012 *Guardian*. This Taylor is responding to another Taylor, Dr. Mike Taylor, who offered an item in the January 16, 2012 *Guardian* that does indeed use that label. Mike Taylor's piece has a stirring opening paragraph:

> This is the moment academic publishers gave up all pretence of being on the side of scientists. Their rhetoric has traditionally been of partnering with scientists, but the truth is that for some time now scientific publishers have been anti-science and anti-publication. The Research Works Act, introduced in the US Congress on 16 December, amounts to a declaration of war by the publishers.

Mike Taylor's piece is forceful; Graham Taylor's response is scornful and dismissive.

> I won't comment on the multiple references to one significant publisher – which is just one of 2,000 active scholarly publishers, most of them learned societies – but it is unfair and wrong to characterise a progressive industry in these terms. These publishers are not anti-science, anti-publication, pouring scorn on new entrants to the industry, exploiting people with preventable diseases (are you serious?) or doing almost nothing to earn their "obscene profits".

Graham Taylor says "publishers are human too" (is Elsevier a man or a woman?) and offers this astonishing statement:

> The scholarly world is not yet fully open access, nor even approaching it, but that is not the fault of the publishers.

Because, y'know, STM publishers have *never* done anything to slow down OA! He goes on to say "Publishers are certainly not opposed to open access." That will come as news to many who have followed the machinations of the past—but, of course, Graham Taylor has special definitions of OA in mind. It's quite an astonishing article, actually; after reading it, I'd call DrugMonkey's response fairly mild. (Who is Graham Taylor? "Director of academic, educational and professional publishing at the UK Publishers Association.")

Quite a few comments on Graham Taylor's article. Almost none of them favorable to his viewpoint.

The 'Research Works Act' is a distraction that works

Björn Brembs is one of the more extreme voices on research publications and seems to see certain extreme unilateral actions as both possible and plausible, as in this January 27, 2012 post at his eponymous blog.

> The RWA is a distraction that works: for weeks now have open access supporters from all walks of science spent countless hours in opposi-

> tion to this legislation. All these hours could have been spent developing an alternative scholarly communication system that doesn't require publishers with obscene profits. All these hours could have been spent convincing librarians to withdraw their funds from these publishers by cutting their subscriptions and leave them without their main source of income. All these hours could have been spent investing the saved funds from these canceled subscriptions into a system that hosts and makes accessible all scholarly literature and data via our libraries. Instead, we keep sending money to publishers who use it against us. Isn't this an absurd situation: we take time out of our day to complain about hat corporate publishers do with scholarly funds, while at the same time we keep sending them exactly these funds so the publishers can pay more politicians to write yet new legislation and pay more employees to write incendiary articles to keep us busy? Is nobody else seeing the Quixotesque situation here?

He cites some profits of STM publishers—but his solution is, in my opinion, wholly unworkable:

> [F]rom now on, I will try to reduce the amount of opposition to publishers and instead focus my efforts more on convincing librarians to skip commercial publishers altogether and use the funds currently tied up in subscriptions to buy some servers to host all the literature and data.
>
> Let's bring our scholarly communication system back into our hands! Hit the publishers where it hurts: their pocketbooks.
>
> Libraries, cut off corporate publishers from the funds that fuel their anti-science activities and cancel all your subscriptions to journals from corporate publishers!

"Buy some servers" is a little simplistic—but the bigger problem here is that libraries *don't have that kind of power*. I know of no academic library director who believes she could simply say, "Sorry, but we're cancelling all the Big Deals and all of our journals published by corporations. You'll have to do without." Which would not only remove access to future articles but to all existing articles. For that matter, it's odd and interesting that Brembs only attacks *corporate* publishers—presumably leaving, say, the American Chemical Society untouched.

The Research Works Act: a damaging threat to science

This January 28, 2012 editorial is particularly interesting because of where it appears: in *The Lancet*. Which is, ahem, published by Elsevier. The editorial quotes Mike Taylor's comment and summarizes RWA. Since it's very much marked with copyright and any attempt to quote the key paragraphs (there are only four paragraphs, and the last two are key), I'll refer you to the original—which calls RWA "a startlingly ill-considered strategy" and comes out in strong opposition.

Interesting times.

Researchers boycott publisher; will they embrace instant publishing? That's by John Timmer, writing January 31, 2012 at *ars technica*. He notes the RWA, the reaction, the boycott site—and the Faculty of 1000, a site that promotes post-publication peer review. (Or does it? When I go to that site, it seems to be promoting a *subscription* service for articles based on "expert recommendations.")

The real story here is F1000 research—a proposed publishing system that uses an "initial sanity check" followed by instant repository-based publication with open post-publication peer review to accompany articles (and easy ways for authors to modify articles). Timmer's take:

> This approach could run into trouble, given some of F1000R's other goals for the service. For example, they're apparently willing to accept preliminary work, negative results, and thought experiments. Will all of these end up being reviewed? Does anyone even think having their preliminary work formally reviewed is a good idea? There's time to sort out details like that before the service launches later this year, but details like this could be essential for determining how it ends up being used (if it's used at all) by the research community.

Interesting comments, some carefully skeptical. I think linking this to RWA may be a stretch, but maybe not. (I find it a little odd that the proposed publishing system is focused on biology and medicine, rather than being open in the manner of *PLoS One*.)

Will Academics' Boycott Of Elsevier Be The Tipping Point For Open Access—Or Another Embarrassing Flop? That loaded question heads Glynn Moody's January 30, 2012 item at *techdirt*—and he dates the boycott back to a January 7, 2012 post by Peter Suber, recognizing that Tim Gowers' post was "the park for the explosion of anger that followed."

But…well,

> This is certainly the most visible revolt in recent years against the exorbitant profits of companies like Elsevier, and their tight control of the academic publishing process, but it's not the first or the biggest. Back in 2000, right at the dawn of open access, the Public Library of Science (PLoS) was created with the same aim of making research more widely available. To achieve this, the three founders of PLoS circulated an open letter calling for "the establishment of an online public library that would provide the full contents of the published record of research and scholarly discourse in medicine and the life sciences in a freely accessible, fully searchable, interlinked form", which contained the following passage:

> To encourage the publishers of our journals to support this endeavor, we pledge that, beginning in September 2001, we will publish in, edit or review for, and personally subscribe to only those scholarly and scientific journals that have agreed to grant unrestricted free distribution rights to any and all original research reports that they have published
>
> Nearly 34,000 scientists signed that letter, but only a handful of publishers committed themselves to making their articles available as the letter requested; worse, few signatories followed through with their promised boycotts of the publishers who refused. Will things be any different this time, in the post-SOPA world?

2000 was not "right at the dawn of open access"; not even close. But a number of us are haunted by the same question: What's different this time? Will those who sign the Cost of Knowledge statement *hold to it*? Will it make a lasting difference? Only time will tell. (One comment by William Gunn is not too promising: "Even those academics who do feel compelled to publish in an Elsevier journal can support this boycott *until the Research Works Act is pulled*." [Emphasis added.] And then just go back as though nothing happened?)

Elsevier Publishing Boycott Gathers Steam Among Academics

Josh Fischman wrote this story on January 30, 2012 in the "Wired Campus" section of *The Chronicle of Higher Education*. It's a good brief overview of the state of affairs as of that date, including a few key quotes from signers of the boycott as well as this:

> There are occasional defenders in the blog comments, such as this response to the blog Crooked Timber's rallying cry for the boycott: "As a neuroscientist, Elsevier journals are an important factor in publication choice. Losing a crucial set of publication outlets to a poorly informed rally against this company will certainly damage the integrity of the scientific record in my field."

Poorly informed? I wonder. This is certainly a crystal-clear case of "The journals are too important, *therefore we can't do anything*" thinking. Which Elsevier certainly encourages and probably counts on.

Lots'o'comments, some of them worth reading, a few trolling.

Why boycott Elsevier?

That's the question Kevin Smith asks in this January 31, 2012 post at *Scholarly Communications @ Duke*—and by this time the Cost of Knowledge petition was well underway, with 2,100 signatures. Smith notes the three "charges" (high prices, bundling and support for RWA), agrees these are significant problems and notes that Elsevier isn't the only "sinner" (and not necessarily the most culpable).

> This does not mean I am particularly sympathetic to Elsevier, and I am glad to see the petition for a couple of reasons.

> First, the boycott movement is coming from scholars themselves. It is not simply a matter of radical militant librarians (some of my favorite people, btw) who are upset about high prices. This petition represents a growing awareness amongst scholarly authors that traditional publication models not only are no longer the only option, but in fact may be bad choices for those concerned with the overall dissemination of knowledge. It is simply becoming clearer to many scholars that the values they hold are not the same as the ones that commercial publishers are pursuing.
>
> Second, when framed as a divergence of values it is much easier to see that the core issue in this movement is who will control the the changing course of scholarly communications and the scholarly record. It seems less and less acceptable to trust commercial publishers with the responsibility for scholarship now that we no longer will be dependent on the printed artifacts they created. As scholarship becomes digital, we are quite rightly seeking new models of control that serve the needs of scholars first, regardless of the business models that may thereby be left behind.

Well stated in both cases. Smith notes that he's not part of the "abolish copyright" movement because scholars do want some control over how a work is used by others. He's hoping that scholars will use rights to serve their own needs.

> Boycotting Elsevier may not bring about that revolution by itself, but it is a step toward demanding that the rights and concerns of scholarly authors themselves actually drive decisions about how scholarship is shared in the digital environment.

Indeed. The story of RWA might not be worth recounting by itself—but I believe and hope that it's a step toward reforming scholarly publishing.

Elsevier Boycott, My Thoughts

Michelle Kraft offers her thoughts on February 1, 2012 at *The Krafty Librarian*. After a brief introduction to the situation, she cites a Forbes article that, in her opinion, minimizes the actual expenses of online journal publishing. The paragraph comes off as an apologia of sorts for traditional publishers (which she says she's not supporting).

She then notes the F1000 idea and offers an odd criticism: "In order for it to work you have to get a group of people who are going to read the articles then are willing to critique it and write educated comments and evaluations. That is a lot to ask when there is yet no incentive for researchers to do it." But…that's *exactly* how traditional peer review works. Scholars read the articles and critique them, with no direct incentive to do so since they're neither paid nor honored. And Kraft basically says a boycott won't work because too many people will ignore it.

Here's the final paragraph, which I find sad (especially after Kraft's seeming defense of the enormous costs of journal publishing):

> Everybody is all a twitter (litteraly and figuratively) about the boycott. It is the news du jour and I do hope something positive comes out of it. However, I am not holding my breath. Perahps I am just in a cynical mood today (I am a GenXer afterall so finding me not in a cynical mood is quite rare), but I read these stories and all I can think is that it is the same ol' same ol'. I can't get excited about Gower's boycott or any other ones. I can't get excited that publishing models will finally change if all of the authors and reviewers boycott, because *everybody doesn't* boycott. I guess I am like this because I feel these type boycotts just really don't work. Part of the reason is they are only boycotting half of the problem. Academia's advancement structure feeds into this problem. Gower's boycott doesn't address that. Gower's boycott doesn't give alternatives to PostDocs who aren't tenured. If they are supposed to be good little boycotting researchers, where do they publish without hurting their chances of advancement? I think it is going to take a cataclysmic event within the publishing/library/research world for things to change. Boycotts are not the cataclysmic event.

So nothing can be done? How sad.

The Research Works Act and the breakdown of mutual incomprehension

Remember Cameron Neylon? I haven't cited anything by him up to now, but he's the one who started the boycott site Cost of Knowledge. This post appeared on February 3, 2012 at his *Science in the Open* blog. It's Neylon's own sense of the situation and a fairly bold prediction of how it will play out. It's also CC0—that is, explicitly in the public domain, which means I could legally call it my own, copying it wholesale and not even providing attribution. I won't do that. I will, however, quote the entire 1,499-word post, because I think Neylon's offering a well-thought-out discussion, even if I can't be as optimistic as he is about outcomes. (Copied-and-pasted intact, including the occasional typo.)

> When the history of the Research Works Act, and the reaction against it, is written that history will point at the factors that allowed smart people with significant marketing experience to walk with their eyes wide open into the teeth of a storm that thousands of people would have predicted with complete confidence. That story will detail two utterly incompatible world views of scholarly communication. The interesting thing is that with the benefit of hindsight both will be totally incomprehensible to the observer from five or ten years in the future. It seems worthwhile therefore to try and detail those world views as I understand them.
>
> The scholarly publisher

The publisher world view places them as the owner and guardian of scholarly communications. While publishers recognise that researchers provide the majority of the intellectual property in scholarly communication, their view is that researchers willingly and knowingly gift that property to the publishers in exchange for a set of services that they appreciate and value. In this view everyone is happy as a trade is carried out in which everyone gets what they want. The publisher is free to invest in the service they provide and has the necessary rights to look after and curate the content. The authors are happy because they can obtain the services they require without having to pay cash up front.

Crucial to this world view is a belief that research communication, the process of writing and publishing papers, is separate to the research itself. This is important because otherwise it would be clear that, at least in an ethical sense, that the writing of papers would be work for hire for the funders – and part and parcel of the contract of research. For the publishers the fact that no funding contract specifies that "papers must be published" is the primary evidence of this.

The researcher

The researcher's perspective is entirely different. Researchers view their outputs as their own property, both the ideas, the physical outputs, and the communications. Within institutions you see this in the uneasy relationship between researchers and research translation and IP exploitation offices. Institutions try to avoid inflaming this issue by ensuring that economic returns on IP go largely to the researcher, at least until there is real money involved. But at that stage the issue is usually fudged as extra investment is required which dilutes ownership. But scratch a researcher who has gone down the exploitation path and then pushed gently aside and you'll get a feel for the sense of personal ownership involved.

Researchers have a love-hate relationship with papers. Some people enjoy writing them, although I suspect this is rare. I've never met any researcher who did anything but hate the process of shepherding a paper through the review process. The service, as provided by the publisher, is viewed with deep suspicion. The resentment that is often expressed by researchers for professional editors is primarily a result of a loss of control over the process for the researcher and a sense of powerlessness at the hands of people they don't trust. The truth is that researchers actually feel exactly the same resentment for academic editors and reviewers. They just don't often admit it in public.

So from a researcher's perspective, they have spent an inordinate amount of effort on a great paper. This is their work, their property. They are now obliged to hand over control of this to people they don't trust to run a process they are unconvinced by. Somewhere along the

line they sign something. Mostly they're not too sure what that means, but they don't give it much thought, let alone read it. But the idea that they are making a gift of that property to the publisher is absolute anathema to most researchers.

To be honest researchers don't care that much about a paper once its out. It caused enough pain and they don't ever want to see it again. This may change over time if people start to cite it and refer to it in supportive terms but most people won't really look at a paper again. It's a line on a CV, a notch on the bedpost. What they do notice is the cost, or lack of access, to other people's papers. Library budgets are shrinking, subscriptions are being chopped, personal subscriptions don't seem to be affordable any more.

The first response to this when researchers meet is "why can't we afford access to our work?" The second is, given the general lack of respect for the work that publishers do, is to start down the process of claiming that they could do it better. Much of the rhetoric around eLife as a journal "led by scientists" is built around this view. And a lot of it is pure arrogance. Researchers neither understand, nor appreciate for the most part, the work of copyediting and curation, layout and presentation. While there are tools today that can do many of these things more cheaply there are very few researchers who could use them effectively.

The result…kaboom!

So the environment that set the scene for the Research Works Act revolt was a combination of simmering resentment amongst researchers for the cost of accessing the literature, combined with a lack of understanding of what it is publishers actually do. The spark that set it off was the publisher rhetoric about ownership of the work. This was always going to happen one day. The mutually incompatible world views could coexist while there was still enough money to go around. While librarians felt trapped between researchers who demanded access to everything and publishers offering deals that just about meant they could scrape by things could continue.

Fundamentally once publishers started publicly using the term "appropriation of our property" the spark had flown. From the publisher perspective this makes perfect sense. The NIH mandate is a unilateral appropriation of their property. From the researcher perspective it is a system that essentially adds a bit of pressure to do something that they know is right, promote access, without causing them too much additional pain. Researchers feel they ought to be doing something to improve acccess to research output but for the most part they're not too sure what, because they sure as hell aren't in a position to change the journals they publish in. That would be (perceived to be) career suicide.

The elephant in the room

> But it is of course the funder perspective that we haven't yet discussed and looking forward, in my view it is the action of funders that will render both the publisher and researcher perspective incomprehensible in ten years time. The NIH view, similar to that of the Wellcome Trust, and indeed every funder I have spoken to, is that research communication is an intrinsic part of the research they fund. Funders take a close interest in the outputs that their research generates. One might say a proprietorial interest because again, there is a strong sense of ownership. The NIH Mandate language expresses this through the grant contract. Researchers are required to grant to the NIH a license to hold a copy of their research work.
>
> In my view it is through research communication that research has outcomes and impact. From the perspective of a funder their main interest is that the research they fund generates those outcomes and impacts. For a mission driven funder the current situation signals one thing and it signals it very strongly. Neither publishers, nor researchers can be trusted to do this properly. What funders will do is move to stronger mandates, more along the Wellcome Trust lines than the NIH lines, and that this will expand. At the end of the day, the funders hold all the cards. Publishers never really did have a business model, they had a public subsidy. The holders of those subsidies can only really draw one conclusion from current events. That they are going to have to be much more active in where they spend it to successfully perform their mission.
>
> The smart funders will work with the pre-existing prejudice of researchers, probably granting copyright and IP rights to the researchers, but placing tighter constraints on the terms of forward licensing. That funders don't really need the publishers has been made clear by HHMI, Wellcome Trust, and the MPI. Publishing costs are a small proportion of their total expenditure. If necessary they have the resources and will to take that in house. The NIH has taken a similar route though technically implemented in a different way. Other funders will allow these experiments to run, but ultimately they will adopt the approaches that appear to work.
>
> Bottom line: Within ten years all major funders will mandate CC-BY Open Access on publication arising from work they fund immediately on publication. Several major publishers will not survive the transition. A few will and a whole set of new players will spring up to fill the spaces. The next ten years look to be very interesting.

There are 38 comments (and 129 reactions), and they're worth reading. I don't think I need to add many comments here. Clearly, I don't believe universal Gold OA mandates are likely to happen. I'm not even sure I

believe they're the best future. But the discussion…well, it was interesting and thoughtful enough that I chose not to excerpt.

The Exciting World of Research Information

Finally for this act, here's an odd article by Chrysanne Lowe, VP Global Marketing Communications for Elsevier, published February 2, 2012 in *LibraryConnect* (which has the lovely subtitle "Partnering with the Library Community"—which to me now reads somewhat like hookworms asserting that they partner with humans). Lowe provides the standard Elsevier pitch—that access to published content is greater and "at its lowest cost per use" than ever before; that Elsevier offers lots of ways to buy content (and that you can't possibly argue that bundles don't enhance access); that Elsevier's mission is to expand access to content, not restrict it. Lowe states these as facts; others will argue that the reality contradicts them.

Most of the post comes off as a simple canned retelling of The Elsevier Line, along with Lowe's argument that "simple slogans won't serve science in the long run" and that we need "respect" to advance the cause. There are nine comments, and I must note that the first two are from librarians I'm acquainted with; it's fair to say that neither one is fully convinced by Lowe's arguments. Neither are any of the other commenters. I wonder why?

Elsevier Supports, The Boycott Grows

This third act begins with "A Message to the Research Community: Elsevier, Access, and the Research Works Act," published on February 3, 2012. If the statement didn't have such a clear © post at the bottom, I'd quote it in full in order to give Elsevier's side. As it is, here's the start:

> In recent weeks we have heard a wide range of views and reactions to Elsevier's support of legislation introduced in the U.S. Congress. Much of the discussion has painted a very misleading picture. It's time to correct that distortion and clear the air.
>
> Elsevier supports the principle that the public should have access to the output of publicly funded research. We encourage researchers to make their datasets and reports and draft manuscripts available as widely and as soon as is possible. We are committed to the broadest possible dissemination of published research as well.
>
> The costs of publishing services need to be met and are *in addition* to the costs of doing the research. Publishers invest heavily to add value to research reports and draft manuscripts through the publishing process. Academics do too through the peer review process, but without publishers and peer reviewers the 3 million manuscripts submitted each year would not be transformed into the 1.5 million articles published

> each year. Researchers function more efficiently and effectively because of the value that is added by all of us through publishing processes.

The statement goes on to repeat how happy Elsevier is to provide OA (as long as its prices are paid) and its willingness to meet any "sustainable" business model. Why does Elsevier support RWA? "We are against unwarranted and potentially harmful government laws that could undermine the sustainability of the peer-review publishing system… Governments are simply not in a position to be able to know what is sustainable for individual journals whose dynamics vary significantly. As those who invest to deliver the publications, we believe that we should and must be involved in these decisions particularly when governments seek to distribute for free what we have paid to develop."

Maybe you should read the whole thing in the original. It's not that long. Nor, I'm afraid, is it all that convincing—especially in these closing sentences that somehow make it seem as though Elsevier is supporting RWA against its will: "We feel we have no choice but to support the Research Works Act and oppose legislation that would dictate how journal articles or accepted manuscripts are disseminated without involving publishers. That said, it is our sincere wish to de-escalate from the constant cycle of legislation and lobbying that has marked the scholarly communication landscape for many years, and accelerate collaborative work in partnership with other stakeholders."

How many readers believe Elsevier played no part in RWA being written and introduced? I'm guessing "de-escalate from the constant cycle of legislation and lobbying" means something different to most of us than it does in this statement.

In any case, the statement failed to convince everybody of the rightness of Elsevier's approach.

A Couple of Points about the Elsevier Response

Wayne Blivens-Tatum posted this on February 3, 2012 at *Academic Librarian*. He notes his speculation in the summer of 2011 that a faculty boycott would be a necessary step towards more OA, although that had to do with the GSU situation.

B-T characterizes Elsevier's response as "business as usual is the best thing for everyone." He's actually discussing the *LibraryConnect* article, not the Elsevier PR, but I'm not sure there's an enormous difference.

> The implication is that anyone who believes that publicly funded research should be open to the public just doesn't understand all the complexities of the issue, even if they're the ones funding or performing the research. Instead, the people who really understand the issue are vice presidents of global marketing for large publishers with a serious investment in defending the status quo.

As he explains, Elsevier's trying to derail the general debate by specific and misleading assertions. As he notes, scientists have always wanted to disseminate their findings broadly—but "they haven't been so good at creating mechanisms for the wide distribution of the results of their research."

> The network of noncommercial scholarly journals didn't keep pace with the output of scientific research, and enterprising publishers with commercial values at odds with scientific values emerged to fill the gap. Scientists were so intent on publishing, they didn't think about the implications of creating a large commercial network of journals to publish research that was often publicly funded. They also haven't thought much about the refereeing and editorial work they did for these journals, treating all scholarly journals as equal, regardless of whether they were published by a commercial firm dedicated to profit or by a noncommercial association dedicated to the dissemination of scholarship.

He also challenges the claim that Elsevier aims to make research more accessible—by pushing for a law that does the opposite. And closes: "It would be ironic indeed if a push by Elsevier to overturn a law supporting a principle they claim to uphold leads to radical change in scholarly publishing."

Around the Web: Research Works Act & Elsevier boycott

Another of John Dupuis' roundups of links—this one dated February 6, 2012 and with so many links to items *after* the previous roundup (and those in that roundup) that I gave up even counting them. So if you feel I'm not providing enough of a picture, well…have at it!

Tiptoeing Toward the Tipping Point

Barbara Fister weighs in on February 2, 2012 in "Peer to Peer Review" at the *Library Journal*. As always with Fister, I recommend reading the original, both for the quality writing and the quality thinking behind it. The "tipping point" in this case is…well, here are the first two paragraphs (emphasis added):

> The Association of American Publishers (AAP) has done academic librarians a huge favor. When it publicly got behind the Research Works Act, it accomplished something librarians have been trying to do for decades. It turned a lot of scholars into open access activists.
>
> Until now, the majority of the academics we work with found the phrase "scholarly communication" a little bogus. It's not an expression scholars use themselves. It's a slogan that marks the speaker as a librarian, concerned about library stuff and trying to drag busy researchers into their parochial problems. Those who are sympathetic to libraries tended to believe it wasn't anything that couldn't be fixed by increasing

> the library's budget. Those who couldn't be bothered had more important things to do. Of course, it's not just librarians doing the work; there have been strong open access advocates in the disciplines for years, but they haven't been able to make much headway against tradition, either.

There's quite a bit more, of course, all of it good. She points out the absurdities in AAP's statement supporting RWA, the Cost of Knowledge boycott site and some true silliness from Rep. Maloney's baloney (sorry, couldn't resist) responding to a critic of RWA:

> The letter also raised a scaremongering, though extraordinarily silly, objection that has been raised in the past as publishers argue against federal research mandates: a xenophobic fear of foreigners. "Two-thirds of the access to PubMed central is from non-US users," Maloney wrote. "In effect, current law is giving our overseas scientific competitors in China and elsewhere important information for free." Apart from seeming to claim that the NIH is leaking state secrets that would not otherwise fall into the hands of foreigners, she seems to have forgotten that many of the companies that would benefit from this bill and have lobbied hard for it are based overseas, too, and benefit hugely from the free basic research our tax dollars support.

Indeed. Take Elsevier, for example… Another paragraph (and two sentences) too good not to quote:

> [O]nce the article the researcher wrote is submitted to a journal, the journal's back office work transforms it into unique and valuable intellectual property that thereafter belongs to private sector interests, the act's supporters claim. The authors have no claim to those articles at all.
>
> Librarians have been pointing this out for years, without having much impact. But we never put it quite so bluntly: publishers not only own the publication rights to your work, they totally own that research. Scholars would scoff if a librarian made that claim, but when the publisher comes right out and says it—that's a good way to get a researcher hopping mad.

Fister's also realistic: The boycott itself won't change the status quo—but it's a start.

Why Elsevier?

The Library Loon deals with that question in this February 7, 2012 post at *Gavia Libraria*.

> Talk around the backwaters of academe has occasionally taken a why-Elsevier turn. This itches the Loon's feathers something fierce. There are *good and cogent reasons* Elsevier is the current target; let us lay them out in the open.

The Loon does so rather nicely. Going after *all* the publishers was what PLoS tried in 2001: "It didn't work then, and it won't work now." It's too diffuse and confused, and doesn't give you a named target. Also (and probably more the cause of the earlier failure):

> The other problem with PROTEST ALL THE PUBLISHERS, of course, is that faculty careers still depend on one big pig or another. There's enough overlap in the journal market now that many, even most, can avoid *one* big pig without *enormous* sacrifice. All the big-pigs? No. *Certainly* not in 2001, and not even now, though we've come a good bit closer to that happy day since 2001. What happened in 2001—faculty ticked an online tickybox, then shuffled away to do what they do—was inevitable; relying on tickyboxen without considering the larger context is silly.

Nor does the Loon believe everybody who's signed on to Cost of Knowledge will stick with it—but the Loon thinks it will be a higher percentage than in 2001.

So why *Elsevier*?

> The Loon happily grants that nearly all characteristics of Elsevier as a publisher and as a business are replicated by other publishers. It's not hard to find other publishers who buy legislation, publish fake ghostwritten journals, spread (and fund the spreading of) outright lies about open access, bamboozle faculty every chance they get, abuse librarians and library budgets, make obscene profit margins, et cetera.
>
> It's mildly difficult (though certainly not impossible), however, to find another publisher who's done *all these things*, studiedly, repeatedly, and shamelessly. And, let us not forget, *powerfully*. Elsevier is the biggest of the big-pigs. Make a dent in Elsevier, and *watch* how fast the rest of the industry changes.

There's more, including notes on an earlier boycott—and the Loon is as realistic as Barbara Fister:

> Does that mean the current boycott will actually succeed in its nominal goals? No. The Loon wouldn't bet her tiniest pinfeather on it. It does mean that more faculty have been made aware of the issues. It does mean that more faculty have been radicalized about them. Thanks in some part to Tim Gowers's honesty (the Loon is enormously grateful to him for admitting outright that he held a longtime bias against e-journals; nobody ever believed the Loon when she said this was part of the problem!), it does mean that faculty are starting to confront some of the less-than-conscious, wholly irrational prejudices and practices that have historically hindered open access.

Realistically, "Why Elsevier?" is as much a disruptive tactic as anything—not as bad as "there is nothing we can do, so we shouldn't even try," but close.

Occupy Elsevier?

Bob Grant's story on February 7, 2012 in *The Scientist* has a significant subtitle: "A boycott of the publishing giant swells, but is the criticism warranted?" Lots of folks are quoted—but it basically boils down to all those hothead scientists vs. Elsevier's own spokespeople, who say "a misunderstanding of its intentions, and not unfair business practices, are fueling the boycott." The article includes more detail, but some librarians may find it a bit hollow. For example:

> Clark [of Elsevier] rebutted the criticism voiced in Glowers's blog post, starting with the claim that Elsevier's subscription prices are too high. "Our list prices, on a price per article basis, are absolutely on the industry average," he claimed. "This image of these journals becoming more and more expensive and less and less accessible simple isn't true."
>
> Clark also refuted the notion that Elsevier was forcing institutional libraries to buy bundles of journal titles and ruthlessly negotiating those deals. "If you look at what libraries choose to do, they do choose to take some of these packages," he said. "We're not in the business of forcing people to take journals." Clark added that libraries have the option of purchasing each of Elsevier's publications individually if they don't want to buy bundled packages."

And, yes, Clark says academic authors just don't understand the business side of Elsevier.

Lots of comments, beginning with applause from [Elsevier's] Alicia Wise for a "balanced article." Some are useful. Some are…well, here's Thane Kerner's comment in its entirety: "Silly, silly children, kicking and screaming and ignoring economics." Who is Kerner? He's on the Executive Council of AAP/PSP. Yet another way to derail a serious discussion: dismiss people as childish and ignorant.

Elsevier's Alicia Wise on the RWA, the West Wing, and Universal Access

I'm linking to this February 8, 2012 Richard Poynder interview of Elsevier's Alicia Wise at *Open and Shut* (preceded by a fairly lengthy discussion which, once again, mischaracterizes Gold OA) in the interests of fair play. Even the summary includes most of Elsevier's standard talking points, and we immediately get "ad hominem" when a commenter notes Alicia Wise's past practice. I will be honest: I did not read the entire 17-page (PDF) email interview (the first two pages largely repeating the piece's introduction). If you do, I believe you'll see "sustainable" repeated quite often, and should remember whose sustainability is at stake.

Good Citizens and the Historic Spend

Here's an interesting commentary from Wayne Bivens-Tatum, posted February 8, 2012 at *Academic Librarian* after reading the *whole* Alicia Wise interview (the one I gave up on). He notes Wise's admission that Elsevier increased prices steeply year after year in the 1980s and 1990s, saying "We got it wrong then. But we've improved and have become good citizens."

> They got it wrong, sort of. In my own previous summary of Elsevier's actions, I wrote that "Publishers know how unlikely we are to sacrifice key titles. Many years ago they tried to maximize their profit by raising journal prices at four times the rate of inflation. When libraries finally cracked and started cutting subscrip-tions, they got us to give up all con-trol and agree to multi-year pack-ages where they would raise the prices each year by only twice the rate of inflation, and we agreed to ease our pain." They "got it wrong" because they were raising prices faster than library budgets but were leaving libraries with the option of unsubscribing from individual titles. Now they've "gotten it right" because they've removed that option.

Yes, the big deals slowed the rate of price increases—but with consequences. And, as B-T notes, it's not like libraries started paying *less* to Elsevier than the prices Elsevier sort-of now semi-acknowledges might have been exorbitant. "They still pay more, but the 'more' rises less."

> Combine this thought with a phrase Elsevier likes, the "historic spend." Elsevier wants libraries to continue to pay for access to their journal packages based upon what they have paid before, the "historic spend," regardless of current needs or budgets. But the "historic spend" grew out of pricing levels that were so exploitative libraries finally had to stop subscribing to journals they needed. Add to this the fact that Elsevier doesn't want anyone to know what anyone else is spending on Elsevier journals, going so far as to sue Washington State University to keep them from releasing an unredacted copy of their contract with Elsevier.

I wonder whether "sustainable" correlates to "historic spend" nicely: That is, the only sustainable future is one in which Elsevier gets all of the historic spend—plus, of course, increments at least equal to inflation and probably higher?

B-T doesn't actually call Elsevier evil; he calls them a typical corporation. "However, that doesn't mean that anyone in academia should believe their corporate spin."

Explaining resistance to the Elsevier boycott: Practicalities

This is an excellent discussion, by DrugMonkey on February 8, 2012 at their eponymous blog. DM notes the relatively low number and percentage of boycotters in the fields DM is most familiar with and some realistic rea-

sons people might *not* be ready to sign—quite apart from impact factor and the money Elsevier pays to societies for some of its journals.

Two of the most interesting discussions are on cost and convenience. I'll quote the first:

> Cost: Somewhere or other (was it Dr. Zen?) someone in this discussion brought up the notion that paying Open Access fees upfront is a big stumbling block. Yes, in one way or another the taxpayers (state and federal in the US) are footing the bill but from the *perspective of the PI*, increasing library fees to the University don't matter. What matters are the Direct Cost budgets of her laboratory (and possible the Institutional funds budget). Sure, OA journals allow you to ask for a fee waiver...but who knows if they will give it? Why would you go through all that work (and time) to get the manuscript accepted just to have to pull it if they refuse to let you skip out on the fee? I mean, heck, $1,000 is always handier to have in the lab than being shunted off to the OA publisher, right? I don't care how many R01s you have...

Boy, does that sound familiar. "Library subscriptions are Somebody Else's Money, so they don't matter. Just don't touch my grant!" There's also convenience—Elsevier's manuscript handling system is slick. There are several others; well worth reading.

The Other Academic Freedom Movement

This one's by Konstantin Kakares, posted February 9, 2012 at *Slate*—and as is frequently the case with *Slate*, that's one of two entirely different titles. (The web page carries the title "Federal Research Public Access Act, the Research Works Act, and the open access movement"; the article itself carries the shorter title above.) The subtitle's intriguing in its promise: "How scientists broke through the paywall and made their articles available to (almost) everyone."

The article notes Paul Ginsparg, arXiv, PubMedCentral—and how FRPAA (reintroduced on February 9) and RWA would change that landscape. There's a charming paragraph of exemplary numbers:

> The invisibly siphoned revenue stream that Ginsparg referred to comes from institutional subscriptions, which don't come cheap. A year's print subscription to *Cancer Genetics*, say, will run you (without discounts) $5,010 per year. (Individuals can subscribe for $280.) *Cancer Genetics*, along with 2,637 other journals, is published by Elsevier, a multinational conglomerate that made $1.1 billion last year on $3.2 billion in revenue—a 36 percent profit margin. This is typical of the industry. It helps that the "referees" who peer-review journal articles perform the job for free. (Almost 5,000 scholars are now boycotting Elsevier in protest of price-gouging and other practices, in a movement started by a British mathematician on Jan. 21.) Erik Engstrom, Elsevier's current CEO, made $3.2 million in 2010; his predecessor

> Ian Smith got more than $1.7 million as a parting gift when he left after eight months on the job.

A discussion of the reasons for journal articles—and the reasoning behind PLoS—begins with this lovely pair of sentences: "A journal article serves many purposes. One of them is to make money for publishers." After more discussion, including AAP's Allan Adler's doubt that OA is sustainable, it's noted that PLoS is cash-flow positive and that *its* CEO didn't starve either: he made more than $400,000 in 2010. There's more and it's worth reading, offering an interesting journalistic perspective that's pretty clearly pro-OA.

Not a lot of comments and one anonymous one is a pretty good set of nonsensical claims about OA. Not quite good enough to quote, but many of the misleading talking points are there.

John Wiley & Sons have no plans to endorse the Research Works Act

Another one from Richard Poynder, this time on February 10, 2012 at *Open and Shut?* He cites email from Wiley saying that legislative initiatives aren't the best way forward. That's basically it, along with a recounting of the growing list of publishers (AAP members and others) backing away from RWA. Oh, and an anonymous comment that begins with this remarkable statement: "Open access has nothing to do with the RWA." Sure it doesn't.

An Open Letter to Elsevier

Stephen Curry wrote this on February 11, 2012 at *Reciprocal Space*. Curry says he's been working to stimulate dialogue since the start of the whole RWA shindig, is pleased to see the various posts from Elsevier employees, and wishes to continue the dialogue…by doing a bit of fisking. So, for example, an Elsevier statement and Curry's response:

> "Being criticized by even one researcher, let alone all the signatories of the petition, is difficult for a company whose reason for being is to serve the research community."
>
> This rather skips over the fact that Elsevier has a duty to make profits for its shareholders, which is another important reason for its being.

Or another:

> "We have invested heavily in making our content more discoverable and more accessible to end-users and to enable the research community to develop innovative research applications."
>
> "Our content"? There they go again. How easily the publisher seems to forget where that content comes from. On Twitter Elsevier employee Liz Smith explained to me "'Our' content means the article we've invested in. It's not our work and we know that." I'd like to suggest that our partner tries harder to find a form of words that more clearly acknowledges the shared nature of the content. To be fair to them,

> however, perhaps the publisher is simply relying on the fact that most authors sign over to them the copyright of their journal articles.

There's more, and it's interesting. In this case, I also heartily recommend the comment stream, strong on useful discussion, weak on invective.

Why scientists are boycotting a publisher

This opinion piece by Gareth Cook appeared on February 12, 2012 in *The Boston Globe*. Cook calls the boycott "the beginning of [the scientific community's] own Arab Spring" and says Boston should play a special role. Cook on Elsevier, after noting that it publishes some prestigious journals:

> But Elsevier has settled on a business strategy of exploitation, aligning itself against the interests of the scientific community. Most of the intellectual work that goes into Elsevier's journals is provided for free, by scientists whose salaries are largely paid for by taxpayers. Then Elsevier charges exorbitant rates for its journals, with many titles running in the thousands of dollars a year. This sharply curtails the sharing of results—the fuel of scientific discovery—and makes it prohibitively expensive for the public to read what appears in its pages. Yet for Elsevier, this looks like success: In 2010 Elsevier reported revenues of about $3.2 billion, of which a whopping 36 percent were profit.

Cook then notes RWA as "an odious bit of legislation" and discusses the boycott, level of profits…and, to be sure, the "Australasian" pseudo-journals from Elsevier. He believes the protest movement needs clearer demands and that the community needs better alternative models.

> But what is most urgently needed now is the equivalent of a mass uprising in Tahrir Square. And that's where the research community in the Boston area can play a role. Researchers should sign the boycott petition and encourage colleagues to sign. Those on an Elsevier editorial board should resign—and take fellow board members with them. This will not just send a message to Elsevier, but to an industry that needs to change.

Penguin ebooks & The Research Works Act: Publishers gain, communities lose

John Dupuis had been doing great work in gathering up links for articles on the RWA situation. Here, in a February 13, 2012 post at *Confessions of a Science Librarian*, he speaks out—relating RWA to Penguin's decision to withdraw ebooks from library circulation. He started with a series of tweets, and while his post is well worth reading in its entirety, those five tweets get to the heart of the matter:

> Penguin withdrawing ebooks from libraries & The Research Works Act are the same things.

> Publishers want to monetize all reading and sharing transactions. Are publishers basically saying that they are opposed to the core values that libraries represent?
>
> Both Penguin and the RWA are cases of legacy industries protecting rapidly crumbling business models in the face of rapid technological change.
>
> At a certain level, the challenge is not just how to stop them but also to build a fairer system that can include diverse players.
>
> Scholarly publishers have never been libraries' friends, but it's sad to see it happening on the trade publishing side too, though I guess just as inevitable.

For more, go read the original (and the comments).

Could Backlash to Research Works Act Boost FRPAA's Odds of Passage?

This essay is about RWA, but it wouldn't hurt to mention FRPAA again (it's been noted already), since in some ways it's the flip side of RWA, the Ceiling Cat to RWA's Basement Cat. Andrew Albanese offered this article on February 14, 2012 at *Publishers Weekly*. He notes that 2012 is the third try for FRPAA and quotes SPARC's Heather Joseph to the effect that it's facing an uphill battle in an election year (and that it was referred to Darrell Issa's committee). But the landscape *has* changed:

> "One thing is for sure," Joseph told *PW*, "the nature of the conversation on the [public access] issue has changed. The RWA debacle has helped to engage researchers on this issue in droves, so we're seeing a more substantive discussion of how opening up access to this information helps scientists do their work."

FRPAA would *require* free availability of final versions of publicly-funded articles no more than six months after publication. RWA, of course, goes to the other extreme: forbidding any such mandates.

How's FRPAA doing? I don't see any signs of progress.

Joining the Movement: A Call to Action

Here's Barbara Fister's February 16, 2012 take on the situation, at "Peer to Peer Review" on the *Library Journal* site.

> Something interesting is happening. People are beginning to see connections and patterns and thinking, "It's not just my corner of the information infrastructure that's borked. The whole thing is messed up. And I think I can see why." This isn't just a library issue anymore; it's an issue many scholars and ordinary citizens are seeing as their own fight.

It never was just a library issue—it's just that librarians haven't had much success in getting others involved. That's changing. Fister brings in an issue that helps sharpen perceptions:

> The fact that one giant publishing conglomerate after another has basically said that, in a digital age, public libraries are a bad idea has given the industry a bit of a PR problem. Until recently, the public mostly blamed their local public library when ebooks weren't available, or were hard to download. They are now becoming aware that publishers actually want a system that cuts public libraries out completely.

There's the ebook/RWA connection again. There's more to this section, which you should read in the original. Then she gets to RWA and the unfortunate reality of library costs in the past:

> Academic librarians have said for decades that the price of journals is unsustainable and damaging, but it seemed like a problem too mired in its own picayune academic context to be fixable. Publishers know that the majority of scholars who give them content, review it, and provide editorial work for free don't care how much the finished product costs and aren't interested in changing a system that so far works for them. This has been a "library problem" for most scholars, and what libraries have done to solve the problem has in many ways made it worse. We have used our money as duct tape to hold a broken system together and protect our users from its long-term consequences.

"Decades" is *absolutely not* an exaggeration: I was involved in a 10% serials cut in the 1970s at UC Berkeley—because the price of journals was unsustainable five decades ago. (Back then, it was mostly print. Ejournals haven't improved the situation.) Ah, but consider that last sentence—and a key expansion, the extent to which libraries are abandoning the future:

> In shifting our resources from developing shareable long-term assets to buying and using up massive amounts of duct tape, we've abandoned future library users in order to keep our current clientele happy. Somewhere along the line, we decided that good customer service trumps every other library value. That could be connected to the fact that some of our more vocal faculty are bullies and we have been intimidated by them. But it's mostly because it's one value that works for both libraries and for corporations. We care about service. And that works out swell for big publishers.

Strong language there, but not undeserved. Then she gets into the current RWA brouhaha and the extent to which it's like "poking sleeping scholars with a sharpened stick." She wonders why libraries keep doing as they've done—and shows that she's walking the talk. She signed the Elsevier boycott, but that's easy. More to the point, Fister—who writes mystery novels as well as being a librarian and library writer—has decided she won't sign a contract with publishers that withhold ebooks from public libraries, a category that includes her current publisher. That's putting it on the line. She wants others to be brave:

> I challenge academic librarians to be as brave as the principled academics who are willing to make a sacrifice for the greater good by signing the Elsevier boycott. This would mean not writing, reviewing, or providing editorial services for some pretty significant journals in our field, including the following (a relatively short list, but including some high-profile journals such as Elsevier's *Journal of Academic Librarianship* and *Serials Review)*.

Fister closes:

> To paraphrase distinguished mathematician Timothy Gowers, the moral issues here are among librarians, rather than between librarians and particular publishers. If you publish in journals owned by corporations that you feel are inhibiting the flow of knowledge, you are making it easier for these corporations to take action that harms libraries and their missions, so you shouldn't.

Do read the comments.

Elsevier boycott: Time for librarians to rise up!

We'll close the third act with John Dupuis' February 21, 2012 call for action at *Confessions of a Science Librarian*. He quotes Cost of Knowledge's call to action and some related links—and notes that he's now signed the boycott. That's become easier to do, since the site added Library and Information Sciences to its subject list.

Dupuis recently declined an opportunity to publish in an Elsevier professional newsletter in the library field and cited RWA as a reason. He's now putting out the call:

> I would ask all the librarians and library/information science people reading this to consider adding their names to the boycott as well.

Thus ends Act 3. The final act begins with a blink…

Elsevier Blinks, RWA Dies

"Elsevier withdraws support for the Research Works Act." In all caps, that's the heading on a February 27, 2012 "message to the research community" from Elsevier. This time I'll quote the whole thing, since the action is so fundamental to the fourth act:

> At Elsevier, we have always focused on serving the global research community and ensuring the best possible access to research publications and data. In recent weeks, our support for the Research Works Act has caused some in the community to question that commitment.
>
> We have heard expressions of support from publishers and scholarly societies for the principle behind the legislation. However, we have also heard from some Elsevier journal authors, editors and reviewers who were concerned that the Act seemed inconsistent with Elsevier's long-standing support for expanding options for free and low-cost

> public access to scholarly literature. That was certainly not our intention in supporting it. This perception runs counter to our commitment to making published research widely accessible, coming at a time when we continue to expand our access options for authors and develop advanced technologies to enable the sharing and distribution of research results.
>
> We welcome indications that key research funders are more willing to talk to publishers to explore collaborative approaches. This is a good sign because we firmly believe that more cooperation and partnership between funders and publishers is the best way to expand free public access.
>
> While we continue to oppose government mandates in this area, Elsevier is withdrawing support for the Research Work Act itself. We hope this will address some of the concerns expressed and help create a less heated and more productive climate for our ongoing discussions with research funders.
>
> Cooperation and collaboration are critical because different kinds of journals in different fields have different economics and models. Inflexible mandates that do not take those differences into account and do not involve the publisher in decision making can undermine the peer-reviewed journals that serve an essential purpose in the research community. Therefore, while withdrawing support for the Research Works Act, we will continue to join with those many other nonprofit and commercial publishers and scholarly societies that oppose repeated efforts to extend mandates through legislation.
>
> We are ready and willing to work constructively and cooperatively to continue to promote free and low-cost public access through a variety of means, as we have with research funders and other partners around the world.

I'm not going to parse that announcement. I suggest reading the fourth and fifth paragraphs *very, very carefully*. Twice. I will say that it's followed by a link back to the February 3, 2012 statement of *support* for RWA, and Elsevier deserves full credit for keeping both items on the record. A few hours later, RWA's sponsors dropped the bill like a hot rock—essentially disowning the idea in the process.

Elsevier blinks, once

That's Library Loon's take on the Elsevier message in a February 27, 2012 post at *Gavia Libraria*. The Loon says the blink is "an entirely welcome development…but it's unlikely to help them very much."

> As with the 2007 protest, throwing the least-essential part of their strategy to the wolves only made sense, no doubt. Moreover, the RWA didn't look like passing anyway, so why dwell? Call DC, call off the

> paid legislators, done. The only obvious cost is a minuscule amount of face on the part of those legislators, and legislators are accustomed to that, so they'll keep taking Elsevier's phone calls.
>
> Will this allow Elsevier to regain face with boycotters? The Loon rather doubts it. It might have done once, but because The Cost of Knowledge has three parts to its manifesto, boycotters have been introduced to more about Elsevier than just its shady dealings with legislators. Boycotters will see this move for what it is: a sop to the wolves.

The Loon *does* think the move will allow Elsevier to regain face with provosts—*for now*. But down the line, with "the next comically oversized bill presented to a library," not so much.

> PubMed Central is probably safe from open Elsevierian meddling of the RWA sort henceforth. It's here to stay, then, and open-access advocates should count that a significant victory. The Loon wouldn't be entirely surprised to see the PRISM Coalition make a reappearance, as Elsevier tries less open (so to speak) methods of throwing sand in the gears, but the PRISM Coalition never did accomplish anything and seems unlikely to now.

If you're too young to have heard of PRISM, a quick search on the *Cites & Insights* homepage will yield a bunch of references including at least one essay on the odd "coalition."

The Loon considers whether Elsevier's blink improves the passage of FRPAA. Go read that at the Loon's pond; this piece isn't primarily about FRPAA.

Can Elsevier save itself?

This is a fairly long post by Mike Taylor on February 28, 2012 at *Sauropod Vertebra Picture of the Week*—which has the subtitle "SV-POW! … All sauropod vertebrae, except when we're talking about Open Access." Taylor took the better part of a day to digest Elsevier's blink and the wording. At first he "hoped that this was the first step on a path towards real change, leading to reconciliation with all the authors, editors and reviewers that they'd alienated."

But then he went back and read the statement closely—and concluded (as I do) that "this is a strategic manœuvre rather than a fundamental shift." He notes others who've had the same reaction—and this quote from the *Chronicle of Higher Education*:

> Alicia Wise, Elsevier's director of universal access, played down the boycott's effect. "It's something that we're clearly aware of," she said. But she emphasized that Elsevier had been sounding out the authors, editors, and reviewers who continue to work with it. "Those are the voices we have been listening to," she said.

[By the way, the *Chronicle* piece—"Legislation to Bar Public-Access Requirement on Federal Research is Dead"—is by Jennifer Howard, nails the point that Elsevier's withdrawal effectively killed the legislation, sees the bill's sponsors suddenly saying quite the opposite of what RWA said, and in general is an excellent piece of journalism, well worth reading.]

Taylor's response?

> It's hard to understand quite what Elsevier were hoping to achieve with this charmless passive-aggressive move, but it certainly wasn't conciliation. The message can hardly be read as anything but a "screw you" to everyone who's signed the Cost of Knowledge boycott. "We didn't listen to you, we listened to the people who like us". In other words, we listened only to the people who are already on our side. Far from being an attempt to win back former authors, editors and reviewers who had abandoned Elsevier, Wise's statement brilliantly contrives to frame the RWA capitulation as both a bit of mutual backscratching and insult to the boycotters.
>
> Well. How else to read that but as "We don't *want* you back"?

There's a *lot* more here, including a rather lovely renaming of a certain extremist anti-OA blog as *Scholarly Echo Chamber*.

Taylor concludes Elsevier just doesn't get it.

> In the context of a welcome concession of a very nasty piece of legislation, they've managed to botch the announcement and surrounding discussion in a way that betrays their core misunderstanding. They still think they own us. They have been careful to stop using the phrase "our content" in public since they saw how it upsets people, but at bottom they still think that the world of publications is all about the process of publishing rather than about what is published. And it just isn't.

Taylor believes Elsevier will "be a footnote in ten years' time" unless it makes a *fundamental* change—and, among other things, visibly supports FRPAA. I'd be surprised if Taylor's prediction works out, much as I'd be surprised if, say, more than 75% of those signing the boycott actually stick to it. But it's a lovely idea. (Interesting comment stream as well.)

I don't have time…

Cameron Neylon, *very* active in the Elsevier boycott, posted a quick response to the Elsevier blink on Google+ on February 27, 2012. His four key points (and the bulk of his post):

> 1. The bill is dead. Essentially no-one else was supporting this bill. The AAP was working closely with senior Elsevier people and there was essentially zero engagement from anyone else. Apart from the Ecological Society of Amercia, no other AAP member or any other

publishers supported the bill. For Elsevier to back down a deal must have been done to allow Maloney and Issa to save face.

2. This is a backdown, not a change of heart. The statement says very clearly that Elsevier will continue to oppose mandates. They distinguish at some level between government mandates and "working with funders" but Elsevier's current practice is to consistently make life difficult and/or expensive wherever a mandate is applied, whether by government, funder, or by an institution. Senior Management at Elsevier believe that this is a principled position. I believe that is wrong-headed and tactically and strategically inept, but it seems unlikely that the position is likely to shift.

3. With no change of heart there will be no swing behind FRPAA. This is a tactical withdrawal to enable a more coherent publisher coalition to be built to oppose FRPAA. The AAP will do so strongly, along (probably) with Springer, Wiley-Blackwell, and a range of society publishers. Key questions are which way will Nature Publishing Group and the AAAS come out given they have given strong support to the NIH mandate. Remember that Issa is chair of the committee where FRPAA is currently lodged.

4. Shifting from a negative campaign against something towards something positive will be hard. FRPAA should be a major target for support and a means of bringing the coalition closer together. In the UK the Finch report provides an opportunity for the significantly grown OA community to demand that its voice be heard. And in the moves towards Horizon 2020 in Europe and the development and implementation of policy for that there are also large opportunities. Time to move on from what we oppose to what we support - and to articulate clearly both what that is, and how we get there from here.

If you were a publisher…

The Library Loon again, this time on February 28, 2012 at *Gavia Libraria*. The Loon suggests a thought experiment: So you're Elsevier…

> You just suffered a highly-public legislative defeat, in the process of which considerably more critical attention was drawn to the basic illogic and grotesquerie of your standard business practices than you would prefer. You are being *soundly* trounced on opinion-forming online social media by voices you can't shut down owing to their pseudonymity. Worst of all, the activist cadre you inspired now smells your blood, refusing (thus far) to shuffle quietly away and ignore you again.

What do you do? Or what do you do if you're Wiley or Springer or Taylor & Francis? It's an interesting post—interesting and well-written enough that you should probably read it in the original. The Loon notes that Elsevier wants to ward off competitive threats, limit the PR damage

and prevent FRPAA—and also that Elsevier's PR capabilities appear to be somewhat wanting. But hey, here's more.

> Elsevier cannot be seen to campaign against FRPAA passage just now; the boycotters are on to that dodge, thanks to the language in yesterday's press release. Elsevier has three US-based puppet organizations at hand that are not yet wholly compromised, the PRISM Coalition, the Association for American Publishers, and the Society for Scholarly Publishing. The Loon fully expects any of these, the PRISM Coalition likeliest as it is pure puppet, to start a full-on anti-FRPAA blitz…
>
> … unless. Unless AAP/SSP members are too scared of the boycotters' gimlet eyes to risk it. Or unless they see enough of their hated rival Elsevier's blood in the water that they'll throw Elsevier to the sharks. (Yes, yes, Elsevier's demise will most likely take their fabled business model along to hell for the ride. They've been shortsighted so far; they'll stop now why exactly?)
>
> The Loon doesn't think matters are considered quite that dire as yet, so she expects the puppet-blitz. She hopes that academe will avoid its usual werewolf pattern around change in scholarly communication: one night of soul-rending jagged-toothed violence subsiding to long days of toothless apathy.
>
> Because Elsevier will be doing every single backroom deal it can swing. They hired Eric Dezenhall; they have no shame. And American politics is more than corrupt enough at present for backroom deals to overcome mild public protest.
>
> We'd better be sure the protest will be more than mild, then. That is our next challenge. May we surmount it.

If you're too new to the discussion to have heard of Dezenhall…well, the link in the Loon's post might be a good place to start…if, ahem, *you have access to this paywalled resource*. I don't, so I can only read the abstract, so I won't comment on it. Or you could search "Dezenhall" at *Cites & Insights* to get to the times I mentioned him in 2007.

Elsevier withdraws support from Research Works Act, bill collapses

That's Cory Doctorow on February 28, 2012 at *boingboing*. Doctorow's own take:

> I believed from the start that Elsevier would be vulnerable to a boycott threat. The Research Works Act was a desperate bid to eliminate competition arising from the scientists and scholars who supply Elsevier with an endless stream of free work that Elsevier then charges high fees to access, generally charging the institutions whose scientists produced the work to begin with. The question isn't whether Elsevier deserves to make money, or makes too much money: the question (for institutions, scholars and scientists) is whether paying Elsevier is the best way to do

> science and scholarship. Elsevier isn't a charity, and there's no reason to expect institutions to pay for its journals if they can get better science and scholarship for less through the open access movement.

He believes the trend toward OA will be more pronounced and that Elsevier is vulnerable—and quotes without comment two paragraphs from the release, including the one that's most telling about Elsevier's real feelings. There are surprisingly few comments—including one from "tdberg" with some of the usual falsehoods about OA, specifically the assertion that all Gold OA requires author fees. Oh, and this gem from "gregbaker":

> Here's the thing that baffles me: Elsevier withdrew their support, so the bill collapsed. This was a bill before Congress.
>
> Aren't congresspeople supposed to at least *pretend* these things are being done for the good of the country, not as the result of blatant bribery? I can't believe they didn't at least say "we're going to think about it more" and let it drop silently, rather than pretty much come out and say "The paymasters said to stop this one."

An extraordinary week

Kevin Smith commented on Elsevier's blink, the rapid abandoning of the bill by its sponsors and more in this February 29, 2012 post at *Scholarly Communications @ Duke*. He recounts the events—including Elsevier's open letter to the mathematics community, a remarkable document that you can read on its own. Some of Smith's comments:

- Regarding the bill's abandonment:

  > It seems it was Elsevier's legislation from the start, so the publishing giant got to call the shots for Congress. The announcement from Representatives Issa and Maloney contained the first extraordinary statement of the day, when they said that "The American people deserve to have access to the research for which they have paid." This, of course, is what they had tried to prevent, and we must read the statement with a suspicious eye. But on its face, it seems to acknowledge the fundamental justice behind public access policies.

- Regarding the "appeal for collaboration" in Elsevier's letter, he offers three paths for mathematicians to pursue. "Talk with them, by all means, but don't believe everything you hear." (Followed by an excellent paragraph of discussion.) Keep exploring alternative publication models. And...well, I'm going to quote the third one n full:

  > Whenever you or a colleague/student does publish with Elsevier, look carefully at the publication agreement that is offered and cross out any language that ties your right to self-archive your work to the non-existence of an open access mandate from your institution of funder (you can find a sample agreement with this language here). This is an outra-

> geous interference with academic freedom, and authors should not tolerate it. Simply pick up your pen and cross out any language that says you may only post a final manuscript of your work if you and your colleagues have not adopted a policy saying that you must do so. In this regard, it is worth noting this article by Kristine Fowler from the AMS website analyzing the relative success that mathematicians have had negotiating the terms of their publication agreements with the largest publishers in their discipline.

A tale of two bills: the Research Works Act and Federal Research Public Access Act

That's the major essay by Peter Suber in the March 2, 2012 *SPARC Open Access Newsletter*. As you'd expect from Suber, it's even-handed, brings up a number of points that hadn't really been mentioned elsewhere (e.g., that RWA would in effect amend copyright law), is *very* extensive and just loaded with links. It's well worth reading on its own.

You've signed on to the Boycott, now what?

We're at the point where those still alive in this tragicomedy turn to the audience to deliver the moral to the story, after which the players all come out for appropriate applause or thrown vegetables. Instead of that coda, we'll close with this: A SPARC Guide for Campus Action, issued—well, I'm not sure just when it was issued, but I tagged it on April 27, 2012. It's intended as a resource for SPARC's members, "to help you to engage your faculty and researchers, and talk with them about options for taking [appropriate] action."

The piece provides as background the full text of RWA and a quick summary of what happened.

> Once they have signed the boycott pledge, many scholars find themselves asking "what do I do next?" This document is intended to provide practical options for boycott signatories, as well as those who support the principles of the boycott. It enumerates a set of actionable activities that will can contribute towards remaking the scholarly communication ecosystem into a more efficient, more open, less costly environment.

The guide stands well on its own. Broadly, SPARC recommends considering OA journals, examining subscription prices, knowing your rights as an author, choosing referee assignments carefully, leveraging your influence as an editor (if you are one), investigating campus publishing initiatives, promoting a better tenure system, advocating for campuswide OA policies and engaging in the larger policy debate.

Those are just the key points. The guide is best read in the original.

Finis

For now. RWA is gone. Elsevier's commitment to fighting against government mandates and true OA is not. Neither is the boycott. Will it be effective? Only time and the thousands of signatories will tell.

Libraries

Walking Away: Courage and Acquisitions

This is a story about courage. And about doing your job exceptionally well. And, I suspect, about ageism, sexism and other isms. And about little-pig serials issues and the continued attempt of some societies to subsidize their operations at the expense of libraries. But that last one won't get much attention, since that's not really the primary thrust here.

This is also a story about a colleague who frequently disagrees with me (sometimes vehemently and in language I might not use)—and who I admire and consider a friend. So there's a personal bias up front. As for other personal connections: My brother was a member of the society in question for many years (he spent his entire working life as a chemist at the Lawrence Radiation Lab in Livermore, CA). As far as I know, I am not related to Brian Crawford, the vehemently anti-OA publishing person at the American Chemical Society (henceforth usually ACS). At least I hope not.

On to the story.

The Events

The first public message came on September 12, 2012, in the blog post noted below—although there's years' worth of background, including American Chemical Society's long history of high institutional prices and aggressive price increases. ACS produces some first-rate journals: There's little or no disagreement about that.

Walking away from the American Chemical Society
Jenica Rogers posted this on September 12, 2012 at *Attempting Elegance*. Since it's the foundation for this whole essay, I'm quoting it in full.

> There's no gentle introduction to this, so I'll get right to my point:
>
> Librarians, this is a call to action.
>
> *tl;dr*: SUNY Potsdam will not be subscribing to an American Chemical Society online journal package for 2013. We will instead be using a combination of the Royal Society of Chemistry content, ACS single ti-

tle subscriptions, the ACS backfile, and ScienceDirect from Elsevier** to meet our chemical information needs. We're doing this because the ACS pricing model is unsustainable for our institution and we were unable to find common ground with the sales team from the ACS. Instead, we explored other options and exercised them. You could do the same if you find yourself in a position similar to ours as ACS standardizes their pricing, and maybe together we can make enough choices to make our voices heard in meaningful ways.

So here's how we got here.

The problem:

In May 2012, after much internal discussion and debate, three SUNY library directors from the comprehensive colleges (myself included) and the university centers, along with two SUNY Office of LIbrary and Information Services staff met with three representatives from the ACS at SUNY Plaza in Albany, NY, and discussed their pricing model. The ACS folks were very clear: they are dedicated to moving all customers to a consistent pricing model, the pricing steps in that model are based on a tiered system, and there is a base price underneath all of that. In principle, I absolutely support this kind of move: too many libraryland vendors obscure their pricing models, negotiate great deals with one institution while charging double to someone else, or "have to ask the manager" to approve any offer. In our discussions, the librarian stakeholders noted our support for this approach, but argued that while their tiers are reasonable and based on arguably sound criteria, the base price underlying those steps is unsustainable and inappropriate. (In the case of SUNY Potsdam, the ACS package would have consumed more than 10% of my total acquisitions budget, just for journals for this one department.) We also learned that their base price and pricing model, when applied to much larger institutions, did not produce the same unsustainable pricing – I cannot provide numbers, as they are marked SUNY Confidential, but I can easily say that what our ARL peers pay for ACS in support of their doctoral programs is, in my estimation, in no way fair or reflective of the usage, FTE, or budgets of those institutions as compared to the pricing offered my institution for my usage, FTE, and budgets. It seems to me that the tiered increases may be fair and be reflective, but the problem lies with the base price underlying their pricing model. That base price is unsustainable for small institutions. And, unfortunately, the ACS sales team is not currently interested in negotiating on that fact. In response to any suggestions of ways that SUNY or campuses might collaborate or negotiate to reach a place where we could sustain our subscriptions – one which might well be applied to other campuses, other consortia by ACS – we were repeatedly told "but that's not our pricing model." The ACS is clearly committed to creating consistent pricing across their tiers, which I respect. However, I firmly

believe that their approach to the base price for their resources is unacceptable and unsustainable for institutions like mine.

What we did:

Given that there was no apparent ACS-based solution to our budget crunch in the face of what we feel is unsustainable pricing, we went to our Chemistry faculty and discussed all of this with them. This was not our first meeting; we've been discussing this since fall 2011 when we clearly understood that ACS pricing would continue to increase, and was pushing at the ceiling of what we could sustain. Along with two librarians – the Collection Development Coordinator, and our subject liaison to Chemistry – I laid all the facts out. We described our subscription history in support of their scholarship, teaching, and learning needs, pulled out the costs for ACS content when we first subscribed in the early 2000s and referred back to the discussions we had then (when I was CD Coordinator, not Director), laid out the current cost of ACS publications and the price increases over the past five years, and estimated what our 3-year prices would be. Based on our discussion, I think that some of our faculty were surprised, some seemed resigned, some were horrified, and they were all frustrated by what seemed to be a plate full of bad options. However, after two meetings and much discussion of how to reconfigure our ACS subscriptions to meet our budgetary constraints, I believe that we all agreed that this goes beyond having a tight campus or library budget: this is simply not appropriate pricing for an institution like ours. The result of our first meeting was that the chemistry faculty agreed to take their concerns to the ACS based on their individual professional involvements with the organization, talking with sales and the Chemical Information Division about their concerns, and we agreed that we'd look into other library solutions to their chemical information needs.

The options we found:

So Marianne Hebert, our Collection Development Coordinator, did some research, and came up with three options for Chemistry content.

A) The ACS Core+ Package at the new standardized price, ACS Legacy Archive, 2-3 selected titles outside the Core+, and ILL fill-in as needed beyond the 250 tokens offered. Based on our use stats, this would maintain a comfortable level of access to ACS content, but was going to save us virtually no money over our ACS full package, as we would have to pay the ACS full list prices for the selected titles, plus the $41 per article copyright clearance fee for ILLs beyond the initial free articles.

B) A Wiley 2012 STM package, which offered many chemistry titles. This was about 40% of what we would have spent on ACS content,

based on our Wiley print subscriptions and other existing Wiley contracts.

C) A Royal Society of Chemistry Gold Package, and the RSC archive. This was about 54% of what we were projected to spend on ACS content.

So we gathered up the price quotes, the title lists, and our usage data, and presented the three options to the Chemistry faculty who were available on campus in July. These faculty are strong participants in their professional organization: Many if not all of them are ACS members, doing active research and publication both alone and with undergraduate research partners, some of them heavily involved in ACS committees and conferences. And they agreed on behalf of their department that despite the undisputed excellence of content and relevance to their work found in American Chemical Society content, we cannot afford the ACS content at the current pricing model.

What we chose:

When faculty compared the titles available from Wiley and the RSC, they preferred the RSC for reasons of quality, reputation, and relevance to our curriculum. On the library side, we agreed to subscribe to the RSC Gold Package, and to provide our standard ILL service for any needed additional titles (though we were careful to note the $41 clearance fee for ACS publications, and described how that works, so that everyone was clear on the many ways that the ACS has price-protected access to their content). We also added on the ACS Legacy Archive, as it is reasonably priced for an STM indexing and abstracting product. There was then a discussion of the appropriateness and feasibility of faculty encouraging students doing undergraduate research to purchase ACS student memberships (students' dues are $25 and include 25 free downloads from any ACS publication), which could be nicely dovetailed with our Legacy Archive access and would be professionally relevant to our students as they graduate and move into jobs as chemists. Our Information Literacy librarians have also begun working with Chemistry faculty to integrate "how to do chemical research without university resources to support you" into some of our information literacy sessions for the department. Teaching this kind of broader information skillset strikes me as just the kind of IL skills we want our students to have as they move into jobs outside of higher education, and I'm grateful this is one side effect of the discussion.

Librarians and faculty raised the valid concern that we might not be able to meet ACS approval of undergraduate programs without our ACS package. The ACS is in the unique position of both approving programs and selling the content necessary for approval, which I will leave to someone else to debate the ethics of. Throughout our discussions we agreed that

> any library solution we proposed would have the ability to meet the approval requirements in concert with our subscription to ScienceDirect. It can be done.
>
> The dramatic conclusion:
>
> And so that's where we are. On January 1, 2013 our ACS content will dramatically decline, and our RSC package is already active to pick up the slack. The libraries have agreed to do a robust analysis of how well or poorly this works out in this year, but the chemistry faculty were willing to join the librarians in taking a stand against unsustainable pricing structures. I argued to them that while I will always try to do what's best for our students and faculty, we also have an ethical responsibility as active members of the scholarly information ecosystem to make smart choices. I asserted that someone has to be first – someone has to stand up and say that this is unacceptable, that we must find or create better options, and that we have the power to make choices based on those options. I know that other libraries — some within SUNY, some outside — have already chosen to unsubscribe from ACS content, all for their own reasons, be they practical, ethical, financial… But no one is talking about it. Or at least, not loudly enough to suit me. So I'll be the first one to stand up and say it loud.
>
> Librarians are often disinclined to be first to try something – we'd often rather be second, after someone else has found the hidden pitfalls. So here I am, saying that we were willing to be the first to be loud, and to provide you with a public example of what is possible. Our chemistry faculty were willing to follow that lead, and I'm grateful to them for it. I'll report back on what we learn.
>
> ~~~~~~~~
>
> ** I am also displeased with Elsevier, as are many others. However, all 64 SUNY campuses buy ScienceDirect as a part of our Core Services through SUNYConnect, and given the broader interests of all of SUNY, I was not allowed to opt out of the Elsevier contract as a part of those Core Services.

That post is 1,800 words that may say more to contemporary academic library acquisitions issues than any 10,000 words I've read elsewhere. In some ways it speaks to *responsible* library leadership more than it does to the ACS issue. Consider:

- The decision came after careful discussion with the vendor and after making an abundantly clear case that the ACS proposal was simply not sustainable.
- Look at the price itself: more than 10% of SUNY Potsdam's *entire acquisitions budget* for a package of 41 ejournals that serve *one undergrad department*. SUNY Potsdam, by my casual reckoning, has 51 undergraduate majors and minors along with 15 graduate programs, and is primarily a

liberal arts institution, with a few science departments. (I'm not sure how many actual academic departments there are; it appears to be at least 25.) To devote more than 10% of the total acquisitions budget to one publisher's materials for *one department* would be, in my opinion, irresponsible—and would privilege one science department massively over the many humanities and social science departments.

- Rogers makes her case clearly.
- She didn't just walk away. She worked with the Chemistry faculty—and had been working with them for some time. The library worked up alternatives and went back to the faculty, and I think it's worth repeating three key sentences here:

  > These faculty are strong participants in their professional organization: Many if not all of them are ACS members, doing active research and publication both alone and with undergraduate research partners, some of them heavily involved in ACS committees and conferences. And they agreed on behalf of their department that despite the undisputed excellence of content and relevance to their work found in American Chemical Society content, we cannot afford the ACS content at the current pricing model.

- Rogers is speaking up because *somebody has to*. The situation has *in general* been untenable for years—but now it's *specifically* untenable for at least some institutions.

This is how (I believe) academic librarianship *should* work—in concert with the faculty, laying out the realities and sometimes making difficult choices because they're the only choices that will work in the long run. (If I'm reading things right, this doesn't mean SUNY Potsdam is treating the sciences *worse* than the humanities: That's still more than 5% of the total acquisitions budget, not including ScienceDirect, for one department.)

As of this writing, there are 57 comments and linkbacks. It's an interesting and varied set. "Gretel" notes that her even smaller campus is "also over a barrel with ACS content" and has taken a similar solution. The whole issue of what ACS accreditation for an undergrad program means and whether it's ethical for the accreditation to come from a body that's also the key publisher gets some discussion. Some commenters point out that ACS' aggressive pricing has been a source of contention for years—leading one Nobel laureate to leave the association. Apparently, other libraries have done similar things—but haven't spoken up about it as publicly and clearly as Rogers has.

There were pushbacks. One from an anonymous librarian ended with this: "Making a decision to cancel all ACS journals and replace them with other journals of unknown value does not seem like a wise collec-

tion management decision." Of course, that's *not* what SUNY Potsdam did: The RCS journals are hardly "of unknown value."

The Reactions

Jenica Rogers explained the situation and actions clearly, articulately, politely. It was a call for action if only because it was one of the few *publicized* cases in which a library has walked away from content it knew to be good quality, but which was simply not affordable. The rest is all reaction—but in many different ways, including the ways that an ACS spokesperson attempted to derail discussion. Most of this is as chronological as I could make it. I've left out a *lot*, including some of Jenica Rogers' follow-up posts.

Supposed To's: An Open Letter to Library Directors

Jacob Berg posted this on September 18, 2012 at *BeerBrarian*. The opening:

> A library director balances the library budget with the needs of the community, and for it is hailed as a hero.
>
> There is something wrong with this picture.

And the closing, after quotations and discussion:

> What Jenica did only works if others do it. She can't be the lone voice in the wilderness. Don't praise her for doing her job. Look in the mirror and do your job. You're supposed to be doing that!
>
> Indeed, in 2011 we ended our relationship with the Nature Publishing Group, whose namesake print publication was responsible for more than fifteen percent of our print serials budget. Fifteen percent! I'll let that sink in, and feel free to do the math if you'd like. Library staff worked with the provost and affected faculty when eliminating Nature. It helps that we're a small university without graduate programs in the sciences, and with faculty focused more on teaching than research, but SUNY-Potsdam's experience is proof that larger institutions can and should be investigating and then acting on alternatives. Because, you know, that's part of our job. That's what we're supposed to be doing.

True…but unless walking away is done *publicly*, it's not as helpful. (Worth noting: SUNY Potsdam doesn't have a graduate degree in Chemistry either, and it's not a *large* university, although it may be larger than Berg's institution.)

Speaking Truth to Power in the Publishing Industry

This post comes from the Lake Land College Learning Resource Center, posted September 26, 2012 at *The LLC BibliBlography*. After prefatory remarks and citing Rogers' original post, the writer continues:

> So long as groups like ACS, Elsevier, and others who attempt to dictate our purchasing decisions to us through pricing and market manipulation are allowed to do so in relative secrecy, those actions will not be challenged except on an individual basis. I am happy that there are institutions that have the money to afford to be able to not have to think twice about what resources they want to provide. But most of us do not have that luxury. Making difficult decisions about what resources we can and can't afford, measuring cost versus usage, and trying to get the most appropriate resources to support our institutions IS a part of "doing our job" as librarians and managers of information resources. For the most part, those decisions get made individually or locally and only affect one institution. But every now and again, this struggle goes public. Maybe only a handful of people will ever see it. Every attempt at reform and change has to have a beginning.
>
> And so if "going public" is a way to draw attention to the issue that might actually affect this situation for the rest of us, then more power to Jenica Rogers for what she has done. We have nothing to lose but our complacency.

Maybe there's a clue there: It's possible that dozens of academic libraries have walked away from various "good deals" they could no longer afford—but chose not to go public about it. Which is a shame, since going public is most likely to help change the situation.

As Chemistry Journals' Prices Rise, a Librarian Just Says No

I think it's necessary to include this September 26, 2012 article by Jennifer Howard at *The Chronicle of Higher Education* because it includes (if I remember correctly) the first case of ACS choosing to "respond" by dismissing Rogers' blogging as unworthy. Unfortunately, that's as much as I can say: The article's behind the *CHE* paywall and I'm not a subscriber. (Howard was good enough to provide temporary access, but that's gone now.)

I'm guessing many C&I readers *have* access to *CHE* and will find the article worth reading. Otherwise, well, you'll have to deal with indirect references in other articles.

Ruskin steps in

The key paragraph from the *CHE* article was quoted in a post at *chminf-l* on September 26, 2012. To wit:

> "We find little constructive dialogue can be had on blogs and other listservs where logic, balance and common courtesy are not practiced and observed," Glenn S. Ruskin, the group's director of public affairs, said in an e-mail message. "As a matter of practice, ACS finds that direct engagement via telephone or face-to-face with individuals expressing con-

> cern over pricing or other related matters is the most productive means to finding common ground and resolution."

You'll find that just below Glenn Ruskin's response posted that same day. He clarifies that he didn't *really* intend to denigrate *all* lists and blogs, and that *CHE* omitted one sentence from his statement: "Therefore, we will not be offering any response to this blog posting or the conversation that has ensued." Followed a bit later by this, key to much of what follows:

> The individual responsible for the above cited blog certainly has the right to her opinion, but that does not excuse rude behavior or her use of profanity and vulgarity in addressing ACS or its employees. While not evident in the most recent postings, I won't repeat what she has posted in the past. But I think you would agree that vulgarity and profanity postings do not lend themselves to meaningful, productive and civil discourse, thus our decision not to engage any further with her on this topic.

ACS to Bloggers: Shove It

Paul Bracher posted this on September 26, 2012 at *ChemBark*—and I'm citing it primarily for one of the comments. (The post itself is mostly about the "we don't respond to bloggers" stuff above, including Ruskin's email response narrowing that to *one* blogger.)

The comment is from Jenica Rogers. I've omitted one URL that's now redundant:

> After I posted back to Mr. Ruskin's attack on CHMINF-L… he replied directly to me with a screenshot of a conversation I had on Friendfeed, a social network where I hang out, after I was thoroughly infuriated by an ACS staffer. My post, to my friends, was "Motherf*cking ACS." Conversation ensued, as conversations do between friends.
>
> Apparently, Mr. Ruskin cannot distinguish between formal professional writing (on my blog) and informal casual conversation (on Friendfeed). Oh well. People get angry, and use bad words. That doesn't mean my discussion of their issues as a vendor is less valid or logical, or that I should be dismissed as a stakeholder in this discussion. But I guess, to the ACS, it does mean that, and that it makes personal attacks okay. Full disclosure: I did refer, in that personal, casual context, to a rude ACS staffer as being a "condescending, supercilious bitch." I did not, however, call her names to her face, attack her in writing, identify her personally, or use my professional voice and persona to do any of the former. (my professional voice account of that incident is here) So I think I'm still up one.

Now we get to an interesting point: It's *not* that Jenica Rogers was vulgar or unprofessional in *Attempting Elegance* or in any direct contacts with

ACS. Nope, it's that she's plainspoken when she's among friends—such as on Friendfeed.

I'm sure none of ACS' 1,900-odd employees has ever used vulgar or profane language *anywhere*, certainly not among friends. And that gives them the right to suggest that we should dismiss the logical, clear, supported arguments of a library director because she's human.

You might want to read the rest of the comment stream. The blogger thinks it's OK for ACS to support its other activities through profitable journals—but not if they're "charging too much." You may know where I stand on that issue: It is simply untenable for scholarly societies outside of librarianship to demand that libraries subsidize their activities. His comment goes on to say publications should yield "a little more money than [ACS] needs to survive and keep making a quality product." And, of course, that name-calling is distracting from the real issue (*deliberately* distracting, in my opinion). Rogers responded:

> Thank you, Paul. That's precisely my concern: This is being brought down to a level of personal attack in order to silence dissent and discussion. That is NOT acceptable. This issue matters, because access to scholarship is crucial to advancement of all of our fields of study, teaching, and learning. Whether or not I swear on the internet is absolutely irrelevant to that big picture.
>
> They can't stop me.

we are not the ones who failed

Here's Jenica Rogers again, this time on September 27, 2012, dealing with some of the pushback she's seen "on Facebook, in comments online, and face-to-face." Namely this message: "That's a bad decision. Your users need that content. You need to reconsider." To which she says: Right on two, but not the third. "It's a crappy decision. Our users do need that content. But I cannot reconsider."

Why? Because it's just too expensive. Rogers notes a comment she's notorious for: "A good deal that I can't afford is still a good deal, and I still can't afford it." The difference with ACS: She doesn't even think it's a good deal.

There's more here (it's not a long post) responding to some other pushback. Primarily, she doesn't *and shouldn't* feel guilty; nor should her faculty. It's an excellent response. (Comments directly on the post generally applaud it.)

Stewardship, Librarianship, the ACS, and me

Catherine Pellegrino posted this piece on September 27, 2012 at *Spurious Tuples*. Pellegrino normally writes about library instruction, but felt this was too important not to discuss.

She notes the oddity of ACS' dual publishing/accreditation role and says, "Possibly as a result of this situation, the (non-profit,tax-exempt, 501.c.3) Society charges subscription rates for its journal packages that, for many libraries, dwarf the cost of any other resource they purchase." She notes the *CHE* article and specifically Glenn Ruskin's decision not to engage in public debate, preferring to confer by telephone or face-to-face with individual librarians. Note that Glenn Ruskin is ACR's PR director—so we have a situation in which public relations means *not relating publicly*.

Pellegrino sees in the early discussion more than I've mentioned so far:

> There are a lot of issues swirling around this particular incident: we've got the ACS's potential conflict of interest in its role as both accreditor and purveyor of resources required for accreditation; we've got larger issues of ownership and access in scholarly communication; we've got issues of age, gender, and power in librarianship; we've got issues of the Serials Crisis and the Big Deal affecting library budgets; we've got issues of language and context and code-shifting and public vs. private communication; and we've got issues of libraries, and librarians, as stewards of scarce resources.

Given the caveat that Pellegrino's also a respected colleague, I don't believe she's making things up. She chooses to focus on the final issue, referring back to Jenica Rogers' *second* post, just discussed, "we are not the ones who failed." Pellegrino specifically focuses on this pushback: "That's a bad decision. Your users need that content."

> And that's the point that I want to work through here: yes, her users need that content. So do mine. So does every chemistry department. But you know what? Her users need a lot of things, and so do mine and so do yours. Libraries have limited resources to distribute, to steward, to meet all of our users' needs. And stewardship is complicated: sometimes it means making decisions that make people unhappy—even make their work or their lives more difficult—in pursuit of a greater good.
>
> And librarians have a really hard time making people unhappy. We've been trying, since the first librarian who saw beyond the Gatekeeper model of librarianship to the Facilitator model of librarianship, to make people happy. To help people. We are, after all, a female-dominated so-called "helping profession." It is very hard for us to say "no."
>
> But sometimes we have to, either because there is no other answer, or because we have to keep the larger picture in mind. We've been saying "yes," and bending over backwards to do more with less, and attempting to give everyone everything they need for so long that we have nearly forgotten that there are models of librarianship other than Doormat and Faculty Helpmeet. We have nearly forgotten that we, too, have expertise

> and experience, and a broad view of the scholarly communication landscape, to bring to bear on these problems. We recognize that something has to give, that library collections in all disciplines other than chemistry suffer because of the untenable situation that the ACS has put libraries in, and because we know this, we must use that knowledge to inform our stewardship. [Emphasis added.]

Which leads to Pellegrino's primary point: "*We cannot let Jenica Rogers and SUNY Potsdam be the sole standard bearers for libraries in this matter.*" [Emphasis *not* added.] More libraries, more chemistry departments, more colleges and universities need to walk away when that's the most responsible thing to do. (It's *never* the easiest thing to do.)

Which is the part of this story that needs to emerge and, so far, hasn't.

The American Chemical Society: Paving paradise to put up a parking lot

John Dupuis posted this on September 27, 2012 at *Confessions of a Science Librarian*—and it's worth noting that blog name. He wonders why people would go into scholarly publishing at a scientific society and says:

> I can only hope that for a person to pursue a career in scholarly publishing at a scientific society, their goal in life is to try and make the world a better place, to advance science, to serve society, to help the researchers of today stand on the shoulders of giants.

He quotes the ACS Vision and Mission statements that would appear to be along those lines—and says the theory doesn't seem to be translating into practice. (Rather than excerpting those statements, I'll point to the link itself. When you get to ACS, you might note the financial information: the *principal* sources of funding for ACS are its publications and Chemical Abstracts, even though the society has more than 160,000 members.) Then he recounts the Ruskin statements, specifically the one accusing Rogers of vulgarity.

Fact: The post that started this brouhaha had no profanity, was not vulgar, did not attack ACS employees. Fact: Jenica Rogers' language—which was *entirely professional* in this instance—is irrelevant to the issue of ACS pricing. There's really no need to say any more (but that won't stop me, nor did it stop others). Ruskin is doing a classic "Don't look here, *look over there*" attempt to get people to focus on something that's entirely irrelevant *even if it was true*, rather than focusing on ACS.

Rogers didn't take kindly to Ruskin's post. She responded with her own chminf-l post (also on September 26, 2012), providing the ACS-related portions of all the *Attempting Elegance* posts that have involved ACS, prefaced with this:

> For all of you who won't take the time to search (nor do I think you should have to), let me share all of my public posts about the ACS.

> There are several over several years. I really don't think that I was guilty of "rude behavior or her use of profanity and vulgarity in addressing ACS or its employees." I don't appreciate the accusations, Mr. Ruskin, and none of what you've accused me of changes the fact that you DID insult bloggers and listserv participants. Apologizing by insulting me does you no credit.

You can read the excerpts yourself. It's an interesting set of careful, professional comments. You'll see in that stream that ACS folks have already been prone to what I'd consider demeaning responses—the kind of thing *no publisher representative would dare say* to or about, say, Dr. Jerold Rogers, the 54-year-old motorcycle-riding, hard-drinking, foulmouthed (on his own time) university librarian at an ARL library (Dr. Rogers is fictional). I mean, really: Responding to a legitimate question with "Dear Ms. Rogers, I am sorry that you were having such a bad day when you responded to my email"? (Since the ACS employee who sent that absurd response was female, I suppose I can't call it sexist—or can I?)

What's clear from reading the fascinating set of excerpts—posts that push the story back several months—is that Jenica Rogers always behaved professionally. And that at least one ACS employee did not.

Here's Dupuis' reaction (in addition to providing a detailed list of relevant posts, one that I've raided to flesh out this story—but there are even *more* posts that I chose not to cite):

> American Chemical Society, you need to rethink what you're all about, how you treat your customers and your members and the true constituency of your society—society as a whole.
>
> Given your status as a scholarly society, you should price your products fairly so you need to work with librarians and others to build a sustainable business model that works for a broad range of institutions.

On Discourse, Civility, and Vendors; or, JoVE and ACS and bullies

Iris Jastram was amused by Glenn Ruskin's objections to discourteous writing on blogs and, in this September 26, 2012 post, quoted Ruskin's remarks and contrasted them with the *practice* of another publisher representative—this time the email sent by a *JoVE* salesman to a faculty member (at another institution entirely) who, the faculty member says, pushed him to request a trial of the journal (the library chose not to subscribe):

> I am writing not to ask if you ever evaluated JoVE, but to question your integrity. By asking me to set up a trial for what I am assuming you wanted only to use a protocol from JoVE and then be done with JoVE. This is the reason I am questioning your integrity. Before the trial you said,you would be able to evaluate JoVE in the time given

> and if useful for you and your student you would endorse JoVE highly. This, of course, never happened.
>
> For me this is a completion of the transaction that has been lingering. My conclusion is that you lied to get what you want and you lack integrity.

Whew. Jastram links to a more complete email string on the situation—and to *JoVE*'s apology. I guess civil discourse only needs to work in certain situations. [Yes, I know I've lost the pure chronological thread at this point. That's because John Dupuis' post, while coming later than this one and a couple that follow, provides great background and links.]

The ACS and FUD

Full disclosure: Steve Lawson, author of this September 26, 2012 post at *See Also…*, is another one of those LSW Friendfeeders who I value as colleagues and frequently disagree with—sometimes vehemently, sometimes using strong language. As he notes in this post, he's not a big fan of the ACS. He notes the SUNY Potsdam action and quotes Ruskin's response—then gives his translation of Ruskin's initial response (in *CHE*):

> Let me translate that for you: the ACS thrives in an atmosphere of secrecy and uncertainty. "Divide and conquer" is part of that plan. When librarians share information publicly about how much the ACS charges and suggest that libraries take action, we are not observing common courtesy. We hurt Mr. Ruskin's feelings, it seems, when we point out that the organization he works for is advancing policies around pricing and access that we feel are bad for libraries, higher education, and scholarship.

Ah, but then there's the followup—and here, Lawson spells out the bad language. And comments in kind. He closes:

> No matter how Mr. Ruskin tries to spin this, the story is that libraries *and chemists* are fed up with the American Chemical Society, and are pushing back against their outrageous price increases and their retrograde attitude toward Open Access. And all the ACS can say in their own defense is, "that librarian uses bad words." Where's the "logic, balance, and common courtesy" there?

Yep. And I think it's worth quoting the single comment, from Barbara Fister (yet another LSW Friendfeeder and an eloquent writer):

> I want to second everything you say here, and to particularly underscore our debt to Jenica for not just taking a necessary stand for her institution, not itself an easy thing, but for making it public. Every academic library that struggles as hers does to support a chemistry program in the face of pricing that makes it incredibly difficult—and we are legion, and we are institutions that educate tomorrow's chemists—

> is feeling a huge burden lifted to know they are not alone, that someone had the courage to take it to the streets.
>
> Also jaw-dropping are the gender dynamics of the way the association's spokespeople are using every trick in the book to punish an uppity woman for speaking up. Now off to read Iris's post ….

Gender dynamics? Yes, I do believe that's part of it.

When you're wrong on the message…

"…attack the messenger, using whatever tactics are necessary."

So says Walt Crawford posting on September 27, 2012 at *Walt at Random*. Crawford's a wordy devil, and this post is no exception. A few excerpts of what he—OK, I—had to say in a briefer-than-this-essay discussion of the situation, beginning with the paragraph after the completion of the post's title:

> That, apparently, is appropriate public relations, at least if you're the American Chemical Society and the message is that your e-journal bundles are priced out of reach of smaller institutions with library directors who behave responsibly….
>
> [One of two tangents:] I've argued for years that it's wholly unreasonable of professional societies, including ACS, to subsidize their operations at the expense of college and university libraries–and that in the long run it's unsupportable. As a humanist, I'm acutely aware that science, technology and medicine subscriptions can and will chew up all of a library's acquisitions budget, leaving no room for the monographs and other resources that humanists and social scientists require. While the OA situation may not be directly relevant to this discussion, the "bleeding libraries dry to support professional society operations" situation is, I think, directly relevant–but it's still background….
>
> More tangent. It's not just SUNY Potsdam and it's not just academic libraries. Steve Kolowich wrote "Paying by the Pound for Journals" on December 2, 2010 at *Inside Higher Ed*, noting the ACS situation and its effects on corporate and government libraries as well as smaller academic libraries, including one where a university's price for digital access to the ACS bundle would go up 1,861 percent in 2011. In that article, Glenn Ruskin said it was "misguided" to suggest that ACS was trying to control price increases for academic institutions by overpricing access for corporate and government subscribers. Maybe he had a point there: ACS was also ready to overprice academic access.

[After going through the exchanges that took place, including Ruskin's emailing of a screenshot showing Rogers' Friendfeed posts:]

> Here's the thing. The Library Society of the World on Friendfeed is a few hundred library folks who feel free to let our (yes, "our") hair

down and talk about a variety of things–serious library issues, earworms, whatever. Frequently including frustration over serious library issues.

Rogers is a relatively young and extremely talented university librarian. She's female. She's young (under 50, by quite a few years). She's a librarian. Oh, and she frequently says what she means–always eloquently, always professionally on her blog, but more casually on Friendfeed.

Yes, she used Bad Language on Friendfeed. So have I. So has almost everybody in LSW who actually contributes to discussions. Sometimes you need to let off steam.

I really should call Jenica P. Rogers "Jenica," since I've met her, "chatted" with her and regard her as a valued acquaintance, but I also regard her as a valuable library director and one of many younger librarians who convince me that the future of libraries is in good hands, so I'm giving her last-name respect.

I've been privileged to know dozens (maybe hundreds) of library directors in my long non-career, including quite a few of the Biggies, directors of ARL libraries. I've been around some of them in informal settings. Guess what? Nearly all of them have been known to let off steam, using some well-chosen words they wouldn't use in a professional setting.

Doesn't make them less professional. Does make them more human.

Rogers is an easy target: She's a she. She's under 50. She's a librarian. She says what she thinks.

She's also a *stupid* target–because she's right. She worked with her faculty. She worked with her administration. She raised serious issues.

None of which is vitiated by the fact that Rogers occasionally uses informal language in an informal setting. As most of us who are living, breathing human beings do.

Just at a guess, if Dick Dougherty (oh, sorry, Richard Dougherty) had raised those issues when he was the University Librarian at UC Berkeley–older, male, and at a big campus that has had to cancel large numbers of serials several times because *nobody's* budget can handle some price increases–you wouldn't get a PR person pointing out that Dougherty's a motorcycle rider who's been known to use colorful language, and thus should be ignored or treated contemptuously.

But that's just a guess.

Hero, villain, poltroon, ignoramus, or bumbler?

That set of choices comes from the Library Loon, posting on September 28, 2012 at *Gavia Libraria*—and those are the four persona she sees as choices for academic library directors dealing with serials pricing issues.

The Loon is keying off the pushback Rogers received from other librarians (see "we are not the ones who failed" earlier).

> To review: Rogers clearly saw well in advance a moment of truth coming for her campus's chemistry subscriptions, a moment when no further can-kicking would be appropriate or even possible. While the moment of truth held off, therefore, she carefully prepared her environment to accept it, educating local chemistry faculty (and, the Loon suspects, local university administration, though Rogers says nothing openly about this) on the shape of the problem so that the moment of truth wouldn't come as a complete shock. Then when it arrived, she showed those educated, prepared faculty the situation, and they rallied behind her.
>
> At which point, some librarians said, "how *dare* you not kick the can further down the street?" To which the Loon's return question is, "does *anyone* who has been paying the least attention *truly* believe any library anywhere can kick that damnable can down the street indefinitely?"

I would suggest that some librarians are doing their damnedest to *avoid* paying attention to the larger issues, trying to squeeze a few more drops of blood out of their budgets or hoping Someone Else will solve the problem.

The post is well written and deserves reading on its own terms. A few quick notes on the choices:

- **Hero:** Jenica Rogers and others who speak out and take actions; the Loon mentions a few. She notes: "Library heroes aren't born; they make themselves."
- **Villain:** How faculty treat library directors who haven't carefully educated and prepared them for the reality. "Angry faculty get librarians fired and libraries closed."
- **Poltroon:** Those who dance around the issue rather than involving faculty: "we never thought it would get this bad; we didn't want to bother you about it."
- **Ignoramus**: Those who haven't been paying attention. "Faculty will route around ignoramuses, or fire them with loathing for their ineffectual inarticulacy."
- **Bumbler**: How some faculty will regard librarians who fail to manage the library's money properly—that is, to *do their jobs*.

> So. Hero, villain, poltroon, ignoramus, or bumbler? Those would seem to be the choices. (Those who think "well-intentioned professional backed into an impossible corner" should be on the list have a *great* deal more faith in faculty attitudes than the Loon does.) Librarians who wish the dice to come up "hero" had better work on an esti-

> mated time of arrival for the moment of truth, and a plan for finishing the necessary faculty education by the time that moment arrives.

There's a little more. This summary doesn't do the post justice. The Library Loon may be an avian bird, but loony it isn't.

A small college cancels ACS journal subscriptions, and ACS doesn't want to talk about it

Bonnie Swoger posted this on September 28, 2012 at *Information Culture*. Swoger works at another SUNY campus, SUNY Geneseo. She describes SUNY Potsdam's actions and adds:

> The American Chemical Society is well known in library circles for having aggressive year-to-year price increases. Last year, my library cancelled its subscription to the "all ACS journals" package in favor of a new, smaller, package of 16 ACS journals to avoid an effective 11% price jump on the "all journals" package. The year before our cost for the ACS archive (pre-1995 journals) doubled as the ACS moved to a new pricing model. While prices for the smaller journal package held steady for us this year, I keep a list of things that we might need to cancel when (not if) prices increase faster than the library budget. I'm concerned that we will have to cancel this smaller journal package in favor of just a few ACS subscriptions sometime in the next few years. After several years of declining or steady library budgets, my library has made all of the "easy" cuts we can in order to afford scholarly content from the ACS and other publishers: the book budget has been slashed, we've cancelled many magazines and newspapers, the student worker budget has been cut, we aren't binding print journals anymore, etc. Other libraries are in a similar position where the only thing left to cut are journal subscriptions.

Noting the discussions and those who have bemoaned chemistry students' lacking access to ACS journals, Swoger makes an excellent point:

> Few ask about the non-chemistry students who would lose access to their own discipline's high quality research in order for Potsdam to afford the ACS subscriptions. Every time journal subscription costs go up faster than library budgets, something has to be cut.

Then we get into the Ruskin nonsense—and Swoger says "I don't blame Jenica for using blunt language and the occasional curse word when talking about ACS with friends and colleagues." She's frustrated that publishers aren't engaging with librarians in honest *open* conversations about pricing issues.

> Talk to us, ACS. And I don't mean by calling me privately. Engage with librarians and chemists about this issue on listservs and blogs. Open a dialog on what a reasonable pricing model would include. We know that you have good content, and we're not expecting to access it for free. But when we can't afford it anymore we are left with few options,

> and almost everyone loses. I would love to see a greater variety of journal package options (a package of 8 or 12 journals, for example) at a lower cost. I would like to see some honest figures about why my college's cost per download is about 10 times the cost per download of our nearby university. I would also love to hear about how the aggressive price increases and higher-than-other-scholarly-societies subscription costs mesh with the mission statement of the ACS "to advance the broader chemistry enterprise and its practitioners for the benefit of Earth and its people."

In the comments we get a point that hadn't been made to date: "ACS pays huge and yearly increasing sums and perks to its administrators and top staff. An administrator of ACS makes FAR more than a highly qualified chemist Prof. Dr.. The money's got to come from somewhere…"

Into October

That's not an entirely arbitrary breakpoint, as another statement from ACS emerged in early October. But first…

Chemical Reactions

Barbara Fister posted this "Library Babel Fish" column on October 4, 2012 at *Inside Higher Ed*. She begins with a slightly different slant:

> When the chemistry faculty of SUNY Potsdam aligned themselves with their library director, Jenica Rogers, to say "no" publicly to the American Chemical Society (ACS) because the price of their journal package was too high for schools like theirs and would have consumed a disproportionate percentage of the library's total budget, it was newsworthy (subscription required).

I like this—pointing out the agreement of the faculty *first*. Fister explains why this is newsworthy in an era when "no" is said so often. First, there's ACS:

> The ACS has long had an offer we can't refuse, or so it has seemed. Not only is the ACS the publisher of journals considered essential in the field and the search tool the chemists use to find out what has been published, they accredit chemistry programs, and one of the criteria for accreditation is access to the chemistry literature, broadly defined as their journals and database. (There are acceptable journals published by others; just not very many.) They know that they can roll out higher prices whenever they want and most libraries will pay it. My library got hit with a 20 percent price hike last year, between an ACS increase and a cut in a state subsidy, but we sucked it up because our department felt the journals were too critical to their program to do otherwise and we've canceled nearly everything else. Jenica and the chemists at SUNY Potsdam decided the pricing structure is unfair to smaller schools and

> enough was enough. Together, they came up with a more affordable collection of resources that would meet their needs and rejected the ACS package.

Fister says that in conversations with many members of ACS, she has yet to find one arguing that ACS' prices are fair—but they're not trying to do anything about it. She also notes the sheer size of ACS' publishing revenue, "something approaching a half billion dollars annually," and ACS' record of lobbying against OA. And then:

> What struck me most was the interesting gender dynamics of the ACS's response to just saying no. Jenica Rogers is not easily intimidated. She is a sharp thinker, an outspoken and passionate professional, and an active participant in social media, where she might mince her opponents from time to time, but not her words. She has even been known—gasp!—to use profanity among friends. That brazen hussy! This is unseemly behavior for a woman, and the ACS made it clear they insist on proper behavior, in venues where decorum can be ensured. Which means face to face, or on the telephone, not on those nasty bloggy things.

She explores this slightly, linking to Derailing for Dummies. She doesn't think it's working in general. And she relates this to another set of issues where some librarians have had a similar response: "We have no power. *There's nothing we can do.*" (To which, for SUNY Potsdam, might be added "…and it's wrong for you to *do* anything.")

> I understand the sense of frustration. Our position in the academy is complicated. But I think we're selling ourselves short. Librarianship is largely a female profession and it is proudly a service profession. Nobody gets into the field to get rich and powerful. We don't get much practice throwing our weight around because it's not something we typically like to do. But when we serve the needs of one person at a time in a way that takes away our ability to serve the people as a whole, we are not being service-oriented, we're being servile.

Fister believes librarians *need* to do better and *can* do better. "Just look at Jenica Rogers."

As always with Barbara Fister, I'm not doing her writing justice; you should go read the original. And the comments—including a discussion of whether gender dynamics were involved. The more I've looked at it—from my position as a white middle-aged anglo-germanic male—the more I believe the dynamics do include gender as well as age: I truly don't believe 55-year-old Dr. Jerry Rogers would have been treated the same way. I'm also a bit astonished by this comment, repeated in its entirety:

> I certainly understand that the new ACS pricing model is outrageous, but using profanity is unseemly -- and unacceptable behavior -- for EVERYONE.

Another commenter provides an eloquent reply before Fister chimes in with the telling response:

> Would you tell a fire fighter or police officer you would refuse to speak to them or take them seriously because you overheard them use profanity when talking to a fellow first responder?
>
> I believe this is merely a pretext for discrediting and silencing a woman whose personal choice of expression among friends is not the issue.

On swearing

This breaks pure chronological order, but following as it does the comments on Barbara Fister's post, I think the Library Loon's October 8, 2012 post at *Gavia Libraria* belongs here. The Loon links to earlier posts about silencing and what's considered professional behavior. And adds:

> Anyone who thinks mere swearing outside a professional context makes a professional less of a professional can simply fuck right off. Anyone who thinks "professional" demeanor must be worn twenty-four hours per day, seven days per week, can similarly fuck right off. Anyone who uses behavior occurring outside a professional context in a professional context in order to discredit someone is a shitheel and is invited to fuck off. Anyone who thinks all online contexts, public and gated, are automatically professional can fuck off as well.

I don't ordinarily use that language here. But the Loon's making a point; I agree with the point; the language is relevant to the point. There's a bit more to the post, but I think that's the key. There are a few comments, but you should be aware that some of them contain…oh, never mind.

An Open Letter to the Library Community—from ACS Publications

This post from Brandin Nordin, ACS Publications' VP for sales & marketing appeared on chminf-l on October 5, 2012. Since it's explicitly an open letter, and to avoid accusations of bias (but, of course, I freely admit to being biased in favor of tenable libraries), I'll quote the whole thing, just cleaning up the odd formatting (which was probably not Nordin's fault).

> At ACS Publications, our goal is to provide the most authoritative and indispensable peer-reviewed research and chemistry related information through our portfolio of 41 journals and other publications. We recognize this is only possible through a committed partnership with you, our library customers, and the research communities you support.
>
> We value this partnership and we apologize for our recent failure to make clear the importance we place on our dialogue with libraries and scholarly communications departments. We aim to do better, and are grateful for the ongoing close consultation and collaboration we

> have with libraries and consortia worldwide in helping shape our subscription and publishing options as we move from the print past to the digital present.
>
> As a result of this collaboration, more scientists have access to more ACS journals through more libraries than at any time during ACS¹s 136-year history. This year, the ACS Web Editions platform will host more than 1,000,000 original articles and will successfully fulfill over 80 million article requests from the global scientific community. We thank you for working with us to make such broad and immediate information access a reality, particularly in light of the economic stress faced by so many libraries today.
>
> We realize that no pricing model is ever perfect—and that in this difficult economic era, we have heard your concerns about ensuring future access to the essential and highly cited research found in ACS Publications. Publishers and libraries have a shared stake in sustainability: ACS is committed to working with you to refine and improve our approach and welcomes an ongoing dialogue with you about library and research trends, publishing best practices, and shared economic concerns.
>
> Over the next 6 months, we will expand our consultations with the library community to ensure we have the features, access options, and publishing models that meet your expectations and the needs of the communities you serve. In the meantime, please do not hesitate to call your ACS Publications representative with any questions, or contact me directly at brandon.nordin@acs.org to share your concerns and suggestions. More information on 2013 renewal options is also available at the Librarian Resource Center at http://pubs.acs.org.
>
> Thank you for your partnership and for your support of ACS Publications and the American Chemical Society.

I don't know why I have trouble believing the "80 million article requests" from one resource, but maybe it's true. In any case, it's irrelevant to the situation—and so, for that matter, is the whole letter. There's no apology for what happened. There's no suggestion that ACS' pricing model is untenable for smaller institutions. As I read it, it's basically CorpSpeak that doesn't say much of anything. Which may be why there hasn't been much reaction.

Chemical Society Pricing Has Librarians Up In Arms

That's the title for Meredith Schwartz' October 10, 2012 piece at *Library Journal*, recounting the SUNY Potsdam decision, some of the issues, Ruskin's stuff and more (hmm: I just noticed that my post is referenced). Then, after noting Bonnie Swoger and others calling for opening a dialog:

> On October 5, it did so—sort of. The ACS released an open letter to the library community, not from Ruskin but from Brandon A. Nordin, vice president, sales & marketing, in which it apologized "for our recent failure to make clear the importance we place on our dialogue with libraries and scholarly communications departments" and promised to "expand our consultations with the library community" over the next six months, as well as inviting questions or concerns to be sent to Nordin personally. But while far more conciliatory in tone, the letter ultimately reprises Ruskin's content: ACS is still seeking to engage in conversations about pricing one-on-one, rather than tackling any of the questions raised in a public forum.

Schwartz sees more of an apology for Ruskin than I did—and I see not so much conciliation as blandness. The article ends on an appropriate note, by quoting Jenica Rogers:

> While the sentiment is great … I'm concerned that if the ACS simply continues on the path they are on now, but slightly broader, we will not gain much as a stakeholder in these consultations… The transparency of ACS sales positions elaborated in writing and their pricing structures made fully available to the library community online would advance our collaboration leaps and bounds further than individual closed-door discussions and non-disclosure terms ever will.

Hard to add anything useful to that comment.

It ain't just Potsdam

There continue to be Friendfeed discussions on this set of issues, including the question of whether or when ARL/R1 institutions will come on board. Some folks may have even grumped a little about ARL libraries. In the case of SUNY, at least, the grumping was unwarranted—as the SUNY Council of Library Directors passed a resolution sponsored by the university centers and unanimously endorsed by the whole council:

> WHEREAS Jenica Rogers has canceled the SUNY Potsdam contract with ACS and publicized that decision through her blog "Attempting Elegance"
>
> And Whereas this action has drawn much needed attention to the relationship between libraries and publishers; the problems of ongoing inflationary price increases; and the need to justify our budgets and purchases to a host of audiences
>
> And Whereas this action has generated national attention to these issues and opened an opportunity for frank and honest discussion of these and related issues regarding the costs of electronic subscriptions
>
> BE IT RESOLVED That SCLD recognizes, honors, and appreciates Jenica Rogers for her actions in this instance and salutes her for her courage and tenacity in addressing this issue for the benefit of SUNY

> Potsdam, SCLD libraries, and the academic and scholarly community as a whole.

The Doctoral Sector campuses—the biggies—also passed a resolution voicing support for Potsdam's decision. As Rogers noted in a Friendfeed discussion (from which I copied the resolution above), the ACS pricing for doctoral institutions is "perfectly fine—reasonable, sustainable, great at a use per article rate"—so they're paying attention to the larger issues rather than their own immediate needs. Which is as it should be.

SUNY Potsdam Takes Tough Stand Against American Chemical Society Prices

I'm not quite sure when this Caralee Adams report was posted to SPARC's site, but it's a good overview of the piece—one that adds new insights from some of Potsdam's chemistry faculty and SUNY Potsdam's Provost. Excerpts:

> Like many other state universities, the SUNY Potsdam budget has faced significant cuts - 25 percent in the past three years – and the latest ACS price hike was the "last straw," said Provost Margaret Madden. She and Rogers talked about possible responses and made sure the chemistry department was consulted about the final decision to cancel the ACS online package.
>
> "It can't be top down. These decisions need to be made collaboratively," said Madden. "It's not something you can do without a lot of discussion and creating goodwill between the faulty and library staff."
>
> Madden credits Rogers for involving the faculty and said her willingness to speak out publicly about the situation took a certain amount of courage. "I'm grateful that Jenica and I work at a college where that kind of discussion is valued," said Madden.

While I could quote the whole article (as you'd expect from SPARC, it has a Creative Commons BY license), it's done well enough that you should go to the link.It serves as background to this (from which I got the link):

Observations from the eye of the storm

Jenica Rogers posted this on October 18, 2012 at *Attempting Elegance*—and it's both elegant and eloquent enough to quote in full:

> Truths as I see them:
>
> When pricing is a secret, and leads to institutions bickering over who's right and who's wrong because "OUR deal is really reasonable, so what are you complaining about?", there's something wrong with the system.

> When a small 4 year liberal arts college is being charged just under 50% what an ARL is being charged for the same resources, there's something wrong with the system.
>
> When I start getting multiple emails, Twitter DMs, and other quiet messages telling me that "it's really broken, and we're going to cancel, too", there's definitely something wrong with the system.
>
> When no one but me will say "we're going to cancel because there's something wrong with the system", there's something wrong with our discourse.
>
> When no one but me will say it, because when you say it a major publishing company's response is to say "she has a pottymouth, so we won't engage with her in public, but we'll gladly talk to you behind closed doors", there's something wrong with our discourse.
>
> When no one but me will say it because their institution would never support them, particularly if they talked about it in public, there's something wrong with our discourse.
>
> But my Provost has it right. "I'm grateful that Jenica and I work at a college where that kind of discussion is valued," said Madden.
>
> Very, very grateful. Because the discussion matters. Because the system and the discourse are broken. Because the status quo is broken. Because nothing gets fixed if no one speaks up.

The Story Continues

This should only be part of a much larger story—the points at which the serials crisis becomes truly critical for various campuses and various situations. The points at which libraries and parent institutions can only say "It doesn't matter how good the content is; the price is simply too high." Which might also be the points at which *effective* open access comes into play. But that's a whole bigger perspective: this story isn't directly about OA.What appears crucial: That more libraries and institutions *speak up*.

In the meantime, Brandon Nordin posted a fairly long item on October 24, 2012 to a group of lists including chminf-l but also liblicense-l and others: "ACS, SUNY Potsdam, and Pricing: The Publisher's Perspective." Because that post may or may not be part of a continuing discussion, I'm not going to go through it in detail. I do find one paragraph telling, however (emphasis added):

> We think it important to offer flexible choices as part of a range of licensing options that we provide to our academic customers. It is why we are open to hearing more from the library community about how to best to ensure sustainable access to the very best research being published in ACS journals by authors drawn from around the world. We are grateful that the majority of SUNY schools have elected to renew

with ACS for calendar 2013 by taking advantage of the various options we extended to them.

Should librarians care about the very best research being published in ACS journals? Librarians and scholars should care about good research *being available*—and if ACS' version of "sustainable" means it can't be economically available through ACS journals, well, there are or will be other outlets.

The next to most recent development is Jenica Rogers' October 26, 2012 response "specious arguments" as posted at *Attempting Elegance*. Rogers quotes a different portion of Nordin's item in which he says that while Potsdam (in 2012) is paying twice as much as it did in 2009, it receives roughly four times as many journals. Rogers says Nordin gets his facts right.

> However, the argument that SUNY Potsdam is better off now than in 2009, or that the price SUNY Potsdam is charged for ACS content is appropriate is where I call out the definition of specious.
>
> In 2006, we subscribed to 8 online ACS journals. After discussion and collaboration with our Chemistry faculty, in 2006 we swapped subscriptions to a bunch of print titles for that online access to the most important ACS titles for our program, and we were satisfied with what we had done. In 2009, we were offered a lot more content for a small amount more money because of the deal NYSHEI agreed to on our behalf with ACS. We were satisfied then, too, though concerned by the increase in price, given our flat budgets, and wary of more Big Deals for journal access. And in the three budget years since, we've been dismayed by the continuing increase in both unsolicited content being sold to us and associated annual increases in pricing.
>
> Because here's the thing: We don't need, or want, access to 40 ACS journals. We need and want access to about 14 of those. We subscribed to the most important 8, initially, as that was what worked for our budget—we stopped at 8 because it was what we could afford. We moved to a package of 32 because there was a Big Deal offer on the table that seemed smart at the time, as it gave access to all 14 for a reasonable price increase. That package is now 40 titles and climbing, and markedly more expensive than when we thought it was smart. It's not smart anymore, and when ACS representatives argue about how much value they've added by publishing additional science and more titles, they ignore that we never wanted that additional science, and we don't need more than 14 of those titles. It's empty "value" that they're adding.

Rogers details the options she was left with. ACS deals with "unbundling" as you might expect: If SUNY Potsdam wanted *just* the 14 titles it really uses, it would take *16%* of Potsdam's total acquisitions budget.

> So when ACS reps say "but there's more content for your money" with the implication that this therefore justifies the price, I reply "specious argument". True on the surface: there is more content. But the "more

content makes it a good value" argument is false: It's an unacceptable cost for that content, no matter how you approach it or how you slice it.

Read the comments on this post as well. And do expect to see more of this story as time goes by.

The *most* recent development as of this writing (November 9, 2012): "No Easy Answer for Library Budgets," an article by Lila Guterman in the November 12, 2012 *Chemical & Engineering News*—which is published by ACS. After Brian Crawford's deep assurances that ACS prices are fair and in line with other publishers, there's an interesting table in big red type, noting that chemistry journals rank "#1 among disciplines" by subscription cost. So, y'know, ACS might not be out of line in the field it specializes in—but that field is notably expensive even by STM standards.

I won't cherry-pick, but I can't help but note one more item: "Every library contacted by C&EM has had to pare subscriptions in recent years." [Emphasis in the original.] *Every library*. Let's talk about sustainable, shall we?

Masthead

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Comments should be sent to waltcrawford@gmail.com.

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