



STANFORD UNIVERSITY MEDICAL CENTER

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STANFORD UNIVERSITY SCHOOL OF MEDICINE
Department of Genetics

February 4, 1970

Honorable Cornelius E. Gallagher
House of Representatives
Washington, D.C. 20515

Dear Representative Gallagher,

I note your remarks at E 398 of the Congressional Record for January 27. This leads me to continue a discussion of great concern to both of us, namely, the need for legal definitions of and protection of privacy. I do not think that we are very far apart on the urgency of developing the kind of law that will continue to protect individual freedom in the face of extremely efficient tools for intrusion.

I write you now then to call your attention to an extremely urgent problem in this area.

This is the confidentiality of medical, particularly psychiatric, information furnished to selective service boards on behalf of prospective inductees. Many men have obtained deferments on the basis of physical or psychological disabilities regarded as sufficient cause either by the local board or in accordance with the standards established by the services. I need hardly paint in detail the worrisome picture of the possibility that such personal information might be leaked from these files at some future time in a way that would violate the most elementary principles of human decencies.

I am aware that such information is now labeled as strictly confidential by the administrative regulations of the selective service system. However, these regulations have little if any teeth in them and I would urge upon you the importance of making the confidentiality of such material a subject of statutory law with clearcut criminal penalties. The purpose of such an act would be not only to increase the odds of deterring an inappropriate release of such information but to leave no doubt that this is a criminal act deserving of no condonation whatever from the community.

I am not suggesting that representations made in these appeals be kept beyond the recourse of actions for fraud or other misrepresentations but such exceptions to the strict confidence of medical and psychiatric information about registrants should be clearly spelled out in the law and appropriate procedures set up for dealing with them.

over

LT. J. P. KENNEDY, JR. LABORATORIES FOR MOLECULAR MEDICINE, DEDICATED TO RESEARCH IN MENTAL RETARDATION

MOLECULAR BIOLOGY

HEREDITY

NEUROBIOLOGY

DEVELOPMENTAL MEDICINE

Gallagher

The act should also provide for a well defined procedure for the safe-keeping or regulated destruction of such records in order to avoid the confusion of responsibility that attend the disgraceful leak of District Attorney Garrison's records. This one example should be enough to illustrate the potentiality for abuse that is connected with the deposit of this kind of information.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Joshua Lederberg".

Joshua Lederberg
Professor of Genetics

JL/rr