EDITORIAL

Sands shifting beneath our feet

At a Lister Hill Library weekly managers meeting, Jay Harris, assistant director for collection management, brought in a letter he had received the day before from Elsevier Science that stated:

An article in a recent issue of Human Immunology ... included certain statements that the American Society of Histocompatibility and Immunogenetics (ASHI, the owner of the journal), the Editor-in-Chief, and we as Publisher found were entirely inappropriate for articles published in this journal. ... All electronic versions of the article are no longer available. ... We would like to advise you either ignore the article in question ... or, preferably, to physically remove the relevant pages. [1]

Coincidentally, this letter came not far on the heels of the Ari Fleischer/Bill Maher contretemps in which Fleischer, speaking for the White House, castigated Bill Maher, host of Politically Incorrect (a satirical late-night television show), for making what Fleischer felt were inappropriate comments. Fleischer said that “Americans should watch what they say, watch what they do” in the immediate aftermath of the attacks of September 11. Some political analysts expressed concern over the implications of Fleischer’s “watch what they say” comment, and those words disappeared from the official White House transcript. They were only restored several weeks after the fact [2, 3]. The future may be as impenetrable as ever, but we have reached the point where it is fairly easy to rewrite the past.

In 1986, the National Library of Medicine (NLM) developed its Retraction of Publication policy. Considerable attention had been brought to the issues of scientific fraud and misconduct, and many journals were attempting to be more scrupulous about pointing out when the science in a published article should no longer be trusted. NLM was concerned that articles, which had been retracted, would still show up in MEDLINE searches, and readers would be unaware that articles they were pointed to were suspect. So the “retraction of publication” tag was developed, and MEDLINE records were modified to indicate that articles had been retracted [4]. Many libraries went to the trouble of putting stickers on retracted articles to alert readers to potential problems.

The Elsevier Science letter signaled that a new era has been reached. It was unusual enough to result in news items in The Chronicle of Higher Education and Nature [5, 6]. No one conceived of the possibility, back in 1986, that retracted articles could simply be erased. Once an article was published, it was out in the world, and anyone engaged in damage control had to assume that it would always be out in the world. There have, of course, been cases where books have been seized, withdrawn, and pulped. But in the print world, those actions have never been entirely successful and, in most cases, have served largely to bring attention to the offending publication.

It was noteworthy in the Human Immunology case that there was no claim of scientific inaccuracy. The letter to subscribers was vague, implying only that some members of ASHI objected to statements made in the article. The piece in question [7] dealt with the genetic makeup of Palestinians, Jews, and other Mediterranean populations—certainly a topic loaded with potential for strong reactions on all sides. It is easy to imagine the readers, focused on the science, paying little attention to the context provided in the article. Only when some readers looked at the broader context did a firestorm arise. The next issue of Human Immunology included a brief note from the president of the society, along with a message from the editor of the journal, apologizing for having let the article slip through and promising to change procedures to ensure that such a thing would not happen again [8, 9]. In the print world, this would have been their only recourse. In the electronic world, however, they could take an additional step and attempt to erase the article altogether.

Eliminating all traces of it, of course, is not possible. In ScienceDirect, for example, the pagination must be accounted for. So in the table of contents for the September 2001 issue, this entry appears: “Article has been withdrawn by the American Society for Histocompatibility and Immunogenetics (the copyright owner), the Editor and the Publisher, and will not be available in electronic format, pages 889–900” [10]. No reason is given. Readers who rely solely on ScienceDirect would be unable to make an independent judgment about the appropriateness of including or not including the article.

NLM treats it as a normal retraction of publication, and, in MEDLINE, the original citation appears, along with the abstract and the normal retraction notifications. According to Sheldon Kotzin, chief, Bibliographic Services Division, at NLM, “we never, for an instant, considered not putting this citation in MEDLINE” [11].

In November, there was some discussion of the article on the electronic discussion list of the Association of Academic Health Sciences Libraries (AAHSL). While only a few of the members chimed in, those who did were unanimous that they did not feel that it was appropriate to remove the article. Indeed, some commented that they...
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are brought to the attention of
means to make sure that retractions
be better for everyone if ar-
ticles with such data were simply
available to us in the past; now that
it is, should we not take advantage
of it?
Perhaps. But the same electronic
tools that give us the ability to
erase an article, also give us the
means to make sure that retractions
are brought to the attention of
readers. In the print world, we have
had to rely on obsessive librarians
post hoc identifying articles that
should not be trusted. Now, in elec-
tronic databases, commentary and
concerns can be easily incorporat-
ed. Surely, this is a sounder way of
handling such situations. Maintain-
ing the accuracy of the historical
record is fundamental to the suc-
cess and advancement of science.
Just because we can make an article
disappear does not mean that we
ought to, particularly if there are
alternative means for achieving the
same good ends.
I did a presentation a couple of

had made backup copies to put on
reserve, in the event that some pa-
trons took it upon themselves to
carry out the dictum to purge the
piece. In at least two cases, how-
ever, the instruction was carried
out by library staff members who
opened the mail. Those libraries
were attempting to replace the ar-
ticle via interlibrary loan.
I wrote to Dolly B. Tyan, Ph.D.,
the president of ASHI at the time
the decision was made, inviting her
to comment for this editorial. In
that letter, I said:

The right of the association to pub-
lish what it sees fit is, of course, par-
amount. However, once something is
in the published record, many would
argue that it no longer belongs solely
to the association. It is now a matter
for the entire scholarly community
and it is a matter of history. To go
into the published record and at-
tempt to pull something back, to pre-
vent people from reading it, to erase
it, in effect, as if it had never ap-
peared, is deeply disturbing to many
of us. In the present print/electronic
milieu, librarians can control what is
removed from the print publication,
but, despite our licensing agree-
ments, we have no control over the
article's withdrawal from Science-
Direct. As we move toward a time
when the publication of record is
the electronic one, the ability of the schol-
arily community to control the pub-
lished record may be diminishing.
[12]

Although I did not hear back di-
rectly from Dr. Tyan, my letter did
result in a telephone call from Paul
W. Taylor, senior publishing editor
with Elsevier Science, and signa-
try of the original letter to subscrib-
ers. Mr. Taylor wanted to reassure
me that Elsevier Science meant
nothing untoward by its action. On
further reflection, he said, they
might have handled the situation
differently. Under the circumstanc-
es, however, they received a request
from a client and did their best to
cooperate.
In his letter to subscribers and in
his conversation with me, Mr. Tay-
lor noted that the article was with-
drawn by “the copyright owner.”
This identifies the society as the lo-
cus of responsibility for the deci-
sion. It also, however, implies a le-
gal justification—that the copyright
owner controls articles after publi-
cation to such an extent that they
can require that they be made to
cease to exist. In the case of printed
publications, this is simply not true
(at least, under U.S. copyright law).
The right of first sale makes it clear
that once a physical copy of a work
has passed into a buyer’s hands,
the copyright owner no longer con-
trols that physical copy. So ASHI
can request that we remove the ar-
ticle from the issue, but they have
no legal basis on which to require
that we do so. But the electronic
version may be a very different
matter. It seems reasonable that the
contracts between Elsevier Science
and the societies with whom they
work would include language giv-
ing the journal owners the right to
remove, amend, or otherwise alter
electronic publications that appear
under their name. When ASHI
asked its publisher to remove the
article from ScienceDirect, Elsevier
Science was trying to do no more
than be a cooperative business
partner. Of course, this has nothing
to do with copyright. It is simply a
matter of the terms of the agree-
ment between ASHI and Elsevier
Science.

What about our agreements with
Elsevier Science, however? We have
here the equivalent of a publishing
representative showing up in the li-
brary with a razor in hand saying,
“Oops, sorry; didn’t mean to pub-
lish that article, need to take it
back,” and slicing out the offenda-
ing pages. This sounds absurd with
regard to print, but our agreements
regarding ScienceDirect are also
governed by contract law, and the
protections of copyright are not
available to us in this instance. We
may need to develop language to
cover this sort of case in the future,
weeks ago, and the woman introducing me referred to me as an “informationist.” I was talking about consumer information on the Internet, and she was trying to put a hip, high-tech spin on what I do. I gently corrected her, “I am, to the very core of my professional identity, a Librarian. Here, in the early days of the 21st century, that means I am as tightly linked to that Sumerian scribe of seven thousand years ago, organizing the clay tablets with the season’s wheat counts as I am to the most forward thinking cyber-visionary profiled in the pages of Wired magazine.” We must never forget that the preservation of the historical record, with all of its faults, mistakes, and corrections, is an essential part of the service that librarianship performs for society. As the medium of information becomes more elusive, we must become more vigilant.

As Mr. Taylor noted in his conversation with me, we are all on unfamiliar ground here, and I am sure that everyone involved was trying to do “the right thing.” The leaders of the society were trying to correct what they felt was a serious mistake in publishing the article in the first place, and Elsevier Science was trying to do right by one of their clients. To the extent that this incident sets a precedent, however, it may have taken us a step down a road that will serve us all ill in the long run.

**Getting ready for MLA ’02**

By the time you read these words (in whichever format), the annual meeting of the Medical Library Association, to be held in Dallas, Texas, from May 17 to 23, will be only weeks away. In these fascinating, changing times, we can best stay sharp and creative by listening to and working with our colleagues from all over the world. I encourage all of you to attend the meeting and avail yourselves of the many section-sponsored programs that you will find there. The best thinking of our profession will be very much in evidence.

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**References**

13. **ELSEVIER SCIENCE.** Policy on article withdrawal. [undated].