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Ann Okerson
Office of Scientific and Academic Publishing
Association of Research Libraries
1527 New Hampshire Avenue, NW
Washington, DC 20036

Dear Ms. Okerson:

I have been following with great interest and some dismay the growing debate on spiralling journal prices and ownership vs. access as it has been carried on over the past couple of years in the pages of The Chronicle of Higher Education, Logos, Scholarly Publishing, College & Research Libraries, Newsletter on Serials Pricing Issues, Public-Access Computer Systems Review, Publishers Weekly, and elsewhere. I have been meaning to write you for a while, and having just refreshed myself by reading your recent articles in Logos, PACSR, College & Research Libraries and looking again at the text of your talk at the annual AAUP meeting last June, I feel ready to respond, at least in a preliminary way, in this letter with the hope of thereby initiating an ongoing dialogue with you on this increasingly important topic. I am also sending a copy of this letter to others who have been participating in this debate or who have reason to be interested in it.

My concern with the interrelationships among technology, copyright, the economics of journal publishing, and the future of scholarly publishing in general dates back to the early 1970s when I became a member of the Copyright Committee of the Association of American Publishers acting as liaison for the Copyright Committee of the Association of American University Presses, which I chaired myself from 1974 to 1977 and again from 1980 to the present. (I also serve now on the board of directors of the Association for Copyright Enforcement, which together with the AAP funded the suit against Kinko's and is still pursuing the long-running suit against Texaco.) For your interest I enclose the transcript of testimony I presented before the Senate Judiciary Committee in the summer of 1973 that speaks directly to this issue. I was perhaps not giving enough credit there to some journal publishers--namely, commercial publishers of scientific and technical journals--for their ability to pass on higher costs to subscribers, but I think the basic argument remains valid--and is now being borne out by the incipient rebellion against what Herbert White calls "extortion" by the publishers of STM journals. We evidently have reached the point at which technological alternatives, whether photocopying or the more recent enthusiasms for on-line modes of communication, are becoming "relatively more attractive" than continuing to subscribe to all these high-priced journals!



One possible solution, which you have been among the most vocal in advocating, is that "universities...should be their own publishers" more than they have been, particularly in the sciences. The implication is that the publishing arm of universities, the university press, should ride to the rescue of librarians and take over publication of many of these journals whose prices have been increasing dramatically in recent years. I just don't think that's a realistic expectation, frankly. I argued this point before a group of librarians attending the annual meeting of the Pennsylvania Library Association here last spring. (Your colleague Duane Webster was a speaker at this meeting also, but he had to leave before I gave my talk; you may want to share the enclosed text of this talk with him, since he missed it then.) As I told those librarians, university presses have neither the trained staff nor sufficient capital to make their entry into scientific journal publishing feasible on any large scale. Tim King, in his Logos article (Vol. 1, No. 4), gets to the heart of the problem when he says that "the cost of starting a new journal, even without competition, is daunting" and "the costs of challenging an established journal are prohibitive...." The same holds true, I would venture to guess, for electronic journal publishing, for which you are also an enthusiast. I note from a report in The Chronicle of Higher Education (October 2, page A27) that the OCLC and the AAAS are each spending about \$500,000 to get The Online Journal of Current Clinical Trials up and running! Of course, many of the new electronic journals that you discuss in your PACSR article and your AAUP talk have seemed to be virtually cost-free because they have been started by individual professors using their own time and taking advantage of their university's computer resources; but the costless nature of these enterprises is really just an illusion--time is money, both human and computer, and turning these journals into fully professional operations, with all the "value added" by publishers that Tim King so nicely summarizes in his article (and that librarians are prone to neglect), would be a costly undertaking--surely more than most university presses, struggling as many of them are with shoe-string budgets, could afford. Now if suddenly university administrators were to become truly enlightened and channel quite substantial financial resources into the operation of their presses, while at the same time imposing new copyright policies to define all scholarly writing of their faculty as "work made for hire," and if somehow scholars could be persuaded to believe that this revolution would ultimately work out to be in their best interest, we university publishers might be in a position to temper our skepticism and transform ourselves into real STM publishers. But that is a scenario very unlikely to unfold, and I doubt many of us press directors would welcome it anyway.

Mind you, we in university press publishing do recognize the seriousness of the "crisis in scholarly communication" and share many of your worries about the future. The rise in STM journal prices has not left us unaffected, I assure you. We are struggling here to keep alive two very promising new journals founded in 1989 (The Journal of Speculative Philosophy and Journal of Policy History) which have fewer than 300 subscribers each even though they are relatively cheap (\$20 to individuals and \$30 to institutions), and I know the reason is partly the reluctance of librarians to start new subscriptions when they have so many expensive journals to maintain. I, too, resent the high prices that some commercial publishers charge for their journals when I realize that, for a cost equivalent to two annual subscriptions to Elsevier's Brain Research, for example, a librarian could subscribe to all 200 of the journals put out by American university presses! Could any one journal be so valuable as to justify that kind of tradeoff?

It is not just the impact on our own journal publishing that concerns us, however, but even more so--since not all university presses publish journals anyway--the undermining of the market for the traditional scholarly monographs that have always been the bread-and-butter, the raison d'être of university press publishing. The statistic I cite from your PW article, that the increased cost of maintaining STM journal subscriptions has meant a decline of 16% in the purchase of new monographs over the past four or five years, is deeply troubling to those of us who wonder how university presses can possibly adapt to this trend and still continue to do what we do best. If you heard my talk at the opening plenary session of the AAUP meeting last June (a copy of which I enclose for your reference), you'll have an idea of what university presses will have to do to get "back to basics" and why their publishing programs have had to become so much more diverse in order to ensure their survival as monograph publishers. Herb Bailey, in his study for the AAUP and ACLS, did not find evidence in the 1978-1988 period to substantiate his hunch that some species of monograph publishing were "endangered," but that's only because almost all presses during that period were expanding their lists rapidly in an effort to cope with the changes in the traditional markets for their books; and I show, from the survey I reported in The Chronicle of Higher Education (October 10, 1990), that such expansion is not going to continue and save "species" from becoming "endangered" during this coming decade. Thus, just as librarians are finding themselves challenged by spiralling journal costs to re-examine their traditional role as managers of storehouses of knowledge, so too are university press directors having to rethink their traditional role as suppliers of scholarly monographs, more or less directly as a result of the impact of journals prices on monograph purchases by libraries. We do have a lot in common!

Attacking copyright, however, as you and some other members of the library community have taken to doing from time to time, does not strike me as the right approach--especially if you want to develop cooperative relationships with publishers. It may be easy for librarians to assume that copyright is an obstacle to ready access to information and that universities should work to loosen copyright restrictions. But universities are not monolithic institutions: many faculty are authors as well as consumers, and some universities are also publishers, and copyright serves their interests. In this respect, I think Herbert White is way off target when, in his Logos article (Vol. 1, No. 4), he asserts that "copyright laws are vague at best, cumbersome to enforce, and the needs of the numerous users will always win out over the interests of the few and unpopular publishers if and when the question is brought to public attention.... If it ever came to a clear confrontation between the rights of publishers and of scholarly research and communication, publishers would lose." That is much too simple a picture of reality and doesn't take into account at all that university presses side with their fellow publishers in most copyright cases. The outcome of the Kinko's suit, which certainly posed such a "confrontation," should make Dr. White think twice about repeating that prediction. It is not clear, either, that copyright law will have to be drastically revised to accommodate technological change, or that it can't be enforced in an electronic communications environment, as you suggest in your Logos article. The Software Publishers Association, for example, seems to have ^{had} considerable success in its fight against piracy domestically; and the settlement of its recent suit against the University of Oregon at a cost of \$130,000 to the university should put universities on notice that they cannot infringe software companies' copyrights with impunity. Publishers are not eager, of course, to sue universities; we'd all much rather cooperate in establishing mechanisms that will serve everyone's interests best (and, anyway, university presses are in an awkward position whenever there is a question of suing universities--certainly, they could never sue their own!). But librarians have got to

realize that if they ever want to have any success in joining forces with university presses as allies in the struggles that lie ahead, they are not going to get anywhere by attacking copyright, which all publishers view as the legal bedrock of their industry. As long as we all continue to live in a capitalist society driven by a market economy, copyright will remain a fact of life to which librarians will just have to accommodate themselves--which isn't to say that some changes in the law won't be necessary to make it work better in new technological environments. Publishers are all struggling now, for example, to adapt to the new realities of "electrocopying" and trying to figure out how such features of the present law as "fair use" apply to it. We got ourselves in a lot of trouble by not confronting the challenges of photocopying early on, and we don't want to make the same mistake again!

Our different attitudes towards copyright, however, should not blind us to the very significant areas of common interest university presses share with librarians. All of us in scholarly publishing, I think it is fair to say, are as worried and dismayed as librarians by the never ceasing growth in the demand for more publications and publication outlets. We have no interest in constant expansion to publish more and more second-rate research. I agree with Herbert White that "the growth of published research has little to do with communication for information transfer" and much more to do "with communication for credit" (his italics). When I began my publishing career in the late 1960s, it was expected that one book and perhaps a half-dozen articles would suffice to qualify a scholar for tenure; now the requirement is at least double that amount, and there seems to be no end in sight. Dennis Carrigan, assistant dean of the College of Library and Information Science at the University of Kentucky, wrote a very illuminating article for Scholarly Publishing (April 1991) in which he traced the historical path that has led to the emphasis on quantity over quality in scholarly publications. University presses were initially established, he shows, because they would contribute to universities' prestige which, in turn, would enhance their ability to compete for financial resources. And, as he says, "once the attitude was established that publications matter more than anything else, it was an easy--perhaps we should say an inevitable--step to the attitude that it is the number of publications that matters most" (his italics). His chronicle of this shift to emphasizing quantity is revealing--and very sobering. But he also concludes his article on a hopeful note, pointing to some efforts now under way to reverse this long-term trend and promote more emphasis on quality. As Herbert White says, "counting is still easier than evaluating," but we have now reached a point--university administrators, librarians, university presses, and not least, I should think, the poor overworked scholars themselves (who have less time now than ever before to devote to teaching--hence the outcry from undergraduates that research is being given too much priority over teaching)--where all of us should have a common interest in finding solutions to this problem. It does all go back, in the end, to the system of tenure and promotion that universities rely upon. And it is surely in the power of universities to change that system; it is a self-inflicted problem, not one imposed on universities from outside. There is perhaps at work here a version of Say's law--supply creating its own demand. (For a good overview of that basic principle in economics, see Thomas Sowell's Say's Law: An Historical Analysis, Princeton, 1972.) Whatever the economic dynamic involved is, we are all suffering from the consequences. This is a problem, surely, that we can join forces with librarians in talking with administrators and faculty about the need for reform.

Whether we are successful in resolving this underlying problem or not, I agree with your general view that scholarly publishers just as librarians will have to change their ways of doing business in the face of the challenges presented by the new technologies. This transformation may not come as quickly as some are now predicting. A lead article in the December 4 issue of The Chronicle of Higher Education cites an estimate by Ira Fuchs of Princeton that "from \$10 billion to \$100 billion may be required...to develop or improve campus computer facilities and make NREN a reality." Where is that kind of money going to come from in these times, when the same issue of The Chronicle carries stories about Yale's massive problems in maintaining its physical facilities, Wesleyan's having to consider changing its traditional policy of admitting students without regard to ability to pay, huge budget cuts called for by Governor Cuomo in the New York university system, major cutbacks at urban colleges, and the problems students everywhere are facing as "universities increase tuition, lay off instructors, and cancel course offerings"? But, yes, change will come eventually, and some years down the road we'll all be computer-linked to the hilt and communicating in different ways. How will this change affect university presses? My guess is that over time different types of scholarly communication will find particular vehicles best suited for their needs: quick communication by e-mail where immediate feedback and continuing interaction are important will serve some best; undoubtedly electronic journals will proliferate and perhaps displace a good many that have long been made available in printed form; depending on how successful librarians are in dealing with what Patricia Battin in her Logos article (Vol. 2, No. 1) points out as "the complexities involved in the archival storage of machine-readable information, with its corollary of transient hardware and software access systems," there may remain still a substantial number of journals that are issued in print (perhaps as well as in electronic) form; more scholarly monographs will probably end up being stored in databases, with just abstracts circulated and copies being printed "on demand" by Xerox Docutech-type systems; and perhaps, if we are lucky, there will be more incentives for scholars to produce books of a genuine synthetic nature--for university presses to publish! Here I very much share the view of Richard Abel who, in his inspiring Logos article (Vol. 2, No. 3), contrasts the production of knowledge with the discovery of information and encourages librarians to help foster more emphasis on the former: "The way in which knowledge, once created, is stored and retrieved distinguishes this form of intellectual activity from that of the discovery of information. The latter is readily stored, not only in journal papers, but also in computer databases. Information can be stored in these ways due to its discrete, particular, specific and quantitative qualities. Knowledge, by contrast, is only partly quantitative. It is discursive, general and broad-ranging with only very indistinct boundaries. Knowledge, as a result, while it can conceivably be stored in a wide variety of forms, is not only best stored but also best presented in a form which is accommodating in terms of portability, ease of use, the absence of time restraints, independence from other objects and ease of review. In other words, something like a book." I couldn't agree more, and I expect that university presses will evolve more and more, as commercial publishers retreat from the publishing of serious scholarly work and as very specialized monograph publishing becomes impossible economically for presses to sustain, into general publishers of truly synthesizing scholarship of the kind that Abel applauds. Presses, in other words, will come to look more like a house like the Beacon Press--which, not coincidentally, is an Associate Member of the AAUP. That is a scenario that I believe most press directors would welcome. It would certainly satisfy those who have long had aspirations to play a broader

cultural role. And it would continue to make presses important adjuncts to their universities, perhaps even more important, because it would reinforce in the public mind the great contributions that universities make to the production and dissemination of knowledge as well as information of value to everyone, not just the academic elite within their sheltered ivory towers. In "Back to Basics" I spoke as a defender of the scholarly monograph, and I continue to believe that university presses should refocus their attention on keeping that traditional mode of communication alive as long as they can afford to do so, without additional outside support. But I am also realistic enough to recognize that change is coming and that much monograph publishing may eventually be better served by the adoption of "on demand" publishing technologies, perhaps ultimately as part of the "single electronic database" that Eldred Smith envisions (Scholarly Publishing, January 1991) in connection with the realization of the NREN system. I think librarians and publishers can work together effectively to make this transition as smooth and painless as possible.

I am all in favor of encouraging more direct and ongoing dialogue between librarians and publishers. We have begun right here at Penn State to have meetings of librarians and members of our staff. I also was invited last year to join a new Task Force on Scholarly Resources of the Latin American Studies Association, bringing librarians and publishers in that area together, and at the next LASA annual meeting I'll be co-chairing a session on "The Crisis in Scholarly Communication" with Lynne Riënner (who runs her own scholarly publishing house) at which Larry Lauerhass, UCLA's Latin American bibliographer, will also speak. And you should also know that the directors of the presses at the "Big Ten" universities, who met for the first time as an organized group last July at the University of Illinois, are planning to hold a meeting jointly with the head librarians of the Big Ten in Chicago next April or May. This can be, I believe, a promising point of takeoff for a concerted effort by this group of university libraries and presses to develop a systematic approach to resolving the problems we all face in the coming years. The Committee on Institutional Cooperation is organizing this ^{first} meeting.

I hope we can engage you in this effort, too, and through your many contacts reach an even wider audience within the library community. I plan on attending the annual meeting of the AAP's Professional and Scholarly Publishing Division in Washington on February 12-14, and if you will be there, I'd very much welcome the opportunity to discuss with you further the many and varied issues I have broached with this now overly long epistle.

Yours sincerely,

Sanford G. Thatcher
Director

cc: Richard Abel (Editor-in-Chief, Timber Press)
James Alexander (Journals Manager, Cambridge U. Press; member, AAUP & AAP
Copyright Committees)
Herbert Bailey, Jr. (former Director, Princeton U. Press)
David Bartlett (Director, Temple U. Press; President, AAUP)
Patricia Battin (President, U.S. Commission on Preservation and Access)
Fréd. Bohm (Director, Michigan State U. Press)
William Bowen (President, Mellon Foundation)
John Brighton (Provost, Penn State U.)
Dennis Carrigan (Library, U. of Kentucky)
Mark Carroll (Editor, Scholarly Publishing)
Nancy Cline (Dean, University Libraries, Penn State U.)
Robert Connor (Director, National Humanities Center)
Colin Day (Director, U. of Michigan Press)
Richard Dougherty (President, ALA)
Charles Ellis (President/CEO, John Wiley & Sons; Chair, Board of Trustees,
Princeton U. Press)
Eamon Fennessy (President, Copyright Clearance Center; member, Board of
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Allen Fitchen (Director, U. of Wisconsin Press)
Lisa Freeman (Director, U. of Minnesota Press)
John Gallman (Director, Indiana U. Press)
Paul Gherman (University Librarian, Virginia Polytechnic Institute and State U.)
Peter Givler (Director, Ohio State U. Press)
Gordon Graham (Editor, Logos: The Professional Journal for the Book World)
Douglas Greenberg (Vice President, ACLS)
Peter Grenquist (Executive Director, AAUP)
Joanna Hitchcock (Director, U. of Texas Press)
Alexander Hoffman (Chair, Board of Directors, Association for Copyright Enforcement)
Charles Hosler (outgoing Dean of the Graduate School, Penn State U.)
Deborah Jakubs (Chair, LASA Task Force on Scholarly Resources)
Timothy King (Vice President, John Wiley & Sons)
Larry Lauerhass (Library, UCLA)
Walter Lippincott (Director, Princeton U. Press)
Torre Meringolo (Assistant Dean, Library, Penn State U.)
William Richardson (President, Johns Hopkins U.; former Provost, Penn State U.)
Lynne Rienner (President, Lynne Rienner Publishers)
Carol Risher (Staff, AAP Copyright Committee)
Lars Schoultz (President, Latin American Studies Association)
Robert Secor (Chair, Faculty Senate, Penn State U.)
David Shirley (incoming Dean of the Graduate School, Penn State U.)
Diane Smith (Chief, Humanities and Social Sciences, Library, Penn State U.)
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