

Memo from

To: Mr. Dobrovir

JOSHUA LEDERBERG

DEC 30 1970

re: 2,4,5 T

Thank you for your letter. I had started to draft a rather lengthy reply, but have not had time to straighten out its tortuous logic.

I was very happy to get the material you sent on 245T. Your question, how the courts can handle scientific controversies, is deeply provocative, and will long be with us, and in my own mind.

The only constructive suggestion I can make is to try to formulate an appropriate "due process" -- that is, that major decisions be made only after a competent hearing.\*The main element of this is a clear exposure of the standards used by the review body in ~~the~~ deciding upon the public safety of a proposed action. In the present case, the Secretary should be required to state what he has found with respect to the expected magnitude of any risks involved in the use of 245T, together with the uncertainties of that estimate. This would help to factor the scientific controversy from the basic issue of public policy.

I know Sam Epstein very well. We have had long arguments about the practicality of a "zero-hazard" philosophy.

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\*Needless to say, any judge must also be disqualified if there is evident conflict of interest.  
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Sincerely,

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cc [signature]  
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