A Critical Examination of the OSTP Memo

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“Hide nothing from the masses of our people. Tell no lies. Expose lies whenever they are told. Mask no difficulties, mistakes, failures. Claim no easy victories . . .”

- Amilcar Cabral

**INTRODUCTION**

Open access (OA) takes many forms. It can be the product of voluntary associations that are cooperative and mutually supportive. It can result from the “free market,” where Springer Nature charges an $11,000+ article processing charge (APC) to make a single article OA. It can also be produced through a regulatory-compliance-and-punishment system. The latter is what’s found in the [new Office of Science and Technology Policy (OSTP) memo](#) issued on August 25, 2022. The OSTP’s stated aims in the memo give anti-imperialists much to be concerned about, especially as the biden administration previously justified increasing public access to federally-funded research as a way of battling China in a new Cold War. Those of us in the belly of the beast—the u.s. empire—have an obligation to develop, share, and act upon a critical analysis of the OSTP memo. This analysis is rooted in the historical and present-day evidence that the executive branch manages a corporately-controlled state and is not accustomed to giving gifts to the working class. I attempt to explain and predict in this essay.

We also should not be afraid to question and problematize OA. OA should not be treated as a moral good that places it beyond interrogation. OA cannot be viewed in isolation, but rather as an interrelated act or object within larger processes and systems. What happens before an article is made open and what are the effects afterwards? How can we try to view this all as a moving picture rather than a single image? What does OA in a capitalist economy mean? What does OA in a society with very little worker power mean? Who controls the wealth and is it being redistributed? These are just some of the framing questions used in this analysis.

**BENEFICIARIES**

After reading the OSTP memo, [accompanying economic policy documents](#), and [public statements](#),—which function as sophisticated forms of propaganda—it seems that business owners and corporations will be the primary beneficiaries. Researchers, scholars, students, and others will gain from the increased open access as concurrent, but secondary beneficiaries. I’m in favor of people having greater access to articles stemming from federal funding if it improves their lives in ways that don’t harm others. It’s a good thing if people in other nations can use these articles in similar ways. However, is there any evidence to believe that “this policy will likely yield significant benefits on a number of key priorities for the American people, from environmental justice to cancer
breakthroughs, and from game-changing clean energy technologies to protecting civil liberties in an automated world.” The administration is overstating the benefits of public access for regular folks because the OSTP memo cannot serve two masters at once. I don’t see how it can serve both the working class and the ownership class well at the same time.

The u.s. capitalist class (corporations, business owners, “industry”) seem to be the clear winners. The federal government finances what’s called basic research—research that aims to understand how natural phenomena work. Funding basic research is risky from a corporation’s perspective because commercialization is uncertain. Private companies prefer that the federal government bear the risk and fund as much basic research as possible. That then allows business owners to select which research findings to use in subsequent applied research and product development. The end game is commercialization and profit-making. Increased public access to federal-funded research and development (R&D) that’s mostly STEM focused will allow the commercialization process to occur more quickly and cheaply. More public access will also be a boon to platform/surveillance capitalists, data analytics companies, aggregators, and the automated intelligence (AI) industry. More open data will enlarge the range of research findings available for commercialization.

The business class controls u.s. governmental agencies through regulatory capture. The much-applauded OSTP is reeling from an ethics and corruption scandal. POLITICO broke what needs to be a widely read story depicting the undue influence that billionaire eric schmidt had in the OSTP. Agency employees surfaced ethics violations and sought whistle-blower protection, which led to then agency head eric lander’s resignation. schmidt had a very close relationship with lander and was paying the salaries of OSTP employees through his philanthropy (Schmidt Futures). POLITICO pointed out how schmidt sits on the boards of various companies that stand to benefit from OSTP policies. You can read the article and draw your own conclusions, but it seems like a clear case of regulatory capture and doesn’t give me confidence in the OSTP. Maybe we should reconceptualize public access to federal R&D as a new form of public infrastructure. In some respects, it’s a highway system—information roads and bridges that everyday people can use but is shaped in various ways to serve capitalism. Physical roads and bridges connect sites of concentrated capital very well, just like federal research funding favors certain types of potentially commercialized research over others.

PUBLIC ACCESS AND RULING CLASS DOMINANCE
The propaganda in the white house documents needs to be broken down and translated. Phrases like “efforts to broaden the potential of the American innovation ecosystem by leveling the playing field for all American innovators” in the OSTP press release can have greater clarity by substituting “innovation” with “capitalism” and “innovators” with “capitalists”. The OSTP memo talks about “restoring public trust.” Trust can be interpreted several ways. It can refer to the credibility, soundness, and reproducibility of scientific findings. On some level this is a signal from the fed’s to the private industry. They want to give private companies confidence that the potentially commodifiable basic research is sound. There’s an implicit attempt to increase the public’s trust in the federal government as well. Increased open access can give the appearance that the government is not hiding anything; that all is above board. When OA is treated as a moral good and OSTP makes
false promises, people might be disinclined from examining what’s getting funded or not funded and to what extent the u.s. government is serving corporate interests.

Similarly, “transparency” can be interpreted in at least two ways. Transparency can lead to greater integrity of scientific conclusions. But transparency in a neoliberal environment also means increased availability for markets and commercialization. It also means there’s the potential for greater and faster disciplining of researchers.

Perhaps, one of the biggest propaganda attempts is the implication that the federal government is truly interested in making evidence-based, people-centered policies: “When federally funded research is available to the public, it can improve lives, provide policymakers with important evidence with which to make critical decisions, accelerate the rates of discovery and translation, and drive more equitable outcomes across every sector of society.” Some of the stated aims of the policy are to advance “pandemic preparedness response, national security, climate change, energy, cancer, [and] economic justice.” There’s very little evidence to show the u.s. government tackling these issues in the interest of the working class. Look at cancer research. Any new discoveries stemming from increased public access would feed into the same sickcare system that plagues our country. In the absence of Medicare for All, the benefits of new cancer research would be highly stratified. Those who are already the most privileged (white, wealthy, insured, etc.) will accrue the most benefits. In the absence of a federally or publicly owned pharmaceutical manufacturer, any new cancer drugs stemming from increased public access will increase profits for big pharma. What evidence is there to believe that increased public access will lead to a better pandemic response when the current administration has removed nearly all COVID protections? There’s already published science that shows we need enhanced air ventilation and filtration in public buildings to mitigate the spread of COVID, but there’s no nationwide campaign to do so. The failure to tackle these issues, just to name a few, doesn’t support the notion that greater availability to scientific articles will lead the feds to do much that benefit regular folks. It’s ahistorical to think that this policy will meet the needs of this nation’s working class. Policymaking passes through several filters, and u.s. politicians routinely ignore evidence when it doesn’t serve the elites’ interests.

Finally, we can also analyze the role increased public access to federal research plays in epistemic hegemony. This type of hegemony refers to the domination of certain types of knowledge over others. In this case, it’s Western (Global North) knowledge, with its unspoken and/or underrecognized methodologies, values, frameworks, etc., achieving greater global dissemination and impact over others. Science is highly politicized, and the u.s. settler-colonial state will extend its dominance and global reach through this memo by projecting its knowledge and ideas more easily and quickly. Global faith in the u.s. empire is waning, and this memo can be seen as an attempt to restore some trust in the u.s. by granting free worldwide access to its research. The more sophisticated empires understand that cultural and epistemological dominance can be more effective than physical force and coercion. If the u.s. was genuinely concerned about the health of its residents, it would end its blockade of Cuba so we can all benefit from Cuban medical breakthroughs.
A PUBLISHING PERSPECTIVE

Sam Moore and Jeff Pooley wrote some of the better reactions to the OSTP memo, noting the likelihood that the larger commercial publishers increase their profits via an acceleration of APC-based OA. The public access mandated in this memo (green OA) is not mutually exclusive from APC-based OA. A close reading of the OSTP economic policy document alludes to this outcome, despite some ambiguity in the language. Notably on p. 7, the “OSTP proposes that remaining agnostic on these [OA] models would allow opportunities for business model innovation in this space while supporting zero-embargo public access to federally funded research publications and results.” The OSTP made it very clear that they’re not picking sides when it comes to favoring diamond vs. APC vs. green OA. This “agnosticism”, however, is a form of neutrality that favors the status quo and the elites and, therefore, more profit-heavy APC-based OA. The u.s. state is designed to serve capitalism, so it would be naïve to think that they’re pulling an okey doke on the largest publishers. In fact, springer nature welcomes the new policy because they don’t see it as diminishing their profits.

Not only does the OSTP not vigorously condemn APCs, but it also paints “transformative agreements” as a win-win. Speaking on the University of California’s “transformative agreement” with elsevier: “This shift set an important precedent, demonstrating the industry’s capacity to absorb major shifts in public access policies and negotiate agreements that are agreeable to both parties.” On page 15, the OSTP acknowledges that they expect APCs to increase and imply that federal grants may increase to pay them. The accompanying OSTP blogpost encourages grant writers to include APC costs in their proposals even though depositing peer-reviewed manuscripts in a federal repository would be free for authors!

Federal grant recipients have legitimate reasons to be concerned about the new policy. Alarmingly, the OSTP writes that “any economic burden falling on individual researchers resulting from a zero-embargo publication policy would likely be offset by the greater benefits of increased visibility, consumption, and potential impact that their research would realize.” Economic burden in return for immaterial benefits with no guarantees? This speaks to the risks inherent in bureaucratic, top-down policymaking. Springer applauds the memo while authors are at risk of economic burdens. OA faces resistance when it’s done through regulation, compliance, and punishment. Mandates that demand compliance by individual authors understandably create anxiety because of uncertain risks, rewards, and punishment. OA via mandates lead to auditing cultures and more bureaucracy. OSTP’s regulatory approach to OA doesn’t diminish corporate power in any meaningful way but creates new obligations for workers instead. Spending (wasting?) the next few years trying to bend the OSTP policy implementation in the public’s favor will steal precious time and resources from building a worker/scholar-led publishing (diamond OA) system.

CONCLUSION

This analysis is not meant to be exhaustive and is predicated on assumptions that may not be widely shared.
• I’m not disappointed in OSTP because I don’t expect freedoms to be granted by the government. It seems naïve to expect kindness or gifts from a federal government that routinely abandons people during times of greatest need (Jackson water crisis, Hurricane Katrina, etc.). The u.s. government is not interested in healthcare, infrastructure, or a biosphere that benefits the masses. We may never know the true extent of regulatory capture, but I refuse to ignore the significant influence that billionaires like eric schmidt have in policymaking and regulations. It’s easy to miss the simple point that funding for science is political, and what’s being made open is political despite efforts to appear neutral, true, and transparent. What gets funded (and not funded) is shaped in many ways, including by business owners who sit on federal advisory boards.

• If something is equally available to individuals and business owners (our exploiters), the outcomes are often asymmetrical. So, it’s worth examining why and how this will happen with OA to federal research. Minimizing disparities in power would be a right-wing libertarian approach. A study of history leads me to expect uneven outcomes that favor corporations at the expense of the working class.

• I plan to elaborate more on how scholarly publishing reflects class struggle. The rulings elites will continue to shape the world in their interests, exploit, and extract until we are powerful enough to liberate ourselves. We’ll get free if we study collectively, recognize our class position as workers, and organize forcefully and for the long term.19

I welcome comments, criticisms, clarifications, discussion, and elaboration, especially from a labor perspective.

You can support my writing and research by sharing this post and/or buying me a coffee 😊

My recent blog posts include:
• Library-Cop Collaborations are Nothing to Celebrate
• OA Isn’t Always DEI

2 I hope that I’ve taken a more sophisticated view on OA since 2011, when I started studying it deeply. Back then I probably would’ve cheered for any OA. APCs have helped me question the forms in which OA are produced, as have folks who criticize OA mandates. See also Bacevic, J. & Muellerleile, C. (2017). The moral economy of open access. European Journal of Social Theory http://dx.doi.org/10.1177/1368431017717368
Blog Post: https://www.whitehouse.gov/ostp/news-updates/2022/08/25/breakthroughs-for-all-delivering-equitable-access-to-americas-research/

5 Media professor Jared Ball says we (USians) are the most propagandized people on Earth
6 This is a qualitative comparison of beneficiaries. It’s also worth noting that OA is automatically international and it’s a conservative talking point to keep emphasizing u.s. taxpayers.

7 OSTP press release
8 Press Release
9 OSTP memo p. 2
10 The notion that the u.s. government is interested in “economic justice” is laughable. This article states that public access advances “economic prosperity”, but more accurately it will lead to corporate prosperity: https://www.timeshighereducation.com/news/us-orders-publicly-funded-research-be-made-free-access-immediately
11 Ashish Jha announced that the administration plans to further commercialize its pandemic response – meaning the uninsured will have to pay for future vaccines, testing, etc.
12 The white house was just thanking springer and elsevier for making monkeypox research freely available https://www.whitehouse.gov/ostp/news-updates/2022/08/15/the-scholarly-publishing-community-and-research-organizations-respond-to-the-monkeypox-public-health-emergency/
14 Economic policy p.14-15
15 Economy policy p. 17
16 Auditing and compliance are essentially police work. I’d love to hear more from UK librarians dealing with OA compliance
17 In this sense the OSTP is trying to reconcile the irreconcilable—capital vs. labor
18 Capitalism has truncated our imaginations so that we rarely, if ever, take the time to recognize possibilities beyond what already exist. We are trapped in social systems that were made by humans and therefore capable of being undone and replaced.
19 Our very survival as a species depends on it