

US: ACLU hits Bush administration's anti-science policies

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The American Civil Liberties Union (ACLU) recently issued a scathing indictment of the Bush administration's record on science. Its report, entitled "Science Under Siege," was issued on June 21. It documents the White House's distortion, abuse and quashing of legitimate scientific inquiry in order to promote its political agenda.

The ACLU commissioned the Union of Concerned Scientists (UCS) to draft the report. The UCS issued its own report in February 2004, entitled "Restoring Scientific Integrity in Policymaking." This earlier statement has since been signed by over 6,000 American scientists, including 48 Nobel laureates, 62 National Medal of Science recipients, and 135 members of the National Academy of Sciences.

The new ACLU/UCS report shows that in the intervening 16 months the Bush administration, far from responding to pressure generated by the earlier UCS recommendations, has deepened its attack on science.

Such political hot topics as government backing for creationism over evolution or state intervention in scientifically supported legal rulings on the case of Terri Schiavo are not addressed. By focusing on four main areas that are less in the public eye, the authors establish how negatively the Bush administration has impacted the practice of science in the United States.

The first section details the unprecedented control that government exercises over the control of information. "A rising tide of secrecy" has produced a doubling of documents being classified as "secret" in the two years after September 11, 2001, reaching a record level of 15.6 million records being classified in 2004. At the same time, the rate of document declassification, or removing them from the "secret" category, has declined by 72 percent.

Besides extending classification authority to new agencies such as the Department of Agriculture and Health and Human Services, the administration has extended the time documents may be kept from public view to as much as 25 years. It has encouraged agency heads to retroactively reclassify previously unclassified documents.

The reason claimed for increased secrecy is the ostensible danger that scientific research will fall into the hands of terrorists, who will use it to fashion weapons. In the actual event, the hijackers who flew hijacked airplanes into buildings on September 11, 2001, used nothing more technologically advanced than box cutters to carry out their plot.

In the name of fighting "the war on terror," however, the Bush administration is manipulating access to scientific studies. The use of the "secret" classification system is the method by which the Bush administration ensures that only research that the government finds acceptable is performed, and by scientists who are vetted by being subject to security clearance.

Another way the government has withheld research from the scientific community has been to divert federal grants—the primary source of funding—away from basic university research into defense research designated as classified. As the report explains, "[T]he government has funneled millions of federal dollars into the construction of at least four

new high-security 'biosafety level 4' laboratories for the conduct of research on the most dangerous and exotic pathogens, while funding for basic microbiology and genetics research at universities has declined."

The report's authors hint in their subtitle, "The Bush Administration's Assault on Academic Freedom and Scientific Inquiry," that there is a connection between the administration's inhibiting of science and the overall attack on freedom of expression. They state, "[E]stablished individual freedoms of thought, speech and publication have permitted and encouraged the formation of scientific communities. The pursuit of truth fundamentally depends on the degree to which information, ideas, and discoveries can be freely exchanged within these communities.... it is precisely these vital processes of individual expression and mutual exchange that are being threatened."

In addition to "secret," an entirely new category has been created that further restricts scientific research. In May 2004, the Department of Homeland Security established the term "For Official Use Only" (FOUO) for "sensitive but unclassified" information, where disclosure could harm "the national interest." The DHS directive requires that such information not be disseminated orally, visually or electronically to unauthorized personnel. Another DHS directive exempts agencies from releasing "sensitive" information to the public from Environmental Impact Statements, as otherwise required by law.

After September 11, 2001, the Federal Energy Regulatory Commission created its own special category called "critical energy infrastructure information" (CEII). This very broad category is exempted from Freedom of Information Act disclosure.

Still under discussion by the Department of Defense is a policy that would require all federally funded research to obtain prior approval by the government before publication or discussion of the work at a scientific conference. After an uproar among scientists both in and out of government, the policy was put on hold.

A Cold War-era State Department Technology Alert List (TAL) of academic subjects viewed as "sensitive" was expanded in August 2002 to add non-technology areas such as landscape architecture, community development, urban design and geography. According to a State Department official, the list itself is now classified, with new fields and technologies being added without consultation with universities.

One of the most striking manifestations of the Bush administration's impact on science is the dramatic reduction in foreign scholars studying in the United States. A graphic in the ACLU report shows a steady rise in foreign students up until 2002, when the growth number plummets. In 2003, foreign student enrollment fell for the first time in three decades.

The decline in foreign student enrollment is even greater among graduate students. Science enrollments have been especially hard hit, according to an American Association of Universities study cited in the report.

Besides the fingerprinting and digital photographs now required of all overseas visitors under the US-VISIT program, a number of specific

restrictions have been placed on foreign scholars. The Student and Exchange Visitor Information System (SEVIS) requires schools to report the enrollment, transfer, course of study, employment and home addresses of foreign students. As of last August, SEVIS followed 700,000 students and exchange visitors. Another 100,000 spouses and children were tracked as well.

The State Department refused student visas at the rate of 35 percent in 2003, an all-time high. The number of foreign students waiting for a determination on their applications reached an estimated 25,000 by the fall of 2002. Students seeking to study subjects on the TAL list are subject to additional scrutiny. The US General Accounting Office (GAO) found that in 2003 the average wait for the extra review was 67 days, with a tenth taking more than five months.

The ACLU has also found that the government is using its broad Patriot Act authority that allows excluding those found “to endorse or espouse terrorist activity or to persuade others to support terrorist activity” to deny admission to foreign scholars whose political views are at odds with the Bush administration.

A number of personal “horror stories” are also cited in the report. One was Reza Chamanara, a postdoctoral student in mathematics at Indiana University originally from Iran. In May 2004 he was blocked from returning to the US after giving a lecture in England. Seven months later, the FBI had provided no explanation to university administrators as to why he was still being refused reentry.

The effect of this uncertainty and harassment has led many students to study in other countries. Numerous international scholars have refused to attend academic conferences and meetings in the US because of the security requirements.

The Bush administration’s reach has extended to academics who never attempt to set foot in the United States. In 2003, the US Treasury Department, through its Office of Foreign Assets Control (OFAC), threatened American publishers with million-dollar fines and 10-year prison sentences for merely editing works by authors in countries subject to trade embargoes, such as Iran, Sudan and Cuba. Shirin Ebadi, an Iranian human rights activist with a Nobel Peace Prize to her credit, was denied publication in the US of a book about her life and work.

After publishers and authors filed a lawsuit against this blatant violation of First Amendment rights, OFAC backed down last December. Even while doing so, the government asserted its authority to impose similar restrictions in the future.

The fourth section of the ACLU/UCS report covers “Political Interference in Science.” Of particular concern is a centralized peer review process that submits all federal research to the White House’s Office of Management and Budget (OMB). As the authors state, “OMB’s self-insertion into scientific peer review threatens to undermine—rather than enhance—the integrity of regulatory science.”

This section also recapitulates a number of previously publicized cases of appointments to scientific panels of ideologues whose primary qualifications were conformity to the Bush agenda. Among them was Jerry Thacker, a marketing consultant named to the Presidential Advisory Committee on HIV/AIDS. He ultimately withdrew under a storm of criticism after his remarks referring to AIDS as “the gay plague” became publicized.

The ACLU/UCS report provides useful exposures of the Bush administration’s efforts to undermine scientific research. At the same time, critical readers must recognize that some conceptions of the authors—and of the sponsoring organizations—are hopelessly naïve.

The authors cast the wholesale assault on science as an “ill-conceived” or “dangerously short-sighted” response to the terrorist attacks of September 11, 2001. They present the USA Patriot Act in the same light. The word “misguided” is used over half a dozen times to describe the Bush administration.

In the section entitled “Restrictions on Materials and Technology,” the report accepts Bush’s own terminology by using “rogue nation states” in the course of describing the government “dilemma” in developing an approach to so-called “dual use” technology, referring mostly to biological agents that can be used either progressively or destructively.

This section of the report points out in a footnote—without drawing the obvious conclusion that there is a basic continuity between the Democratic and Republican administrations—that the initial list of “special agents” subject to restrictions dates from 1997, under a provision of the “Antiterrorism and Effective Death Penalty Act of 1996,” a bill promoted and signed by President Clinton to further establish his right-wing credentials.

The report contrasts what it describes as the judiciousness of the Clinton-era approach to the current administration, which expanded the 1997 list to include 64 different pathogens, many of them commonly used in laboratories. New regulations now require researchers not only to register with the Center for Disease Control what “special agents” they are using, but also to document the quantities in their possession, and the purpose of their research.

International students from countries designated as a “state sponsors of terrorism” are banned from research using the “select agents,” as are those US-born researchers who have been convicted of certain crimes, or who have received a dishonorable discharge from the military.

The report points to a provision of the USA Patriot Act that makes it a criminal offense “to knowingly possess any biological agent, toxin, or delivery system of a type or in a quantity that is not reasonably justified by protective, bona fide research.” In a serious attack on both artistic and academic freedom, this provision is being used to target an artist, Steven Kurtz of Buffalo, New York. He faces up to 20 years in prison, if a grand jury investigating him for the second time should indict him on charges of terrorism for using common bacteria in a work of art.

The well-meaning reformers behind the ACLU/UCS report fail to understand that the rollback of the scientific outlook corresponds to the basic needs of a capitalist system in crisis. The accumulation of great wealth at one pole of society, along with the impoverishment of greater and greater numbers at the other pole, defies rational analysis. Science must be sacrificed as a result.

The ACLU report can be found at <http://www.aclu.org/Privacy/Privacy.cfm?ID=18445&c=39>



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