

The Republic of Science Grants

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Scholars and policymakers understand U.S. innovation policy to have a simple aim: promoting useful research. Federal laws and institutions boost invention by creating intellectual property rights, distributing grants, prizes, contracts, and tax breaks, and supporting research in government laboratories.

But this account tells only half the story. Innovation policy is dual-use: designed to stifle some forms of research even as it promotes others. To illustrate innovation policy's dual-use nature, this Article explores the government's longstanding use of scientific grants—particularly those administered by the National Institutes of Health—to suppress or prevent research it deems harmful, such as gain-of-function pathogen studies. I show that scientific funders have both institutional strengths (expertise, cultural influence, flexibility) and weaknesses (liability to capture, lack of comprehensive jurisdiction, open-ended discretion) as regulators of dangerous research.

Understanding the history of science grants as instruments of censorship is especially important today, as we face two pressing challenges: first, the White House's expanding use of funding discretion to attack political enemies, and second, the rise of existential risks from novel technologies such as generative AI. The Trump Administration's unprincipled weaponization of science funding threatens to undermine both of innovation policy's principle aims, weakening beneficial research and the government's ability to govern dangerous technology at a moment of particular risk. The government's past use of grant terms points to a different and imperative approach, one that would allow policymakers to reduce undue technological risks without trampling civil liberties.