Balancing Terror and Freedom

As the War on Terror proceeds, augmented by new incidents and warnings of more yet to come, institutions in the United States and other threatened democracies face the renewal of an old and agonizing challenge. It is to balance two vital needs: to deal with random assaults, planned and executed by individuals or states indifferent to adverse consequences for themselves or others; and yet to preserve, at the same time, freedoms that are essential threads in the democratic fabric.

Efforts to meet that challenge have already spawned intense political debate in the United States and Europe; for example, over the treatment and status of civilian and/or military captives accused of complicity in terrorism. They have also brought to center stage issues about the dissemination of, and access to, information that might conceivably help terrorists devise techniques of attack or inform them about preventive strategies so that they might find ways of circumventing them.

Plainly, the scientific community has a significant stake in resolving some of these difficult issues. Much of our strength has derived from the "knowledge commons": an environment and a tradition that has enabled rapid sharing of new findings. But it is conceivable that experimental findings published in journals like this one could provide technical aid to groups bent on doing harm. Because this prospect appears especially realistic in microbiology, the American Society for Microbiology has urged the National Academies to address the way in which it might affect publication policies. A committee (jointly sponsored by the Center for Strategic and International Studies) has been established under the chairmanship of Ron Atlas, and a workshop is scheduled for 9 January 2003.

The problem is broader than science and needs a comprehensive solution.

Meanwhile, new questions are being raised about the use of export controls and other devices short of classification to manage the flow of basic scientific information. It can reach silly extremes: Editors of some journals have been advised by attorneys that under current interpretations of the export control regulations, they may receive manuscripts from banned countries but may not supply editorial advice or guidance because that would constitute "providing a service." That is probably bad advice, but it does remind us that we have been here before. Several weeks ago in this space, Mitchel Wallerstein pointed out that we are experiencing a reprise of a battle fought in the early 1980s. That struggle was resolved when that presidential administration, on advice from the Department of Defense/universities forum and a National Research Council report, decided to apply the export control regulations only to technical data on munitions, not to basic science.

Scientific personnel, too, may be affected by the application of provisions of the USA PATRIOT (Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act. Particularly important to this community will be issues of immigration and security-related profiling because, as a glance at lists of authors of recent papers published in *Science* will suggest, science depends on a mix of talents that ignores national boundaries. Restrictive interpretations of immigration and related policies could dampen a remarkably productive element in U.S. science and might limit the experiences our young scientists can obtain through study abroad.

So far, many of these issues remain undecided. That is not surprising: The War on Terror is a little more than a year old, there is a new statute, and federal agencies are, of necessity, making things up as they go along. Scientists will have to play a part in devising the rules that will govern this especially difficult balancing act. But the problem is far broader than science; it involves the entire relationship between state and citizen, challenging democratic traditions that we have come to take for granted. We should try to solve them as they come up, but in the long run a more comprehensive approach may work better. As one example of such an approach, the Keystone Center is using a bipartisan team of co-conveners—Boyden Gray, White House Counsel in the first Bush administration, and Seth Waxman, Clinton's Solicitor General—to found a program that will explore, in their words, "potential and perceived trade-offs between national security needs and civil liberties in the context of the ongoing war against terrorism." That, or something much like it, will be needed if we are to reach a generic response to this age-old tension. The alternative—an array of special rules—would be bad news for science and for the country.

Donald Kennedy