

# **Cuban “Independent” Librarians: A Case Study on the ALA’s Freedoms and Responsibilities to Intellectual Freedom**

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## **I. Introduction**

Organizations, like individuals, develop and embody ethical values. These ethical values help the organization decide what is right or wrong, moral or immoral. In a case when the ethical course is clear, decisions are often opaque being based upon tradition or culture. This paper will look at a case where the ethical course is not clear. Under these circumstances the decision making process becomes exposed, thus providing an opportunity to both better understand the organization’s ethical boundaries and the tradition and culture that lie inside these boundaries. In gaining an understanding of an organization’s ethical values and how they are negotiated, an organization can better communicate and represent the values of its membership.

In March 2003 the Cuban government arrested a number of dissidents, including 10 Cubans who claimed to be “independent” librarians. All the dissidents were jailed for violating Cuban laws dealing with receiving support from the United States. In January 2004, the American Library Association (ALA) council responded by issuing a statement expressing “deep concern” over of the Cuban government’s violation of the dissidents’ intellectual freedom right. The issue facing the ALA council is that significant numbers of librarians were dissatisfied with this response feeling that the ALA statement should have gone further by demanding the Cuban government release the dissidents.

This paper will first look at the relationship between freedom and responsibility and how they shape the ALA’s ethical positions in regards to the Cuban dissident’s case. Secondly, we will use the theory of Ethical Climate to speculate about the roots of the ALA’s ethical traditions and culture. Lastly, this paper will hypothesize an ethical climate for the ALA and demonstrate how this would effect the ALA’s decision regarding the Cuban dissident question.

## **II. Analyses: Freedom and Responsibility**

An organization’s freedom of choice can be constrained by numerous factors, such as available resources or rules of law. The freedom an organization has in its ethical decisions can additionally be explained by the level of responsibility the organization chooses to shoulder. One needs look no further than child rearing to gain an intuitive sense of the relationship between freedom of choice and responsibility.

When an ethical decision is controversial it suggests that the organization is at the boundary where freedom and responsibility meet. Some feel that it is responsibility of the organization to act; others feel that it is beyond the scope of organization. In the case

of violation of the Cuban dissidents' intellectual freedom rights, some ALA members feel that the ALA should assume greater responsibility. Some feel that the ALA should do less. This paper proposes to use the facts and an argument surrounding the ALA's response to the Cuban dissident case to demonstrate the interplay between freedom to act and its commensurate responsibility.

## II. a. Intellectual Freedom and the ALA

The American Library Association (ALA) was founded in 1876 with the mission of:

[P]rovid[ing] leadership for the development, promotion, and improvement of library and information services and the profession of librarianship in order to enhance learning and ensure access to information for all" ([ALA Website - Our Association](#))

In 2004 it has approximately 64 000 members with an annual budget of \$42.6 million.

One of the guiding principles of the ALA is that of protection and promotion of intellectual freedom. This concept is enshrined within many ALA documents including the Library Bill of Rights ([ALA Website - Library Bill](#)). Interpretations of the Library Bill of Rights define the ALA's role in intellectual freedom as:

... the essence of equitable library services, provides for free access to all expressions of ideas through which any and all sides of a question, cause, or movement may be explored. ([ALA Website - Diversity in Collection](#))

Further, Article II of the ALA Code of Ethics prescribes that as librarians:

We uphold the principles of intellectual freedom and resist all efforts to censor library resources. ([ALA Website - Code of Ethics](#))

The ALA also supports Article 19 of Universal Declaration of Human Rights:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. ([UN Website – All Human Rights](#))

Given that the ALA has accepted the responsibility for cases of intellectual freedom violations, the next two sections will look at two mitigating factors that affect the ALA freedom to act.

## II. b. Mitigating Circumstances: U.S. and Cuban Politics

The Cuban dissidents' right to intellectual freedom was violated by the Cuban government; this fact is not in dispute. The ALA position becomes controversial when it

decided not to exercise its option to demand the release of the Cuban dissident and instead only express its concern. This decision indicates that this case lies at the edges of the ALA's responsibility and freedom in regards to intellectual freedom. One of the mitigating factors centers around how U.S. Trade Embargo of Cuba limits intellectual freedom, how the Helms – Burton Act impinges on Cuban national sovereignty, and how the Cuban government uses both as justification to restrict Cuban intellectual freedom.

The U.S. has had strained relationships with Cuba since Fidel Castro's communist government seized power in 1959. Two facts regarding U.S. policy towards Cuba are relevant in this situation.

1. The U.S. trade embargo – Cuban Assets Control Regulations, Title 31 Part 515 of the U.S. code of Federal Regulations. “The basic goal of the sanctions is to isolate the Cuban government economically and deprive it of U.S. dollars.” ([USDT Website - U.S. Department of the Treasury](#))
2. The Helms Burton Act – Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996. “An act to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes.” ([USDS Website – U.S. Department](#))

Both of these acts were expressly created to intervene Cuban domestic affairs. The Cuban government responded to these policies by enacting the following legislation:

1. Reaffirmation of Cuban Dignity and Sovereignty (RCDF) Act Number 80 – Article 8: Any form of collaboration, direct or indirect, which favors the application of the Helms-Burton Act is declared unlawful. ([EPFP Website – Reaffirmation](#))
2. The Law for the Protection of National Independence and the Economy of Cuba (LPNIEC) – Cuban Law Number. 88: Article 6.1: Sets prison terms from three to eight years for those “who accumulate, reproduce or spread material of subversive character from the government of the United States of America” ([CPJ Website – Crackdown](#))
3. Cuban Penal Code – Article 91 of the, which imposes lengthy prison sentences or death for those who act against "the independence or the territorial integrity of the State."

On March 20, 2003, the New York Times reported that two dozen dissident librarians, journalists, and opposition activists had been arrested. Many had attended workshops in the home of James Cason the Chief American Diplomat in Cuba. The New York Times further reported that this was not the first time the dissident group had met with James Cason and that “the Cuban authorities had denounced these contacts as repeated provocations.” The Cuban government had also issued a similar warning the year before

when Mr. Cason's predecessor had distributed shortwave radios to government opponents (Gonzalez, 2003). Investigation into the jailing of the Cuban dissidents revealed that they had been arrested under the relevant sections of the LPNIEC and the Cuban penal code.

The membership within the ALA, like the international community, is split on the ethical legitimacy of the Helms-Burton Act and the U.S. trade embargo. Given that the Cuban independent librarians did violate Cuban law by receiving funds from the U.S., what, if any, impact should this have on the ALA's freedom to respond to the violation of the Cuban independent librarian's right to intellectual freedom.

Numerous prominent international organizations have called for both the cessation of the U.S. trade embargo and the release of the Cuban dissidents, thus separating the two issues. Amnesty International document, **AMR 25/017/2003**, writes:

... the conduct for which dissidents were prosecuted was not self-evidently criminal ... Amnesty International considers the 75 dissidents to be prisoners of conscience and calls for their immediate and unconditional release. ([AI Website – Amnesty International](#))

While also expressing its concern in regards to the U.S. trade embargo:

Amnesty International calls for the lifting of sanctions where it believes the continuation of sanctions might contribute to grave human rights abuses. A review of the impact of the US embargo against Cuba and other related policies in this regard are deeply worrying. ([AI Website – Amnesty International](#))

The U.N. also separates the two issues. :

<United Nations Office the High Commissioner for Human Rights>... appeals Thursday to the President of Cuba to exercise his right of pardon on behalf of 50 Cuban citizens sentenced to heavy prison terms in verdicts confirmed by the Supreme Court of Cuba in application of article 91 of the Cuban Penal Code and of Cuban Law Number 88. ([UN Website – Press Release](#))

While an earlier U.N. resolution, A/RES/51/17 – Necessity of Ending the Economic, Commercial and Financial Embargo Imposed by the United States America against Cuba, states that it is:

Concerned about the continued promulgation and application by Member States of laws and regulations, such as the one promulgated on 12 March 1996 known as the "Helms-Burton Act" ([UN Website – Necessity of ending](#))

Human Rights Watch also demands the release of the Cuban dissidents while recognizing the ethical problem of the U.S. trade embargo:

The Cuban government should immediately and unconditionally release the political dissidents and independent journalists who have been detained in the last several days... ([HRW Website – Cuba](#))

President George Bush should terminate the economic embargo on Cuba... it imposes indiscriminate hardship on the Cuban people and impedes democratic change. ([HRW Website – Time to end](#))

In contrast to international organizations, the ALA and the International Federation of Library Associations and Institutions (IFLA) connect the ethical illegitimacy of the U.S. embargo with the crackdown on the Cuban dissidents. Ann Sparanese, an ALA, member summarizes this rationale when she writes:

... the so called “independent librarians” and other dissidents are \*not\* in prison because of their books, their private libraries, or their “free expression” what got them into trouble was their active collaboration with the United States Helms Burton Law. ... The US also criminalizes the manipulation of its own political process by foreign governments, yet it cynically allocates monies for the manipulation and overthrow of Cuba’s government. ([CLSG Website – 12 9 03](#))

IFLA, in a media release reflects this opinion when it does not demand for the release but instead expresses concern:

IFLA express their deepest concerns today about the arrest, trial and long prison sentences given to Cuban political dissidents in recent weeks.

To overcome the effects of the US blockade on the free flow of information in Cuba, IFLA urges the government of the United States to share information materials widely in Cuba, especially with Cuba's libraries, and not "*just with individuals and non-governmental organizations that represent US political interests.*" ([IFLA Website – IFLA/FAIFE](#))

The ALA mirrors IFLA’s statement by releasing their report which states:

ALA joins IFLA in its deep concern over the arrest and long prison terms of political dissidents in Cuba in spring 2003 and urges the Cuban Government to respect, defend and promote the basic human rights defined in Article 19 of the United Nations Universal Declaration of Human Rights. ... ALA supports IFLA in its call for the elimination of the U.S. embargo that restricts access to information in Cuba ([ALA Website – ALA Council](#))

In counterpoint to linking of the U.S. government policy to the arrest of the Cuban dissidents, Nat Hentoff, an ALA member, write:

... I can prove the brutal fact that even if the Helms-Burton Law and the USA Patriot Act were repealed, Fidel Castro's pervasive repression of dissenters in Cuba would not abate, since it is the very foundation of his rule. (Hentoff, 13 Jan. 2004)

International human rights organizations by the nature of their mission have broad freedoms and responsibilities within the area of human rights. Conversely, the ALA, by defining themselves as a library association has narrowed their freedom and responsibility in the area of human rights to, in this case, intellectual freedom. The ALA can not demand the release of the Cuban dissidents based upon intellectual freedom, which is inside its freedom/responsibility sphere, without also commenting on U.S. efforts to destabilize the Cuban government, which is outside its freedom/responsibility sphere. The result of this "straddling" of the ALA's freedom and responsibility is embodied within its response to this situation.

The ALA's freedom and responsibility to intellectual freedom rights violations is further defined by the controversy surrounding the status of the "independent" label assumed by the Cuban librarians. The next section will examine the ALA's responsibility to librarians and how the definition of who is a librarian demarcates the boundary between freedom and responsibility.

#### II c. Mitigating Circumstances: What is a Librarian?

Within the context of the jailing of the Cuban dissident, the responsibility of the ALA will increase or decrease depending on the validity of the claim that 10 of the dissidents were librarians. In the debate surrounding the Cuban dissidents both sides demonstrate an awareness of this fact.

Nat Hentoff, a critic of the ALA statement on the Cuba, writes in Chicago Sun-Times editorial:

It's a shame librarians around this country have a leadership that mocks the ALA's Library Bill of Rights, which requires its members to "challenge censorship" -- but refuses to call for the release of 10 librarians in Castro's prisons who, indeed, challenged censorship. (Hentoff, 25 Jan. 2004)

Ann Spananese, in a letter to the ALA, writes:

It is difficult to seriously assert that these people are librarians, either professional \*or\* amateur. They certainly are dissident politicians, apparently non-violent, who sometimes use the moniker of "librarians" to enhance their stature... What is it about them that demand a resolution

from us, when they are not librarians by any objective criteria? (CLSG Website – Cuban 12 9 03)

Investigation into the facts surrounding the Cuban “independent” librarians and their claim to status as librarians provides ambiguous evidence. A definition of what a library is relies as much on common sense as it does with formal definitions. The ALA Bill of Rights states that:

... all libraries are forums for information and ideas, and that the following basic policies should guide their services.

Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval. ([ALA Website – ALA Bill](#))

In July of 2001 both IFLA and the ALA sent a delegation to the Association of Caribbean University, Research and Institutional Libraries Conference (ACURIL) held in Havana. Both delegations also decided to visit and report on the nature of the Cuban independent libraries. Below are some of the findings from the IFLA report:

*Mission:* According to the movement "the mission of the project is to provide access to literature and information that cannot be bought in Cuba or borrowed from the public libraries.

*Financial or other support from abroad:* In most cases, the owners denied that the libraries received financial support from abroad.

*Professional training:* They have not received any professional training. They do not consider themselves librarians but see themselves as servants of the independent libraries.

*Collections:* The size of the collections varies from 289 to 2,000 volumes. They consist of the owner's own books, books left by people who have left the country and by donations from abroad.

*Implications for the owner:* The people we met defined themselves as - "dissidents"- and were very open about their political views.

*Library function:* In no cases, did signs on the building indicate the library or its opening hours. ... The number of users is around 200 at each site...

When visited, between 27 and 200 titles were on loan.

*Evaluation:* It is true that the independent libraries are not run by trained librarians, and that the buildings do not display their function, and that acquisition and other professional activities may not be managed according to professional standards. (IFLA Website – FIAFE Report)

The only significant difference between the ALA report and the IFLA report is the finding that:

There is financial support by the U.S. government and by political centers in Miami and other parts of the U.S. Some books are delivered by personnel in the U.S. Interest Section. (Because the U.S. government does not have official diplomatic relations with Cuba, this is the name of the U.S. government presence in the country.) (ALA Website – Report of visit)

It is interesting to note that both the ALA and IFLA drew up their lists of Cuban independent libraries to visit based on sites found on a web site called of CubaNet and on recommendations of Robert Kent an ALA member. Investigation into CubaNet website shows funding by U.S. Agency for International Development an agency which funds dissident activity in Cuba. Robert Kent is a founding member of the organization “Friends of Cuban Libraries” an advocate group for the Cuban Independent Libraries. Ann Sparanese, in an article entitled “Hearing on Charges by "Friends of Cuban Libraries" writes a detailed account of the link between Robert Kent, Cuban Independent Libraries and the U.S. government efforts to overthrow the Cuban government. (LJ Website – Robert Kent)

In contrast to the ALA and IFLA’s findings, Larry Oberg, University Librarian – Willamette University, found that:

The first "independent" library we visited was in Santiago de Cuba. It was located in private home and consisted of two bookcases filled with books, one in the living room, and another in a back bedroom. I would estimate that this collection might have included 200 volumes... She insisted that the main objective of the library was to make materials available to children, but could produce no children’s books.

The second "independent" library that we visited was also in Santiago de Cuba. This "library" had no books or materials at all. (Sparanese, Ann Website – CUBA: Issues)

This view of Cuban independent libraries is supported by a report by John Pateman, Head of the Libraries and Heritage, London Borough of Merton:

He led me into a room - with a balcony overlooking the street - which contained a small table in the corner, on which sat the "Biblioteca

Independiente Juana Alonso". I counted the collection and found that it included 80 books and 20 journals. I also noted, from the records Rogelio kept, that 10 items were on loan. (CLSG Website – Cuban Libraries)

He concludes his report with the thoughts:

The "Biblioteca Independiente Juana Alonso" appears to be a front for political activities. It does not meet the information needs of the people, which are well served by the Cuban library system. (CLSG Website – Cuban Libraries)

It should be noted that John Pateman is listed as contact person for the website “Cuban Libraries Solidarity Group” an organization which is strongly opposed to U.S. interference in Cuba.

It is unclear from publicly available materials as to whether the Cuban independent librarians are in fact “librarians”. If the ALA has greater responsibility towards librarians than it does towards non-librarians then it can be hypothesized that by not demanding the release of the ten independent librarians, either the ALA has determined that they are not librarians or that the evidence is unclear as to their status. In either case it appears that the ALA has placed the burden of proof on the Cuban librarians. Therefore, it can be speculated that the ALA, in the case of intellectual freedom, chooses to assume greater responsibility for individuals who can justify full librarian status, less to individuals who can only claim librarian status, and even less to those who have no claim to library status.

### **III. Analyses: Values**

This case shows how U.S. foreign policy towards Cuba was used to broaden the scope of the ethical violations against the Cuban dissidents beyond the ALA’s chosen level of responsibility to intellectual freedom. Further it highlights how the ALA has chosen to differentiate between librarian status. To better understand how the ALA could have potentially arrived at this chosen level of responsibility, this paper will introduce the concept of work climates.

A work climate is defined as “psychologically meaningful molar descriptions that people can agree characterize a system’s practices and procedures.” (Schneider 1975, 474) In practice, Schneider states that “organizational practices and procedures, especially managerial style, can influence the perceptions employees have of the major orientations, including goals and values of the organization.” (Schneider 1983, 106) Work climate theory can be further refined by focusing in on the organization’s ethical environment. An ethical environment is described by the organizations “locus of analyses” and its “ethical criterion”.

The locus of analysis is the source from which an organization derives their ethical climate. For instance, an organization that has an individual locus of analyses will find that the organizations norms are established by the individual members i.e. ALA

members would look to their personal ethical beliefs for guidance in the case of the Cuban dissident issue. Alternatively, an organization that has a cosmopolitan locus of analyses will find that ethical norms of the organization are based upon international law or professional societies i.e. ALA members would look to external source, such as the U.N. charter of rights or Amnesty International, for guidance in the case of the Cuban dissidents. Ethical criteria are the ethical tendencies of the organization. Combining the locus of analyses with the ethical criteria creates a grid of nine potentially different ethical climates. (Fig 1) Empirical analyses of the nine ethical climates reveal that not all of these climates exist as distinct entities. Further, Agarwal and Malloy, in an empirical study of not-for-profit organizations found that two distinct climates emerged from their studies. This paper will address only these two cells which are defined as:

Individual Caring: Consideration of other people based upon personal criterion. Agarwal interprets this as “interpersonal friendship” (Agarwal 1999, 4)

Social Caring: Consideration of other constituencies outside the organization based upon universal norms. Agarwal interprets this as “social responsibility.” (Agarwal 1999, 4)

Ethical Criterion	Locus of Analyses		
	Individual	Local	Cosmopolitan
Egoism			
Benevolence	<i>Individual Caring</i>		<i>Social Caring</i>
Principle			

Fig 1. (Malloy 2003, 227)

Intuitively, these two environments do not seem to conflict with the common perception of a librarian’s ethical norms. If we then hypothesize that, at least, these two ethical climates could exist within the ALA, then we then can demonstrate how the Cuban dissident problem arose.

If the ALA’s ethical climate is one of “individual caring” then the ALA council, as a representative of the membership, would see the ethical problem in terms of an aggregation of the individual member’s views. In clear cases, aggregation leads to consensus. In the Cuban dissident case, aggregation results in a straddling of the limits of freedom and responsibility. In order to please as many individual opinions as possible a compromise solution had to be reached. The result is, as ALA president Carla Hayden states, that it “shows that people are able to work out differences of opinion and come together on a joint statement” – a joint statement that in effect limits the responsibility of the ALA of the Cuban dissidents to “expressing concern” and not to “demanding the release”

Conversely, if the ALA councilor feels that the ALA’s norms indicate that an individual

should look to universal standards (social caring) then the ALA councilor would see the ethical problem as a violation of a shared ethical standard. In this case an ALA councilor would see the ALA's freedom and responsibilities as being less constrained by the individual opinions as is the case of the "individual caring" ethical environment. If the membership is united under a singular universal ethic they would more likely disregard external mitigating circumstances. This stance would move the ALA's response closer to international bodies such as Amnesty International or Human Rights Watch which demanded the release of the Cuban dissidents.

#### **IV. Recommendation**

In passing the resolution to "express concern" and not to demand the release of the Cuban dissidents, the ALA council sought to reach a compromise acceptable to its membership. Unfortunately, a significant minority of the membership disagreed with these recommendations. Investigation into how the facts of the Cuban dissident case were used by the ALA council and its critics, fits a hypotheses that there is a disagreement on the ALA's ethical climate. To prevent future widespread disagreement on similar ethical issues, this paper recommends the following measures:

1. The ALA council should seek to better understand the ALA's ethical climate.
2. The ALA council should communicate their findings to its membership.
3. The ALA council should, in conjunction with its membership, determine which ethical climate best serves the ALA's mission and goals.
4. The ALA council should educate its membership on the implications of having a singular ethical climate.

In the case regarding the jailing of the Cuban dissidents, this paper proposes a compromise on how the ALA's defines its freedom and responsibilities. This compromise consists of finding a middle ground between those members who feel that the ALA's ethical environment is an "individual caring" and those who feel that it is a "social caring" environment. A compromise agreement in this case would consist of two points:

1. ALA expresses its deep concern over the arrest and long prison terms of political dissidents in Cuba in spring 2003
2. The ALA as a representative body for librarians considers the jailing of the 10 independent librarians as a violation of the U.N. Declaration of Human Rights article 19 and calls for their immediate and unconditional release.

This compromise acknowledges the ALA member who believes that the ALA has an "individual caring" ethical climate. This acknowledgment allows for the mitigating circumstances of U.S. policy to narrow the ALA's responsibility. It also allows for the

recognition of two classes of dissidents, librarian, and non-librarian. Conversely, this compromise also acknowledges the ALA believes in a “social caring” ethical climate. This acknowledgment allows for the assumption that the independent librarians are librarians until proven otherwise and that their universally guaranteed rights to intellectual freedoms were violated regardless of the mitigating circumstance of the U.S.’s foreign policy toward Cuba.

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