

The Slow Erosion of Academic Freedom: United States Government Barriers to Academic Research and the Sharing of Information

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Abstract

The question presented in this paper is simple: Does the United States government have the right to restrict ideas, knowledge, or information? While this has been a hotly debated question over the years this paper provides evidence that, in many cases, the restrictions imposed by government officials (or their designated agents, such as a university’s Institutional Review Board) are based on arbitrary interpretations of the law. In addition, the officials making these decisions are rarely, if ever, held accountable for their decisions.

After analyzing the results of an online survey completed by over 5,000 participants regarding the issue of academic freedom, and conducted a review of the literature on this issue, it is the position of this paper that a neutral and independent decision-making body should be established to ensure that academic freedom of expression is not arbitrarily suppressed.

Keywords: Intellectual Freedom, Academic Freedom, Information sharing, Intellectual Property, Dual-Use Technology classification

1. Introduction

The motivation for this paper comes from our increasing concern at the tendency of the United States government to issues ‘secrecy orders’ to suppress, hide and, in many instances, make

impossible for people to share their creative intellectual property. This hidden arm of the United States government is so long and far reaching that it has, through the issuance of secrecy orders, suppressed over 5,300 patents as of 2012, with some still in effect after several decades (Schulz, 2013). This has the result of not only prohibiting the sharing of one's intellectual property, but it can also potentially impoverish the individual, as under the issuance of the secrecy order, the technology in question cannot be patented or commercialized. Thus in an almost imperceptible way, academic freedom is being eroded in the United States (US). As the United States government prides itself as being 'a government of the people' (Lincoln, 1863), the authors believed that 'the people' should be consulted to see if the actions of their government reflects the will of its people. The question presented in this paper is simple: Does the United States government have the right to restrict ideas, knowledge or information?

Academicians have raised concerns over the past decade about the intrusive nature of the US government into the freedom to conduct and share research (Krieger, 2008). Government interference concerning academic research and research proposals has been steadily rising to such an extent that it is often easier for an academic to change their research focus rather than risk getting denied permission to conduct their legitimate research.

One method for suppressing research comes from the mission creep¹ of one of the federal government's designated representatives, a university's Institutional Review Board, (IRB) (Garfalo & Roark 2016). However, if the research makes it pass the IRB, the government has and continues to suppress the results of many avenues of study through a variety of methods including suing faculty in courts of law or adding overly restrictive clauses to grants and contracts that prohibits the academician from publishing their results (Kramer & Gostin 2012; Stander 2004; Junger Vs. Daley, 2000²; Sandvig, Karahalios, Mislove, & Wilson 2016).

By using both direct and indirect methods, the government believes that it has the right to classify and subsequently restrict academic research. Fortunately, this assumed 'right' is not supported by the Constitution of the United States, or the Universal Declaration of Human Rights (which the U.S. Government champions).

This paper contributes to the growing literature on the barriers to academic freedom. By utilizing modern technology in the form of an online survey we benefited from many of the strengths of this data collection method as outlined by Evans and Mathur (2005). These strengths include speed and timeliness as the survey was administered in a time-efficient manner, ease of data entry and analysis, ease of obtaining a large sample coupled with convenience for the responders who were able to respond to the survey at a time convenient to them. We were also able to control the 'answer order' thus prohibiting the respondents from looking ahead to later questions, we could engage in question diversity, and there were

¹ Refers to the expansion of goals beyond original intent.

² <https://casetext.com/case/junger-v-daley>

low administration costs. Our results have policy implications for regulators and academicians alike. Based on our findings, we recommend that a neutral and independent decision-making body should be established to ensure that academic freedom of expression is not arbitrarily suppressed.

The rest of the paper is organised as follows. Sections two and three provide a review of the indirect and direct methods respectively, that the US government uses to restrict academic research. Section four provides a review of the background arguments supporting intellectual freedom. Section five outlines the primary problem facing US researchers in terms of their academic freedom. Section six discusses the online survey methodology used in this paper with section seven discussing the findings on the survey. Section eight provide concluding comments.

2. Indirect Methods

As a result of the egregious violations of the past regarding human testing research (Reverby, 2012), the United States government proposed a review board that would perform the function of ensuring the dignity, safety and protection of any individuals involved in human testing (The Belmont Report 1979)³, and which resulted in the establishment of the Institutional Review Board (IRB). The IRB functions at every institution, public or private that receives federal funding for any project involving human testing/research. Before research that involves human subjects can be undertaken at academic institutions, project approval must be given by their respective IRBs.

As a large subset of research involves human subjects and as the US is arguably a very litigious environment, academic institutions have taken a very broad view of Subpart A (45§46.102) of The Department of Health and Human Services Code of Federal Regulations. Today, we know and refer to this document as the Common Rule. Under the Common Rule, research is defined as “a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge” (45 CFR 46.102(d)). The sometimes overzealous interpretation of the Common Rule by an academic IRB makes it difficult to find anything related to scholarship that does not fit under this umbrella definition thereby justifying their claim of jurisdiction of all research projects.

As the IRB takes its mandate from the federal government to protect human subjects very seriously it has, through mission creep, extended its oversight to include the approval (or disapproval) of research based on the *methodologies* and *appropriateness* of the study (IRB, University of Utah 2011⁴). However, we posit that this is not the intent nor within the scope of the Common Rule. The IRB, as a representative of the federal government, now believes it has the authority within academic institutions to disapprove research:

³ <http://www.hhs.gov/ohrp/humansubjects/guidance/belmont.html>

⁴Institutional review Board, University of Utah, 2001, “IRB Review Process” found at: http://www.research.utah.edu/irb/submissions/review_process.html

- 1) Based on methodology
- 2) Based on the ethical stance of the committee
- 3) Based on perceived interest of the institution or alignment of institutional objectives
- 4) Regardless of federal approval

The following statement, taken from the Harper College IRB webpage⁵, clearly illustrates a bureaucracy unchecked:

Proposals that the IRB chair or designee believes provide little benefit for the college, its students or employees, or research that may cause undue hardship for IRB members in terms of time or commitment will not be reviewed.

In many institutions, the ruling of the IRB is final with no appeal possible. As the federal government has yet to revise how IRBs conduct their review of academic research, this demonstrates the indirect control of the federal government to influence both the type and direction of academic research.

3. Direct Methods

The use of a direct method by the US government to restrict or interfere with academic freedom is best illustrated with an example. When Daniel J. Bernstein was a doctoral candidate at the University of California, Berkeley, he developed a new method of data encryption. Eventually, Daniel J. Bernstein became a professor of mathematics and computer science at the University of Illinois at Chicago. While at the University of Illinois, Professor Bernstein came to the decision that he wished to share his research with the academic/scientific communities and spoke with representatives of the United States Government to determine if he needed a license to do so. The State Department refused to allow him to share the results of his research, thereby directly restricting legitimate research results being published. Professor Bernstein successfully sued the United States Government⁶ 1999, and the ruling by the United States Court of Appeals, Ninth Circuit allowed Professor Bernstein to share his work ruling that his wish to share his research was “protected by the First Amendment and that the government's regulations preventing its publication were unconstitutional”.

The Bernstein example is, however, not an isolated case with many documented cases of the government interfering and even prohibiting legitimate research including:

- 1972 – Marijuana is given a schedule 1 controlled substance classification by the DEA (Drug Enforcement Administration). This, in effect, states that marijuana has "no medically accepted use" and a "high potential for abuse" (Comprehensive Drug Abuse Prevention and Control Act, 1970) thereby making research on marijuana illegal.

⁵ <http://www.cur.org/assets/1/7/Harper.pdf>

⁶ Bernstein v US Department of Justice DOJ 9716686; United States Court of Appeals for the Ninth Circuit, 1999.

- 1995 - The Federal Centers for Disease Control (CDC) has reduced firearms safety research by 96% (Frankel, 2015).
- 2000 – A Chinese graduate student at Stanford University is banned from continuing his work with basic spacecraft control algorithms (Levy, 2000).
- 2001 - President George W. Bush imposes severe federal fund restrictions on researchers using human embryonic stem cells.⁷
- 2010 – The US Government Repressed Marijuana-Tumor Research – The active chemical ingredient in marijuana was shown by a College of Virginia research team to suppress the growth of 3 types of cancer. The program was shut down by the DOJ.⁸
- 2012 – The US government states in its funding for the National Institutes of Health (NIH) that “none of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control” thereby limiting research on gun safety.⁹

Unfortunately, this interference is so pervasive that academic acknowledgement of it has found its way onto graduate websites including the Massachusetts Institute of Technology¹⁰ as seen below:

The Committee on Graduate Programs recognizes that certain government agencies which sponsor research may require that theses be submitted for security review before they can be placed in the MIT Libraries or published. In the event that the agency does not permit immediate public disclosure of a thesis, this does not preclude its acceptance, but the Dean for Graduate Education will appoint a special subcommittee of the Committee on Graduate Programs to determine what steps can be taken to ensure *eventual* publication. A student should not embark on such a thesis without prior approval.

4. Background Supporting Intellectual Freedom

On the subject of intellectual or academic freedom of information, most of the literature pertains to either information access or, freedom of expression. In the area of information access, there is much ongoing public debate concerning the conflict between the guarantees of the Freedom of Information Act (1966)¹¹ and the restrictions of the Patriot Act (2001)¹². In the area of freedom of expression, some legal scholars are looking at information from the perspective of intellectual property, with many legal opinions leaning towards it being a form of content-based speech (Bartholomew, 2014). As speech, then, any restriction imposed on information by the government would lend itself to First Amendment scrutiny. For example, in

⁷ <http://stemcells.nih.gov/policy/pages/2001policy.aspx>

⁸ <http://projectcensored.org/22-us-government-repressed-marijuana-tumor-research/>

⁹ <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-12-034.html>.

¹⁰ <https://odge.mit.edu/gpp/degrees/thesis/government-restrictions/>

¹¹ <https://www.justice.gov/oip/freedom-information-act-5-usc-552>

¹² <https://www.congress.gov/bill/107th-congress/house-bill/03162>

the previously cited case of governmental interference with respect to Professor Bernstein sharing his research with the scientific community, in its ruling against the government, the US 9th Circuit Court of Appeals stated that limiting Professor Bernstein's ability to distribute intellectual property in the form of encryption software was in effect, a pre-publication licensing scheme. Additionally, the court noted that this type of restriction of scientific expression vested into government officials' unlimited discretion without adequate procedural safeguards. In effect, the ruling stated that the regulations constituted a "prior restraint" on free speech.¹³

We posit that the right of a researcher to share their intellectual creativity (research) in an unrestrictive way extends beyond the rights of either information access or free speech. Sharing of information is a fundamental universal right (as outlined in the Declaration of Human Rights) and exists as an essential global freedom of all individuals. Specifically, Article 19 of the Declaration of Human Rights states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (United Nations General Assembly in Paris on 10 December 1948 General Assembly resolution 217 A).

Several studies and committees have been commissioned to address the fundamental issues surrounding the global flow of information. For example, On October 1st, 1995 in Johannesburg, South Africa, experts gathered together from the fields of international law, national security and human rights. Their mandate was, 'how to protect-human rights and affirm that freedom of expression and information as a vital component of any democratic society'. The result of this historical meeting was the adoption of what we now know as the Johannesburg Principles.¹⁴ The Johannesburg Principles promotes a clear scope for the criteria related to the restriction of information flow and how it relates to national security.

The Johannesburg Principles are governed by Article 19 of the Declaration of Human Rights Declaration 1948 and are based on both regional and international law and, relate to and take its power from, the fundamental principles set forth in the Charter of the United Nations. The framers of The Johannesburg Principles stated in their report that the restriction of information had to be prescribed (defined) in the law in such a way as to be clear, unambiguous and narrowly focused (Principle 1.1). Finally, the burden of proof for any such restriction must lie with the government¹⁵.

The intent of the Johannesburg Principles was to clarify the scope and authoritative standard for any "legitimate" restriction by governments on freedom of expression under the pretext of

¹³ <http://laws.lp.findlaw.com/getcase/9th/case/9716686&exact=1>

¹⁴ The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, Freedom of Expression and Access to Information, U.N. Doc. E/CN.4/1996/39 (1996).

¹⁵ U.N. Doc. E/CN.4/1996/39, 1996

national security. In 1993, the United Nations Commission on Human Rights established an independent expert (a Special Rapporteur) with the mandate¹⁶ to promote and protect the fundamental rights to the freedom of opinion and the freedom of expression¹⁷. Additionally, the United Nations officially endorsed the Johannesburg Principles in 1996. Since then, these Principles have formed the framework of international law to protect freedom of expression. Unfortunately since 9/11, the war the US has waged on terrorism has grown to include a war on information freedom as well. This 'war' now includes the disclosure and dissemination of *any* information that the US government believes is sensitive or has "the potential" to be used against the US. It is the authors' belief that the ideas and concepts surrounding these policies are rooted in the Cold War mentality of earlier times and not applicable to today's technology-focused society.

5. The Problem Facing Researchers in the US

Despite the intent of the Johannesburg Principles, many of the committees that have been commissioned to study this problem have considerable reservations about how information is classified on a National Security concern. Even the governmental bureaucracy responsible for classification, the US Department of State Directorate of Defense Trade Controls (DDTC), has acknowledged that the International Traffic in Arms Regulations (ITAR) law is often extremely ambiguous. In fact, the DDTC acknowledges that contacting multiple representatives of ITAR to dispute or get clarification of a classification ruling would most likely result in multiple interpretations and as such, inconsistent answers.¹⁸ Herein lays the first part of the problem: the arbitrary (and inconsistent) classification of information and technology as a National Security concern.

The Bureau of Industry and Security (BIS) mandate covers the "...development, implementation and interpretation of U.S. export control policy for dual-use commodities, software, and technology".¹⁹ The BIS publishes a list of regulations called the Export Administration Regulations (EAR). This list outlines what it calls "dual-use" items - commercial elements that are also deemed to have military or proliferation applications. If you wish to share information/technology globally, it falls to the BIS to regulate its accessibility. The BIS's EAR list of regulated items is broad and encompasses a multitude of commodities such as software (free or retail), hardware technologies and technical information, blue prints, design plans, building materials, circuit boards, and automotive parts.²⁰ The list is so broad that in point of fact, a master cylinder for a '57 Chevy comes under the heading of National Security and can be regulated by BIS - even though, after an extensive literature search, the authors could find no

¹⁶ HRC resolution 7/36

¹⁷ <http://www.ohchr.org/EN/ISSUES/FREEDOMOPINION/Pages/OpinionIndex.aspx>

¹⁸ <http://www.arentfox.com/newsroom/alerts/ddtc%E2%80%99sproposed-itar-brokering-regulations-relatively-plain-english>

¹⁹ <https://www.bis.doc.gov/index.php/policy-guidance>

²⁰ <https://www.bis.doc.gov/index.php/regulations/export-administration-regulations>

incident where a '57 Chevy master cylinder impacted National Security. This is how broad and far reaching their powers are. BIS can accomplish this restriction primarily by declaring certain information or technologies as "dual-use."

When any technology or research is given a "dual-use" classification status, it is then viewed as having a potential military application, which can then be easily justified for restriction. For example, a researcher developed a delivery process utilizing a carrier, or "vector" to recognize a cancer cell and then to insert genetic material into the damaged cell to repair the abnormal gene sequence thereby normalizing the cell. The vector most commonly used in gene therapy is a virus. Under the narrowest of views, it can be argued that if you can create a virus to repair a cancer cell, you can, conversely, create a virus to cause cancer. This process could then be construed to have military applications and therefore, be classified as "Dual-Use Research" and thus come under BIS regulatory authority. This may seem, on the surface, to be an extreme case however, it is not. The "dual-use" label indicates that while the specific research or technology may have a therapeutic or beneficial outcome, it could also be reasonably anticipated to be misused. If it is misused, then it could pose a threat to national security and public health. Here now is the second part of the problem: the interpretation of the word 'reasonably'.

Generally speaking, the word "reasonable" in any context relates to what the majority consensus would logically feel was/is reasonable under the circumstances. Unfortunately, there is no specific legal definition for the word "reasonable". In the authors' review of case law, it was found that the word "reasonable" has been accepted to mean, "Being within the bounds of common sense, fair and appropriate under usual and ordinary circumstances" (Webster's New World Law Dictionary, 2010). As such, it is generic in nature and relates to the circumstances in how it is applied. As such, in order for any evaluation of information to be "reasonable" it would have to:

1. Be rational: a reasonable person would come to a fair conclusion.
2. Be governed by, or being by reason or sound thinking.
3. Represent a sensible solution to the problem.
4. Not be excessive or extreme.

5.1 Appeal process

Once any research or technology has come under the BIS regulation²¹, a negative determination may be appealed. The appeal proceedings itself, however, is flawed by insularity and ambiguity and is conducted via the following general form and process:

1. A formal written appeal (notice of administrative action) is filed with the Undersecretary, who may send it to the Deputy Undersecretary for Industry and Security or to another BIS official to review and render a decision on the appeal.
2. The appeal must contain a full written statement detailing the reasons why the

²¹ <https://www.bis.doc.gov/index.php/regulations>

administration should consider for reversal or modification of the administrative action taken. Additionally, a request for an informal hearing can be lodged. This request must be attached to the submitted appeal documentation at the time of filing. It is up to the Undersecretary to grant or deny any request for an informal hearing.

3. If the Undersecretary grants an informal hearing, no transcript will be made, and the informal hearing will have the following format:
 1. Presentation – An oral presentation based only on submitted materials or, materials made available by the reviewing official.
 2. Evidence – As this is not a legal proceeding, the customary rules of evidence associated with courts of law are not applicable.
 3. Procedural Questions – the Undersecretary will determine any and all procedural questions asked during the informal hearing.

Regardless of any recommendations, documents, or reports provided on appeal the Undersecretary will make a final determination that cannot be appealed.

5.2 A flawed process

The fundamental flaw, or second part of the problem, is that in the current appeal process, there is no oversight, accountability, or transparency. The Undersecretary has absolute authority to grant or deny requests for appeal and makes these rulings in an opaque and essentially arbitrary manner. The Undersecretary is not required to follow any legal precedent or established rule of law in making their determinations. It is the Undersecretary who determines who hears an appeal, what questions can be asked, even whether the applicant may make an oral presentation to argue the merits of their case. The Undersecretary does not have to follow any recommendation about the merits of the appeal, and the rendered decision is final, without any further opportunity for appeal.

The Johannesburg Principles, and the 2009 Commission on Science and Security in their report "Beyond Fortress America": National Security Controls on Science and Technology in a Globalized World²², recognized the possibility that the classifications of technology and information are too broad and are easily abused enabling the government to restrict, at its discretion, the flow of any information or technology under the banner or mask of National Security. The recommendation was for a seven-member panel of federal judges to hear appeals. This approach, at least, would have the advantage of an established legal process. However, asking federal judges to make the determination as to whether a particular application is correctly classified as military may be beyond the scope of their training and experience as the topics are typically of a highly technical or specialized nature. So, while federal judges are experts in the finer points of the law, few (if any) have advanced degrees or training in all applicable fields. They can offer legal expertise, but the problem is not one of legality but the misapplication of power. Indeed one of the conclusions made in the report

²² <https://www.nap.edu/catalog/12567/beyond-fortress-america-national-security-controls-on-science-and-technology>

mentioned above, was the need to implement "an independent, neutral decision-making authority to break the logjams in the system caused by philosophical differences and varying interpretations of statutory, regulatory, and executive order language."

In summary then is the realization that a governmental agency has the power to circumvent First Amendment guarantees and the Declaration of Human Rights Article 19 arbitrarily by applying a classification to an application to suppress its global distribution. Again, this is primarily accomplished by classifying an application as "dual-use" without any independent overview of the application's actual intended use.

6. Survey Methodology

To determine the strength of the views people have surrounding the freedom to share information and how it could be disseminated, an online survey was conducted posing the following scenario and question:

An academic researcher has been asked by another country's government to help solve a critical problem with far-reaching implications. The project itself is legal within the United States, but it is currently a federal offense to share this type of information with the country in question. Our question for you today is this: Should the researcher share the project results?

The survey was conducted online and completed by 5,110 US participants. To answer the question, the survey focused on the following:

1. Do you think there could ever be a circumstance in which breaking US law to share new research, ideas, or technology might be warranted?
2. If you were asked to judge the circumstance, which of the following factors would affect your decision?
 - (i) The type of research that would be shared.
 - (ii) Which country the research would be shared with.
 - (iii) How the research could potentially be applied and used.
3. What individual or group do you think should evaluate research projects and determine what their classification should be?
4. What individual or group do you think should decide which countries may receive research information from US researchers?
5. If the research has no potential for military application, what individual or group do you think should have the authority to restrict how it is shared?

7. Results and Discussion

In response to being asked to indicate whether they would support the breaking of US law to further the dissemination of research, ideas, and technology 71% of participants said it would depend on the circumstance in which the US law would be broken, and that they would consider breaking the law to further the flow of information. The survey results also indicated

that 92% of participants would support breaking US law based on the possible application and use of the research, 81% would support breaking the law based on the type of research being disseminated, and 48% would support breaking the law based on the country to which research would be sent.

Participants who rated the application of research as an important element in deciding whether or not to support overriding US law were then asked to rate what type of research should be censored. Participants indicated that research enhancing weapons technology (87%), improving data encryption (33%), and reversing genetically-linked illnesses (17%) would be the types of research they would most likely support the government censoring.

Participants who indicated that the type of research could be an important factor were then asked which types of research the US government should have the right to restrict. Participants reported that military research (85%), chemical research (59%), and biological/genetic (41%) research would be the types of research that should have restrictions on dissemination.

The third most highly rated factor by participants was the country to which research would be disseminated. Participants indicated that they would most likely support restricting dissemination of research to the following countries: North Korea (76%), Iraq (66%), Iran (63%), and Afghanistan (63%).

When asked how types of research should be evaluated, 71% of participants indicated that they would support an independent panel of experts classifying how research should be categorized. However, when asked how countries would be deemed suitable to receive research and information, 52% of participants indicated that they would support the U.S. government handling this process while 48% stated that an independent panel of experts should decide what countries could or could not receive research information. If the research was determined to have no military value, 60% of the respondents believed that no oversight was needed and that the research should be freely disseminated.

After completing the survey and seeing the possible choices for restricting the flow of information relating to research, the participants were reminded that the US government is a supporter of the Universal Declaration of Human Rights and has been for many years. The participants were then specifically pointed to the Articles that cover the rights of freedom of thought and expression. In particular, Articles 18 & 19 from General Assembly resolution 217 A, of the United Nations General Assembly in Paris on December 10th, 1948:

Article 18: Everyone has the right to freedom of thought,....

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

After reviewing this information, respondents were asked if they still supported the government's position that it can restrict the flow of any information without any independent oversight. The respondents percentages were evenly split at 50/50, indicating the difficulty of the issues involved. Finally, the participants were asked if they supported the concept of WikiLeaks. WikiLeaks, the brainchild of Julian Assange, is a media organization started in 2006.

The alleged function of WikiLeaks is to be the whistle-blower of 'truth' for the world, disseminating classified documents from anonymous sources in any government, business, or organization for the purpose of "setting the record straight", i.e., they claim to be exposing the lies of politicians and businesses anywhere. In response to this question, 79% of the respondents stated that they were in favor of the concept of WikiLeaks. However, as 50% of the respondents indicated that they believed that the government has the right to restrict the flow of information arbitrarily having 79% of respondents then affirm that all information should be free illustrates the depth and complexity of the problem.

8. Concluding Comments

The findings of this study suggest that to accurately determine the classification and dissemination of information and technology, an independent panel of researchers, not a judicial panel, should make the determination of "reasonable intended use" of the information or application in question. An independent panel would be in a better position to take a utilitarian view, having no vested interest in the outcome, than a judicial panel representing the interests of the government. An independent panel would provide the safeguards necessary to prevent potential abuse of the law that would allow the general/arbitrary restrictions on information flow.

This study provides empirical evidence to support the above recommendation. The concept of "dual-use" research needs to be revisited and amended to more clearly define the concept of 'National Security' and the legitimate interests of the State as the potential for abuse or misuse is *reasonably* obvious. The arbitrary classification and suppression of information when it is not politically convenient may be a perceived right of the government, but it is not a right that is supported by the findings of this survey, the Universal Declaration of Human Rights, or the US Constitution. A society without freedom of information is not a free society. The entire US governmental system is based on a series of checks and balances and, as this study demonstrates, an "independent, neutral decision-making authority" would ensure that our freedoms of academic expression were not arbitrarily suppressed.

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