



AT THE LIBRARY

By Julie Winkelstein
November 19, 2004

“Literature, national though it be in origin, knows no frontier, and should remain common currency among nations in spite of political or international upheavals.”

-From The PEN Charter

This week I read an article about Shirin Ebadi, the Iranian human rights activist and winner of the Nobel Peace Prize in 2003. Ms. Ebadi has been prohibited from publishing an autobiography she plans to write in English, for an American audience. The problem is that to write and publish the book she will have to work closely with American writers, translators and publishers, and according to the Treasury Department’s Office of Foreign Assets Control (OFAC), this isn’t allowed.

As I understand it, if her book were completed in Iran and translated into English, it could be published in the United States. The prohibition is not on the material itself, but on her interactions with Americans as the book is being written. There have been several articles written about this – the *Wall Street Journal* and *Library Journal* have both covered it.

The *Library Journal* article

sums up the situation as follows: “The OFAC regulations specifically forbid the publication of works by authors in Iran, Cuba and Sudan unless the works in question have already been completed before any American is involved... Americans may not provide ‘substantive or artistic alterations or enhancements’ or promote or market either new or previously existing works from the affected countries, unless they obtain a specific license from OFAC. Violators are subject to prison sentences of up to 10 years or fines of up to \$1,000,000 per violation.”

To find out more about this, I went to the OFAC website (www.treas.gov/ofac) and read their mission statement, hoping to see the connection between their goals and the prohibition on this author’s work. It begins: “The Office of Foreign Assets Control of the US Department of the Treasury administers and enforces economic and trade

continued on page 2

sanctions based on US foreign policy and national security goals against targeted foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction...”

After perusing several long documents that described the sanctions, I found a reference to the exemption of “information and informational materials” from the embargo. However, since this is not about the materials, but the relationships, it doesn’t seem to qualify.

I finally found an edited copy of a letter from Richard Newcomb, OFAC director, dated September 26, 2003. It is titled “Exchange of informational materials with Iranian author” and includes the

OFAC explanation of its stance on working with certain foreign authors. It is hard to give the full flavor of this document and I recommend reading the whole thing. But, to give you an idea: “Likewise, your assistance to the Iranian author in editing and preparation for publication of manuscripts or such services such as reordering of para-graphs or sentences... would result in a substantively altered or enhanced product, and is therefore prohibited.”

PEN American Center, which describes itself as “A fellowship of writers working for more than eighty years to advance literature, to promote a culture of reading, and defend a free expression,” has joined the Association of American Publishers Professional and Scholarly Publish-

ing division (AAP/PSP), the Association of American University Presses (AAUP) and Arcade Publishing in a suit filed against OFAC. Their concern is not just about Shirin Ebadi, but also other, less well-known writers from these three countries.

In case you have ever wondered about the power of words, writers and books, this amazing situation may answer your question. And it brings resonance to these words from the PEN charter: “In all circumstances, and particularly in time of war, works of art and libraries, the heritage of humanity at large, should be left untouched by national or political passion.”