



the sunshine project

<http://www.sunshine-project.org>

NBAF Transparency Report #3

Whereas secrecy generates suspicion, transparency promotes safety and international and domestic confidence in the objectives of research involving bioweapons agents. To assess US biodefense transparency, a selection of records has been requested from institutions that wish to construct the Department of Homeland Security's National Bio- and Agro-defense Facility (NBAF). This report is the second in a series detailing the results. Future reports will focus on other bidders. This report will be updated with comparisons to other NBAF bidders as future reports are released.

University of Maryland

The University of Maryland (UMD) is a member of a coalition of institutions that has bid for NBAF, proposing to build the facility outside of Washington, DC in Beltsville, Maryland.

Summary Transparency Evaluation

Overall Response:

A satisfactory response was received for none of five information requests (0%).

Summary Evaluation:

Disgraceful. The University of Maryland (UMD) has refused to provide any significant information. It has lost requests for records, refused them, delayed its response, and when it has replied, provided useless paperwork from which it has redacted (blacked out) all meaningful information.

Request Detail

Request #1: *UMD's entire Expression of Interest (EOI) in the National Bio- and Agro-defense Facility (NBAF).*

Response: UMD says that faulty e-mail servers at the University lost both copies of this request.

Request #2: *UMD's entire NBAF EOI (again).*

Response: Several weeks after a second request for the NBAF EOI was filed, UMD sent a note stating that staff changes prevented it from promptly replying. Ms. Susan Gillette, Senior Counsel, and Dr. E. Albert Reece, Dean of the School of Medicine, have allegedly been preparing a response since October 2006. UMD still has not produced the record. There appear to be no significant impediments to UMD's reply other than its apparent desire to keep the record secret.

Request #3: *The entire funding proposal for the project "Generation of Genetically Attenuated Rickettsiae", NIH grant 1R01AI059118, Abdu F. Azad, Principal Investigator.*

Response: In response to this request, UMD sent thirteen pages, most of which were heavily redacted. UMD did not release any of the 26 pages of this funded grant application that describe the research being conducted.

In one the more bizarre redactions the Sunshine Project has ever seen, UMD's Assistant Vice President for Research, Dr. Marjorie Forster, completely blotted out an abstract describing this project. The instruction for preparing the research abstract, part of a standard federal form, states immediately above the deleted information, *"this description, as is, will become public information. Therefore, do not include proprietary/confidential information."* Nevertheless, all of the information was removed. The redacted information is, in fact, in the public domain and on the internet.

Other redactions include the names of project staff, the date of UMD committee approval, the destination of project travel, and the names of consultants to be hired.

The remaining information that UMD provided, mainly consisting of budget totals and a bibliography, is completely inadequate. No picture of the research can be gained from the records provided. UMD states that it has no obligation to release any significant information about ongoing research. UMD's position, if applied consistently, obviously precludes it from achieving any significant level of transparency in its biological research programs.

Request #4: *The entire research protocol(s) for the project "Genetic clustering and virulence of Y. pestis strains", NIH grant 1R21AI055660, Alexander Sulakvelidze, Principal Investigator.*

Response: UMD refused to release any portion of this protocol. UMD's Dr. Forster states that she has determined that doing so *"would be contrary to the public interest... because it contains specific details of a research project."* Details of a research project were exactly what the request sought.

Request #5: *The entire research protocol(s) for the project "Early events during infection with anthrax", NIH grant 1R21AI059093, Alan S. Cross, Principal Investigator.*

Response: UMD refused to release any portion of this protocol. UMD's Dr. Forster states that she has determined that doing so *"would be contrary to the public interest... because it contains specific details of a research project."* Details of a research project were exactly what the request sought.

The Shoe Bomber Test ¹

Result: Could not be applied.

We could not apply the test to UMD because it claims that it is not obligated to release information about its ongoing research. Thus, UMD makes no security assertions to justify withholding information; rather, it simply says that it may do so. To the extent that alleged security concerns actually underlie UMD's refusals, it should be noted that UMD and federal websites contain information about select agent projects at UMD that the University itself refuses to release.

Response Time and Fees

UMD lost one request. UMD has not replied to another. For two requests, after one month UMD stated that it would release nothing. UMD released records in response to only one of five requests, providing 13 heavily redacted pages free of charge.

¹ The Shoe Bomber Test is a common sense probe of consistency. Does the institution evenly enforce information access policies or is it erratic in its transparency? Named for Richard Reid (the "Shoe Bomber"), a failed terrorist who, despite being widely perceived as of questionable intelligence, thwarted security measures and nearly killed hundreds of airline passengers. A worthwhile security measure will generally stop a moron's effort to defeat it. If an unacceptable risk is posed by release of information, then that information should be consistently held secret. Part time secrets reflect an ineffective and false notion of security. In the Shoe Bomber Test, quick internet searches are conducted to identify details that are redacted from documents. If the allegedly sensitive information can be found on the institution's website or another public source, such as a scientific article, then the institution fails the test because any moron could defeat the institution's security. In some circumstances, the institution may actually be failing to protect genuinely sensitive data. In most circumstances, however, redactions are not of information that is in fact security-sensitive. More commonly, embarrassing detail is removed, or black ink indicates ignorance of security issues or arbitrary resistance to transparency.