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A N T H R O P O L O G I C A L
A S S O C I A T I O N

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Response to November 3, 2011 OSTP RFI - Public Access to Scholarly Publications

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Via electronic mail: publicaccess@ostp.gov

We are pleased to submit the comments of the American Anthropological Association (AAA) in response to the Request for Information (RFI) issued by the Office of Science and Technology Policy (OSTP) on behalf of the National Science and Technology Council Task Force on Public Access to Scholarly Publications, published November 3, 2011 in the *Federal Register*. We request that these comments in response to the RFI announced at 76 FR 68518 be made an official part of the rulemaking docket.

Founded in 1902, the AAA is the primary professional society of anthropologists in the United States. With more than 11,000 members, we represent a diverse array of professionals who examine humankind in all its aspects through archaeological, biological, ethnological and linguistic research. As the largest journal publisher in our discipline, we are committed to the public availability and dissemination of knowledge – each year we have subsidized our 22 journal publishing program from other revenue sources; and we invested over one million dollars in the establishment of an online archive (AnthroSource) expressly to enhance and increase the availability of our publications.

Section 103(b)(6) of the America COMPETES Reauthorization Act of 2010 requires that interested individuals and organizations provide recommendations on approaches for ensuring long-term stewardship and broad public access to the peer reviewed scholarly publications that result from federal funding. We write today to make the case that while we share the mutual objective of enhancing the public understanding of scientific enterprise and support the wide dissemination of materials that can reach those in the public who would benefit from such knowledge (consistent with our associations' mission)ⁱ, broad public access to such information currently exists, and no federal government intervention is currently necessary.

We know of no research that demonstrates a problem with the existing system for making the content of scholarly journals available to those who might benefit from it. In a recent article published in the *Journal of the Medical Library Association*, authors Philip Davis and William Walters conducted a literature review and concluded that "...recent studies provide little evidence to support the idea that there is a crisis in access to the scholarly literature."ⁱⁱ A separate earlier study found that 93% of the researchers surveyed reported easy access to original research articles in journals. This study surveyed 3,800 researchers and evaluated their access to 18,000 journals. It is worth keeping mind that this same study found that 62% of these scholars enjoyed easy access to data sets, data models, and the research compendium of other scholars.ⁱⁱⁱ AAA

independently corroborated these results in a survey about anthropological information with its members, who reported in February 2009 very high levels of access to peer-reviewed journals and scholarly monographs.

In regard to the questions put forward by OSTP at 76 FR 68518, we dispute assertions underlying many of them suggesting that the federal government has the legal right to mandate public access to scholarly journal articles which result from federally funded research. We argue that while the government might have a right to the unfinished work product (i.e., the research data or “findings”) of individual researchers to whom they provide financial support, it does not have the right to journal articles that are the cumulative result of the significant time and financial investment of reviewers, editors, copywriters, designers, technology providers, archivists, publishers and distributors of such journal content—none of which is supported by federal research dollars. Among other things, providing technological support for the publication of our 22 journals requires indexing, coding, hyper-linking, purchase of permanent DOI, producing printable files, assuring accessibility on different platforms and establishing alerting systems, none of which receive federal government financial support.

Mandating open access to such property without just compensation and lawful procedural limitations constitutes, in our view, an unconstitutional taking of private property—copyrighted material—an expropriation without fair market compensation. In our view, such practice cannot and will not withstand judicial review.

While many observers of these regulatory proposals assert that guidance is only directed at journal publishing in the areas of science, technology, engineering and mathematics (so-called STM fields), thus far there appears to be no such distinction in much of the discussion surrounding mandated open access. Discussions surrounding the topic of open access within OSTP and federal agencies have assumed that whatever regulations or guidance emerges from this process will be equally applicable to all federal funding agencies and the research they fund across all academic disciplines. In previous comments sent to OSTP on this issue (see attached), we specifically outlined the ways that journal publishing in anthropology is a very different process than publishing in STM fields, and they bear repeating here.

First, after twelve months much of the content in many STM fields is old news. An embargo period of 12 months often has little effect on the financial models upon which publishing in STM fields is based. In anthropology, however, where over 90 percent of downloads occur after 12 months from the date of publication and the cited half-life of our quarterly journals is over 10 years, a 12 month embargo period does nothing to help protect our subscriptions. Research on the behavior of acquisitions librarians demonstrate clearly that the pattern of user demand for journal content is such that if librarians have only to wait 12 months to access that content free, such journal subscriptions will be readily dropped. Researcher Simon Inger found that “Only when the embargo is extended to 24 months in this model, does the final published article obtain a greater than 50% share of preference.” This was a study of 424 librarians; only 10% of these participants reported a social science focus and 4% reported a humanities focus, so social science and humanities disciplines are under-reported in this study.^{iv}

Another major difference between STM journal publishing and that which occurs in anthropology is the fact that those few authors who do get federal financial support for their work receive extremely small grants which do not allow for the support of publishing their work. Many grants, such as those awarded by those entities that frequently support scholars in our discipline such as such as the Wenner-Gren Foundation, the Leakey Foundation, and the National Geographic Explorers Fund do not allow funds to be used for such purposes. If AAA’s publishing program were to lose revenues from library subscriptions, the authors would have very little ability to “pay to publish” such as has been demonstrated to be successful in some STM fields. The elimination of library subscription revenues from the publishing budget of the American Anthropological Association would cripple the society’s ability to continue publishing its 22 scholarly journals.

Finally, scholarly journal publishing in anthropology differs greatly from that in STM fields in that the cost per article is a multiple of that in STM fields. In a report funded by the Mellon Foundation that examined the financing of scholarly journal publishing among social science and humanities societies, researcher Mary Waltham found that publishing costs in social science journals averages \$526 per page, more than double the average \$226 per page cost to publish in STM journals.^v Because the evidentiary base of ethnography, linguistic anthropology, and archaeology comprises observations and transcripts of human behavior and artifacts, our journals require much longer articles than those published by our STM counterparts, which tend to present studies based on laboratory evidence.

One final note: in anthropology and in the humanities, book-length publication is still a meaningful publication unit. Journals play a critical role in the success of these works by reviewing books and productions. In 2010, AAA's journals published 411 book reviews. If the AAA journal publishing program cannot be sustained, it may be that university presses and other scholarly publishers of book-length works could also be irreparably damaged.

We thank you for the opportunity to submit these comments, and look forward to working with you in the future to protect the dissemination of scholarly research nationwide.



William E. Davis, III
Executive Director
American Anthropological Association

ⁱ "The purposes of the American Anthropological Association shall be to advance anthropology as the science that studies humankind in all its aspects, including archaeological, biological, ethnological and linguistic research; and to further the professional interests of American anthropologists, including the dissemination of anthropological knowledge and its use to solve human problems.

ⁱⁱ Phil Davis and William Walters, The Impact of Free Access to the Science Literature: a review of the literature. *Journal of the Medical Library Association*, July 2011, 99(3): 208-217.

ⁱⁱⁱ Chris Beckett and Simon Inger, Self-Archiving and Journal Subscriptions: Co-Existence of Competition? 2006, Publishers Research Consortium. http://www.publishingresearch.net/documents/Self-archiving_report.pdf

^{iv} *ibid*

^v Retrieved from <http://www.nhalliance.org/bm~doc/hssreport.pdf>

**Comments Submitted to the Office of Science and Technology Policy
Public Access Policy Forum**

December 18, 2009

Federally mandated free access to journal articles published by scholarly societies in the social sciences and humanities is very likely to cause irreparable harm to authors, readers and publishers of those society journals.

Social science and humanities journals currently depend on subscription income to finance their publishing programs, and librarians have clearly demonstrated they will drop paid subscriptions if the same content is available free. Thus, mandated free access will deprive society publishers of the ability to continue publishing. The “solution” most often offered by advocates of mandated free access is to finance publication by assessing author-fees. Author-financed publication, however, is not a feasible model for the sustainable financing of journal publishing in the social sciences and humanities.

Scholars in the social sciences and humanities receive research support from various federal agencies, including the National Science Foundation, National Institutes of Health, Departments of Education, Health and Human Services, Transportation, Energy, Environmental Protection Agency as well as the National Endowments for the Humanities and the Arts. Thus public access policies adopted by these departments and agencies will have significant consequences for both authors and publishers in the social sciences.

Earlier this year, the National Humanities’ Alliance (NHA) released a study (report available at <http://www.nhalliance.org/bm~doc/hssreport.pdf>) on the financing of scholarly journal publishing among social science and humanities societies. The eight societies whose journals were included in the study were the American Anthropological Association, American Political Science Association, American Economic Association, American Sociological Association, American Statistical Association, American Academy of Religion, American Historical Association and Modern Language Association

A key finding of the NHA study was that scholarly publishing in the social sciences and humanities differs in major ways from that which typically occurs in the sciences. Moreover open access policies based on assumptions about scholarly publishing in the science, technology, engineering and medical fields, without attending to the particular characteristics of social science and humanities publishing, will almost certainly create economic havoc for trusted means of communication among scholars in these latter fields.

Why is it unreasonable to assume that open access publishing of scholarly journal content could be provided free of charge if the cost of peer review, printing, distribution, mailing

and other associated fees were paid by article authors? The NHA study provides some clear answers.

First, researchers in the STEM world are often able to charge the cost of publishing their work to their federal research grants. However, grant-funded authors in the social sciences and humanities do not have the same ability to “pay to publish” as their colleagues in the STEM fields. Unlike grants to support STEM research, grants supporting social science and humanities research typically do not allow authors to use that support to pay author fees charged by publishers.

Second, the length of articles in the social sciences and humanities journals averages 19 pages, substantially longer than the average article length of 12 pages in STEM journals. This added length together with the more robust peer-review process typical of social science and humanities journals result in significantly higher publishing costs than is the case with STEM journals. Publishing costs in social science journals averages \$526 per page, more than double the average \$226 per page cost to publish in STEM journals. Without research support adequate to pay those costs, an author wishing to publish in a social science journal which charges author fees would face a personal expenditure (over \$9,000 per article for my own society’s journal) clearly prohibitive for most individual scholars.

Third, there is a much longer “half-life” of content published in social science journals than is the case in many of the “hard” sciences. In the STEM world, where the pace of the research process is very rapid, it is sometimes argued that content 6 months or even a year old has relatively little continuing value to other researchers and thus brings little subscription income to publishers of that content after such a period. Unlike the STEM world, however, journal content published in the social sciences and humanities continues to be accessed for many years, thus providing a continuing stream of subscription income to support the publishing operations of scholarly societies.

Fourth, we have already seen that the practices of one federal agency (in this case NIH) create powerful forces to adopt similar practices among other federal agencies as well as non-governmental institutions such as research supporting private foundations. Federally mandated free access to scholarly content would undoubtedly invite all funders of scholarly work to adopt the same requirement of grant recipients.

Thus, while free access to the results of scholarly work is a laudable goal, and the author-pays publishing model may appear to be a viable alternative to a subscriber-pays model, such a model clearly fails to constitute a basis on which to finance journal publishing in the social sciences and humanities. Without alternative sources of revenue—revenue that have yet to appear-- federally mandated free access to this journal content could well result in the demise of the very journals that mandated open access advocates seek to make more freely available.

Bill Davis, American Anthropological Association