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United States Senate

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS
(PURSUANT TO S. RES. 226, 90TH CONGRESS)
WASHINGTON, D.C. 20510

February 3, 1970

Doctor Joshua Lederberg
Professor of Genetics
Stanford University Medical Center
Stanford, California

Dear Doctor Lederberg:

Your letter of January 6 is both provocative and disturbing and will be useful in our study of the right to privacy.

The problem of confidentiality of medical records is one the Subcommittee has wrestled with and I agree wholeheartedly with your analysis of the problem. Many times, it is particularly difficult to deal with when the medical records are classified as "security" records and become critical elements in a person's security clearance prospects.

Since so many service-related records are now being placed in data banks and the privacy invasion can flow from so many sources, I believe the only effective answer is a new government regulatory agency to control data banks on individuals. This will require considerable research to determine the most effective legislation, but I believe it is a workable solution. The enclosed reprint of a recent Senate speech on the subject describes my approach in greater detail. Through my bill, S. 782, I have worked for statutory restrictions on soliciting of certain information from the individual employee and on coercion of him in certain respects. I am also enclosing materials relating to this bill.

Control of the Army's great Record Centers on civilians at Fort Holabird and elsewhere should be one of the first areas of attack on the problem of medical records. The Subcommittee has recently undertaken an agency by agency study to determine what data banks on individuals are being developed by federal agencies and how they affect constitutional rights.

With all kind wishes, I am

Sincerely yours,

Sam J. Ervin, Jr.

Sam J. Ervin, Jr.
Chairman

SJE:mme
Enclosures

ERVIN

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