

“When We’re Done with It, We Don’t Care What Happens to It” What Open Access Practitioners Can Learn from Deadheads

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“See, we were the Grateful Dead, sir. We were something different. This was an experiment, so we didn’t—I didn’t—think of things the way you think of things.” —Steve Parish, 1997 (Fraser and Black 1999, 20)

On August 28, 1984, the Grateful Dead convened for a band meeting. Consisting of band members, the road crew, and other Dead staffers, the group routinely met to discuss finances, touring schedules, legal issues, and other administrative issues. The August 28 agenda represented a similar mix of discussions, with one exception: sandwiched between an update on the status of remastered Dead albums and a search for a new travel agent was the topic “Tapester [sic] Section.”

At that time, the Dead had toured for nearly twenty years, eagerly followed by Deadheads, their dedicated fanbase. Within that group—a subculture of a subculture, really—were the tapers, an amateur archival group that had perfected sneaking recording equipment into shows to surreptitiously document every second of the band’s performances. For a time, the band looked the other way on these activities, but the actions of a few thoughtless Deadhead tapers—behavior that the band’s longtime sound engineer described as “the very things that are most anti-Grateful Dead” (Barnes 2011, 77)—threatened the enjoyment of the many and brought the issue to a head. “Do we want to stop taping[?] Do we want to enforce the clause in our contract rider [forbidding fans from taping?],” the meeting’s minutes read. “Philosophical aspect of this issue is tabled until the next meeting” (“Minutes of the Meeting,” 1984a).

By the end of the year, audience taping—with significant restrictions— was fully authorized at Grateful Dead concerts. As the trading of live Dead tapes flourished, the band was already welcoming a sizeable jolt in popularity during the Ronald Reagan era; albums more than a decade old reentered the charts, and stadium appearances increasingly became the norm. Especially remarkable was the fact that despite the loss of frontman Jerry Garcia in 1995—effectively ending the band—tape trading flourished, revolutionized by the compact disc and arguably reaching its apotheosis with the explosion of the Internet: of the twenty-three-hundred-plus Grateful Dead concerts logged in various setlist databases (in print and online), at least two thousand are now widely available in some format for free on the Internet. (That estimate, for what it’s worth, is probably a lowball figure.) And for those available shows, thousands of overlapping, highly personal, audience-made recordings exist, outnumbering the soundboard recordings (made directly from the band’s mixing console, often by the band itself) that leaked to fans.

For obvious reasons, marketing and management professionals have hailed the Dead’s decision to allow taping and tape trading, likening it to primordial viral marketing. Less acknowledged, however, is how closely the relationships between the Dead, their record labels, and tapers resemble the modern struggles between researchers, academic publishers, and librarians for open access goals. By investigating the historical and social intricacies of the Grateful Dead’s taping subculture, open access practitioners stand to learn much about their own modern-day endeavors.

A SHORT HISTORY OF TAPING THE DEAD

From their first performance in the spring of 1965, the Dead (then called the Warlocks) hoped for some kind of following—a fanbase that would give them the freedom to maintain a career recording music and touring. What they ended up with, as they good-naturedly reiterated in many interviews over the years, was totally unexpected. Popular culture has, for better or for worse, reduced Deadhead culture to a number of stereotypes; the most romantic (or charitable, depending on your viewpoint) entails unwashed, tiedye-clad nomads following the band from town to town in unlimited devotion; the most disparaging calls up images of a “traveling gang of phony vagabonds” (Paumgarten 2012) or “an eyesore gathering of the great unwashed” (Vowell 1998). In either case, simplistic clichés carry inherent problems. In actuality, the Deadhead community is as far-reaching as it is devoted; despite the stereotypes, the fanbase has included (at one time or another) corporate CEOs, professional athletes, liberal and conservative pundits, politicians, and (at least) two US presidents.

Still, stereotypes have a tendency to begin with a nugget of truth. The atypical nature of the Deadheads, even at the beginning, was not lost on the band. Jerry Garcia, lead guitarist, vocalist, and de facto spokesman for the band, famously quipped to Geraldo Rivera in 1981, “Our audience is like people who like licorice. Not everybody likes licorice, but the people who like licorice really like licorice.”

And there were the tapers. If average Deadheads really liked licorice, then the tapers’ mission was to save as much of the licorice as possible and share it later on—even if that meant sneaking recording equipment into shows, against the venue’s (and, early on, the band’s) wishes.

Part of the Dead’s charm was a unique show every night, where no two performances were duplicated and improvisation was the rule. According to Getz and Dwork (2000), early Dead tapers were motivated by “a profound realization that something incredible was happening that had to be documented, preserved, enjoyed over and over again, and shared with others” (19). Dead lyricist John Perry Barlow (2011) put it even more succinctly: “If [the Deadheads] didn’t hear them all, they’d be missing out” (xix–xx).

The advent and subsequent improvement of the compact cassette tape and portable recorders made smuggling equipment into shows increasingly easy, though procuring new technology did represent a financial challenge. Nevertheless, as the band toured endlessly and left a trail of newly converted fans, the quantity (and quality) of live Dead tapes increased.

In October 1974, after the June release of *From the Mars Hotel*, the Dead suspended touring until June 1976. Prior to this hiatus, “Dead freaks” had started to unite; the inside sleeve of the band’s 1971 self-titled album implored fans to send their names and addresses for a Dead Heads newsletter, resulting in a response from four thousand people in a matter of months (Law 1996). Tape clubs, like the Bronx’s Hell’s Honkies, sprouted around college bulletin boards; California’s The Midnight Recording Company, a crew of tapers, would broadcast their tapes on a local FM station. *Dead in Words*, the first Grateful Dead fanzine, appeared in 1973 with a marketplace for tapes and bootlegs (Jarnow 2014); not much later, *Dead in Words* would print reviews of those “underground albums . . . made by people who really dig the Dead and make a recording either with a \$30.00 cassette player and microphone from the 100th back row on the side of a round building where the acoustics are terrible, or from a direct plug in with the sound board” (“Underground Sounds,” 1974, 2). When the band finally emerged from its hiatus, its fanbase had seriously increased; the Dead Heads mailing list had grown to thirty-three thousand members in early 1974 (“Good Ol’ Grateful Dead Address Totals by State,” 1974) and billowed to sixty-three thousand by 1976 (“Summary of Zip Codes by State,” 1976).

With the Dead missing in action for almost two years, the complexity and connectivity of the tape network swelled. With time and the right connections, fans new and old could “catch up” on years’ worth of audience-recorded shows. Along with the fanbase, the number of Deadheads eager to do their own recording had grown; *Dead Relix*, a full-fledged magazine founded by the Brooklyn tape club Dead

Relics, debuted in 1974 with articles on audience recording advice, tape reviews, and a classified section for tape traders. After touring resumed in 1976, almost every Dead show would be documented by the audience (Getz and Dwork 2000, 35–37).

For tapers, the road to this point was no simple highway. Audience taping was always, and still largely remains, an illicit activity forbidden by both performers and venues. Early in their archiving efforts, tapers smuggled their equipment into venues and recorded with mics strategically hidden in their clothes or belongings (even inside wheelchairs), a technique known as “stealth recording” (Berg 2013, 176). Once tapers got their gear past venue security, they still risked confiscation, ejection, or both, often at the hands of the Dead’s road and sound crew. According to Getz and Dwork (2000), tapers started appearing in greater numbers early in the band’s career; the crackdown on their activities began in 1972 and grew steadily heavier by the 1974 hiatus. Stories abound of crew members destroying tapes, confiscating decks and batteries, severing microphone cables, and even following tapers back to their hotel rooms after shows (33–34).

The tapers’ relationship with the band, however, is a different story. Les Kippel of Dead Relix (later just Relix) corresponded with the Dead, who told him they were interested in creating their own official tape exchange. Their concern with the rise of concert taping and tape trading was with the quality of the tapes being passed around (Getz and Dwork 2000, 30). Jarnow recounts a meeting between Marty Weinberg, an early taper extraordinaire, and bassist Phil Lesh in 1971. Weinberg, whose tapes earned him the nickname “The Legendary Marty,” had selected a handful of his favorite performances from a 1970 run of Port Chester, New York, shows for a private (bootleg) LP. Only five hundred copies were pressed, but a copy nevertheless found its way to the band, and Weinberg was told the Dead liked what they heard. So in December, when the Dead played four nights at the Felt Forum at Madison Square Garden, Weinberg introduced himself as the man behind the bootleg:

“Man,” Lesh says, kneeling down to talk to Marty, “that was really good. I’d love to talk to you about that. Give me your name. Come early [tomorrow] and come backstage and we’ll talk.”

And, of course, Marty does, and there’s Phil, ready to rap about the record. He compliments Marty on both the recording quality and his specific song selections. He knows Marty’s not making a profit. In fact, he’s more than cool about it. “We’ve dreamed about being able to play and have people get it the next day,” Lesh tells him. (Jarnow 2014)

By the hiatus, Garcia apparently felt comfortable enough with the taping subculture to comment on it in an interview with *New Age Journal*:

Peter Simon: Do you feel ripped off by tapers?

Garcia: Not particularly. I think it’s OK, if people like it, they can certainly keep doing it. I don’t have any desire to control people as to what they are doing, or what they have. . . . There’s something to be said for being able to record an experience that you’ve liked, or being able to obtain a recording of it. Actually, we all have that stuff, too, in our own collection of tapes. My responsibility to the notes is over after I’ve played them; at that point, I don’t care where they go. [laughs] They’ve left home, y’know? (Simon 1975, 56)

In the decade that followed, Garcia would revive and reword his quip many times, including during an April 1982 appearance with bandmate Bob Weir on *Late Night with David Letterman*, when he told the host, “The shows are never the same, ever. . . . And when we’re done with it, they can have it.” (“If they will!” cracked Weir.)

With the band's tacit tolerance (if not explicit approval) of the practice, audience taping trucked on. Tapers have credited the Dead's longtime sound engineer Dan Healy with pushing a pro-taping atmosphere, going as far as requesting that security allow taping equipment to be brought into venues and, on rare occasions, letting tapers patch into the band's soundboard (Getz and Dwork 2000, 35–36, 63). But by the early 1980s, Healy's good intentions had begun to cost him. With openly visible recording gear the norm at Dead shows, taping equipment and techniques grew more sophisticated; to capture the exact sound the engineer was mixing at the show, the place to be was in front of the soundboard. Consequently, Healy's view of the stage was often blocked by a forest of microphone stands (Berg 2013, 176).

In retrospective interviews, members of the Grateful Dead's organization link Healy's sightline complaints directly to the larger discussion, brought up in a series of meetings in late summer 1984. However, that discussion was a long time coming. Since the early 1970s, the concert etiquette of tapers could be self-servingly rude; stories of entitled tapers poaching seats for better sound and shushing fellow concertgoers were commonplace at Dead shows. At one of the meetings, Bill "Kidd" Candelario, a crew member who recorded shows for the band between 1973 and 1974, spoke up about the problem tapers. "They were always picking on people who were there to see a show and have fun and scream and clap," Candelario later said. "The tapers were like, 'You can't do that—no clapping, no whistling, no yelling.' They thought they had free rein to do anything they wanted" (Browne 2015, 301). The organization felt the time had come to discuss the future of audience taping.

Between July and September, the band debated the best way to handle the taping community. As the Dead geared up for a run of eleven shows in the Northeast and on the East Coast in mid-October, the organization drafted a flyer to be distributed among audiences, asking for tapers' cooperation (and consideration) in taping shows. "In general, we don't mind if public records our concerts, but not if it interferes with the audience's enjoyment," read the minutes of the September 5 meeting ("Minutes of the Meeting," 1984b).

Though the handbill was declared a "moderate success" in a later meeting, the Dead were already in the final stages of preparing an alternative remedy: instead of outlawing taping, a new, ticketed seating section would be created expressly for tapers to set up equipment and record shows. The decision was as pragmatic as it was a gift to the community; Steven Marcus, manager and cofounder of the band's in-house ticket sales division, later noted, "There were usually about 100 to 200 seats directly behind the soundboard at every show that were never sold because they were 'obstructed view'" (Westover 2006). But from October 27, 1984—the first of six shows at the Berkeley Community Theatre—onward, those "obstructed view" seats were rebranded the "Tapers Section." The remedy was deemed sufficiently effective in policing audience taping that in the following meetings, the band approved Healy's motion to make the section a permanent part of Grateful Dead concerts "until we decide otherwise" ("Minutes of the Meeting," 1984c).

Not everyone was happy with the arrangement—some veteran tapers sniffed at the idea of being pushed to the back instead of recording in front of the soundboard (FOB), which yielded a better recording (Getz and Dwork 2000, 56–57; Browne 2015, 302). Regardless, the abundance of high-quality audience tapes, coupled with an influx of new fans in the 1980s, meant the Grateful Dead would consistently sell out stadium shows in the last decade of their career.

TAPING AND OPEN ACCESS

The decision to open up a Tapers Section meant that what was once ignored (or tacitly approved) now needed some kind of formal delineation. Up until around 2002, the policy was available on the Dead's website under the banner "Our Long Standing Policy Regarding Tape Trading." True to the source, the policy was short, free of legalese, and directed expressly at fans:

Dear Dead Heads,

We have a simple taping policy. It's okay with us to tape live Grateful Dead performances and trade them freely, so long as no money changes hands. You send 'em a blank, they make you a tape, and vice-versa. As soon as money enters in on any level, it's a commercial transaction; and with our music, decisions on commerce are ours and ours alone.

Thank you, Grateful Dead (Grateful Dead Tape Trading Policy, circa 2001)

The Dead's policy remains largely unchanged to this day, though with the advent of peer-to-peer sharing and digital distribution, some revisions were necessary; in 2005, Barlow told the *New York Times* that after the rise in MP3 sharing in the late 1990s, "We had no more problem with someone digital file sharing than we had with tape sharing" (Mayshark 2005). In early 2004, the Internet Archive teamed with Etree, an online community that collects live concerts in high-quality audio, to form the basis of the Live Music Archive (LMA), a collection of downloadable music by tape-friendly artists (Internet Archive 2005). One of the chief projects of Etree was to collect "the complete 'circulating' opus" of Dead tapes onto a single server, in a method "compatible with the band's trading policy" (Vernon 2005), which became the centerpiece of the LMA. After some contentious discussion between the remaining members of the Grateful Dead, the band revised its policy explicitly for the LMA: audience recordings would be available for download and streaming; soundboard recordings, which had leaked from the band into the trading sphere, would only be available to stream.

Given the Dead's progressive views on audience recording—seemingly advocating the unrestricted ability to distribute material let loose by its creators— one might be tempted to wonder whether the band's taping policy is an early forerunner of the open access (OA) movement. However, the concept of Dead taping is not a perfect analog to the larger goals of the open access movement. While the proliferation and preservation of something as culturally significant as the live music of the Grateful Dead is unquestionably important, comparing its availability to, for example, cutting-edge cancer research is impractical. Furthermore, the central tenets of open access are not compatible with the Dead's taping policy; the shorthand definition of OA—"free availability and unrestricted use," as coined by the Public Library of Science (PLOS)—summarizes the dissatisfaction with price and permission barriers being imposed upon the digital proliferation of intellectual property. The Dead's taping policy, however, gives fans no special privileges or permissions to do with their recordings as they please; nor is there an expectation that because fan recordings are freely accessible and tradeable, high-quality soundboard recordings released commercially by the band should be too. In actuality, the policy effectively asserts the band's ultimate right to impose both a price barrier and use restrictions on its work; as an organization, Grateful Dead Productions has vociferously held on to those restrictions through legal action against bootleggers (organizations and individuals selling copies of Grateful Dead live shows and unreleased studio recordings) and counterfeiters (organizations and individuals selling and distributing unauthorized copies of officially released studio albums). Fraser and Black (1999) note that the organization has requested that courts "take the unusual step of making the losing party pay the band's attorney fees, even when the losers are small-time bootleggers" and has also appealed for increased damages after successfully winning copyright infringement cases (31).

Better analogies can be built by examining the major relationships inherent in the Dead's taping fanbase. With the exception of a period in the mid-1970s when the band started its homegrown Grateful Dead Records label, the Dead, as performers, have relied on an external record label to take care of the marketing, distribution, and licensing of their recorded music: Warner Brothers Records (1967–1973), Arista Records (1977–1995), and, most recently, Rhino Entertainment (from 2006 onward)

to manage the band's musical and merchandising interests. At the same time, for obvious reasons, both the Dead and their label have to maintain good relationships with the band's fanbase; however, the band's tolerance, and later allowance, of the taping subculture has been a point of contention between the fanbase and the Dead's various labels. Warner's and Arista were reportedly wary of tolerating an audience full of tapers, the conventional wisdom being that a fanbase that gets live recordings for free won't buy the albums. This flies in the face of the data available from the Recording Industry Association of America (RIAA) on the Grateful Dead's album sales: three Grateful Dead albums that were certified Gold by the RIAA in the mid-to-late 1970s—*American Beauty* (1970), *Workingman's Dead* (1970), and the compilation *Skeletons from the Closet* (1974)—jumped to Platinum certifications in 1986, following the band's 1980s jolt (and, coincidentally, just after the establishment of the Tapers Section). The following year, two more albums—*Terrapin Station* (1977) and *Shakedown Street* (1978), both nearly a decade old—were certified Gold for the first time ever (Gold and Platinum Searchable Database).

A simplified web of the relationship ties in OA is, to a certain degree, similar. Currently, most methods of achieving OA fit within traditional models of scholarly publishing, which places a premium on impact factor, prestige, and tenure and promotion. Within this environment, authors, researchers, and organizations rely on academic publishers for the marketing and distribution of their work; the authors and the publishers also rely on an audience—researchers, librarians, library patrons, and other practitioners and consumers of research data. As between tapers and the record labels, there is a point of contention between the external organization handling the work and the audience: in this case, it's the relentlessly inflated costs set by many publishers to access the work and restrictive copyright and reuse policies that limit how this scholarship can be used, by both readers and the authors themselves.

A major challenge faced by the OA community is that, as a result of the nuanced nature of OA itself and the diversity of interested parties, the community as a whole cannot agree on a number of important issues, including what OA means and how OA can be achieved. Often, these disagreements fracture the community, threatening the collapse of a series of interconnected, fragile relationships that have taken years to develop. As a result, many in the OA community may often feel frustrated with the seemingly endless "battles" and slow development of OA initiatives and projects. However, perhaps surprisingly, the experiences of the Grateful Dead taping community can offer some guidance for moving projects forward while working within the confines of a diverse community with competing interests.

In the end, after decades of debate and despite disagreement and modification of policies and guidelines, concerts of the Dead are now available in a variety of formats, both free and for purchase. And because the band, as a touring and recording entity, is "over"—the 2015 *Fare Thee Well* tour commemorated the fiftieth anniversary of the band's formation while (supposedly) closing the book on reformations with all remaining bandmates—it is possible to step back and reflect on Dead taping from beginning to end. While it is clear that the experiences of the Grateful Dead taping community are not a perfect analog to those of the open access community, the lessons learned by the tapers (as well as the band) can provide OA practitioners with some insight into their own struggles. Several of these lessons are discussed below.

SHARING IS INEVITABLE

In the beginning, being a Grateful Dead fan was probably a fairly lonely experience, especially for those outside California. Finding a like-minded tribe in a pre-Internet era necessitated fierce determination, a quality the Dead—who lived communally in San Francisco between 1966 and 1968—were only too happy to encourage. "Since we can't provide any way for you people to get together and since we haven't got any money to do that," Garcia wrote in the debut *Dead Heads* newsletter issued in 1972, "everybody ought to think of ways to get together with other Dead freaks" (Jarnow 2014). But when *Deadheads* began to coalesce, it was less of a rock fanbase and more of an outgrowth of the

hippie ideals of the 1960s, stressing kindness and generosity. It was inevitable that homemade Dead recordings would be shared and shared alike.

So, too, is the sharing of research inevitable. Even though progress sometimes seems to be slow, open access has spread relatively quickly, in large part due to emerging funder requirements to make grant-funded scholarship open. In fact, a 2013 European Commission report estimates that at least 50 percent of scholarship in several countries (including the United States) and disciplines is OA (Archambault et al. 2013). This “tipping point” suggests that, perhaps, the long wait and patience of much of the OA community are finally paying off. Increasingly, many authors are accepting OA as a natural part of the research life cycle, whether due to funder or institutional mandate or to the evidence (both from published studies and anecdotal activities) that OA can increase visibility and, perhaps, citations (for example, see Antelman 2004; Gargouri et al. 2010; Xia, Myers, and Wilhoite 2011).

While the OA community can certainly claim responsibility for much of the progress, it would not be possible if not for the research community’s long-standing predilection for sharing. Even before OA, researchers found ways to share their research with colleagues and the public. The advent of the computer and Internet furthered this desire; researchers quickly found ways to place their publications and databases online for widespread access (“Timeline,” n.d.). The current popularity of sites such as Academia.edu, Mendeley, and ResearchGate reflect this desire to make research accessible and to connect with other researchers.

Because sharing is an integral process within the research life cycle, and because it is now required by many funding agencies and institutions, widespread adoption of open access is inevitable. While this is great news for those in the OA community, they must also keep in mind existing methods of research sharing when developing new OA models: the reason Academia.edu and ResearchGate are so popular, for example, is that they are aligning with existing research sharing practices, which are often related to a desire to find collaborators and track usage of research (Van Noorden 2014). The OA community should build upon these proclivities rather than try to change the research workflow.

PATIENCE IS NECESSARY

Because of the illicit nature of audience taping (at least during the Dead’s early years), the time frame from the rise in popularity of taping and tape trading to its formal permission and regulation by the band can only be estimated; one could conjecture it took between ten and twelve years for sanctioned taping to come to fruition. In that time, Deadheads faced off with security guards, venue personnel, and the road crew while risking confiscation, severed audio cables, and ejection. On the other side, the Dead’s organization had to deal with entitled, surly tapers stealing seats and blocking the mixing board. Patience was required for all parties involved.

So, too, is patience recommended for those in the OA community who have hoped for dramatic changes in the scholarly communications landscape. While some may believe that adoption of OA is not occurring fast enough, or that existing OA models are not sufficient to make scholarship truly open and reusable, many others seem satisfied with the status quo. In fact, in many disciplines, the traditional scholarly publishing model—with limits on access and reuse—remains “the coin of the realm.”

Although OA is inevitable, it will require patience for it to be fully realized. One reason that progress toward OA has been slow is scholarly publishing’s relationship with traditional tenure and promotion practices. The complex nature of scholarly publishing and its relationship to tenure and promotion (even if just a perception rather than a reality) makes it very difficult for many authors to fully embrace OA (if it is embraced at all). Barriers to making scholarship open are numerous, including a desire to publish in prominent journals and the need to find funds to cover the OA publishing fees imposed by publishers. In many academic departments, authors are urged to publish in high-impact, highly recognized journals, regardless of openness. Even as more publishers provide OA options and institutions establish funds to cover OA fees, many authors are limited by the cost of publishing OA.

Often, “economically challenged” authors are forced to choose between OA publication costs and supporting other areas of their research. While they could choose to publish in lesser-known journals with lower author fees (or no fee at all), the pressure to publish in high-impact journals—and the academic rewards that may result—may ultimately drive otherwise pro-OA authors to choose to publish in toll-access journals (Bonaccorso et al. 2014, eP1126).

Patience must also be practiced while publishers adapt to the inevitability of OA. Although the academic publishing community has long been diverse, the development of OA publishing has prompted some of the larger changes in recent decades (Boissy and Schatz 2011, 479). Since the establishment of BioMed Central in 2000, a number of large OA publishers (both commercial and not-for-profit), including PLoS and Hindawi, “have exerted significant influence on the development of scholarly OA publishing” (Boissy and Schatz 2011, 480). Initially, traditional publishers were hesitant to join the OA community; after all, the model they profited from had been working for years. However, as OA publishing gained support, and it became clear that OA would not go away, traditional publishers began to explore ways that they, too, could incorporate OA into their operations—attempting to balance consumer demands with the need to make a profit. Traditional publishers faced additional competition for journals, and their business model for library subscriptions was threatened as OA titles proliferated (481). In response, many publishers have added OA options to their subscription journals or transitioned journals to all-OA.

It is likely that both researchers and authors will adopt OA, but it will probably be realized through a number of different OA models since, as Heather Joseph explains in a 2013 Nature article, “if we have learned anything in the open-access movement, it’s that not all scientific communities are created the same: one size doesn’t fit all” (Van Noorden 2013, 428).

QUALITY SHOULD BE PRIORITIZED

The Dead’s initial concern about the rise of concert taping and tape trading was with the quality of the tapes being passed around (Getz and Dwork 2000, 30). In a message directed to Dead Relics traders, Les Kippel wrote, “We have found that the Dead are open to the idea of giving us permission to copy and reproduce their copies of Dead concerts. They insist, however, that we show them how we intend to do it. . . . The ‘How To’ involves tape reproduction and distribution” (Kippel, n.d.). However, as audience taping became an art form unto itself, the quality of audience recordings advanced; tapers created their own characteristic “audience mixes” and eventually competed with the occasionally “thin” sonic quality of soundboard recordings. Part of this advancement was due to the archival mentality of a large number of early tapers; one such taper corresponded with the Dead, noting, “My philosophy is that I am preserving the best available copies of some of the highest quality music that I’ve ever heard/experienced” (Wolfson 1975).

Similarly, many authors express concern about the quality of OA research and list this as one of the primary reasons for not making their own work OA.¹ Misconceptions about the quality of most OA publications have made many authors reluctant to put such titles on their CVs. When promoting the use of OA journals, libraries often receive author pushback about a number of issues, including a perceived lack of peer review and/or low quality and concerns about impact on tenure and promotion. Similar issues arise in discussions of authors’ rights, copyright, and the basics of OA. When promoting institutional OA policies and institutional repositories, many librarians have encountered arguments against participation similar to those Davis and Connolly found at Cornell:

Faculty gave many reasons for not using repositories: redundancy with other modes of disseminating information, the learning curve, confusion with copyright, fear of plagiarism and having one’s work scooped, associating one’s work with inconsistent quality, and concerns about whether posting a manuscript constitutes “publishing.” (Davis and Connolly 2007)

Unfortunately, the recent Science “sting”—in which spoof articles were submitted to OA journals and accepted by some—has further darkened some opinions of OA, even though many flaws have been found in that study, including the lack of a control group and inadequate randomization (Joseph 2013; OASPA 2013). It is also an unfortunate reality that a number of journals and publishers have hijacked the term “OA” to exploit authors and make a profit. For this reason, it is all the more important for the OA community to aggressively address any real flaws in current OA models and show that many of the misconceptions about OA are unfounded. Transparent guidelines about publisher peer-review policies are increasingly important. The Directory of Open Access Journals, in response to the Science “sting,” has tightened its requirements for journal listings, and many journals and publishers involved in OA have emphasized their commitment to the quality of publications (Adams 2015). The OA community can further leverage the power of the Internet to ensure that research integrity and peer review remain a priority.

COMMUNITY STANDARDS ARE KING

A major challenge faced by the OA community is that it is often difficult to find consensus. This is a natural result of the complex nature of the community itself. In fact, it might be better to think of the OA community as a series of “subcommunities” (libraries, authors, publishers, and so forth). As a result of the diversity of these subcommunities and the nuanced nature of OA itself, the community as a whole rarely agrees on a number of important issues, including what OA means and how OA can be achieved—what Broadwith (2013) has called “‘friendly fire,’ or the disagreements between partners with broadly the same goals over fine details.” Often, these disagreements fracture the community, threatening the collapse of a series of interconnected fragile relationships that have taken years to develop.

Contrast this with the common definitions and guidelines for taping developed by the Dead community. Consider the following information, a presentation of the metadata for entry number 133873 in the Etree live music database, a remix of an existing Grateful Dead audience recording:

Description *de-emphasis version of SHNID 132708*

July 26, 2015—the FLACs sounded way too bright with a high noise floor

Applied deemphasis using xACT 2.34 by chillwig #ripbrent Grateful Dead 3-23-86 Philadelphia, PA “The Spectrum”

(FOB) Schoeps CMC3s/MK4s>PCM>DAT Transfer: DAT>CDR>Wavelab 6>CDWave>Flac

Frontend(Level 6) Recording by UNKN CDRs provided by Mark Lynn

Conversion to wav > flac by DATBRAD

Set 1 d101 Crowd intro > d102 Gimme Some Lovin’ > d103 Deal d104 Hand Jive d105 Candyman
d106 Cassidy d107 West L.A. Fadeaway d108 Mama Tried > d109 Big River > d110 Might As Well
Set 2 d201 Shakedown Street > d202 Samson & Delilah d203 He’s Gone > d204 Spoonful > d205
Drums > d301 Space > d302 The Other One > d303 Comes A Time > d304 Good Lovin’
Encore: d305 Day Job

Checksums flac fingerprints generated by xACT 2.36 on 2015-07-26 15:11:08 +0000
gd86-03-23.cmc34-fob.deemph.t01.flac:d0edcbbb29e005062ff418aaa37e0ab

gd86-03-23.cmc34-fob.deemph.t02.flac:a682447df89a651bb68478223a37b84a
gd86-03-23.cmc34-fob.deemph.t03.flac:599aa020a33e9bee738917a1a9a1953a
gd86-03-23.cmc34-fob.deemph.t04.flac:4a94e222a853b83eb18a072f0c90f4ab
gd86-03-23.cmc34-fob.deemph.t05.flac:1b4d5d1710cb71d9915a30e63cb074f8
gd86-03-23.cmc34-fob.deemph.t06.flac:f34666d713f623a374069454592a7848
gd86-03-23.cmc34-fob.deemph.t07.flac:1aefc01371718c0f99bd495ea7df87a0
gd86-03-23.cmc34-fob.deemph.t08.flac:74df49cbdeacedd2e6d8467f6f25a5ad
gd86-03-23.cmc34-fob.deemph.t09.flac:f5aa85e421ea9e2a4db11bd8a70d6f32 (Etree 2015)

Beyond the artist, date, and venue information, tracks are broken into setlists and encores; meanwhile, tracks that bleed into each other are represented with a greater-than symbol, long used by Deadheads (and other live jamband concert traders) to indicate jams that spread from song to song without stopping. And as tape trading moved from the physical to the digital realm, concert sharing grew to include as much information about the tape as possible; in the above extract, the metadata tells us almost everything about the lineage of the recording, from the fact that this particular concert was recorded FOB to the microphones used (Schoeps CMC3 models), how it was transferred, and, in this case, what postprocessing was done to the recordings and by what software. Furthermore, in a move borrowed from the digital preservation community, the uploader has provided a series of checksums for the audio files as a courtesy to fellow uploaders and downloaders who want to make sure all downloaded files are complete and uncorrupt. Such descriptive conventions and recommendations, says Etree, were developed over time “to benefit the entire community” by making it “easier for downloaders to identify, catalog, archive and keep track of” audience-recorded audio (Etree 2007).

While the Dead community was able to agree on community standards for taping, the OA community’s competing interests and backgrounds have, thus far, prevented widespread adoption of standards related to defining and implementing OA. This may not have been expected when the OA movement gained momentum in the early 2000s. Because the 2002 Budapest Open Access Initiative (BOAI) provided the first public definition of open access, it is still widely used today, especially by many in the library community and OA publishing:

By “open access” to [peer-reviewed research literature], we mean its free availability on the public internet, permitting any users to read, download, copy, distribute, print, search, or link to the full texts of these articles, crawl them for indexing, pass them as data to software, or use them for any other lawful purpose, without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. The only constraint on reproduction and distribution, and the only role for copyright in this domain, should be to give authors control over the integrity of their work and the right to be properly acknowledged and cited. (BOAI 2012)

This definition drew upon existing OA efforts and sought to unite the OA community (or at least those who were represented in Budapest). The spirit of this definition can be widely found in material promoted by the library community (<http://www.sparc.arl.org/issues/open-access>) and OA publishers (<https://www.plos.org/open-access>).

Even though the definition was reaffirmed in 2012 (BOAI 2012), there are clear disagreements about definitions. Some call for renewed community alignment with the original BOAI definition (<http://access.okfn.org/definition>). Some call simply for modifications to the BOAI definition (e.g., Harnad 2014). Others support different definitions altogether, often favoring free public access to publications without mention of reuse (e.g., Morrison 2013).

Closely related to the definition of OA are numerous related concepts, including green OA, gold OA, hybrid OA, gratis OA, and libre OA. While OA practitioners often use these terms to help to explain and explore the nuanced nature of OA, navigating them can confuse authors and make collaboration difficult. Much like other aspects of OA, terminology is not universally used and often varies by subcommunity. As with the definition of OA itself, these additional terms can make conversations about OA even more difficult. Because each subcommunity has its own ideas of how OA can benefit it, the different definitions and terms are designed to meet these specific needs. Because definitions can help to determine community progress, a lack of consensus has often slowed progress.

Another major source of conflict within the OA community is whether and how licensing and reuse play a role. Some in the community insist that OA can only be fully realized if scholarship is published with a license that permits maximum distribution, use, and reuse (e.g., a CC-BY license or equivalent). Others argue that the importance is freedom to read work and that this can be accomplished under traditional copyright and licensing models, or with more restrictive Creative Commons licenses (e.g., CC-BY-NDNC). Concerns about licensing and reuse are clear in the BOAI10 recommendations:

In developing strategy and setting priorities, we recognize that gratis access is better than priced access, libre access is better than gratis access, and libre under CC-BY or the equivalent is better than libre under more restrictive open licenses. We should achieve what we can when we can. We should not delay achieving gratis in order to achieve libre, and we should not stop with gratis when we can achieve libre. (BOAI 2012)

Despite these challenges, the OA community can learn from the Dead community's focus on developing technical standards. In fact, it is within the more technical-related projects that the OA community has been most successful in reaching consensus. Guidelines for OA journals, such as those developed by the Open Access Scholarly Publishers Association (OASPA), as well as the efforts of the National Information Standards Organization (NISO) to develop a standard for OA metadata and indicators (NISO 2013), have brought together libraries, publishers, and funding agencies to find solutions that work for everyone. Perhaps the OA community should focus on such collaborative technical projects, while finally agreeing that issues such as terminology and implementation can be unique to subcommunities— as long as they conform with these broader technical standards.

A BALANCE BETWEEN CONSUMER DEMAND AND PROFIT CAN EXIST

For those working for not-for-profit academic publishers or institutional repositories, the need to make a profit is not a barrier to OA (although the need to recover costs may be). However, for a number of for-profit publishers, profit must be a consideration.² To ensure continued profit, many commercial publishers have turned to article processing charges (APCs). But many have concerns about models that pass on the costs related to publishing (including, in some cases, profit) to authors rather than to institutions through the traditional subscription model. Although funding agencies increasingly support the cost of APCs in grants, those authors without grant funding are at a disadvantage because any APC must come out of their own pocket. And while use of institutional repositories is free, publishers' requirements to only deposit the pre- or post-print have limited use, since many authors only want to make the published version available.

Of course, this kind of clash is not limited to the OA world. As chronicled by Berg, on the morning of November 22, 2005, the Internet Archive pulled its noncommercial access to the thousands of Dead concerts in the Live Music Archive. The ensuing controversy, dubbed the "Thanksgiving Day Massacre" (Burnett 2009, 699), publicly pitted band members and Deadheads against each other, with guitarist Bob Weir and drummers Mickey Hart and Bill Kreutzmann in favor of removing access, while

bassist Phil Lesh and lyricist John Perry Barlow (also, not insignificantly, a founder of the Electronic Frontier Foundation) publicly supported restoring access. Nine days after the near-total severing of access, the Internet Archive announced that access would be reinstated in the LMA, with a revised access policy.

Berg suggests the disruption in access was likely a result of the band's hush-hush negotiations with label Rhino Entertainment. Half a year after the "massacre," in July 2006, the Dead announced a licensing agreement with Rhino that gave the company exclusive management of all of the band's intellectual property. But in late 2005, with those negotiations under wraps, the point of contention was probably access to the Dead's leaked soundboard recordings in the LMA. Soundboards were a no-no under the original Dead taping policy, but in the decade after the passing of Garcia, they had become part of "the complete 'circulating' opus." Berg (2013) writes,

When I asked Steve Swartz [one of the only three people authorized to upload Dead shows to the LMA] whether it was the band's decision or Rhino's to demand removal of download access, he replied: "The story is that Rhino wanted to increase the difficulty level of getting SBDs. Hundreds of thousands of people could get sources from the LMA. Only thousands could get them from torrent sites." (183)

In the wake of the controversy, the Grateful Dead began adjusting their business model toward limited editions and box sets, in hopes of generating revenue from live releases despite the existence of thousands of freely available live shows. In early 2008, the band released a series of live shows under the Road Trips banner, some of which enticed preorders with limited bonus discs. In 2012, the succeeding Dave's Picks series (named for their second tape archivist, David Lemieux) was instituted in strictly limited editions of 12,000, adjusted in later volumes to 14,000 copies, now standing at 16,500 copies with Volume 15. (As of this writing, only six of the seventeen Road Trips volumes are still available through the Dead's online shop; the rest, along with all but the most recent Dave's Picks release, have completely sold out.) Between these two series, the Grateful Dead released Europe '72: The Complete Recordings, a limited box set containing all twenty-two of the band's spring 1972 concerts on seventy-three CDs. The box set, which was limited to seventy-two hundred editions, sold out in four days, prompting the Dead to release a "just the music" edition for the same price (Lemieux 2011), which later that year would be certified Gold status by the RIAA (Gold and Platinum Searchable Database). (In October 2015, the Dead released 30 Trips around the Sun, another limited box set, boasting eighty discs covering thirty unreleased live shows representing each year from 1966 to 1995.)

As those in the Dead community found after the "Thanksgiving Day Massacre," it is in fact possible to make high-quality research—in open access terms, the published version of an article—freely available, while also enabling publisher profit. Thus far, numerous OA models that ensure such profit have been built on the existing publishing model; projects such as the Sponsoring Consortium for Open Access Publishing in Particle Physics (<http://scoap3.org>) and the proposed Open Access Network (<http://openaccessnetwork.org>) rely on institutional/consortial support to publishers. It is likely that there are other successful models that would work; the OA community must continue to explore alternative, innovative models to ensure that the needs of all community members are addressed.

“TOGETHER, MORE OR LESS IN LINE, JUST KEEP TRUCKIN’ ON”

Though the open access community has made a great deal of progress, it has a bad habit of being its own worst enemy. With such a diverse community that has so many specific interests, bringing the greater community together to move forward on OA goals seems, at times, a touch insurmountable.

Minor disagreements often end up fracturing the discussion, threatening to collapse a series of interconnected, fragile relationships that have already taken years to develop.

Perhaps the greatest takeaway for the OA community is that the pursuits and eventual gains of the Dead tapers were a community effort. The actions of a tiny fraction of the community wound up enriching the whole. It was a thankless job to be left with the risk of ejection and arrest for the enrichment of the rest of the Deadhead community, but the tapers knew they could not press on solo. Les Kippel probably summed up those community endeavors most accurately (and honestly):

Of course unauthorized taping is illegal; you're breaking the law. That's what we had to do in those days, and because we were an organization. We weren't going to let some person dictate to us that we weren't going to tape the show. We'd go in there and one person would bring in the tape machine and two people would bring in the microphones, a few people would bring the batteries and a few people bring in tapes. We'd sit in a cluster, and friends would always protect the person who was taping. If someone was coming, or we saw an usher or a crew member looking and pointing, then we'd watch. (Getz and Dwork 2000, 33)

Illegality of concert taping notwithstanding, the OA community—like the Dead tapers—must continue to band together, connecting with other librarians and researchers, in a single-minded communal pursuit for open access to research.

Unfortunately, the Deadheads have an easier time ahead of them than the OA community does. With the Fare Thee Well concerts (supposedly) closing the book on further complete Grateful Dead reunion performances, Deadheads have been given an uncharacteristic finality on the band they hold dear. The recording and performing entity known as the Grateful Dead has a beginning and an end (however fuzzy those points may be). As time marches onward, fewer and fewer unknown Dead tapes will surface, until the inevitable day when all extant live Dead shows will see the light, and there will be nothing left to do but smile, smile, smile. Research, on the other hand, knows no starting point and will never have an endpoint, until the last humans have gone. Until then, OA practitioners will still have something to fight for.

ACKNOWLEDGMENTS

We would like to express our deepest gratitude to Nicholas Meriwether (McHenry Library, University of California, Santa Cruz) for granting research access to the Grateful Dead Archive. We would also like to thank Jeremy Berg (University of North Texas) and Gary Burnett (Florida State University) for their invaluable insight in preparing this text.

NOTES

1. It should be noted that concern about open access publications often varies from discipline to discipline. Some communities, such as physics, have embraced OA, while others do not have as much widespread support.
2. Of course, many have also questioned the role of commercial publishers in scholarly publishing. An example of such discussions can be found in Anderson 2013; Ciciora 2014; Lariviere, Haustein, and Mangeon 2015; and Monbiot 2011.

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