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Five Assaults on Our Integrity

[Author's note: This essay is for Bill Katz, with thanks.]

INTRODUCTION

Librarians, information disseminators, and information scientists have only infrequently concerned themselves with ethical matters. A search of the early literature reveals virtually nothing on the topic and what there is deals with etiquette and decorum rather than ethics. In 1976, the author published the results of that now infamous bomb experiment (Hauptman, 1976). Subsequently, there have appeared two books, Professional Ethics and Librarians (Lindsey & Prentice, 1985) and Ethical Challenges in Librarianship (Hauptman, 1988); a number of issues of journals exclusively devoted to the topic; and, closer to the present, a burgeoning of periodical articles on every conceivable topic. Furthermore, there have been many seminars, symposia, sections, and conferences at Rutgers University, the University of North Texas, the American Association of Law Librarians, the American Library Association, and now at the Allerton Institute. Concurrently, the social responsibilities movement has attempted to counter the mythic conception of the library's neutrality in order to ameliorate social conditions, but its influence has been negligible. Long ago, Samuel Rothstein (1968) called for the creation of an ethos out of which librarians could function. Later, Stephen Almagno (1989) articulated the need for a new ethic, something akin to the new perspective that Hans Jonas (1984) insists is now required to cope with the problems of our technological age.

Sometimes, discussions of ethics and librarianship emphasize theoretical matters; more often, they are hortatory in nature, citing practical
examples in order to inspire actions that will bring glory to the profession. This paper comments on five intellectual concepts—confidentiality, intellectual freedom, censorship, honesty, and malpractice—by describing some often bizarre cases that have come to the author's attention.

CONFIDENTIALITY

Confidentiality is the hallmark of the traditional professions and it is easy to understand why. If trust in one's doctor, lawyer, or clergymen is misplaced, then one will be chary of disclosing personal matters to these people in the future. Information disseminators are in an analogous position. Additionally, forty-one states now have confidentiality statutes in place in order to protect the confidences of library patrons.

More than ten years ago, the Federal Bureau of Investigation began its Library Awareness Program, which ostensibly protects this country's freedom by monitoring Soviet spies' access to information, especially in scientific and technical libraries in the New York metropolitan area. At least, these are the officially stated parameters. Librarians refused to cooperate because to reveal any information about patrons is a breach of confidentiality. What is interesting is that this case really does create an ethical dilemma for both parties. And they both solve it in the same way: by ignoring the opposite side of the equation. The FBI investigators, who certainly do respect the concept of confidentiality in their own work, set it aside here for a higher good; the librarians, who generally favor American democracy, simply do not consider the FBI perspective.

One could be more sympathetic to the Bureau's position if there really did appear to be some threat to national security and if the librarians' cooperation really could help, and one could be more sympathetic to the librarians' stance if confidentiality were not breached in other areas. Circulation records continue to identify users by name, especially in systems that are no longer operative but that have not entirely eliminated the earlier records. Interlibrary loan procedures often advertise the connection between user and material. Online searchers may allow search forms to lie around so that anyone can glance at them. These same forms are stored for future reference and so anyone with access to the files has access to the patrons' identities. Finally, when printing offline, it is not unusual to use the patron's name as an indicator; thus, everyone along the communication trail can easily connect the patron with his or her information needs.

In response to the author's query, Milt Ahlerich, Assistant Director of the FBI's Office of Congressional and Public Affairs, indicated that the Bureau intended to persevere with its program. His response was
couched in precisely the same words that Gerald Shields quoted earlier in these proceedings: Although librarians do not have to cooperate, "... we are confident that they will help if the program is explained to them properly" (M. Ahlerich, personal communication, January 13, 1989). Yet, virtually all individuals, organizations (ARL, SLA, ALA, ACLU), and Congress roundly deplore the program. In fact, California Congressman Don Edwards (1989) of the House Judiciary Committee has been inspired by this brouhaha to call for stricter limits on the FBI's power and a reexamination of those laws relating to information access and dissemination including the Freedom of Information and Paperwork Reduction Acts. As Edwards notes, "Given the limited results compared with the confusion and concern that it has generated, I think the Bureau would be best served by strictly limiting the program or curtailing it altogether" (Mitgang, 1988, p. C22).

INTELLECTUAL FREEDOM

In a democracy, intellectual freedom is the most basic of individual rights. Even those people who live in totalitarian countries such as Albania or North Korea and who have been brainwashed into ostensibly believing the party line may hold other ideas that they do not articulate. In a democracy, it is an inherent right to be able to hold divergent ideas and to articulate them as well. Many years ago, when the author was lucky enough to live in the snowy Vermont woods with nothing to do except read and write, he happened one day to pick up an extremely intelligent hitchhiker, a law student who believed that the solution to humanity's problems lay in theoretical Marxism as implemented under communism in the Soviet Union. After going around in circles for many hours, this author finally said that, in order to achieve its ends, the Soviet system apparently requires an abrogation of basic human rights. The hitchhiker immediately agreed, insisting that that is a sacrifice well worth making. He was wrong. Once a human being has the basic necessities (food and housing), there is nothing more important than individual rights, and the most important of these allows one to hold divergent beliefs and to articulate them as one sees fit.

There exists a nonpartisan state agency (which must remain anonymous in order to protect the informant) that drafts bills, analyzes fiscal matters, and renders legal opinions for the state legislature. In August of 1987, an article appeared in the weekly state law journal (the journal of record) questioning the nonpartisan attitude of the executive director of the agency in relation to a conflict of interest case. His party affiliation was identified. As the informant put it, he (the director) "went nuts."
His overseeing commission complained to the journal’s editor who, instead of being mollified, responded in print with further accusations. The end result of all of this was that the director canceled the subscriptions to the state law journals—all four of them! The librarians and even the lawyers in the agency fought against this ludicrous decision, but lost. Now, more than two years later, the agency still does not have a subscription to this extremely important source of germane information. Here is my informant’s eloquent peroration:

As you can imagine, this created quite a dilemma for me personally and professionally. I have always been strongly anti-censorship regardless of the circumstances and regardless of the so-called reasons for censorship. The particular circumstances in this case were so silly and blown out of proportion that it was an embarrassment. Professionally, of course, the Journal is a necessity for “my” patrons and has created a real hardship for them. I do think, however, that I did what I could, as did the lawyers here. The E.D. has lost a lot of respect among people here for his pettiness and willingness to sacrifice the quality and accuracy of work done in the agency because of a perceived slight. (Informant, personal communication, August 30, 1989)

CENSORSHIP

Censorship is a specific subset of intellectual freedom, the attempt on the part of an individual or group to impede another person’s access to information, which comes in diverse formats including print, cinema, painting, and sculpture. As John Swan (1986) so neatly puts it, “The suppression of any idea can be dangerous to the flow of all ideas” (p. 10).

 Anyone who has ever visited Sienna will never forget the alternating black and white stone blocks that sheath the Cathedral, nor the Palazzo Pubblico in which one will find Simone Martini’s great fresco, Guido Riccio da Fogliano at the Siege of Montemassi. This ten-by-thirty-foot painting is an extremely important work, a transition piece marking the change from the medieval to the early Renaissance style. It is often reproduced in art history books and it has come to be viewed as a symbol of the city of Sienna. In 1977, Gordon Moran and Michael Mallory published an article in Paragone questioning the ascription of this painting to Martini. With only one exception, the Italian art establishment attacked Moran viciously, calling him a monomaniac, a paranoid, and, of course, a CIA agent. It is not necessary here to discuss in detail the precise nature of this controversy, the “enigma of the century” or “the case of the century,” as it has been termed (Moran & Mallory, 1986, p. 123).
Let it suffice to indicate that in 1328, Martini purportedly painted the work; in 1333, Guido Riccio, a mercenary in the service of Sienna, left the city in disgrace, and Moran claims that the painting would have been defaced; in about 1352, Guido Riccio returned and the work could have been painted at this time as a memorial to him, except that dead men do not paint frescos: Martini had died eight years earlier, in 1344. Most convincing is that the fresco is never mentioned in the literature prior to 1700 (Raynor, 1984). This case has had wide coverage in the popular press, and Newsweek and Connoisseur have given it objective and even sympathetic readings (Young & Widmann, 1985; Raynor, 1984).

But what has all of this has to do with ethics? In 1970, the Art History Institute in Florence began indexing journal articles for its authors' catalog. The librarians claimed to cover more journals than are indexed in RILA (Repertoire International de la Litterature de l'Art), the primary hard copy index and online database for art history. In 1980, because of budgetary constraints, a selectivity policy was implemented and some less important journals were eliminated. Between 1980 and 1982, four articles were published that sided with Max Seidel, an affiliate of the Institute who is diametrically opposed to the Moran/Mallory thesis. All of these were indexed in the author catalog. During the same period, five articles appeared that agreed with Moran. None of these was included in the author catalog, despite the fact that the journals involved often did fulfill the criteria set up in order to differentiate the important from the unimportant periodicals (Moran & Mallory, 1986). More unpleasant surprises were to follow. An offprint of an article that Moran presented to the Institute was ignored, and when he inquired about it, he was treated shabbily (Moran, 1987). The list of unimportant journals was kept a secret for many years. The February 1984 News from RILA was held back from scholars (who come from all over the world to do research there) because it contained a lead article describing the controversy and abstracts of twelve essays that concur with the Moran/Mallory thesis (Wohl, 1984). The most disconcerting aspect of this case is that when Moran and Mallory discovered some mistranscriptions in Seidel's subsequently published articles and attempted to make corrections in the appropriate journals, they were continually met with rejections by peer reviewers and editors (G. Moran, personal communication, January 20, 1989). If the use of the term conspiracy to describe much of this sounds too harsh at this point, readers may change their minds after reading the following section concerning the honesty of information creators.
HONESTY

On Truth, Lies, and Intellectual Embezzlement

The concern here is not with librarians, but rather with those humanists, social scientists, and scientists who do research and publish the results, the creators of the information that is collected and disseminated. In "Untruth or Consequences" (Swan, 1986) and more recently in The Freedom to Lie (Swan & Peattie, 1989), John Swan makes a surprisingly strong case for collecting false or incorrect information. He claims that selectors and collection developers must refuse to differentiate the true from the false. It is hardly necessary to cite Ptolemy, Galileo, or Semmelweis in order to prove that the past's truths are the present's falsehoods, and vice-versa. For collectors, intellectual freedom and the "toleration for the detestable" are more important than truth. But this is decidedly not the case for those people who do research, whose goal is invariably the discovery of truth. Few researchers begin their work with the a priori objective of dissimulating, but skewing, fudging, and outright fraud are far more prevalent than most researchers in all fields care to admit.

Judith Serebnick and Stephen Harter (1990) queried editors of scholarly journals concerning the honesty of authors. They posed twenty-two situations concerning, for example, negligence, falsification, multiple submissions, multiple authors, and previous publications. What they found was that, sometimes, the individual editor is the key to a journal's ethical practices. "...The commonality of the editors' responses suggests that opinions about ethics among journal editors in a discipline [may] follow recognizable patterns" (p. 116). Byron J. Bailey (1989) of the University of Texas, speaking at the American Medical Association's Peer Review Congress in the Spring of 1989, discovered that of 1,000 authors whose writings he examined, 228 (more than one quarter) republished the same material over and over again, for a total of 938 publications. Journal editors are also guilty of manipulation. They tend to favor senior researchers at prestigious institutions. And, of course, they prefer material that jibes with theories that happen to be in vogue at the time of submission. Unfashionable theories or explanations often get short shrift.

Most culpable, though, are the peer reviewers, those colleagues who read and pass judgement on the articles submitted to periodical editors. Naturally, many of these referees are honest, objective, and diligent, but a surprising number are not. Do they plagiarize? They do indeed: Some time ago, during the superconductivity brouhaha, Paul C. W. Chu of the University of Houston submitted an article that contained an incorrect element. Shortly thereafter, the incorrect element
was leaked to Chu's competitors by the referees. No one knows whether Chu purposely cited the incorrect element in order to protect his discovery (Coughlin, 1989).

Peer Review and Quality Control

Does the peer review process control the quality of publications? Joseph M. Garfunkel of the Journal of Pediatrics resubmitted twenty-five accepted papers to a new set of peer reviewers. Eight of the twenty-five articles were rejected on this second reading (Garfunkel et al., 1989). Vincent A. Fulginiti of the American Journal of Diseases of Children resubmitted all 1988 accepted manuscripts to a new set of referees. Complete data are not yet available, but of the decisions made thus far, 43 percent of the originally accepted articles were rejected. As Fulginiti astutely observes, "... referees have widely divergent views on the value, substance, and acceptability of original research and observations. The fate of a given manuscript appears heavily dependent on the referee(s) selected and the weight given that opinion by the editorial board and editor" (Fulginiti et al., 1989, p. 16).

Why are papers rejected? Two years ago, Erdem I. Cantekin of the University of Pittsburgh Medical School reported "negative results from a clinical trial" concerning the efficacy of a widely prescribed medication. This article has been repeatedly rejected by reviewers and editors because of the influence of persons who have conflicts of interest with the findings. That the results have not been disseminated "... may have directly influenced the public health in this country" (Cantekin et al., 1989, p. 20). This is especially disconcerting since the case has been widely discussed on television news programs (CBS, CNN), in the press (The New York Times, The Washington Post), and in scholarly journals such as The Economist, The Lancet, and Nature, but to no avail since the paper has not yet appeared in the appropriate journals.

Errors that manage to get into the literature can be corrected. Eugene Garfield (1989) of the Institute for Scientific Information shows through citation analysis that once fraudulent data is recognized, it will slowly be purged. Lois Ann Colaianni of the National Library of Medicine indicates that workers often discover errors when indexing MEDLINE, the medical database. These are sometimes corrected in the database with the editor's permission before an erratum notice is published in the journal. This is extremely important because in 1987, almost 2500 errors were noted, including incorrect dosages for medicines (Colaianni et al., 1989).

If the peer review process is not especially good at catching fraudulence and error, it is extremely effective at stifling innovation.
David Horrobin, editor of *Medical Hypotheses*, the only journal devoted entirely to ideas in medicine, observes that virtually all of the 2,000 papers that have appeared in his periodical had been repeatedly rejected by other journals. His incisive conclusion should be carefully noted: “Patients are ill-served by a review system that penalizes innovation and encourages conformity” (Horrobin, 1989, p. 24). This, too, is a conspiracy of sorts, one that has detrimental effects on the production of useful knowledge.

MALPRACTICE

Four major areas of concern have thus far been discussed: confidentiality, intellectual freedom, censorship, and honesty. Now, what occurs when a mistake is made that yields incorrect or unacceptable results? Errors are punished in a way that is most painful—through the error-maker’s pocketbook. If technology, especially CD-ROM, has been the catchword for the 1980s, then information liability will be the key term for the 1990s. As Anne Mintz (1984) points out, database producers, indexers, packagers, disseminators, communicators, and searchers are all responsible for the accuracy of the information provided. Thus it is now necessary to protect oneself with disclaimers, legally binding contracts, education, values inculcation, and competency. Suits that may arise from information malpractice are no longer hypothetical. In 1984, the Supreme Court awarded Greenmoss Builders of Burlington, Vermont $350,000, primarily in punitive damages, because Dun and Bradstreet incorrectly indicated in its database that the company was bankrupt. As John H. Everett (1989) wisely observes, “Hiding behind the image of the poor, but sincerely helpful, librarian won’t be an effective deterrent for much longer” (p. 66).

It is hoped that the preceding comments will be useful in helping to formulate an ethos, a new ethic, out of which information disseminators can function effectively.

REFERENCES


