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SYMPOSIUM

ISSUES IN BIOTERRORISM

INTRODUCTION

Jessica Wilen Berg[†]

Few issues have engaged public attention as much as bioterrorism. Since the attacks on September 11, 2001 and the subsequent anthrax contaminations, newspaper headlines bombard us with both real and imagined threats regarding travel safety, compulsory vaccinations, and chemical and biological warfare. Arguments regarding the potential war with Iraq have raised questions about whether biological and chemical weapons should be considered to pose the same degree of threat as nuclear weapons. On a local level, throughout this country, hospitals and health care workers are debating whether or not to be inoculated against smallpox.

This issue of Health Matrix focuses on legal issues involving bioterrorism. It brings together a distinguished group of scholars who address a wide-range of important concerns. Lawrence Gostin, Professor at Georgetown University Law Center and Johns Hopkins University School of Public Health, provides a background and introduction to the Model State Emergency Powers Act, of which he was a primary drafter. Professor Gostin argues forcefully that the provisions in the Model Act are necessary to maintain the health and security of the American people. George Annas, Professor of Law at Boston University's School of Public Health, provides an eloquent rebuttal, stressing the need to safeguard individual liberties and human rights even in the face of significant public health threats. Joining Annas in expressing his concern about the Model Act is Ken Wing, a Professor at Seattle University's School of Law. Wendy Parmet, Professor at Northeastern University School of Law, adds her voice to the debate offering a detailed legal analysis of public health powers, and suggesting that the legal framework as currently envisioned provides insufficient safeguards against a bioterrorist attack. Likewise, Victoria Sutton, Professor at Texas Tech University School of Law, argues that the current

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lack of coordination among states and absence of a national policy will undermine our country's biodefense system. Finally, Barry Kellman, Professor at DePaul University College of Law, considers the question of regulation of biological research in light of bioterrorism fears and suggests that although some governmental interference in science may be warranted it should be carefully tempered, and moreover, focus should be on achieving consensus on an international, rather than merely national level.

The authors raise cutting-edge issues, and draw our attention to crucial elements of the current discussion. Their analyses and conclusions are certain to shape the course of the debate about the appropriate responses to bioterrorism fears.