

meetings—both open (unrestricted) and closed (for U.S. residents only)—on sensitive subjects.

Under U.S. federal export laws, it is the responsibility of an exporter to determine whether he/she needs to obtain a license. Explains one Defense Department official, "The State Department has no technical review capability, so it forwards papers [it receives] to DOD for advice. And they [the State Department] typically act on DOD's recommendation." A new provision in the directive would shorten the review cycle by allowing authors to submit their papers directly to DOD, instead of the State Department, for review. It reflects a deal whereby the State Department has agreed not to prosecute for export-control publication violations anyone whose work has received previous DOD clearance for public dissemination. More controversial is a provision the agency was in the process of adding this summer. It would formalize DOD's policy of encouraging scientific societies to hold restricted sessions (attendance generally limited to U.S. residents only) at their technical meetings for topics that might be straying into areas covered

by export controls.

Actions Meet with Mixed Reviews

While, taken as a whole, these government measures do much to resolve confusion that has hovered over the scientific community since 1980 regarding what may be controlled, some confusion yet remains. And several recently articulated policies have created new concerns among scientists and research societies. For example, Robert Park believes that the growing tendency to make controls on the dissemination of research findings a contractually agreed-upon provision "should eliminate the insidious uncertainties that have been responsible for the 'chilling effect,' that leads to self-censorship." However, he adds, "Restrictions written into a contract are still restrictions and have the potential to retard our progress."

In an article on controlling access to unclassified research (to be published in the summer 1986 issue of *Library Trends*) Stephen Gould of AAAS notes that the International Traffic in Arms Regulations (ITAR), administered by the State Department, is now among the few national security

regulations which do not explicitly exempt fundamental research from export controls. Since ITAR implements provisions in the Arms Export Control Act, Gould says this Act "could be considered one of the 'applicable U.S. statutes' available [by which the government might] restrict unclassified technical data arising from such research."

And while William Carey of the AAAS applauds the qualified exemption for fundamental research from tight export controls, he—as have the heads of many other research societies—castigates the attempt by DOD to begin excluding access to some unclassified fundamental research based on nationality. Technical societies may be increasingly pressured by the U.S. government to prevent their foreign members from attending sessions on applied research. The effect, Carey says, "is to make it difficult for the scientific societies to schedule presentations representing leading-edge but unclassified work in applied and exploratory fields. And I cannot think of a faster route to mediocrity for American science and technology."

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AAAS Survey

Scientific Societies' Policy on Foreign Attendance

In recent years, the Department of Defense (DOD) has sought to control foreign access to scientific and technical information deemed militarily critical by urging the organizers of scientific and professional meetings to restrict foreign members or attendees from participating in state-of-the-art sessions dealing with "sensitive" technologies. DOD's rationale has been that by doing so, scientific and technical societies can continue to disseminate research findings to the widest possible audience. Officials of societies and sponsoring organizations that attempt to hold meetings on militarily critical technologies but that refuse to control who attends have in some cases been threatened with prosecution of export-control regulations.

Not surprisingly, many societies have objected to DOD's policy—especially its attempt in many cases to have the meeting organizers police who is allowed into each session. Last year the American Association for the Advancement of Science (AAAS) surveyed 61 AAAS-affiliated technical societies for their policies in holding closed meetings. Of them, 45 societies responded. Polled organizations were selected on the basis of the disciplines that their members represented (primarily physics, electronics, computer science, and engineering) "with an emphasis upon societies thought to represent the scientific and technical fields included in the Militarily Critical Technologies List." In addition, AAAS polled 24 nonaffiliated societies—including MRS. Only eight of these nonaffiliated societies responded.

Results of the survey, published earlier this year, showed that 40% of the AAAS-affiliated respondents have policies regarding foreign access to their meetings: Of these 18 societies, 12 directly prohibit sponsorship of restricted or closed meetings. The remaining six indicated they would sponsor either classified or restricted nonclassified meetings under some circumstances. Among those 22 lacking an explicit policy, several noted that the subject had never come up but that they had also never hosted either a classified or restricted session. When asked whether they had ever encountered problems with government interference in the matter of foreign participation in their meetings, only four of 24 respondents said they had. Among those four, two had adopted a formal policy.

Of the eight non-AAAS affiliated societies, five reported difficulties with government interference over attendance by foreign nationals. "The difficulties of at least three societies," according to the survey, "spring from the strict control placed by the government on all information in one area of research, the field of composite materials." It went on to add that virtually all papers springing from government research in this field have been subjected to export controls—or restricted conference attendance. Only two of the responding unaffiliated organizations had a formal policy: One allows restricted sessions, explaining that their philosophy was that "technology transfer to some is better than to none." The other does not allow restricted sessions but admitted that it was encountering pressure from within to change that policy. In general, the AAAS survey said, the response rate was too small to permit general conclusions about this group. However, it adds, "The poor response rates perhaps suggests that this is a subject that these societies are not ready to discuss because of its political sensitivity."

By contrast, the AAAS survey was able to hazard some conclusions about the affiliated societies. It says their decisions to sponsor closed or restricted meetings tend to be made "at the discretion of the officers of the affiliated societies without guidance by written or unwritten policies." Moreover, it says that within the affiliated societies, concern over this issue appears to be increasing—noting that most of those with policies have only adopted them since the government crackdown on export controls in 1980.

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