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NEWS RELEASE

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US Law on Bioweapons Secrecy Would Restrict Public Access and Promote Instability

(Austin - 29 October 2001) - A law being considered by the US Congress would clamp down on secrecy surrounding US biological weapons research, restricting the public's right to know and threatening international confidence in US compliance with the Biological and Toxin Weapons Convention (BTWC). Under the law (US House Bill 3016), large quantities of biological weapons agents could be stockpiled and unwise research conducted without any public disclosure.

The proposed law eliminates civil rights by creating a very ill-advised biological weapons exemption in the US Freedom of Information Act (FOIA). The exemption would turn the kinds of bioweapons agents and their quantities used at research sites into a tight secret. The secrecy would apply to all military, commercial, and academic locations that handle bioweapons agents and are required to register with the US Department of Health and Human Services.

Danger to Citizens: Under the proposed legislation, citizens living near bioweapons research areas (and public interest groups) would be legally prohibited from learning what kinds of disease-causing agents are being stored and/or experimented with in their communities. Citizen's groups already encounter severe difficulties obtaining information about US stockpiles and work on chemical and nuclear weapons; but under the proposed law the situation for biological research could become even worse - a specific, legislated information blackout.

Something to Hide? Passage of the secrecy law would raise questions about US compliance with its international arms control commitments. The US is not supposed to be conducting any secret biological weapons research. It renounced bioweapons in 1969 and ratified the BTWC in 1975. With no apparent need, it is unclear why this secrecy is necessary at all and may suggest that the US has something to hide.

Recent failures to disclose projects such as Bacchus and Clear Vision (see the New York Times, Sept. 4), have already set the world - and US allies - on edge. Only days ago, the Pentagon decided to proceed with the very controversial creation of genetically modified anthrax. Merely conducting this kind of research is provocative; but keeping the locations, agents, and quantities a secret does even more damage, not only to public accountability; but to treaties. The BTWC prohibits research and stockpiling of quantities of biological agents in excess of a small amount needed for peaceful purposes; but under the proposed law, the size of US stockpiles and what is being done with them would become officially secret, provoking questions about US intentions.

According to the Sunshine Project's Edward Hammond "*Withholding this information from the public is unconscionable. The law's destructive implications for international commitments make it doubly dangerous. Biodefense research must be open and the public must be able to fully evaluate what is being done. Without transparency, the government and its contractors are answerable only to themselves. That is completely unacceptable. Instead of increasing secrecy, the US should be pushing for transparency at home and abroad.*"

House Bill 3016 would amend the Antiterrorism and Effective Death Penalty Act of 1996. Locked in a legislative frenzy, it is possible that some members of the US Congress have not realized the implications of what they are considering. Others might have read the law; but not have been aware of the historical and legal context that makes transparency imperative. Having been alerted, however, the US Congress should prevent any reduction in the public accountability of US biological weapons agent research. Failure to do so will undermine trust and widen the gulf between the US and the rest of the world on biological weapons control.

As the US reels from one of the biggest biological weapons scares in history, all steps that could lead down a slippery slope of biological weapons development must be halted.