Gordon & Breach Impanels a Journal Jury

Whose journals give the most bang for the buck? A litigious British publisher proposes a body to resolve that vexing question

GORDON & BREACH, which appears to be trying to litigate its way to a reputation as the bad boy of science journal publishers, is trying a new tack in its ongoing battle with critics of its journal prices. Currently engaged in suits against several leading scientific societies, the international science publishing firm has arranged for the creation of an "independent, international panel to define and develop criteria for future surveys that assess the relative cost-effectiveness of science publications."

The panel, chaired by physicist Lewis Klein of Howard University, is being set up by the London-based Foundation for International Scientific Cooperation. That foundation was created last year by French physicist Maurice Levy, who says the foundation has no formal connection with G&B. But, according to a press release from Michael Klepper Associates, G&B's New York public relations firm, the panel was "conceived and proposed" by G&B. According to Levy, G&B chairman Martin Gordon, a "longtime friend," suggested that the foundation "undertake an impartial survey" of journal prices.

Is this a new way for G&B to gather information for its legal battles? G&B's international sales manager Christopher Schneider has told members of the press, including a reporter for the *Chronicle of Higher Education*, that the panel has nothing to do with the litigation. And Klein emphasized to *Science* that he doesn't intend for the panel "to have anything to do with Gordon & Breach at all." He will be selecting its members himself and plans to seek financial support from sources other than G&B.

All this sounds a lot more statesman-like than what has been happening since last summer when G&B initiated a three-pronged suit against the American Institute of Physics (AIP), the American Physical Society (APS), and retired University of Wisconsin physicist Henry Barschall. Barschall is the author of a survey on physics journal prices published in the AIP's *Physics Today* and the *Bulletin of the American Physical Society* in July 1988.

Barschall reviewed some 200 journals and ranked journal publishers according to their average subscription cost per 1000 characters published. A table published in Barschall's *Physics Today* article showed that 11 selected G&B journals had the highest cost by that measure. Barschall then calculated the ratio of cost to frequency with which articles in the journals were cited and found the G&B journals had the highest ratio of cost to impact.

According to a "statement of claim" on the physics survey filed in Frankfurt last June, G&B says that the activities of the AIP, the APS, and Barschall are "in gross violation of fair competition." The statement claims that the survey published by those organizations "favors their own publications." Among other things, the statement says Barschall was biased in his selection of journals, choosing high-priced G&B journals and overlooking cheaper ones, and that he overstated the cost per 1000 characters of some G&B journals.

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—Charles A. Hamaker

The suit against the physics societies and Barschall is not the only one G&B has filed lately. Early this year the company launched a suit against the American Mathematical Society (AMS) for a survey published in November 1989. That survey also showed that G&B journals are at the high end of the price range. On 8 March a West German civil court granted G&B a temporary injunction barring the AMS from distributing its survey in that country. AMS head William H. Jaco says the European Mathematical Union, which is doing a related survey to be published by the AMS, has also received a warning letter from G&B.

The litigation is being conducted in West Germany, France, and Switzerland, where there are laws against comparative advertising—meaning that advertisers are not supposed to mention the name of a competing product. G&B alleges that since the societies publish competing journals, publication of the surveys amounts to unfair competition. G&B's New York lawyer Leslie Lupert, of the firm of Orans, Elsen & Lupert, told *Science* that the company is not seeking monetary damages in the suits but wants the societies to publish corrections.

Over the past 2 years, G&B has also rebuked individual scientists and librarians who criticized its journal prices in print. Octave Levenspiel, a chemical engineer at Oregon State University, wrote a letter to *Chemical Engineering Education* complaining about increases in the price of the G&B journal *Chemical Engineering Communications*. Not long after his letter was published, Levenspiel received one from G&B attorneys. That missive referred to Levenspiel's published letter as "misinformed and potentially libelous" and added: "We are prepared to take whatever steps against you and against the journal that published your letter as will prove necessary to protect our client's rights."

Similarly, librarian Joel Rutstein of Colorado State University received what he calls a "nasty" letter from G&B after he wrote the editor of *Early Child Development and Care* complaining of a precipitous rise in subscription prices. Librarian James Thompson of the University of Riverside told *Science* he was threatened with a suit if he failed to retract an observation that G&B was threatening to sue people.

As a result of these developments, some librarians wondered what was going on when, in January, they received a questionnaire from the Foundation for International Scientific Cooperation. Amid general questions about journal costs and budgets, it asked respondents whether they had seen the physics and mathematics journal pricing surveys and whether they thought the information might influence their purchasing policies. The return address was a post office box in Washington, D.C.

Several people, including APS treasurer Harry Lustig and a reporter for the *Chronicle of Higher Education*, contacted foundation director Levy only to find he knew little about the questionnaire. Richard Meserve, Washington attorney for the defendants in the physics suit, claims that the postage had been charged to a meter registered to G&B's New York office and that the return address was that of G&B's Washington, D.C., law firm.

All of this gave some people the impression that G&B might be gathering evidence to aid in its litigation. But that suspicion is denied by Levy and

G&B. On 16 March a letter signed by Levy was released by Michael Klepper Associates in which Levy said the information from the questionnaire was not to further the G&B suit, but was "only being used for statistical analysis for our panel." Problems arose, he added, because "someone at Gordon & Breach prematurely mailed the questionnaire before final authorization had been received from the [foundation's] board."

Even if the panel is a completely independent, neutral body, some people think G&B's litigious activities have already cast a pall over public discussion of rising journal prices. Charles A. Hamaker, librarian at Louisiana State University, said: "I'm skeptical that anything Gordon & Breach does at this stage will take care of the damage that's already been created."

Hamaker argues that a "chilling effect" is already apparent. He cited a recent journal price study published in the *Journal of Academic Librarians* that played things safe by categorizing journals by subject area—making no mention of publishers' names. And at a conference last November, Hamaker says one librarian disguised a discussion of G&B in a parable about "B&G" wine importers.

Although discussion may have been dampened, some observers think G&B may be doing more to hurt itself than to its critics. Says Jaco of the AMS: "What they are doing with this is much more attention-causing and damaging than the price survey could have ever been."

■ CONSTANCE HOLDEN

How the United States Stacks Up in Key Technologies

SUMMARY OF FOREIGN TECHNOLOGICAL CAPABILITIES

Critical Technologies	USSR	NATO Allies	Japan
SEMICONDUCTOR MATERIALS AND MICROELECTRONIC CIRCUITS	●	○○	○○○○
SOFTWARE PRODUCIBILITY	●	○○	○○
PARALLEL COMPUTER ARCHITECTURES	●	○○	○○
MACHINE INTELLIGENCE AND ROBOTICS	●	○○○	○○○○
SIMULATION AND MODELING	●	○○○	○○○
PHOTONICS	●●	○○	○○○○
SENSITIVE RADARS	●	○○	○○
PASSIVE SENSORS	●●	○○	○○
SIGNAL PROCESSING	●●	○○	○○
SIGNATURE CONTROL	●●	○○	○○
WEAPON SYSTEM ENVIRONMENT	●●●	○○○	○○
DATA FUSION	●●	○○	○○
COMPUTATIONAL FLUID DYNAMICS	●	○○	○○
AIR-BREATHING PROPULSION	●●	○○○	○○
PULSED POWER	●●●●	○○	○○
HYPERVELOCITY PROJECTILES	●●●	○○	○○
HIGH ENERGY DENSITY MATERIALS	●●●	○○○	○○○
COMPOSITE MATERIALS	●●	○○○	○○○
SUPERCONDUCTIVITY	●●	○○	○○○○
BIOTECHNOLOGY MATERIALS AND PROCESSES	●●	○○○	○○○○

Position of USSR relative to the United States		Capability of others to contribute to the technology	
●●●●	Significant leads in some niches of technology	○○○○	Significantly ahead in some niches of technology
●●●	Generally on a par with the United States	○○○	Capable of making major contributions
●●	Generally lagging except in some areas	○○	Capable of making some contributions
●	Lagging in all important aspects	○	Unlikely to make any immediate contribution

The Department of Defense has concluded that the United States leads the Soviet Union in 16 of 20 nonnuclear technologies deemed critical to military systems.* In only one area—the generation of pulses of high-power microwaves—is the Soviet Union considered ahead. No surprises there.

More worrisome: Japan is considered to be either on a par with the United States or significantly ahead in 8 of the same 20 technologies. And the areas where Japan is strongest are mostly those with primarily civilian applications. In microelectronics, for example, Japan is reckoned to be ahead of the United States in every area except for radiation hardening of semiconductors—not exactly a technique with extensive commercial applications. And though NATO allies are currently lagging in most microelectronic technologies, the report states that "this situation could drastically change in the near term" if the capabilities of individual European countries are integrated.

The Pentagon's analysis was performed at the behest of Congress. It is perhaps the most ambitious attempt yet made to evaluate how the United States stacks up against its international competitors in critical areas of technology. (The summary chart to the left explicitly compares the United States with the Soviet Union in each technology, but gives only the potential "contributions" of Japan and NATO allies relative to those of the United States. The difference is largely semantic; in each case, national technological capabilities are being compared.)

The Department of Commerce is now working on a similar assessment of U.S. capabilities in technologies deemed critical to international competitiveness. (There will clearly be some overlap.) The Office of Science and Technology Policy will eventually take both the Defense and Commerce reports and put them together into a single assessment of U.S. technological strength, which is due to go to President Bush by 30 October.

In the near term, the Department of Defense study is expected to provide ammunition for members of Congress to resist proposed reductions in spending on some of the technologies identified in the report. For example, the Administration's fiscal year 1991 budget contains no funds for an x-ray lithography project that the Defense Advanced Research Projects Agency is currently funding to the tune of $30 million a year.

Senator Jeff Bingaman (D–NM), the prime mover behind legislation directing the Administration to produce these reports, says he's trying "to get a national consensus on areas of concern." The next, and more difficult, step is presumably to get a national consensus on what to do about the concerns.

■ COLIN NORMAN

Critical Technologies Plan, Department of Defense, March 1990.