

Protecting the free exchange of ideas in academia, much like in journalism, has long been considered an American value and a necessary condition for a free and healthy democracy. The importance of academic autonomy, including the processes by which scholars collect, store, and exchange information, is correspondingly of great importance to anyone happily living in a free society. Recent efforts by Boston College to fight the federal government, acting on behalf of the United Kingdom to secure confidential and highly sensitive audio tapes collected and archived as part of an academic study, shed new light on an ailment in American law. The tremendous legal challenge that Boston College has recently endured in its unsuccessful bid to protect academic sources is not only offensive to our social conscience but also, on a more technical level, stands in staunch contrast to cutting edge developments in international human rights law. Ironically, the subpoena request from the United Kingdom asks the United States to perform an act that would be of highly questionable legality under European law to which the United Kingdom is bound—Article 10 of the European Convention on Human Rights. If a researcher's privilege is to be recognized in the United States, it will require the Supreme Court to recalculate, much like European courts have, the great societal value of scholarly research.