

## COVER STORY

### **Don't Talk to the Humans**

The Crackdown on Social Science Research

By Christopher Shea

**JOHN WILMOTH'S ACADEMIC CAREER** was nearly derailed by a series of chats with an old man -- a very old man. There was nothing unusual about the conversations. But what followed, Wilmoth says, was "basically a six-month hell."

In March 1995, Wilmoth, a demographer at the University of California at Berkeley, strode into the lounge of a retirement home in San Rafael, California, and introduced himself to Christian Mortensen. Born in 1882, Mortensen was 112 years old. Some of Wilmoth's overseas colleagues had read about Mortensen in a Danish newsmagazine, which reported that he had emigrated from Denmark in 1903. If the dates could be confirmed, the demographer would have documented the existence of one of the world's oldest living men. Wilmoth, who worked mostly with statistics, also hoped that interviews with someone of biblical age would add a dose of human interest to his future articles.

He consulted with Mortensen's legal guardian and his doctor, who thought social stimulation was a great idea. A rigorous interrogation, it should be stressed, was not what Wilmoth had in mind. "Our first meeting," he says, "consisted in my asking him, 'Gee, how old are you? When were you born? What are your happinesses in life?'" Over the next few months, Wilmoth chatted with his new buddy about the joys of Danish cigars and checked his stories against surviving records. (They matched.) In December 1995, Wilmoth contacted Berkeley's institutional review board, or IRB -- the campus committee that oversaw research involving human subjects. He wanted to give Mortensen some tests to gauge his mental agility, and he thought a little oversight at this point made sense.

To Wilmoth's surprise, the IRB told him he was already in serious trouble. A colleague of Wilmoth's from another university had taken a blood sample from Mortensen, but that wasn't the real problem. The real problem was that Wilmoth had failed to report his contact with a vulnerable human subject. In February 1996, Berkeley officials told Wilmoth they were starting an investigation into possible scientific misconduct.

The associate dean for research appointed a professor emeritus from the law school to investigate the case. Wilmoth was up for tenure, so the stress was considerable. He spent hours penning memos that documented his state of mind at every turn. The chairman of the demography department, Ronald Lee, set aside his own work to help Wilmoth make the case that the university was overreacting. At one point, Wilmoth says, a Berkeley administrator told him he may have "blown it." After six months of investigation, he was finally cleared by a committee of three Berkeley professors, who could hardly believe the case had gone so far. "We looked at this and said, 'What have we done?'" recalls sociology professor Ann Swidler.

Ethically speaking, Wilmoth had run a red light on a deserted street at 3:00 a.m. (In the end he got tenure.) But some academics believe that the university's reaction to his case, though extreme, highlights a problem that is spreading across the country: the unwarranted and intrusive policing of social science research by human-subject committees. Wilmoth, whose Web site features a tribute to Mortensen (who died in 1998), sees himself as a victim of "regulatory mania." The people who oversee work on human subjects at universities "are all running scared," he says. They "are afraid of what will happen if the federal regulators even think a rule has been broken, even in a minor case like mine."

Murray L. Wax, a professor emeritus of anthropology at Washington University in Saint Louis, echoed this point when he testified before the National Bioethics Advisory Commission in April. These days, he said, the "gravest ethical problem" facing anthropology has nothing to do with anthropologists' doing harm to the people they study. Rather, he argued, it is "posed by unknowing and overzealous IRBs, and by governmental regulators attempting to force qualitative ethnographic studies into a biomedical mold."

**YOU WOULD NOT GET THE IMPRESSION** that human-subject committees are overly aggressive from reading the newspapers. In September 1999, a young man died while undergoing experimental gene therapy at the University of Pennsylvania, and his father subsequently claimed that no one had fully explained the risks involved in the treatment. Since the fall of 1998, the National Institutes of Health (NIH) have shut down research programs at eight institutions, including Duke University Medical Center, the University of Illinois at Chicago, and Virginia Commonwealth University. The NIH cited violations that ranged from inadequate record-keeping to a failure to review projects that should have been vetted. This June, hoping to bolster the protection of human subjects, the Clinton administration promoted the federal office that sets IRB standards from the NIH to the Department of Health and Human Services and gave it new power to levy fines.

Everyone agrees that among the highest duties of academics is to make sure that the human beings they study -- the fellow citizens they probe, query, prod, and palpate -- are treated with dignity and respect. Today's institutional review boards have their roots in the Nuremberg trials that followed World War II. In the name of science, Nazi doctors committed such atrocities as exposing naked work-camp prisoners to subzero temperatures to watch them die. The judge who sentenced the Nazis drew up a set of ten conditions to define ethical research on human subjects. Known as the Nuremberg code, these standards require the consent of the subjects and insist on the worthiness of the research. In 1953, the NIH issued principles that echo those of the Nuremberg code. It also called for the creation of local committees of disinterested individuals to review human-subject research in hospitals and on campuses -- the start of the IRB system.

In 1972, The New York Times reported that a group of doctors in Tuskegee, Alabama, had been withholding treatment for syphilis from roughly four hundred black men since the 1930s, in order to document their symptoms. In response to this disturbing revelation, Congress passed the National Research Act, which called on the Department of Health, Education, and Welfare to write federal guidelines for human-subject research, which it did in 1974. In 1981, these regulations were updated and enshrined as "45 CFR 46" -- shorthand for Title 45, Code of Federal Regulations, Part 46, Protection of Human Subjects.

IRBs are charged with ensuring that all research subjects in federally financed projects have given informed consent to the experiments in which they participate, that the poor and powerless are not overrepresented in the pool of subjects, and that the research serves a worthy purpose. The committees draw their members from a cross section of the university and must include at least one layperson from the local community. Most IRBs are supported by a permanent staff that deals with the day-to-day paperwork and serves as an institutional memory.

Technically, research that is not federally funded is not subject to the 45 CFR 46 rules, but most universities hold all research to the federal standard, reasoning that it makes no sense to have two moral yardsticks. Because medicine and psychology have been the sources of the ugliest human-subject abuses, many people assume that IRB rules apply to those fields only. Yet as written, the regulations cover not just biomedicine but all "generalizable" research. Interviews and surveys count as interventions in the lives of human subjects. Some research activities are exempt, such as interviewing public figures and observing people in public settings. But even exempt research must be reported to an IRB.

In principle, local IRBs can be flexible in their application of federal guidelines. But too often, critics say, consent forms and procedures designed for the laboratory are thoughtlessly imported into the humanities and social sciences, and negotiating alternatives can become a bureaucratic nightmare.

**THE CASE OF THE OLD MAN AND THE DEMOGRAPHER** made waves at Berkeley but hardly became a cause célèbre. It took the squeaky-wheel protests of a professor at Florida State University to focus the attention of some of the country's most important academic organizations on the IRB question.

Neil Jumonville, the William Warren Rogers Professor of History at Florida State, always considered himself an unambivalent supporter of the tight regulation of human-subject research. "We all know we need IRBs so the world doesn't turn into *One Flew Over the Cuckoo's Nest*," says Jumonville, the author of *Henry Steele Commager: Midcentury Liberalism and the History of the Present* (1999). But his opinion changed last year.

In October 1998, one of Jumonville's graduate students, Stephen Parr, got a note in his mailbox alerting him that all projects involving interviews had to be approved by the human-subject committee. This was the first that he or his adviser had heard of the regulation. Parr, at work on a dissertation about the New Left's activities at Florida State in the 1960s, had already taped hours of interviews with ex-activists in his quest to tell the neglected story of what has been called "the Berkeley of the South." Now he learned that he was supposed to have described his research project to the committee and outlined the kind of questions he wanted to ask. Worried, he put his research on hold.

Jumonville accompanied Parr to a committee meeting in June 1999 to register his concern. Surely, Jumonville asked, human-subject regulations were never meant to apply to historians? He was not reassured by what he heard. "The thing that really got to me in that meeting," he says, "was that I went in there and said, 'We are part of the humanities. Do you claim jurisdiction over the humanities?' And they said, 'Oh, yeah.' And I said, 'Does that include literature?' 'Oh, yeah.' They said they claimed jurisdiction over religion and music. I said, 'If we had a journalism school, would you have jurisdiction over that?' 'Oh, yeah.' I said, 'If Jefferson were in the room, he'd fall out of his chair.' They said, 'This isn't about Jefferson.'"

Parr's work was cleared retroactively, but Jumonville began trying to find out if Florida State's practices were typical. He learned that the American Historical Association (AHA) had agreed that human-subject rules covered history, although it urged universities to approve history projects quickly. The AHA's acquiescence was more disturbing to Jumonville than Florida State's actions. "If I went to the AHA saying I would like us to pass a resolution that all historians should have their research approved in advance by a committee made up of a cross section of the university, the members would fall on their backs laughing," he says. "But this is essentially what the AHA has approved."

Argues Jumonville, "They are letting in through the back door something that in its worst aspects could be like McCarthyism. It's oversight over what can be thought and said." (Florida State's standard consent form asks, "Is the research area controversial and is there a possibility your project will generate public concern? If so, please explain.")

On Jumonville's own campus, such contentions did not get him very far. Commenting via e-mail, David Quadagno, a biology professor who chaired Florida State's IRB when Jumonville made his protest, says that although the historian "made a production" out of the review process, Jumonville did not identify any specific problem with it. Florida State's board has on occasion asked that projects be tweaked, but it has never turned down a project proposal. With history projects, he says, the board just wants to give the research plan a once-over -- and is considering giving the department a blanket exemption. But in the meantime, it has to keep an eye on history. "We do not make up the rules," Quadagno says.

**IS JUMONVILLE PROTESTING TOO MUCH**, or is he attuned to a major threat facing the social sciences today?

Almost no one believes the social sciences should be utterly free from oversight. The history of psychology, for example, is studded with experiments whose designers gave too little thought to the well-being of their subjects. As the *Atlantic Monthly* recently reported, in the early 1960s the young Theodore Kaczynski -- the future Unabomber -- was among a group of Harvard students garlanded with electrodes and confronted by skilled lawyers who ridiculed and demolished what the students avowed were their most deeply held beliefs. No one explained the experiment in advance; the psychologists wanted to see how the students would handle the stress.

At around the same time, Yale psychologist Stanley Milgram showed that Americans were so accustomed to following orders that they would deliver what they thought were fatal shocks to their fellow citizens if told to do so. Some of the dial turners in Milgram's experiment were reduced to quivering wrecks. And in the mid-1970s, Laud Humphries, a graduate student in sociology at Washington University in Saint Louis, made a scholarly name for himself by spying on sex in public rest rooms, writing down the men's license-plate numbers, and tracking them to their homes. The resulting book, *Tearoom Trade*, fueled an extended debate in sociology about privacy rights and deception in fieldwork.

Not everyone agrees that human-subject guidelines are unduly restrictive. Louise Lamphere, the president of the American Anthropological Association and a professor at the University of New Mexico, says that it is second nature -- and should be -- for graduate students in her department to submit research protocols to the campus IRB each time they start a project. "Our students are taught in their first methods class," she says, "that whenever they do research, that's the way they do it. It's absolutely imperative that our first concern be for the people we study."

Nonetheless, prompted in part by a complaint from Jumonville, the American Association of University Professors (AAUP) is exploring whether campuses are balancing academic freedom and human-subject oversight appropriately. This spring, the AAUP asked the major disciplinary groups in the social sciences to quiz their members about the issue, and it plans to release a report in the fall.

**WHETHER OR NOT IRBS POSE** a McCarthy-style threat, critics say they waste the time of humanists and social scientists doing work that is almost completely harmless. Berkeley's IRB has flat-out forbidden only one social science project in thirty years -- a 1977 proposal to replicate the Milgram experiment. Still, hassles and long delays are common.

A recent run-in at Rutgers University offers a particularly vivid example of how regulatory and scholarly cultures can clash. A team of researchers, headed by David Oshinsky, then the chair of the history department, wanted to compile an oral history of the New Jersey state legislature. Getting retired politicians to sound off about their glory days would seem a sure bet for expedited review. It didn't turn out that way.

The researchers received a standard IRB application form in the mail in the summer of 1999. It asked how the subjects were to be recruited into the study and what steps would be taken to "ensure against the possibility of coercion." It requested a summary of "the risk/benefit ratio" and a copy of any questionnaires to be used. The application also asked whether any questions "might disturb your subjects emotionally or produce stress or anxiety."

Some testiness is evident in the historians' brief written response. They refused to provide a questionnaire, explaining that their questions would vary from person to person. And they wrote, "There is no [risk/benefit] ratio, because there are no risks." The IRB staff were not happy. They returned the application and the consent forms the historians had drafted, demanding a revision that included a statement of risks. (The scholars obliged by saying there was theoretically a chance that a subject might say something that could expose him or her to a libel suit; in that case, the project directors would offer to edit the interview transcript, as is routine in oral history.) The IRB also asked for copies of all grant contracts.

In January, when the history department advertised an undergraduate course tied to the project, the IRB issued a stern e-mail, warning the historians not to start the project without the board's approval. "The relationship was hostile to begin with and deteriorated from there," says Michael Carhart, assistant project director.

Brenda Ruotolo, the administrator for the Rutgers IRB, says it would be misleading to blame her committee for the delay in approving the project. Once the missing contracts and other information arrived at her office, she notes, Carhart's project was approved within three days.

That approval came in March. The IRB insisted that it be told if the research protocol changed or if any injuries occurred, and it noted that it had the right to monitor the research. Carhart prefers not to think what would have happened had the researchers said that they did intend to ask stressful questions. One legislator had spent time in jail for illegal betting. "If you are asking him, 'How did you end up in jail?' that might cause him some stress," Carhart says. "But are you going to say that on the form? Hell, no."

**THE RUTGERS FRACAS SUGGESTS** that history and the biomedical model are a poor fit. But human-subject rules may be even less appropriate in sociology and anthropology, where research often involves hanging out and getting to know people. If a sociologist whips out a consent form on a street corner, with warnings like those on a thalidomide bottle, people might run -- or laugh.

The field of urban ethnography would seem especially likely to breed tensions with IRBs. After all, its practitioners observe sensitive -- at times illegal -- affairs and immerse themselves in the lives of ordinary people. As early as 1996, a writer in the *American Journal of Sociology* mused on whether the heroic University of Chicago field-workers of the mid twentieth century would be able to conduct their scholarship today, under the hawk-eyed human-subject regimes. The same author went on to wonder if *Slim's Table* (1992), Mitchell Duneier's highly praised exploration of life in a cafeteria on Chicago's South Side, could get through an IRB at most universities.

Actually, it didn't get through the IRB at Chicago, where Duneier wrote the book as his dissertation. Now an associate professor at both the University of California at Santa Barbara and the University of Wisconsin, Duneier says his adviser, the octogenarian Edward Shils, "never even mentioned human-subject rules to me."

Duneier first encountered the regulations at Santa Barbara when he set out to teach fieldwork. In 1994, he dutifully got IRB permission for his second book, originally conceived as a study of working-class reading habits that focused on a single street bookseller in Greenwich Village. But when his project broadened to include panhandlers and homeless book vendors, Duneier improvised. The booksellers knew he was a scholar, but he did not carry a backpack full of consent forms. Still, he took steps to protect them. In his notebooks and diaries, Duneier concealed the identities of his subjects. He stored tapes of conversations in an out-of-state location, where they would be beyond the reach of police. After he had written a draft of his manuscript, he rented a hotel room in New York and read long passages of the book to everyone he planned to mention -- sometimes for eight or nine hours at a sitting. "I did get informed consent -- in my case, it was really informed," he says. "I showed them the manuscript. I said, 'Here's what I'm doing with the words and photographs.'" He then asked his subjects if they would be willing to sign forms that explained IRB rules and outlined the risks and benefits of appearing in the book. Duneier's *Sidewalk* turned out to be one of the more noteworthy sociology titles of 1999: It won the Los Angeles Times Book Prize as well as the C. Wright Mills Award from the Society for the Study of Social Problems.

Duneier emphasizes his concern with research ethics. "I think the procedures I adopted are reasonable and fulfill the spirit of informed consent in a more meaningful way than the routine signing of advance consent forms," he says. And indeed, many ethnographers would say that after-the-fact consent is a far higher standard than the legalistic forms that IRBs demand. Still, Duneier now wonders whether he could ever have gotten IRB approval in advance for a study of this kind.

**AT DUKE, IRB-RELATED ISSUES** are "hitting the department of cultural anthropology like a ton of bricks," according to Kathy Ewing, the department's acting chair. Ewing recently traveled to Berlin to study members of the city's Turkish minority. It seemed surreal to her to hand leaders at a mosque a form asking for their signature and noting that they could call Durham, North Carolina, if the interview didn't go well. "It's so detached from the reality of the situation that it becomes sort of threatening information." Ewing got IRB approval to speak with adults at the mosque as long as they signed the forms. She had been told, however, that she couldn't talk with minors unless she went through a further set of steps. Yet when her hosts at the mosque invited her to talk with kids in a Koran class, she went for it anyway. "I wasn't not going to do this," she says. "The group setting was so unlike what the IRB had imagined."

Ewing's actions are not unusual. According to Berkeley's Ann Swidler, IRBs "turn everyone into a low-level cheater," in much the way that unreasonably low speed limits encourage disrespect for traffic laws. "We are pushing for compliance among the faculty and grad students in the cultural anthropology department," Ewing says, weighing her words. "But I'm not sure there is much relationship between what people agree to do for the human-subjects committee and what they do in the field."

One funny thing about IRB oversight is that it doesn't come to you -- you have to go to it. Plenty of people who should present their work to IRBs simply do not, either because they are confused or because they wish to avoid bureaucracy. To receive federal grants or private funding managed by a university, researchers must have IRB approval in advance. But for researchers with off-campus funding, IRB compliance is on the honor system. (If an IRB learns of lapses in human-subject protocols, it can report them to the government and to university officials, who may ask that the research stop. After-the-fact punishments include declaring data inadmissible for publication.)

When asked via e-mail how he had negotiated the human-subject committee's hurdles while researching his book *French DNA: Trouble in Purgatory* (1999), a report of his fieldwork at a French genetics lab, Paul Rabinow responded that he has never dealt with the committee, "as my research has never been funded." That's a common misconception. In fact, Berkeley, like most universities, requires IRB approval regardless of the source of funding. Rabinow declined to respond to a follow-up e-mail.

"Most senior scholars have found a way around" the system, says Howard S. Becker, an eminent sociologist retired from the University of Washington at Seattle who now lives and works in San Francisco. "As long as it's not public, you can get away with a lot. They are certainly not about to fuss with senior people." When Becker last taught a graduate ethnography course at Washington, two years ago, he learned from colleagues that if his students wanted to hang out at a bus station and talk to passengers, they'd have to go through the IRB. "I said, 'I'm just going to teach this,'" he recalls. "'If you want to report me, go ahead.'" If Becker's own ethnography projects should ever be challenged, he has a unique answer ready. He says he'll claim the projects are not research but conceptual art. Universities, he says, don't hassle artists.

**FROM TALKS WITH THE STAFFS** that run IRBs and the professors who serve on them, two things are clear. First, some boards have indeed stepped up their reviews of social science and humanities research in the wake of the federal crackdown. Second, these people think the complaints about IRBs stem from misunderstandings.

"We try to educate people," says Sherry Buckley, manager of Berkeley's IRB. "We try to make it clear to them this is not a vendetta on our part. It's something that is required. It's an honor to go out and talk to the public and intrude on their lives and ask questions, and it's the least you can do to treat people with respect and follow the rules." If the committee has a shortcoming, Buckley argues, it is that it does not have the funding or staff to push paperwork through quickly enough.

"The perspective of the IRB is that everything is doable," insists Lorna Hicks, assistant director of Duke's Office of Research Support, whose staff assists the IRB for nonmedical research. "There's a way to do just about any research and follow the guidelines."

When Duke's medical research programs were shut down, its main campus was put on probation. (Like many places, Duke has separate IRBs for the medical school and the main campus.) Since then, Duke has become more vigilant about monitoring all human-subject research, as the regulations require -- even research that poses little to no risk and has traditionally gotten a free pass. Duke has tried to get the word out on campus about the climate change. In October 1999, for example, the university held a mandatory-attendance, hour-and-a-half presentation for all researchers.

The university has also appointed a new IRB chair, Linda George, a sociologist who studies aging and the life course. Because George has done many interview-driven studies under IRB scrutiny and has gotten some \$30 million in federal grants, the university hopes she will have the respect of social scientists as she carries out her mandate. "We are not applying the medical model on campus," George says. "We are, however, enforcing the regulations at a level not done before."

George has been making the rounds to explain the changes and to make peace. Her job, as she sees it, is to "take the cries of agony and the claims that Big Brother is in control down to routine grumbling." In the public-policy school, policy wonks were up in arms, she says, to hear that their conversations with government officials fell under the regulations. But the research is eligible for expedited review; it only has to be reported on a one-page form. "The reality is that this is like adding one small layer of red tape," she says. "I understand that people don't like that, but we live under the regulations, it's innocuous, and it takes almost no time."

People complain loudest about consent forms, George says, but 90 percent of a nonmedical IRB's attention is devoted to the issue of protecting confidentiality. Unlike journalists, social scientists are not protected by so-called shield laws, so their data are vulnerable to subpoenas. IRBs require researchers to disclose that. In the most sensitive cases -- when criminal activity is involved or fieldwork is done in repressive countries -- the IRB may instruct the researcher to code the information so discreetly that even the researcher can't match a name to it later. (George was sensitized to this issue when her interviews with an elderly man were subpoenaed by his son, who hoped to prove that his father was mentally incompetent.)

But some social scientists object to the emphasis on anonymity. Duke anthropologist Kathy Ewing says there is way too much talk of destroying data for her taste. She says IRBs routinely recommend that researchers ensure confidentiality by destroying their notes once they have written their papers. And she says her students were told that if they had done any interviews before consulting the IRB, the notes and transcripts had to be discarded. "To an anthropologist, the idea of throwing out data is horrifying," Ewing says, especially when no one has been or could be harmed.

**IN THE PUBLIC DEBATE** over human-subject research, most of the discussion has been about how to make the protection of subjects more robust. There is a consensus, for instance, that biomedical research in privately held companies needs to be brought into the regulatory system before nightmares occur. The National Bioethics Advisory Commission, formed in 1995 and chaired by Princeton University president Harold Shapiro, is charged with exploring these issues. But at an April 6 meeting in Washington, D.C., the commission also considered how the current rules are affecting social science. Several social scientists were invited to speak, and they complained vociferously.

One speaker, Norman Bradburn, was provost at the University of Chicago in the 1980s and is currently an assistant director at the National Science Foundation. An expert in survey research, he spoke mostly about the techniques scholars use to keep data confidential. But he also commented on the "bureaucratic creep" he had noticed within IRBs in the last four or five years. Simple surveys and demographic analyses, he said, are now being aggressively challenged, and IRBs are making a fetish of consent forms,

even though the structure of an interview or survey often makes a consent form redundant: Someone either slams the door or doesn't. "Being too risk averse may prevent valuable research from being done," Bradburn said, "and I think that is where we are."

The seventy-seven-year-old Murray Wax followed, with his harsh comments about "unknowing and overzealous IRBs." Then Linda Shopes, a past president of the Oral History Association and a historian with the Pennsylvania Historical and Museum Commission in Harrisburg, spoke up for her constituency. She recounted the difficulties that oral historians commonly have with IRBs, namely, inappropriate demands for standardized questionnaires and requests that scholars warn their subjects about stressful questions. She added that in some cases IRBs have declared that sensitive topics, such as criminal records, are off-limits. IRBs have even found archival records suspect "simply because they deal with the activities of human beings," Shopes charged. "In all of this," she said, "there is the possibility, or perhaps even the hint, that... controversial, difficult, or challenging topics cannot be addressed in historical research."

The social scientists seemed to irk Shapiro, perhaps because their comments focused almost exclusively on how their work was hampered. "The whole idea" of human-subject regulations, Shapiro observed, was that "in some cases values have to discipline interests.... It is human-subjects protection that we are really focused on. It is not the efficiency of historians that we are focused on or the efficiency of molecular biologists or psychologists or economists."

Other members of the National Bioethics Advisory Commission also seemed underwhelmed by the social scientists' testimony. (However, R. Alta Charo, a professor of law and medical ethics at the University of Wisconsin, said she had heard some "hair-raising" stories about IRB heavy-handedness.) But then, most members of the commission were drawn from the world of medicine -- a lopsidedness symptomatic of the very problem the meeting had set out to investigate.

**IN A GLARING INCONSISTENCY**, university-based journalists have so far avoided the scrutiny of IRBs, even though they clearly interact with human subjects. At Berkeley, for instance, a liaison from the Graduate School of Journalism keeps in touch with the IRB and invites its members to give talks on ethics, but neither professors nor students are required to get their projects approved. The professors make the case that the research they do isn't "generalizable," but the same could be said for an ethnographic study of a single street corner or an oral history of a state legislature. A more convincing explanation might be that journalists are hypersensitive to any infringement on their First Amendment rights. Any IRB that tried to monitor journalism would find itself either sued or in a no-win battle with people who buy ink by the barrelful.

Many academics outside journalism schools chafe at the discrepancy. "Social scientists," says Wilmoth, "no longer enjoy the protections of the First Amendment that are enjoyed by journalists." Many social scientists believe that IRBs should handle low-risk research like theirs the way Berkeley has handled its journalism school -- by ceding oversight to faculty members, who can enforce the rules through disciplinary and departmental codes of behavior.

At Florida State, Neil Jumonville has one student who lives the contradiction. A Ph.D. candidate in history, Bill Edmonds is studying the response of Southern newspaper editors to the battles over integration in the 1950s and 1960s. He's also an editor at the Tallahassee Democrat and has written about the same subject for his newspaper. So during the day, when he's working on his dissertation, he is supposed to get permission from an IRB before he talks to a retired governor or columnist. He has yet to do so. At night, he can call up anyone he wants and grill them. Journalists assume their sources have a certain amount of agency; the university tends to cast the same sources as victims.

Edmonds's night job has sensitized him to the free-speech implications of IRBs in a way that might seem extreme to academics who have accommodated themselves to the current system. "This may sound high-minded," Edmonds says, "but I feel like I have an obligation to other journalists not to agree to submit my questions in advance to a committee. For a journalist, that is a nightmare. I just don't go there."

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