

**FRANCENESE  
DECLARATION**



Information Regulations”).

3. In this declaration, I discuss a definitive work on Cuban music that Temple University Press was very interested in publishing but determined that it could not pursue as a result of OFAC’s recent interpretive rulings suggesting that such publications would violate its Information Regulations. The OFAC Information Regulations subject publishers to serious civil and criminal penalties.

4. I understand that OFAC’s Information Regulations prohibit (i) “transactions related to information or informational materials not fully created and in existence at the date of the transaction,” including payment of an advance; (ii) “the substantive or artistic alteration or enhancement of information or informational materials,” including collaborations, and (iii) “the provision of marketing and business consulting services” for information and informational materials. As explained more fully below, these prohibited activities are part of the routine publishing activities of Temple University Press in publishing books. The OFAC Information Regulations thus stood in the way of our publishing a book entitled *The Encyclopedic Dictionary of Cuban Music* by the Cuban scholar Radames Giro.

#### ***Temple University Press***

5. Temple University Press is affiliated with Temple University. Our publishing program is overseen by a Board of Review comprised of faculty members. Submissions to Temple University Press are reviewed by leading academics in the relevant fields – i.e., peer reviewers -- who provide recommendations to the Board on whether the submissions merit publication. Once a draft manuscript is complete, peer reviewers again review the material to ensure that it properly addresses the issues in the field and to provide suggestions for

improvement.

6. Temple University Press publishes books on a wide range of topics. One of our areas of interest is Latin American Studies, including Latin American and Caribbean Music. One of Temple University's well known schools is the Boyer College of Music, and the Press both benefits from and attempts to serve the university's expertise in this field.

7. In order to locate the books most worthy of publication in any given field, Temple University Press works with "series advisors" – academics who advise the Press on potential books of interest in their field. Peter Manuel, Professor of Ethnomusicology at John Jay College and CUNY Graduate Center has served as a series advisor to Temple University Press since 1997. Under his sponsorship, two books have already been published in our Latin American and Caribbean Music series and an additional four books are under contract. Mr. Manuel is himself the author or co-author of approximately seven books on Latin American music, including one book on Cuban music.

*The Encyclopedic Dictionary of Cuban Music*

8. In the summer or early fall of 2003, Temple University Press was approached by Radames Giro to publish *The Encyclopedic Dictionary of Cuban Music* in the United States. At the time, Mr. Giro was preparing the book for publication in Cuba in or around late 2004, but the American edition would have differed from the Cuban original, as described below. After reviewing approximately 80 pages of sample material, both Mr. Manuel and the two peer reviewers – academics specializing in Latin American music and ethnomusicology – strongly endorsed publication by Temple University Press and indicated that the book would be the definitive work in its field.

9. One of the reports by the peer reviewers well places Mr. Giro's work in context:

“First, let me say a word about the author. Mr. Giro is one of Cuba’s most prominent ethnomusicologists. . . . Mr. Giro worked for nearly thirty years for the Instituto Cubano del Libro – the state-run editorial institution in charge of social science and humanities publications. Within the Instituto, Mr. Giro was in charge of the music and musicology department and edited more than 20 books on music, musicology and Cuban musical folklore and history. His *Encyclopedic Dictionary of Music in Cuba* is the result of Mr. Giro’s indefatigable bibliographical work of more than thirty years focused on the history and development of music in Cuba. The work is vast and comprehensive.” The peer reviewer further concluded that, “The work is the most complete and thorough reference book on the history of music in Cuba. There is no other comparable work.”

10. Both Mr. Manuel and one of the peer reviewers remarked on the growing interest in Cuban music and the book’s broad appeal among academics and the public alike. As Mr. Manuel emphasized, “Among the ever-increasing number of books about Cuban and Latin music, this book would stand out as a unique reference guide. It would be purchased both by libraries and serious aficionados of Cuban music, whose numbers can only be expected to increase.” Likewise, the peer reviewer commented that the book “will become a ‘must’ reference work in university, college and public libraries. It will also be sought avidly by students of ethnomusicology, cultural studies, Latin American history and musicology, Latin American studies and U.S. Latino studies, jazz and popular culture studies. Given the current and growing interest in Cuban music in the U.S. academy and by the American public at large, the publication of this work would be very timely.”

11. On the basis of Mr. Manuel’s strong backing and similar ringing endorsements from the peer reviewers, we were on the verge of recommending publication of this title to the Board

of Review in October 2003 when I read an article [in the New York Times] concerning recent interpretive rulings by OFAC forbidding the publication of such works by authors in the embargoed nations, which include Cuba. Prior to that time, I had been unaware of the OFAC regulations impacting books and other publications, which, to my knowledge, were generally not well known in the publishing community before the fall of 2003. As a result of these rulings, Temple University Press reluctantly decided to forego entering into an agreement with Mr. Giro for publication of *The Encyclopedic Dictionary of Cuban Music*.

### ***The Obstacles Posed By The OFAC Information Regulations***

12. The OFAC Regulations would have obstructed our publication of *The Encyclopedic Dictionary of Cuban Music* for several reasons. First, we would have needed to enter into a publishing agreement with Mr. Giro before the point at which his American publication was fully created, and likely would have needed to pay him a small advance to cover his expenses. Likewise, we would inevitably have substantively “altered” or “enhanced” the manuscript through our peer review and editorial processes, as well in the ways enumerated below. Finally, we would have marketed the book, since on a practical level it is impossible to publish a book without marketing it.

13. It is standard practice for Temple University Press to enter into publishing agreements with its authors prior to the full creation of the book – conditioned on the acceptability of the final manuscript – so that we can play a central role in shaping it to meet our editorial and academic standards and, with foreign works, can revise the work to render it appropriate for an American audience. Such contracts often include the payment of an advance on royalties for new works or for previously published works that will undergo significant revisions. Advances are often needed by authors who otherwise could not afford to devote the

time or expend the resources necessary to complete those works.

14. Temple University Press, like the other academic presses, employs a multi-step editing process. First, we often confer with authors in the developmental stages of their books. After a complete draft of the manuscript is finished, the peer reviewers provide written reviews of the draft manuscript which discuss, among other things, the strength of the scholarship and the degree of interest in the various topics addressed. They also provide substantive comments and suggested revisions – sometimes in detailed fashion. The reviews are comprehensive, ranging from several pages to 20-30 pages each. It is understood that the author must address the suggested revisions in order for the book to be deemed acceptable by Temple University Press under the publishing agreement.

15. Following incorporation of these comments into a revised version, the manuscript is then edited by Temple University Press staff members. UA Press staffers edit the manuscript for, among other things, organization, style, clarity, and consistency – often times substantially rewriting sections of the draft manuscript.

16. Editing is even more rigorous when the authors are not native English speakers or reside in a foreign country. Knowledge of that foreign culture and history may be evident to native readers but may need to be fleshed out for American audiences. Works that are translated often need substantial line editing.

17. In the instance of *The Encyclopedic Dictionary of Cuban Music*, our series editor and peer reviewers had already identified various substantive ways in which the book would need to be altered for publication in the United States by Temple University Press. The entries varied widely in length, sometimes substantially, depending on the author's interests. An editor would have needed to work closely with Mr. Giro to reduce the length of those entries

determined to be unnecessarily detailed given their relative interest to American readers. Further, our peer reviewers felt that the book would benefit from the addition of certain information lacking in the draft and from the inclusion of cross-references. As Editor-in-Chief, it was also my conclusion that we would need to significantly reduce the number of illustrations in the book. It is likely that we also would have commissioned an introduction to *The Encyclopedic Dictionary of Cuban Music* from a prominent American to put the work and its author in context. Such introductions can be very important in presenting works by foreign scholars with towering reputations in their own countries who are far less well known here. Finally, since the book was going to be translated from the original Spanish to English, it would likely have needed substantial line editing.

18. In order to publish *The Encyclopedic Dictionary of Cuban Music*, we also would have needed to market it. Temple University Press has a comprehensive marketing program for our list of books. Each book we publish is described in our catalog for the season or span, and catalogs are distributed to retailers and wholesalers across the country and internationally. Our sales representatives maintain active contact with our national accounts and wholesale distributors. We send review copies to members of the media. We advertise our books in academic journals and promote them in press materials sent to academic and trade publications. One of our most important marketing efforts is the promotion and display of our books at scholarly conferences. Such marketing and promotion efforts are the only practical means for readers to learn about the books that we publish.

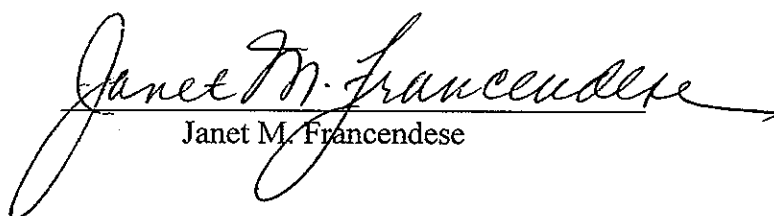
#### ***Applying for Permission to Publish***

19. I have been informed that publishers may apply to OFAC for special licenses that exempt them from the Information Regulations. We as a university press would be opposed in



principle to applying to the government for a license to publish. We would view this as a classic prior restraint inconsistent with this nation's historical condemnation of official supervision of the press. The very existence of a system of official approval inhibits the free exchange of information and ideas on which our society depends and leads to self-censorship.

Dated: September 13, 2004

  
Janet M. Francendese