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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECRETARY'S ADVISORY COMMITTEE

ON

AUTOMATED PERSONAL DATA SYSTEMS

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Saturday, 19 August 1972

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DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

SECRETARY'S ADVISORY COMMITTEE

ON

AUTOMATED PERSONAL DATA SYSTEMS

Conference Room #6, C Wing,
Building 31
National Institutes of Health
Bethesda, Maryland

Saturday, 19 August 1972

The meeting commenced at 9:20 a.m., Dr..Frances
Grommers, Chairman of the Committee, presiding.

IN ATTENDANCE

1
2 Frances Grommers, M. D.
3 Chairman of the Committee
4 Professor Layman E. Allen
5 Mr. Juan A. Anglero
6 State Senator Stanley J. Aronoff
7 Dr. Philip M. Burgess
8 Dr. K. Patricia Cross
9 Mr. Gerald L. Davey
10 Mr. J. Taylor DeWeese
11 Mr. Guy H. Dobbs
12 Dr. Robert R. J. Gallati
13 Mrs. Florence R. Gaynor
14 Mrs. Jane L. Hardaway
15 Mr. James C. Impara
16 Mrs. Patricia J. Lanphere
17 Professor Arthur R. Miller
18 Mr. Don M. Muchmore
19 Miss Jane V. Noreen
20 Mr. Roy Siemiller
21 Mrs. Harold Silver
22 Miss Sheila Smythe
23 Mr. Willis Ware
24 Professor Joseph Weizenbaum
25 David B. H. Martin,
Executive Director of the Committee

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P R O C E E D I N G S

1
2 MRS. GROMMERS: We are very, very fortunate this
3 morning to have Sheila Smythe with us.

4 MR. ARONOFF: Is there a real Sheila Smythe?

5 MRS. GROMMERS: The real Sheila Smythe will stand up.
6 And we have reversed a little bit the order of what we are going
7 to do. We will hear from Sheila first.

8 But I have a couple of things I'd like to ask you.
9 Could I have all the calendars so that we can make some
10 decisions about -- anyone who hasn't handed in their calendar
11 for the next meetings?

12 MRS. SILVER: I have not, but I have no way of really
13 knowing at this point, so I will just have to see if I can fit
14 into what you decide.

15 MRS. GROMMERS: That's all right.

16 (Off the record.)

17 MR. SIEMILLER: You have already set it for
18 September?

19 MRS. GROMMERS: September 14, 15 and 16. And we will
20 be here in Washington, and I believe in the Stone House, the
21 14th and 15th, unless we --

22 Let me say that again. The September meeting is a
23 Thursday, Friday and Saturday, September 14, 15, and 16, and
24 will be here in Washington, and depending upon what the format
25 of the presentation is, we might meet here, or in the Stone

1 House, or some combination of those.

2 I'd also like to have your sheets of any suggestions
3 for any future presentations that you would like to have.

4 It's obviously not necessary to fill this out if
5 you have no preferences, but anyone who has some particular
6 presentation in mind, or some particular system you'd like
7 to see investigated, could we also have that.

8 Hand that to Carol.

9 MR. ANGLERO: The last time we talked about a couple
10 of presentations, I don't know what happened with them. I
11 think Joe Weizenbaum talked about Mr. Ackoff.

12 MRS. GROMMERS: Any presentation that you have not
13 yet had that you would like, including those or any others,
14 just put them down, if you would.

15 We have it noted from Professor Weizenbaum's
16 suggestion, but if others of you also mentioned that you
17 would like that, you see, that would be additional help.

18 We have to struggle a little bit about who comes,
19 and depending upon who is available what month.

20 All unused Holiday Inn meal tickets would be most
21 gratefully appreciated. HEW can probably pick up \$50 or
22 something of the sort, so would you turn them in to Carol.

23 MR. DAVEY: We get reimbursed when we eat outside,
24 do we not?

25 MR. MARTIN: I don't know, but the ticket doesn't do

1 you any good, and we get charged by their issuance.

2 MRS. GROMMERS: You all have seen, and hopefully read,
3 the report. Could you all look at the draft report that is
4 due the Secretary August 1. That is an accurate but inadequate
5 response.

6 We will have about five minutes for reading that,
7 for those of you who might not have, or for those who need to
8 collect their thoughts on that, and then the chair will receive
9 additions and then we will vote on accepting it or not.

10 This is the report that I am speaking of (indicating).
11 The Report of Meetings and Activities of the Secretary's
12 Advisory Committee. It has "draft" in the upper left hand
13 corner.

14 What you should be looking for here is any presen-
15 tations that were made that have inadvertently been missing
16 or any names of any people that you feel should be included.

17 The chair will now entertain additions or corrections
18 to the report.

19 MR. DOBBS: Just minor -- I live in Los Angeles,
20 not Santa Monica.

21 MRS. GROMMERS: Mr. Muchmore?

22 MR. MUCHMORE: I have one about attendance, showing
23 in the case of three meetings, and the fourth meeting there
24 is no indication of any attendance.

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25 MR. MARTIN: That was a comment with respect to the

1 little supplementary sheet, which is not part of this report.
2 This was in order that we would be able to see for purposes
3 of deciding what additional presentation that you would like
4 that has happened to date in the Committee. That sheet will
5 go into a subsequent report.

6 MR. DAVEY: I gave an impromptu presentation on
7 credit bureau systems during that first meeting.

8 MR. MUCHMORE: It may have been impromptu, but it
9 was very, very well done. Very well done impromptu.

10 MRS. HARDAWAY: I will second that. A good motion.

11 MRS. GROMMERS: Are there any other additions?

12 MR. ANGLERO: It was mentioned yesterday that
13 there were two presentations --

14 MRS. GROMMERS: Yes, there are three presentations.
15 A presentation of Senor Anglero, Mr. Weizenbaum, and Robert
16 Kniseley, on USAC, which will be added to this.

17 MR. ANGLERO: I would suggest -- may I suggest
18 if we make some kind of outline, if possible, of the basic
19 issues.

20 We have a list we are trying to look at.

21 MR. MARTIN: Could I just say a word about the
22 purpose of this report.

23 It is a technical requirement which is laid on to
24 all advisory committees, that they file a report at the end
25 of the fiscal year, showing what their activities have been,

XXX

1 the number of meetings held, and an indication in general of
2 what took place at the meeting.

3 This is in no sense intended to be a substantive
4 report, or policy or advisory report of any sort. It is merely
5 just that we have been in being and this is what we have been
6 doing, kind of report.

7 MR. SIEMILLER: Just the minutes.

8 MR. MARTIN: Not even the minutes. It's even more
9 ministerial than that. Just a record and file that this
10 Committee was in being and active, and how it was active-

11 MR. SIEMILLER: To satisfy the auditing of GSA.

12 MR. MARTIN: That's all it is intended to be.

13 MR. ANGLERO: But if I am going to show this to my
14 boss, I cannot use it.

15 MR. WARE: You can add your own comments.

16 MR. ANGLERO: Not to satisfy my boss. But in some
17 way -- the issues -- is that not going to be in, without
18 any kind of discussion?

19 MR. WARE: David's point is yes, but it is not
20 appropriate for this piece of paper.

21 MRS. GROMMERS: You are really suggesting that you
22 would like to see an interim progress report.

23 MR. ANGLERO: Not even progress, but just what --
24 put in how we have defined this problem, just the issues.

I don't know if I make myself clear.

1 MR. DOBBS: We have carefully noted the formal
2 presentations. We have noted that there were in fact some
3 working sessions on the part of the group as a whole, which in
4 fact identified some issues. And to that extent, the record
5 is incomplete.

6 MRS. GROMMERS: What you would like to see is that,
7 in addition to these agendas, that there be a notation, "work-
8 ing session"?

9 MRS. DOBBS: I think that is what he is driving at,
10 and out of those work sessions there were some specifics
11 identified.

12 MRS. GROMMERS: Working session, output, issue
13 identification.

14 MR. ANGLERO: Right. Issue identification.

15 MRS. GROMMERS: Without mentioning what the
16 issues were.

17 MR. ANGLERO: Well, I was wondering if we could
18 put the issues in, but if not--

19 MRS. GROMMERS: Well, it's not required to do so,
20 and I think David's preference is that it be as minimal
21 as possible at this point, as far as information being
22 transmitted, as to the work of what we are doing. I just
23 interpret it that way.

24 This meets the minimum requirements, but we can
25 certainly add here that there were working sessions. I think

1 we had four of them.

2 MR. MUCHMORE: If the Committee would authorize
3 expenditures for three of us to accompany Juan back to
4 Puerto Rico, we could carry the documents for you, that you
5 could use to justify this. It would take three of us.

6 MRS. GROMMERS: Are there any other additions or
7 comments?

8 To be sure that these additions will be put in
9 properly, I'd like to read you the following statement:

10 At the meeting held on August 17, with a quorum of
11 the members present and voting, the Secretary's Advisory
12 Committee on Automated Personal Data Systems, upon motion
13 duly made and seconded, unanimously voted that the foregoing
14 report be submitted to Secretary Elliott Richardson by Chair-
15 man Frances Grommers.

16 Is there a motion?

17 MRS. CROSS: Move.

18 MR. GALLATI: Second.

19 MR. ARONOFF: Change that to August 19?

20 MRS. GROMMERS: Then someone has to amend that.

21 It has been moved and seconded that this report be unanimously
22 voted. Is there any discussion?

23 MR. SIEMILLER: Question.

24 MRS. GROMMERS: The question has been called for.

25 All in favor say aye.

1 (Ayes in favor.)

2 MRS. GROMMERS: Those opposed, like sign?

3 (No response.)

4 MRS. GROMMERS: The motion is carried.

5 The chair would like very gently to entertain all
6 questions from everybody in no order today, but would you make
7 your comments through the chair? I do want to maintain
8 parliamentary procedure and Professor Weizenbaum is quite
9 correct, the question has been called for.

10 MR. SIEMILLER: Let's revert to the common usage
11 of Robert's Rules of Order, and eliminate whether to shut
12 off debate or not.

13 MRS. GROMMERS: May we please have a vote on the
14 motion. All in favor of the motion, which is to approve this
15 report, unanimously, say aye.

16 (Ayes in favor.)

17 MRS. GROMMERS: Opposed, a like sign?

18 (No response.)

19 MRS. GROMMERS: The motion is carried.

20 MR. DAVEY: I trust you made the date change?

21 MR. MARTIN: Yes. The date isn't part of the motion.

22 MRS. GROMMERS: Now I think we may proceed now to
23 the business portion of the Saturday morning agenda. And I
24 am very happy to present the real Sheila Smythe.

25 MISS SMYTHE: Yes, Madam Chairman, there is a Santa

1 Claus.

2 I am going to rely on the fact that it is Saturday
3 morning, and we are all not too wide awake. This presentation
4 was originally scheduled for May -- sometime back.

5 MR. WEIZENBAUM: I can hear you, but I can't see
6 you. I think everyone could see if you you would go to the
7 head of the table.

8 MRS. GROMMERS: Yes, it's a problem, because I
9 would like to have the presenters next to me.

10 MISS SMYTHE: Would it help if I stand up? I think
11 I will assist the chairman more if I stay here.

12 This presentation was originally scheduled at a time
13 when perhaps not as much discussion had taken place on this
14 point. I am a little afraid that at this time I may be
15 duplicating much of what has been said up to now by other
16 people, but I will ask, with this Saturday morning feeling of
17 sloth, to ask you to bear with me, even though I am somewhat
18 repetitious, perhaps; it will attempt somewhat to bring some
19 of the comments into focus.

20 As you know, I have been Chairman of a Subcommittee
21 of the ANSI -- American National Standards Institute -- dealing
22 with the subject of identification of individuals and organi-
23 zations.

24 The American National Standards Institute is the
25 national clearinghouse and coordinating agency for voluntary

1 standards in the United States. It is a non-profit organiza-
2 tion, headquartered in New York City, with membership including
3 one hundred trade associations and professional societies,
4 and over 750 individual companies.

5 It was originally organized in 1918, to develop
6 engineering standards. It has broadened its scope over the
7 years to provide the machinery for developing and approving
8 standards in many areas of application that can be supported
9 by a national consensus.

10 ANSI is also the U.S. member body of the International
11 Organization of Standardization, commonly referred to as
12 ISO. And when I conclude my remarks on ANSI, and its work
13 within the United States, I have been asked to give a few
14 comments on the role we are now playing within the ISO.

15 About six years ago, the ANSI committee responsible
16 for the development of national standards for information
17 processing, in response to a request from the user environ-
18 ment, set up a task force to develop standards for identifica-
19 tion of individuals and organizations for information inter-
20 change.

21 I think it is important to realize that the
22 membership of this task force served as technically qualified
23 individuals from the fields of education, banking, health,
24 insurance, equipment manufacturers, credit agencies, transpor-
25 tation, industrial, business and consumer groups, and various

1 units of the state, Federal and municipal governments.

2 I think it is also here important to realize that
3 the task force of ANSI was generated not only by a recognized
4 need for such standards by the authorizing units of ANSI,
5 but also that the strong forces of individual skills and the
6 belief in the need and the willingness to participate in
7 the lengthy and often rather onerous proceedings did exist.

8 I mention this because frequently in the area of
9 standardization, both of these conditions do not exist at once.
10 One of them exists, and then you must search for the others.

11 Either there is a group that recognizes that there
12 is a need for a standard, now go out and try and find some
13 people who would be interested in trying to work on developing
14 the standard; or else there is a group of people who are
15 saying, yes, I am sort of interested in the standard, a
16 need for the standard, but I can't find any umbrella body
17 that will cohesively support this and put it together.

18 And it is for this reason, I think, that in this
19 instance this point is rather important to us.

20 Throughout, we have always been appreciative of the
21 services provided by the Social Security Administration in
22 participating in our deliberations and making the information
23 available to us.

24 I would like to share with you some of the background
25 and concepts that went into the development of the proposed

1 standard for identification of individuals. This proposed
2 standard essentially sets forth the unique identifier of an
3 individual as the combination of a code and a name, and that
4 we believe that it is only when these two parts are linked
5 that the identification process has been considered to be
6 met as a standard.

7 Let me make one other parenthetical statement.
8 In giving you this presentation this morning, I am not trying
9 to make a defense of the proposed standard. Because this may
10 sound heretical, but in one sense I really don't care whether
11 this standard in this form is ever promulgated.

12 That may sound like a strange statement, but I mean
13 it. All I am trying to do is to take you through the develop-
14 ment of the standard, and the concepts that led to it, in the
15 hope that it will provide input to you that will be helpful
16 to us in trying to decide what it is this group must do that
17 will either make the need for a standard of this type that
18 has been developed, or a different standard, or some other
19 mechanism for accomplishing the same goal.

20 In selecting the area, philosophy, and application
21 that I thought might be of greatest interest to you, I thought
22 I would touch on the subjects of identification and codifi-
23 cation, and then present some of the alternative coding
24 systems that were considered in the process of selecting the
25 Social Security number as the numeric part of the standard

1 identifier.

2 We start off with the concept of identification,
3 that an identifier should uniquely distinguish one entity from
4 all others. If this is true, then identity is established
5 by an attribute which specifically sets apart one entity
6 from all others in the universe of all entities.

7 These attributes must be a part of all transactions.
8 This purpose of a code, therefore, is really a shorthand,
9 and such a code would generally be a sign, we would hope, at
10 the first encounter of the system with that entity.

11 With respect to individuals -- and also with the
12 subject of organizations, which is not as major a part of your
13 concern here, but was with us, because it took us almost
14 two years to decide whether you dealt with individuals and
15 organizations separately, or whether you tried to deal with
16 them in one system of identification.

17 In the ideal world, we felt that they should be
18 dealt with as one system of identification. But after two
19 years of dealing with the ideal world, and then trying to
20 come down to the realities of what do you do in the pragmatic
21 sense, we decided to operate within two different frames
22 of reference, hoping that the day might come in the future
23 when one could then put it back together again.

24 So the two -- we deal with them separately; the
25 construction of them and the whole usage of them, if you have

1 read both, would show you that it does lean toward putting
2 of the two together at some point in time.

3 In a very small system, we all know that you can get
4 along with just perhaps a name, or a name and address.

5 However, in most circumstances, the name alone is
6 unsatisfactory. It certainly is from where I come from,
7 at any rate.

8 Duplication of names is frequently encountered.
9 There are often considerable variations in the names used at
10 different times, or in connection with different reports,
11 and even when entities consistently use the same names, there
12 are frequent variations in spelling.

13 Thus, for purposes of unique identification, it is
14 necessary to obtain more information than just the name.
15 However, our basic concept was that you could not do without
16 the name.

17 This is, to most people in our society, and I guess
18 I have to say in our North American society, a belief that
19 you identify yourself by your name. This differs, I think,
20 from the concepts in other parts of the world -- or perhaps
21 not differs as much as the emphasis is not as great, the
22 concern may not be a great perhaps through historical
23 generation.

24 We defined two major classes of codes. Non-
25 significant, and significant. The former being codes assigned

1 serially to entities.

2 A significant, or generated coding, being a coding
3 of the attributes of the entity under consideration.

4 In the case of an individual, for example, we
5 considered the coding of the consonants of the surname, the
6 age, and sex of the individual. This is done in, as you know,
7 motor vehicle operation registration in some states.

8 The advantage of the generated code, we felt, was
9 that it eliminated the need for central assignment of codes
10 since each user could generate required codes from the
11 attributes and, secondly, that it provided the capability for
12 the verification of the identity.

13 The generated code suffers from some major disa-
14 bilities, however, It cannot provide assurance of the unique
15 identification. For that matter, neither can any of the others
16 we will discuss.

17 It will generally be considerably longer than an
18 assigned code. It results in the uncontrolled disclosure of
19 attributes, and it is susceptible to errors and inconsistencies
20 in the reporting of the attributes.

21 I suppose I should lay great stress on "it results
22 in the uncontrolled disclosures of attributes." It has been
23 suggested that a generated code for individual identification
24 could be based on physical characteristics, such as eye color,
25 fingerprints, photographs, voice records, thus providing a

1 unique identification, which offer protection against even
2 deliberate attempts by individuals to misrepresent their
3 identity, while not disclosing other personal attributes
4 data.

5 Aside from the fact that this approach is not
6 currently realizable for mass implementation, however, and even
7 when realizable will be considerably longer than an assigned
8 code itself, it is also impractical for normal business data
9 processing.

10 If the unique aspects of this type of code were to
11 be utilized, personal contact would be required. Whereas,
12 many business transactions do not involve such contact.

13 Even in cases of personal contact with the individual
14 to be identified, there would be substantial difficulties
15 in using the unique feature of a significant code in normal
16 business transactions.

17 In the normal environment, therefore, the code can-
18 not be regarded as a means of detecting or preventing fraud
19 or misrepresentation. It is simply a means for avoiding
20 the repetitive recording of large amounts of information
21 solely for the purpose of establishing identity in situations
22 in which there is a presumption that the correct code can be
23 obtained.

24 In general, the choice of a code depends on the
25 environment within which the records are maintained, and

1 stressed throughout was that this standard was intended for
2 use in a voluntary environment.

3 The use of an identification code in no way contributes
4 to the verification of that person's identity. The code
5 as currently envisioned by the task group was merely a name
6 adjunct.

7 Let me clearly state then that we propose purposely
8 to distinguish between identification and verification. In
9 so many systems, it is true, both may be required. But one
10 does not preclude the other.

11 It is possible to uniquely identify and interchange
12 information without building a standard verification method
13 into the system. I am not saying it is desirable, but it is
14 possible.

15 In other words, without relying on the identification
16 code to confirm that the entity presenting the code is indeed
17 the entity it purports to be.

18 Furthermore, throughout the development of this
19 proposed standard, we were assuming a cooperative operational
20 environment. The uncooperative scheme requires certain adjuncts
21 common to procedures for criminal identification, and not
22 really included here.

23 This is true, too, as I have read much of the
24 material -- and I admit I have not had the benefit of the
25 discussion and personal contact -- but in reading much of the

1 presentations at these meetings, there seems to be a certain
2 unconscious stress, at least to a person who is not personally
3 involved and is only reading the written record, on the criminal
4 or uncooperative environment -- the welfare society, the
5 criminal element, all of this.

6 There is a stress there. And I think we must also
7 realize that there is a very large world of **communication**
8 need that falls into a very voluntary environment. It needs
9 to be protected. No question about it. But it does not
10 have the same stress or concerns on the part of the person
11 providing the information, or on those systems or users that
12 need to communicate between parties.

13 Now to the ANSI standard itself. The proposed
14 standard identifier for individuals provides unique identifi-
15 cation for the purpose of information interchange.

16 If I keep repeating this so often, I perhaps am
17 influenced by the fact that so many times when we have been
18 asked to explain the standard, this point was lost, really --
19 that and the nature of the voluntarism of the standard -- even
20 by people who had been working in the standards area.

21 Such interchange was meant to encompass both man to
22 man, man to machine, and machine to machine, and machine to
23 man inquiry and response. And that is why it takes some of the
24 form it does, with concern for display styles, et cetera,
because we realize that in the real world of communication,

1 not all of it is done through an automated system.

2 And so, no matter how mechanized we become, or how
3 sophisticated, there is always the need to operate on a man
4 to man basis, and also the very direct concern of the
5 individual as to how the information about him is displayed.

6 The standard did not intend to prescribe procedures,
7 file sequence, storage media, languages, et cetera, to be
8 utilized by the users of the standard.

9 In the area of individual identification for
10 purposes of this interchange, we felt again that the name was
11 not sufficient, nor is identification code alone. The name
12 associated with an identification code, which uniquely identi-
13 fies the named individual, was considered ample for this pur-
14 pose, and our choice for the code part was the Social Security
15 number, at the time and in the framework in which we were
16 operating.

17 Why, in essence, the Society Security number? What
18 were some of the criteria we used in judging the desirability
19 of various numbering or coding systems which we studied to
20 determine the specific system that we were going to select?

21 We felt that ideally the number should be of minimum
22 length to accommodate the population to be numbered, that the
23 number should not reveal personal information about the
24 individual to whom it was assigned, that the number should
25 be issued under a central code with safeguards to prevent

1 dual issuance, either the same number to more than one person
2 or more than one number to any single individual.

3 That adequate data to establish unique identification
4 should be required prior to the issuance of the number, and
5 that the number should be available to any individual with a
6 need to be identified.

7 The number should contain a check digit to minimize
8 errors in handling.

9 A third party should be able to initiate assignment
10 of a number to an individual upon presentation of the data
11 required.

12 The number should be permanent-- I stress on that
13 also -- subject to change only to correct errors in issuance.

14 The number--name relationship should be verifiable
15 through service provided by the issuer.

16 So much for the ideal world. And now we come down
17 to just how much of this can one realistically deal with.

18 The birth number was considered, for instance, but
19 not chosen as the code part of the standard identifier,
20 because of its greater length -- eleven characters, in con-
21 trast to the nine.

22 But also because --

23 MR. WEIZENBAUM: Excuse me. What is the birth
24 number?

25 MISS SMYTHE: The birth number is the number issued

1 by the vital statistics department in most states. Its prob-
2 lem is that it is not yet one hundred percent issued. That
3 was another reason why we looked away from it.

4 And also it reveals significant personal characteris-
5 tics -- the two most important ones being date and place of
6 birth. You can tell -- if you know the mechanism, the
7 construction of the birth number -- the year in which someone
8 was born, and where they were born, and it also led to a few
9 other complications, which you can envision, around place
10 of birth and the kind of birth.

11 The Social Security number does not meet all the
12 criteria above, by a long shot, but it does meet more than
13 any other numbering system now in use, or, at the time we
14 were working on this, then proposed for study.

15 It is also the single numbering system for individu-
16 als now in existence which is most widespread in use by
17 organizations other than the issuer, and by significant
18 portions of the United States population.

19 Again, you must realize we were laying our stress
20 more in the private sector world, rather than the government
21 world operation, because in a sense a voluntary standard body
22 cannot display, shall we say, the same influence in the govern-
23 ment world, without some government backing such as this body,
24 as it can in the private sector.

25 Actually, any one can use a Social Security number.

1 Thus in a sense it is a de facto standard. Over 185 million
2 numbers have been issued, to the best of my knowledge, since
3 1935, and about at least 130 million of those are thought to
4 be currently in use.

5 I am told that more than fifty percent of the
6 drivers now have a Social Security number, in order to obtain
7 a license. That doesn't mean it is the license number, but
8 rather it has been recorded in the system.

9 This brings us back to why is it being recorded, is
10 it useful, et cetera. But at least it is there.

11 The ABA has obviously been promulgating the Social
12 Security number as a voluntary standard to its bank customers.
13 Its big problem, of course, is account identification. This
14 is the same problem in the retail credit world.

15 It serves as the focal point for drawing all your
16 bank accounts together, but until they resolve the problem of
17 a simplistic approach to account identification for the
18 individual, it probably will not receive widespread use in the
19 banking world.

20 Chunks of the educational system are experimenting
21 with the number, from pre-school and through their educational
22 years.

23 The health field is gravitating in this direction.
24 It is in effect for the entire population over age sixty-five,
25 in order to receive Medicare benefits.

1 Several recent health conferences brought together
2 key representatives of medicine, hospitals, computer personnel,
3 government, and non-government groups to consider this very
4 subject. And they are narrowing the focus to really the
5 birth number or Social Security number, with a growing
6 gravitation toward the Social Security number.

7 As we all know, since President Roosevelt's 1943
8 statement, it has been a technical requirement of government
9 agencies, although complete implementation is only now beginning
10 to occur.

11 The Office of Economic Opportunity requires it in
12 most of its programs. The military service number has now
13 become the Social Security number.

14 It is freely and voluntarily being independently
15 used by almost every group needing such a code for identifi-
16 cation and interchange.

17 Finally, I would like to come back to a significant
18 point mentioned earlier in this presentation, that the standard
19 is voluntary in nature and is to be used in a cooperative
20 environment.

21 The Committee, throughout its six years of work, has
22 held two convictions. That preservation of the individual's
23 right to privacy is a fundamental goal of our society, but
24 that the use and advancement of information processing techniques
25 are vital to solving the problems presented by our increasingly

1 complex society.

2 We cannot ignore either of these concerns, but neither
3 can we afford to let either one dominate our thinking to the
4 exclusion of the others.

5 We believe this standard abides by some of these
6 constraints. In fact, the first page of our standard states
7 that it "does not establish any requirement for individuals
8 to disclose any information." Although the standard is intended
9 to facilitate an interchange, it does not authorize it, and
10 we stress that great care must be taken by all users to
11 prevent unauthorized disclosure of information.

12 The proposed standard has been a best seller. We
13 believe that in part it served as the impetus for this on-
14 going conference. Albeit the unfortunate fact that it took
15 four or five years to come to pass.

16 If the circumstances emanating from the present
17 public concerns, uses, needs and governmental involvement
18 permit a better structure than the one evolved by ANSI within
19 the framework and times in which it worked, then we will be
20 pleased to have been a party to this, to help in the generation
21 of the best system with the appropriate safeguards, and to
22 work towards effective implementation of what we sincerely
23 hope will be a meaningful, worthwhile and proper concept.

24 Thank you.

25 MRS. GROMMERS: Thank you very much. Now, would

1 you like to have a discussion of this paper right now?

2 We have one additional presentation, which I really
3 would like to have you hear unless you particularly would
4 like to discuss this now.

5 We have with us Mr. Albert C. Kocourek. Mr. Kocourek
6 is the Chairman of the Society of Certified Data Processors'
7 Unprofessional Practices Committee, and as such he is a colleague
8 of Mr. Taylor, and we have invited him today to present to you
9 an alternative -- I might say -- position.

10 We wanted to have you hear another point of view.
11 And then we will discuss both points of view. Mr. Kocourek?

12 MR. DOBBS: I missed something. An alternative
13 view to what?

14 MRS. GROMMERS: Alternative view to the position
15 that Sheila has presented.

16 MR. DOBBS: I see.

17 MRS. HARDAWAY: I didn't hear the organization.

18 MRS. GROMMERS: Albert Kocourek. He is the
19 Chairman of the Society of Certified Data Processors'
20 Unprofessional Practices Committee, and he is the colleague
21 of Mr. Taylor who presented to you on Thursday morning.

22 And he will present a position which is held by the
23 Unprofessional Practices Committee, which is different from
24 the position presented by Sheila, in order for us to have some
25 kind of information on both sides of the issue for us to

1 discuss.

2 MR. KOCOUREK: The code described in the draft ANSI
3 standard is a two-part code, such as is familiar to all of
4 us, such as used in the address "Boston, Massachusetts."
5 This for instance is a two-part code which distinguishes
6 one Boston from another.

7 The coding system here is used to assist and resolve
8 ambiguities, and also to provide for a usable substitute in
9 many cases where the finer break down is of little value.

10 A Bostonian, for instance, telling a friend that he
11 is going to Center City, Iowa, has provided quite a bit of
12 information about his destination, even though his friend
13 may have no prior knowledge of Center City.

14 In the particular instance, however, ambiguity does
15 not need resolution. The Social Security numbers, in them-
16 selves, uniquely identify any individual, subject only to
17 transmission errors.

18 The drafters of the standard do not appear to expect
19 that any serious transmission problems are involved, as they
20 only suggest a modest list of ten single check digits to
21 protect the number.

22 The use of only ten out of the possible 128 possi-
23 bilities open with the required ANSI code, instead of the
24 equally speedy to transmit check letter case, in transmission
25 problems, can be disregarded here.

1 The second part of the code in such cases where there
2 is no ambiguity to resolve is used to correct, to confirm the
3 correctness of the identification.

4 Theoretically, it could be another arbitrary number.
5 But this has the problem that it would often be melded into
6 a single numeric field and the same mistake that could have
7 made a clerk put one person's number onto a sheet that belongs
8 to another person would often cause him to put both numerics
9 onto the wrong sheet.

10 They would be treated as a single field, and
11 mistakenly placed as often as the single check digit Social
12 Security number itself.

13 This would therefore not be suitable for use as
14 such confirmation.

15 Alphabetic information, such as a name, is therefore
16 more suitable than an arbitrary numeric.

17 In a pure identification system, the confirming part
18 of a number is short. One ANSI character, for example, would
19 normally suffice, usually cutting down the occurrences of
20 transmitted error to less than one percent.

21 And two such characters would allow it to be
22 reduced to under .01 percent. This is using the technique
23 of a check list versus a modular ten check digit, giving far
24 more possibility for error detection. The use of two such
25 letters, then, would compound this.

1 Unless the accuracy of the number was very low --
2 and it should not be in regard to such numbers as the Society
3 Security number or in such applications as the personal
4 individual records received from external sources -- then this
5 is quite sufficient, for an identification system, that is, but
6 not for a tracing system.

7 Here the second field must be considerably longer
8 than in the case of the confirming identification system.
9 Here the longer the second field is, the more of its comments
10 can be known, and matched to a similarly large set of equiva-
11 lent fields held inside the receiving computer, and the more
12 sure the system can expect to be right when it is programmed
13 to ignore a matching failure of unique numbers and it can
14 change transmitted identification to something else.

15 The system suggested in the draft appears to be other
16 than a pure identification system, and instead, it has all
17 the hallmarks of being a two-port name probability tracing
18 system.

19 The two ports are the entry by name or by arbitrary
20 number.

21 The point that the name appears to be the prime part
22 involved is suggested by the appearance of many possible
23 versions of number systems in the draft standard A, Appendix
24 A, page fifteen, for example, as compared to the fact that
the equivalent consideration was only given to versions of

1 naming systems, Appendix B, page twenty-five.

2 If it were simply a confirmation, tracing considera-
3 tion would have been given to thumb print coding, alpha-
4 derivatives of the Social Security number, replacing one with
5 A, or two with a B.

6 In fact, the use of any such confirmatory system to
7 check on the Social Security number would be adequate for
8 the purpose of individual identification.

9 There is no requirement whatsoever for a specific
10 type of field to be used in such system, and the concept
11 statement on page three is, therefore, invalid.

12 It states that name, associated with an identifica-
13 tion code, which uniquely identifies or distinguishes the
14 named individual, is required.

15 In fact, the use of a name has many of the charac-
16 teristics which are at variance with the aims apparently
17 held by the drafters of the standard itself.

18 Second, only after length as a desirable character-
19 istic is personal data not revealed. On page 13, section 8,
20 is an evaluation of alternatives of the need and justifica-
21 tion statement.

22 Names, whether used as complete names or simply as
23 names, give characteristics, including ethnic ones. This is
24 specifically acknowledged in Appendix B, page 25, where it
states, "The different name parts should be identifiable,

1 especially since the surname does not open the same position
2 in the conventional name sequences of all ethnic groups."

3 Under such a system, my name, easily identified as
4 beginning and ending with the letter K, could easily be
5 programmed to be handled differently from others, like Smith.
6 In fact, the use of systems of credit forecasting based upon
7 name characteristics, while not reported openly in the
8 literature, is verbally discussed.

9 There seems to be no reason why it is not already in
10 operation, and the wording of some of the advertising litera-
11 ture, "Only one out of a hundred have been selected for this
12 offer," for example, when in fact it appears that the mailing
13 organization knows little, if anything, more than one's name,
14 makes such a point serious enough to permit consideration.

15 I am sure everyone here has received special offers
16 from someone saying they were selected. This is alluding to
17 this same area.

18 The Society of Certified Data Processors, therefore,
19 recommends against the system using the draft standard as being
20 based on invalid concepts, and having undesirable characteris-
21 tics.

22 With regard to the need expressed for any such
23 system, the statements in the draft standard are unconvincing.

24 The first sequence of the need and justification as
25 the basis for the need is most data processing system require

1 information about individuals from other systems, or from
2 other sources other than internal records.

3 There are some things that most data processing
4 systems do require. These include electricity, air conditioning,
5 and maintainance. They do not include, in any circumstance,
6 information or data about individuals.

7 The operation of some systems, or the operators
8 of some systems, who wish to have certain data that they have
9 gathered about individuals from internal sources amplified
10 with other information, may instruct the data processing
11 sections to perform the processing involved. But it is the
12 people who want the application performed, who have what they
13 choose to consider a requirement.

14 MRS. GROMMERS: Could we have an example of that?
15 I am not sure what you mean by internal here.

16 MR. KOCOUREK: Okay. In the business that I am
17 most related to, which is the mortgage banking, for example,
18 we do a certain amount -- well, we do billing for people's
19 mortgages, and we analyze their mortgage accounts, et cetera.

20 There is nothing we need from the outside regarding
21 that individual per se, where we would want any communications
22 with anyone else based on some type of this standard number.

23 MRS. GROMMERS: What could you use? What data do
24 you already have in your system that you could use to identify
25 that this person is the person he says he is?

1 MR. KOCOUREK: Well, our manual files. Now this goes
2 into a different area. But our manual files have the legal
3 documents which set up a loan, for example. Someone signs it,
4 it is notarized, and this is a legal document saying that
5 this individual owns this particular piece of property and he
6 is therefore liable for the payment on a mortgage and for the
7 payment of all bills associated with that property.

8 Now this is what we use. It is already established
9 for us. We have no need to go elsewhere through the normal
10 legal network. This is established and is taken as fact.

11 We then enter the name, address, very little personal
12 information on the person. We have no need for this informa-
13 tion.

14 The only reason we have a name and address -- and
15 it might be a legal name, such as a corporation -- is strictly
16 for the purposes of our interface with him to send and receive
17 correspondence.

18 MRS. GROMMERS: What what you are saying is that the
19 next time somebody comes up and presents these as Corporation X,
20 what do you do then to know that Corporation X is indeed
21 the person that corresponds to this file that you have -- this
22 manual file?

23 What do you check on if you don't check on an
24 individual number?

MR. KOCOUREK: We do assignment -- I'm sorry, I

1 fact information abuse can occur whether or not there is a
2 standard.

3 "Legal restrictions against the abuse of information
4 would be impractical and probably unenforceable."

5 Again, no basis is given for this assumption.

6 The bugging of telephones would have been considered
7 to be uncontrollable even a few years ago. But with the
8 advance of technology and the use of legal restrictions,
9 the volume of bugging is certainly under control.

10 Information abuse should similarly be brought under
11 control.

12 The Society of Certified Data Processors believes
13 that systems of providing privacy to individuals and the
14 economy to legitimate business and government operations
15 can be developed and does not accept the undertones of
16 fatalism and the opinions expressed in the standard.

17 We apologize about our failure not to previously
18 offer such systems, and are prepared now at this time to
19 discuss one that is currently under consideration for formal
20 presentation to you.

21 We hope to have this finished within a month, and
22 trust that you would be prepared to consider it at this time.
23 Thank you for your attention.

24 MRS. GROMMERS: Tell me something. Would you be
25 able -- does this take -- the one you are thinking of -- would

1 misunderstood -- we do assign a loan number. But in our
2 cases, it is the loan, it is not the individual that we are
3 dealing with. The individual is merely a mechanism of
4 communication regarding the loan.

5 MRS. GROMMERS: But that corporation then has to
6 present to you the next time that they want to have dealings
7 with this particular case that number that you have assigned.

8 MR. KOCOUREK: Yes, correct. It is a property
9 number. It is the people with the application form who have
10 what they choose to consider a requirement, not the data
11 processing installation.

12 It is, therefore, such people who claim to have
13 the requirement who should give evidence of their need, not
14 the data processing people who can at most describe the
15 instructions given to them.

16 Even leaving this to one side, I do not believe
17 that over fifty percent of computer installations perform such
18 work. The claim here requires substantiation before being
19 accepted and no such substantiation is offered.

20 I have consulted with Fred Hammer -- and by the
21 way he is the chairman of our Professional Practices Committee --
22 and the Society of Certified Data Processors' Executive
23 Council, on the matter, and they have authorized me to
24 express their disbelief in this claim.

Further down the same page, it is claimed that, "In

1 that take you a long time to present what it is?

2 MR. KOCOUREK: I don't believe it would. I think
3 we could graphically show it. Alan is more familiar with it.
4 We have discussed it to some extent.

5 MRS. GROMMERS: If you could do this very quickly,
6 say in two or three minutes -- not the detail, but simply
7 the overage.

8 Then I would like to have Sheila have a chance to
9 speak to the points you have brought up here, as a rebuttal
10 or what not, and then we can open it up for discussion.

11 But I'd like to have an alternative.

12 MR. WARE: May I clarify something?

13 MRS. GROMMERS: Yes.

14 MR. WARE: Mr. Kocourek, I want to make sure I
15 understand your position. You are not denying the requirement
16 for the exchange of data, are you?

17 MR. KOCOUREK: No.

18 MR. WARE: You admit data has to be exchanged among
19 computer-based systems?

20 MR. KOCOUREK: Yes.

21 MR. WARE: And you pointed out certain deficiencies
22 as you see it in the ANSI standard, and you have an alternate
23 idea?

24 MR. KOCOUREK: Yes.

25 MRS. GROMMERS: This is why I'd like him to present

1 what they have in mind.

2 MR. MUCHMORE: May I ask a question first, if it's
3 not out of order?

4 MRS. GROMMERS: It will be if it is going to get us
5 into discussion.

6 MR. MUCHMORE: It's not going to. The question is
7 simple. Why didn't they go to the other group earlier than
8 this?

9 MRS. GROMMERS: I'd like --

10 MR. MUCHMORE: It is an important question.

11 MRS. GROMMERS: I will entertain that question as
12 soon as he has presented, and Sheila has had a chance to rebut.
13 And --

14 MR. MUCHMORE: Madam Chairman, you interrupted him;
15 I feel that should be answered.

16 MRS. GROMMERS: The chair does not wish to entertain
17 that now.

18 MR. MUCHMORE: I think it's a significant fact.

19 MRS. GROMMERS: Would you like to take the chair?

20 MR. MUCHMORE: I think it is significant for us
21 to know.

22 MRS. GROMMERS: The chair rules the question is out
23 of order at this time.

24 MR. MUCHMORE: I appeal the ruling of the chair.

25 MRS. GROMMERS: Mr. Taylor?

1 MR. ALAN E. TAYLOR: This particular method is
2 aimed at getting privacy while retaining --

3 MRS. GROMMERS: Just tell us what it is.

4 MR. TAYLOR: It is having a computer at HEW which
5 does have the Social Security number, but keeps it secret.

6 It lets any firm that wishes, and any person that wishes,
7 have groups of numbers and be able to get, for authorized
8 use or authorized linking through the bone fide computer,
9 access to the appropriate records.

10 There is no reason why we cannot, therefore, give
11 the necessary number of identities to that that your medical
12 person -- as one of the doctors who presented to you on
13 Thursday pointed out -- he wanted to keep that secret so that
14 it could be kept secret from one person and yet be able to be
15 linked in the case of a Typhoid Mary examination or some other
16 requirement, from the unemployment record or from the credit
17 cards.

18 So that your prison record can be kept secret where
19 appropriate for a period from five years later. It is simply
20 possible to use, using particularly universal host machines
21 such as are being developed at the moment, which gives us
22 privacy even from the programmers and from the engineers to
23 provide such a service on the same type of security as HEW
24 currently provides at Baltimore. That is the basic system.

25 MRS. GROMMERS: What is the universal host?

1 MR. TAYLOR: The universal host computer is one where
2 the machine code can be written by the people concerned and
3 can be changed so that while I can go to any 370 that I care
4 to, and with my knowledge of other 370's, I can cause it to
5 malfunction, or otherwise sabotage it, with the universal host
6 machine, there would be no one else around who will be able
7 to cause malfunctioning. It's just sabotage protection.

8 MRS. GROMMERS: You mean not with a laser? No way?

9 MR. TAYLOR: Oh, they would be able to destructively
10 sabotage, but not espionage sabotage. It is a protection
11 method.

12 MRS. GROMMERS: Sheila, would you like to have a
13 minute or two to rebut? I'd like to have you all at the
14 table.

15 This is simply a chance for rebuttal to the position.

16 MISS SMYTHE: I have just three very brief comments,
17 Madam Chairman. We envy Mr. Kocourek's apparently closed
18 environment, which enables him not to have to work with the
19 outside world.

20 I wish I were in as enviable a position. The ANSI
21 group would share very definitely his concern about abuse of
22 information. And we will certainly study the document he
23 has presented in terms of his critique of our document, and
24 we welcome his comments.

1 up with when it is completed and review it in terms of the
2 systems that have come to our awareness up to this time.

3 The one point that bothers me somewhat is, it seems,
4 as I listen to it, to relate primarily to the interchange of
5 information strictly within the computer world, and I think
6 this has some very limiting qualities in terms of the needs
7 of both the ANSI committee and possibly this group.

8 Thank you, Madam Chairman.

9 MRS. GROMMERS: Mr. Muchmore? The chair would be
10 happy to entertain your question.

11 MR. MUCHMORE: The chair would be happy at this time
12 to entertain my question, would be a better phrase.

13 Two things. How long have you been working on this --
14 your group?

15 MISS SMYTHE: Approximately six years.

16 MR. MUCHMORE: Mr. Kocourek, how long have you
17 people been working on this?

18 MR. KOCOUREK: Approximately one week?

19 MR. TALOR: Correct. Approximately one week.

20 MR. MUCHMORE: One week? A very embarrassing
21 question, then -- why did you not approach them with material
22 rather than approach us? We are not going to make a decision
23 today.

24 MR. TAYLOR: May I take this one?

25 MR. MUCHMORE: Sure.

1 MR. TAYLOR: Our group was only formed a year ago.
2 It had not been able to be formed previously because the
3 professional society who gives us the examination and the
4 qualifications would not release the register of our names
5 so we could not associate ourselves. We cannot find out who
6 we are.

7 We managed to form at last a year ago. And we have
8 been busy since. We have I believe a moderately good record
9 during that year.

10 We did apologize to you, but the fact of the matter
11 is that we did not -- we not aware of this on-going study
12 for six years.

13 When I went down to ANSI -- which, by the way, does
14 not develop standards -- this particular group is sponsored
15 by the Business Equipment Manufacturers' Association and is
16 an ANSI committee, but not ANSI -- I was not informed of
17 this area. Otherwise, we might have been.

18 We became aware of it only as a result of hearing
19 of this meeting of this committee, and have been in fairly
20 continuous session ever since.

21 Our conference telephone call bills have been rather
22 high.

23 MR. MUCHMORE: I am sorry, but the discrepancy --
24 somebody says one week and you are saying for some time.

25 MR. TAYLOR: No. I am saying we have been working

1 on the problem of standards in general for some time.

2 MR. MUCHMORE: On this subject?

3 MR. TAYLOR: On this particular standard, we were
4 not aware of until the standard draft, until earlier this
5 week.

6 MRS. GROMMERS: I should add we came to Mr. Taylor
7 through Mr. Nader.

8 MR. MUCHMORE: That doesn't recommend him to me.
9 But that is perfectly all right. But for our purposes, it
10 seems to me that rather than listen to two groups who are
11 working in the area, that we should perhaps let them get
12 together and work something out first, and see what their
13 differences are at that point. Because they may be in agree-
14 ment when they finish.

15 If they are in agreement when they finish, they come
16 in and make a joint proposal to us.

17 MRS. GROMMERS: Mr. Ware?

18 MR. WARE: The point of this discussion, I think,
19 is simply to note that there are many solutions to this problem
20 and nobody has sifted them all out yet. We should. And
21 they shouldn't ask us to.

22 MR. MUCHMORE: There you have it, there.

23 MR. GALLATI: Also, Madam Chairman, one of the bene-
24 fits of this is that both of the apparently opposing sides
25 here can get a broader perspective on this whole subject.

1 I think you are both operating from the assumption
2 that you have to have this interchange or linkage system, and I
3 would seriously challenge the social desirability of any
4 ability to link without appropriate knowledgeable consent of
5 the person whose property is being linked here.

6 I don't want this property that I have, which is my
7 biography, being given to anybody, linked with any other system,
8 without my knowing permission. And I don't see this in
9 either of your presentations.

10 MR. WARE: It is very much in the second one.

11 MRS. GROMMERS: The chair would like to be recognized.
12 And hear Mr. Taylor.

13 MR. TAYLOR: Yes, Madam Chairman. Yes, we are very
14 concerned, but as data processors and technical people, it
15 is our function not so much to recommend one way or another,
16 but to provide you with the capability of doing it, should
17 you decide its social desirability.

18 I hope the data processors can be regarded wearers
19 of apparel, but not arbiters of social responsibility.

20 The whole of our function is that we believe data
21 processing can provide both the privacy that you require and
22 such privacies as society is prepared to grant, and the economy.
23 And you do not need to sacrifice one for the other.

24 We are very aware of this.

25 MR. SIEMILLER: Miss Smythe, I have served on some

1 ANSI committees, and most ANSI committees contain representatives
2 from the American trade union movement, in as much as it
3 represents a large segment of our society, as well as a humanity
4 point of view; it is quite a large business point of view, also.

5 Could you tell me why, when you named the people,
6 you didn't mention anybody from the trade union movement had
7 been involved in this particular committee? Why were they
8 excluded?

9 I have another question on the other side, too.

10 MISS SMYTHE: Very good question, Mr. Siemiller.
11 They were not excluded really. At the time the Committee
12 was formed, we sought participation from almost all repre-
13 sentative groups that we could conceivably think of. Some
14 responded and some did not.

15 Even on the second and third wrung, especially when
16 we became involved in the organizational aspect, we wanted
17 to be sure we had not missed any, and we went out again to try
18 to determine where there were any missing elements on this.

19 I am not saying by any means we were perfect in our
20 canvassing of this, but we did, I think, a fairly conscientious
21 job on this.

22 I can only say to you that the committee is made up
23 of the respondents.

24 MR. SIEMILLER: You don't know if or not there were
25 any of the labor movement solicited to participate? Many of us

1 own computers. The Machinist Union alone has a newspaper;
2 it goes out weekly to over a million homes in the United States
3 and Canada.

4 So we are involved in this to a large extent, and
5 I am quite interested in it, too. It's very expensive keeping
6 up that mailing list, so we are interested.

7 MISS SMYTHE: I am under the impression that they
8 wre canvassed. I did not do the initial canvassing myself, so
9 I might speak from second hand.

10 MR. SIEMILLER: You don't know if they were included?

11 MISS SMYTHE: I will be happy to check into it.

12 MR. SIEMILLER: I would like to know.

13 May I present a question to the other group?

14 MRS. GROMMERS: You may.

15 MR. SIEMILLER: Thank you.

16 In making your presentation, in which it was quite
17 critical of the ANSI presentation, you went on to use certain
18 things yourself which you might want to change for other
19 presentations that you have.

20 You said, as an example, that there were three things
21 in common that were needed for the computer world, and one
22 was electricity, one was maintenance, and one was air condition-
23 ing.

24 I would venture to suggest that air conditioning
25 is not the proper word. You have to have temperature control.

1 In many parts of the world you would need heat, not air
2 conditioning.

3 So for accuracy purposes, I would suggest you take
4 a good look at it.

5 MRS. GROMMERS: Mr. Dobbs?

6 MR. DOBBS: I have a few questions for Sheila right
7 now.

8 The work of the committee started, she pointed out,
9 as a result of user needs and requests. Several years ago.
10 And to what degree were the user requests oriented around
11 needs to interchange data versus needs for unique identifica-
12 tion with then-self contained systems?

13 MISS SMYTHE: We were not as concerned about identifi-
14 cation within a single system. We felt that really they had
15 no problem.

16 The nature of the secretariate that set up this
17 committee was for information interchange between systems,
18 between people -- if we can use systems in the very broad
19 sense to mean any entity in this particular circumstance.

20 Our standard does state, as I think I mentioned, that
21 we are not concerned about the record keeping or establishment
22 of the standard within a specific system.

23 MR. DOBBS: Okay. So that in fact the driving force
24 is information data exchange?

25 MISS SMYTHE: That is correct.

1 MR. DOBBS: Okay. To what extent at that point in
2 time did the users identify the kind of data exchange that
3 this need derived from? To what extent were specific kinds
4 of data elements --

5 MISS SMYTHE: It evolved out of the discussion, and
6 out of the meetings.

7 MR. DOBBS: Sort of after and as the standard itself
8 evolved?

9 MISS SMYTHE: Let me put it this way. If the charter
10 -- in quotes -- that set us up did not list a whole criteria
11 of them, I think the first meeting had not even gone by before
12 this whole things was being presented. Because the very fact
13 that you were drawing these people together in this environ-
14 ment indicated a need, and almost the first thing was to
15 exchange the why's and wherefores of the need so one could
16 begin to focus on what it was one had to do.

17 I don't know whether I have answered your question
18 fully.

19 MR. DOBBS: Well, I guess the thing I am trying
20 to get at here is that although the needs come from the need
21 for data exchange, the users did not come saying "we have this
22 specific set of information, or specific type of information
23 even."

24 MISS SMYTHE: Let me put it this way. In a sense,
25 it was not unlike this committee, which brought to it

1 individual talents and individual backgrounds, et cetera, each
2 recognizing a need and a concern.

3 And what we then did was to pool this to try and
4 bring some unanimity of expression from that kind of counsel.

5 MR. DOBBS: Okay. I was interested in your comments
6 about the fact that the standard assumed a sort of a voluntary
7 environment, cooperative environment. And the fact that
8 you characterized the criminal information kind of system, and
9 in fact the welfare system--that may have been an unfortunate
10 choice of words -- but nevertheless it was characterized
11 as a non-cooperative environment. And I wondered why that
12 particular choice?

13 MISS SMYTHE: An example, I think I drew the welfare
14 one more from reading the minutes of the past meetings of this
15 group than I did from the work of our group.

16 Because it certainly was engendered to me as an
17 attitude of some of the papers that had been presented here.
18 Not necessarily my own personal view.

19 MR. DOBBS: Okay. Sort of along the same lines,
20 this notion of a cooperative environment versus a non-coopera-
21 tive one, you point out that a major emphasis was that the
22 identifier should be available to the individual who requires
23 it.

24 MISS SMYTHE: I think we were talking there, if I
25 remember correctly, about the ideal world, and I think that as

1 you can readily see was one from which we very quickly departed
2 when we got to the practical application.

3 If I might clarify another point. I think it's
4 fair to say also that because of the nature of ANSI as a
5 structure, practically all its standards are in essence volun-
6 tary standards.

7 MR. DOBBS: Sure.

8 MISS SMYTHE: It's of special concern here for the
9 emphasis, but I think it is almost an underlying principle
10 even if not so broadly stated of almost any standard they
11 do issue.

12 MR. DOBBS: To what extent has ANSI, independent
13 of this particular study, addressed the notion of standards
14 for privacy and confidentiality in information systems?

15 MISS SMYTHE: I can only speak from personal knowledge,
16 and my acquaintanceship with several layers of ANSI involvement,
17 it was a concern but there has been no active committee
18 formed.

19 It was, I believe, our feeling that it should be the
20 purview of a larger group in which ANSI could participate, such
21 as this.

22 MRS. GROMMERS: Professor Weizenbaum?

23 MR. WEIZENBAUM: I have a number of remarks not
24 necessarily addressed to either of you, I mean, specifically
25 to one of you, but both perhaps.

1 Let me just -- the question you asked -- if you
2 transfer non-cooperative to coercive, then the imagery becomes
3 somewhat more clear. Transfer the welfare environment is
4 sometimes coercive -- sometimes.

5 Anyway. I'd like to ask you -- either of you -- for
6 your view on how important is it for an individual to be able
7 to supply the information out of which his identifier may be
8 generated?

9 In some cases that may mean just simply that he has
10 memorized, for example, say, his Social Security number. In
11 some cases it may mean that he is capable of giving his name,
12 in some cases he is capable of giving his name and birth date,
13 for example.

14 How important is it that the individual be able
15 to provide the information out of which someone from whom he
16 presumably wants something can then construct his identifier?

17 MISS SMYTHE: I am sorry. I am having a little
18 trouble with the question.

19 MR. WEIZENBAUM: Let me give you an example. I go
20 to some agency, it may be a department store, a passport office,
21 whatever. And they ask me, "who are you?" And I give them
22 my name. They say, "we really need your complete identifier"
23 which has now been legislated, or whatever, and I say, "well,
24 what is it you need?"

25 "Well, do you have your identification number?"

1 I say, "I have forgotten it."

2 And it may be that they will ask me, "When were you
3 born?" I tell them.

4 They say, "In that case, we can construct the
5 number."

6 MISS SMYTHE: The generated kind of system.

7 MR. WEIZENBAUM: Or maybe simply the memorized one
8 or one I have written down on a piece of paper. How important
9 is it?

10 MISS SMYTHE: In a system in which you had not just
11 the voluntary concept, not only the identification but the
12 verification -- if I can combine it -- It would not be vital,
13 really, because as one of the ideal concepts, we did say the
14 ability for a third party to get this, really, with the consent
15 of the individual.

16 Okay, you don't have it. Will you give me the
17 consent to go to the originating organization and get it for
18 you -- type thing.

19 In the framework in which we are operating in this
20 constraint, it becomes almost essential that the individual give
21 it to you. If the individual doesn't give it to you, then
22 really you have to make some adaptation.

23 MR. WEIZENBAUM: You may in fact become the equiva-
24 lent of a stateless person if you simply can't recover your
25 identity.

1 MISS SMYTHE: Well, he has a mechanism. Let's say
2 the Social Security number -- he has a mechanism to go to
3 Social Security and either recreate the right number or --
4 heaven forbid -- get a second number.

5 MR. WEIZENBAUM: His name may very well be John B.
6 Smith.

7 MISS SMYTHE: He would not be foreclosed from the
8 option for which he wanted to use the number.

9 Let me put it that way.

10 MR. WEIZENBAUM: I see.

11 MISS SMYTHE: And I feel -- by the way, so does our
12 committee -- very strongly that in the voluntary use of this --
13 and I disassociate that concept from necessarily what might
14 come out of here in any kind of a mandate or a continuation
15 of the voluntary concept -- that if an individual, unlike --
16 what is it, Virginia or West Virginia -- motor vehicle thing
17 that led to the court case -- if an individual says, "I won't
18 give it to you," he should not be foreclosed in any way from
19 the option, that the system should have a way of adapting to
20 this.

21 In the belief -- and I think fairly true -- that this
22 is a minimal kind of situation, that you don't create a
23 brouhaha. If somebody comes to our organization and, let's
24 say, for some reason we want the Social Security number and he
25 says "I won't give it to you," all right, we will adapt.

1 MR. WEIZENBAUM: That is a different question. You
2 were burning to say something?

3 MR. TAYLOR: Well, no. I was just listening.

4 From our point of view, it is not at all necessary,
5 for two reason to start with.

6 The idea is that the function that is required is
7 obtained, not necessarily the number which can lead to various
8 information abuses.

9 So as a very primary point, there is no need to
10 get the number; there may be a need to make use of the number.

11 Two, because of the -- at least in the one-system
12 capability of any of a number of types of errors -- perhaps
13 birth date, perhaps last employer, perhaps with your name --
14 being able to arrow in on the number, there is no real need
15 to remember, certainly no specific one. And as long as you
16 can remember two out of about twenty facts, we can find it.

17 But you do not have to insist that you need it or
18 that it gets revealed at all.

19 MR. WEIZENBAUM: That is still a different question.
20 You are answering a different question, because you are now
21 addressing yourself to the uniqueness of the identifier as
22 opposed to its recoverability by some act of the individual
23 to whom it belongs.

24 For example, in most cases giving my name is
25 sufficient. And the fact that I have a?l sorts of other

1 numbers simply isn't interesting to most people.

2 The other question I want to raise is the question
3 of international considerations.

4 We may very well -- following the sort of thing you
5 were talking about yesterday, David -- set up a system here
6 which we suddenly find has locked ourselves into a position
7 which we don't want to be in.

8 For example, if by having an identifying identifica -
9 tion system for American citizens, and now it turns out that
10 international communications have become terribly important
11 and they have an entirely different system over there -- where-
12 ever "over there" is -- and now what do we do?

13 And I am impressed, for example, with the length
14 of time you have spent on this -- six years -- but it also
15 worries me, because six years ago the assumptions you were
16 making about the world and the assumptions you were making
17 about computers and their capacities and sophistication and
18 so on were very different from the assumptions you would make
19 today if you were just starting.

20 One of the things, for example, that occurs to me
21 is an analogy -- this is not a recommendation; we are in no
22 position to recommend at the moment -- but an analogy is the
23 Western Union money order.

24 Western Union used to be used by private citizens
25 to send messages to each other. Those my age and older will

1 for some agency -- many different agencies choose different
2 identifiers -- one of them chooses the passport number and
3 the country from which the passport was issued. Okay, that
4 turns out to be entirely different from some other identifier
5 that some other agency requires, or that I choose to use.

6 That could easily today be stored and transmitted.
7 That might not have been the case six years ago.

8 So I think before this sort of thing gets frozen
9 into ANSI recommendations and law and procedure, I think
10 these things have to be thought about very, very seriously.

11 MISS SMYTHE: May I comment on that for a moment?
12 I had said in the earlier part of my discussion -- and I
13 apologize -- that I would mention the international activities
14 and then I neglected to do so.

15 The International Standards Organization was
16 established in 1947. It is on an international level, compara-
17 ble to ANSI.

18 May I take just one second to read you its objectives.
19 To facilitate the coordination and unification of the standards
20 of member bodies; and it may organize the exchange of
21 information regarding the work carried out by each member body;
22 set forth principles for the guidance of member bodies, and
23 their work; cooperate with other international organizations
24 in dealing with related questions; set up international
25 standards, provided in each case no member body dissents.

1 The present membership of ISO includes 54 member
2 bodies. And a member body is an organization of an individual
3 nation that best represents the standardization activities of
4 its nation. Only one such body for each country can be an ISO
5 member body.

6 The ISO member body that represents the United States
7 is the American National Standards Institute, which is a little
8 bit of background for any of you who may not be familiar
9 with it.

10 There is at the international level the equivalent
11 working group, subcommittee, for the series of committees in
12 ANSI that we have been developing our standards through.

13 It is known as the TC 97 working group K, and it
14 goes on up the line that way.

15 It has held three international meetings. It was
16 formed also about five or six years ago.

17 The second of these meetings was in 1971, in Paris,
18 and the last one was in Berlin in April of this year. In fact,
19 it coincided with the first meeting of this group, and was the
20 reason I was not at the first meeting of this group.

21 Its program of work is comparable to the program of
22 work in the United States. If you look at its scope of work,
23 the two programs are in concert with one another.

24 The particular working group for this area has
25 approximately ten or twelve countries involved in it. One of

1 the working group areas of the international level is also the
2 identification of individuals and organizations and the name
3 forming questions.

4 These discussions have been held at that level, and
5 one of the first things we found out at the Paris meeting a year
6 ago was that we knew very little about what was going on in
7 each country with respect to this area of operation. And after
8 canvassing other international organizations such as the U.N.
9 and many others to see if there was anyone who had done research
10 in this area, we found that while some small studies had been
11 done, there was no overall international study to try and
12 determine what was the identification system in the various
13 countries, was there a need for international identification,
14 if so what was it, what were the controls or protections that
15 should be put on it, what should be the construction of a
16 communication system for any international standard if one
17 was required, et cetera, et cetera.

18 Therefore, -- well, let me backtrack. The secretariate
19 for that particular committee happens to be the United States.
20 Therefore ANSI serves as the secretariate for it.

21 The current chairman of the group is a man who has
22 already spoken to you here -- Mr. Harry White from the National
23 Bureau of Standards. I should say the current chairman. Each
24 meeting establishes its own chairman at the meeting. But he
25 was the chairman for the last two meetings.

1 We have designed -- we have at the request of the
2 international working group -- designed a questionnaire to go
3 out to all of the member bodies, not just those in our group
4 but all of the ones in ISO.

5 The individual standards questionnaire was reviewed
6 at the Berlin meeting this April and approved by the group.
7 At the same time, we were authorized to develop an organization-
8 al questionnaire. And this has also been done.

9 And it is intended that these two will be sent out
10 to go, hopefully, to all of the member bodies very soon --
11 in quotes.

12 And that we may, if we are very fortunate, have the
13 results of this within four to six months -- I think was our
14 desire.

15 Therefore, I think I can say this much. I think
16 we can assure you that other countries and ours are looking
17 to work in concert; that before we are through we will hear
18 faster than any other country what is going on elsewhere,
19 because we are the secretariate and therefore will be putting
20 the responses together, so we will have a firsthand glimmer
21 in advance.

22 And that we would certainly bring to your attention
23 what was being done in these other countries, and would hope
24 that this would be helpful to you in your deliberations.
25 Whether it will be soon enough is another question.

1 MR. WEIZENBAUM: May I say another word?

2 Just to make sure that you understand the drift
3 of what I was trying to say, and also I hope to please Bob
4 Gallati -- it's intuitively obvious to everyone that the
5 computer both on the national and international scale makes
6 the question of standards very much more urgent, requires
7 very much tighter and stricter standards than had been applied
8 heretofore.

9 While that is intuitively obvious, it is false.
10 Just the opposite is the case.

11 That the computer, especially as it is developing,
12 makes it possible to have much looser and less tightly enforced
13 standards in the direction that I was mentioning earlier. So
14 that not only might it be possible because of the development
15 of the computer at high speed international and national
16 communications to allow other people to have systems of standards
17 that are rather different from ours, but we can deal with them
18 nevertheless because we have computers and so on, and so forth.

19 That may even be true on the national scale. So that,
20 for example -- and this is where I think Bob Gallati will
21 agree -- it may be possible not to even have a national standard
22 but to permit states and other agencies such as businesses
23 and agencies of government and so on to, within a certain
24 domain, to be sure, develop systems of identification and
25 standardization which are quite different from one another,

1 where the compatibility is on a rather distant level.

2 It has to be there somewhere, but it is not right
3 there in front of you where everyone has to use the same number
4 all the time for everything.

5 The sort of thing Mr. Taylor was saying, for example,
6 about a computer coming into it. By the way, Mr. Taylor,
7 you know we have discussed this sort of thing in this group.

8 MRS. GROMMERS: This was, indeed, what Joe was
9 putting on the blackboard when he was describing that pyramidal
10 system.

11 MR. DOBBS: Sheila, one of the things we have heard
12 fairly consistently, in terms of the use of the SSN in particu-
13 lar, is the notion of the centralized organization to assign,
14 control and validate.

15 Maybe not from the viewpoint of NASI, but certainly
16 from the viewpoint of those people who would like to voluntarily
17 adopt the standard, it is pretty clear to me that part of that
18 volunteer spirit comes from the fact that there exists an agency
19 which will do the assignment and control of that number for
20 free.

21 Would you accept that as being a legitimate sort of
22 starting point?

23 MISS SMYTHE: I am not sure that I would completely
24 assure that the assignment and control, in the sense that we
25 might both be talking about, now exists. And I am not sure

1 also that if it did exist, ~~one would not have~~ to find some
2 mechanism to pay for it in some way -- in quotes.

3 But fundamentally, what you are saying, yes.

4 MR. DOBBS: Okay.

5 MISS SMYTHE: With those ~~gaveats~~,

6 MR. DOBBS: I think for many of the industry and
7 commercial uses, to look at it in a fairly crass way, there is
8 an agency that does that, and therefore it is inexpensive.

9 The fact of the matter is that if even the de facto
10 use of the number as a standard continues, and if more Federal
11 agencies because of that de facto use began to use it for
12 other purposes, there will be an increasing load on the Social
13 Security Administration itself in terms of its ability to handle
14 the assignment and control of the number.

15 And I'd like to know to what extent did ANSI -- if
16 at all -- consider the implications of that phenomenon?

17 MISS SMYTHE: We considered them quite seriously. In
18 fact, we had a ~~member~~ of the Social Security Administration
19 sitting on our committee to be of informational resource to
20 us. He was quite helpful.

21 MR. WEIZENBAUM: Who was that?

22 MISS SMYTHE: Initially Mr. George Gallagher.

23 There is no question that a verification and monitor-
24 ing system would make the standard more ideal. However, if
25 you recognize that a third party cannot really, from the private

1 sector, go to SSA and get much more on the Social Security
2 number at the present time, the excess demand from the frame-
3 work of this standard comes only from the individual asking
4 for his Social Security number, and if you assume that that
5 is really an expansion primarily below a certain age level,
6 possibly the inclusion of children, et cetera, because most
7 people at least having reached age sixteen have a Social
8 Security number at this stage, I do not, nor did the Committee,
9 see this as an excessive load in its present structure of
10 this standard on the Social Security Administration.

11 And I think it would be fair to say that SAA, by
12 at least not raising any monumental objections, might have
13 shared this opinion.

14 If you went beyond this standard, then I think you
15 would get into the problems that you raise.

16 MRS. GROMMERS: Mr. Dobbs, do you want to go on
17 with that -- pursue that?

18 MR. DOBBS: No. Maybe I will have a chance later.

19 MRS. GROMMERS: I just want to tell you we are sched-
20 uled for a coffee break at 11:00. And there is no way that
21 you are all going to have a chance to speak before 11:00 o'clock.

22 Could I hear some opinion as to whether you wish
23 to extend the coffee break, for a few minutes, or whether you
24 wish to have the coffee break?

25 MR. SIEMILLER: Let's have a coffee break and come

1 request to a person and have that person appear before us.

2 If there are other groups, I would like to see the
3 staff go out throughout the United States and find out if
4 there are groups also in opposition to it, and see their
5 positions and let's have them, too.

6 If we are going to give this group a chance, other
7 groups should have a chance.

8 MRS. GROMMERS: I agree with you completely, and
9 it was our request to Mr. Nader, who referred them.

10 MR. MUCHMORE: Perhaps we should not go to just
11 Mr. Nader. There are other telephone numbers in Washington,
12 D. C.

13 MRS. GROMMERS: We'd be happy to have any you could
14 provide us.

15 MR. MUCHMORE: I know of none. Which is why I suggest
16 the staff should provide us.

17 MRS. GROMMERS: I want two more questions before
18 we break. First, Mrs. Hardaway.

19 MRS. HARDAWAY: Professor Attorney Miller, clarify
20 something for me, please, sir, along the legal lines.

21 The Social Security number was created by Executive
22 Order, correct?

23 MR. MILLER: The Social Security?

24 MRS. HARDAWAY: The Social Security Act came about
25 by Executive Order?

1 Administration, is going to present for us, rather more briefly
2 than he had planned to in order that we can have the benefit
3 of his presentation.

4 What we will do is have a few questions that one
5 really needs to have him answer, if there are any. If there
6 are not, then he will leave. That is, if there are no questions
7 that he himself must specifically answer, then he will leave,
8 and we will return to the questions about the identifier,
9 and we will have a box lunch at around 1:00 o'clock, which will
10 be a working lunch so we can continue to arrive at some
11 conclusions about committee direction and committee consensus,
12 so that those of you who I know have to leave early are able
13 to participate in what we are doing.

14 So without further ado, Mr. Fisher.

15 MR. FISHER: Thank you very much. I am very happy
16 that I come last, and that you are in a hurry to go home,
17 because I have really very little to say.

18 I accepted the invitation with a certain degree of
19 reluctance. Number one, I don't know anything about computers.
20 Number two, I don't know anything about confidentiality. And
21 therefore my presentation can be very fast.

22 I would like to perhaps start out by saying, if you
23 look at foreign social security systems -- and I am only talking
24 about social security systems -- you have to keep a very few
25 things in mind.

1 Number one, when you talk about the European, outside
2 of the United Kingdom, they started out basically with health
3 insurance, and with health there was a question of confidentiali-
4 ty, there was a question of the medical secrets.

5 And you find, therefore, that in the early European
6 systems, the medical secret then went over to the question of
7 a secret of all information the system collected for the
8 individual.

9 Secondly, you may want to keep in mind that we have
10 about two major systems in one respect all over the world. One
11 which deals with social insurance, which maintains insurance
12 records. Another one which deals with social assistance --
13 as Australia and New Zealand do.

14 There your entitlement to a benefit depends upon
15 a means test, and a means test requires, of course, quite a
16 different type of information available to the administrator,
17 than the system which is based on wage records.

18 The third comparison which I want to make is that
19 in some of the systems, you have a uniform benefit. Uniform
20 benefit, as for instance, in the United Kingdom, as in Sweden,
21 which is a universal grant which you receive as the contingency
22 arises -- family, old age, or disability, and so forth.

23 And there you have a nationwide information service.
24 However, the information which is then collected by the
25 system is quite different from the information we collect. It

1 is basically the information that is collected is of contri-
2 butions -- how much contributions have been paid. In other
3 countries, we have an hour system, based on wage records or
4 income records. And here a different question arises.

5 And the last point I want to make before we go to
6 any discussion is that some systems historically have gone
7 up from occupational bases. That means the bank employees
8 had an old age system, the public employees had a system, the
9 railroad employees had a system.

10 And here you have systems which have grown -- should
11 I call it historically -- on occupational and sometimes on
12 union grounds. And they are then later on coordinated by
13 a law and coordinated by a minister.

14 I want you to keep this in mind, to understand
15 what I am saying now.

16 Now the first thing I want to mention, after this
17 introduction, is to say to you that there is hardly any system
18 known now which hasn't got a computer. In some cases the
19 computers are in the warehouses, as in Latin America. That
20 means that IBM has been very effective in selling computers,
21 but the systems have been very ineffective in using them.

22 In those cases, you have a situation where you have
23 to ask yourself, now what information can be, has somebody
24 safeguarded against violation of privacy, and the answer is
25 there is no information available.

1 All Latin American countries have now, for instance --
2 yes, all of them -- have a pension system, either on the books
3 or at least in some stages of development. Some of them are
4 very recent.

5 I forget about those systems which have a comparison
6 savings system, which occur in Latin America or Canada or
7 Carribean system which take their cue from the British.

8 But the information which is available there in
9 these pension systems is rather rudimentary. If you understand
10 that if a man can in his lifetime move from the banking system
11 to the teaching system to the systems for railroads and so
12 forth, you can easily see that if there is not a very clear
13 coordination, the proof of what he wants to get at the end
14 of his career depends upon the information which he provides.

15 He has the burden of proof that he has been insured
16 in several systems. And therefore he, and not the system,
17 has to maintain the records.

18 So I would say we can dismiss for the moment the
19 question of the need to protect the privacy of individuals
20 from those systems where there either is no record keeping,
21 where there is no adequate record keeping, or where there is
22 no effective coordination between various systems.

23 Basically the question arises, then, in Canada, which
24 you have heard about, the question arises in the United Kingdom,
25 and in these European industrial nations.

1 Now I would like to start out by saying that all of
2 the systems I know of, of which I have heard, have confidentiality
3 either in the law or they have it in executive order, regulation
4 or other internal legal basis.

5 I would then say that the degree to which the problem
6 of confidentiality has arisen depends to some extent upon the
7 co-existence of another national data system.

8 For instance, in Switzerland, which is nearest to us
9 in one respect, namely that the social security number is
10 supposed to be the national identification number -- in Switzer-
11 land, a new national identification number will be introduced
12 by adding a number of suffixes to the social security number.
13 This is in the making. Nothing has been done yet about it.

14 In Germany, on the other hand, a national identifi-
15 cation system is coming into existence, and, therefore, the
16 social security number is not -- by the way, they don't have a
17 social security number, they either have really -- the French
18 have something similar to a social security number, but in
19 Germany the social security number is now again in process.

20 Approximately twenty percent have already been
21 issued, but eighty percent are still in the making.

22 When you come to the French, a mixture has been
23 found between the statistical identification number and the
24 social security number. That means both systems will have
25 the same number. But the numbers have not been issued.

1 Now you ask yourself, doesn't this work a hardship?
2 Well, it works a hardship, number one, on the computer, which
3 cannot be effective if you don't have a social security number
4 which identifies this individual, when you have one for one
5 system but not transferable to the other systems.

6 But on the other hand, you do have a problem with the
7 social security numbers. You have some problems that you have
8 here that you don't have abroad.

9 For instance, the question which we are asked normally
10 and which we can always fulfill is what is the residence of
11 the beneficiary? What is the size of the benefit? What is
12 the wage record of the person?

13 And in the Western European countries, the question
14 of the residence does not fall on the national identification,
15 it doesn't fall on social security numbers, it falls to the
16 police, because all the police systems do keep a record of
17 residences of individuals -- and of tourists, as some of you
18 probably have found out when you checked into hotels there.

19 The question of the wage record is a more complicated
20 case. As you probably are familiar, we in the United States,
21 for instance, collect social security premiums, social
22 security contributions, only up to a ceiling of your earnings.

23 Therefore, the social security system maintain wage
24 records only up to the ceiling but not beyond the ceiling.

The same thing applies to almost all Western

1 European countries. That means the amount of wage information
2 which can become available has an upper limit. The upper limit
3 being the ceiling.

4 In our case, I think it is \$7800 -- or \$9000. And
5 perhaps if H.R. 1 is ever passed, \$12,000.

6 But if somebody earns more, whatever more that he
7 earns than the \$7800 and so forth is not recorded. And it
8 is not reported in other systems.

9 Now the next question that comes up is the question
10 of the benefits. Now the question of the benefits is somewhat
11 related to whether the benefits are taxable and whether benefits
12 are attachable.

13 If the benefits are taxable, then there exists a
14 record -- a double record, a record in the equivalent of the
15 Internal Revenue system.

16 If the benefits are attachable, you can easily see
17 that someone would be quite interested in getting ahold of
18 the current benefit which is paid out to the beneficiary.

19 In many countries, the benefits are limited attach-
20 able, or not attachable at all. In many countries they are tax-
21 able, but only partly taxable.

22 Now I come to a few conflicts which I have encountered.
23 I encountered a conflict between the desire of the public to
24 know and the desire of the individual for the public not to know,
25 particularly not for his neighbors, his creditors, his

1 estranged wife, and so forth.

2 I think we could basically say we could distinguish
3 between the Anglo-Saxon countries, on the one hand, and the
4 Continental European countries on the other hand, and one or
5 two Nordic countries in the third hand.

6 The Anglo-Saxon countries we don't have to talk about.
7 We are basically following an attitude -- our attitude is
8 the one which has been described as privacy and confidentiality
9 in your meetings, and I don't want to go into this.

10 In the question of to know, to know your neighbor's
11 business, to know, to have a kind of a control over what your
12 neighbor tells the state or the system, this I think is clearly
13 established in certain Scandinavian countries, particularly
14 in Sweden.

15 If you think of the ombudsman, he not only protects
16 the consumer against the state, but he also in a way is a
17 symbol of the willingness of the people to penetrate what
18 you may have thought at one time was privileged information
19 for the interest of the public good.

20 The French, for instance -- where also anarchistic
21 tendencies occur -- because the French are like that -- they
22 passed a decree, and the decree was that tax returns are
23 supposed to be open to the public. This decree is the repre-
24 sentation of one extreme of public opinion which became vocal.
25 There is another extreme, not of public opinion but of French

1 opinion, which considers that the public does not have the right
2 to know but the state does, and therefore this particular
3 decree about the tax returns easily could be transferred to
4 social security returns. It has not been enforced. It is on
5 the books for six months, but nobody intends to do anything
6 about it. Nobody has done anything about it.

7 Which is not unusual, because, you know, in many
8 countries -- Latin America, Africa, Asia -- the law is basically
9 -- the law which is passed is not supposed to be implemented.
10 It presents a standard of aspiration. It is what should be
11 done in a hundred years or two hundred years, but it doesn't
12 mean that you have to really implement it immediately.

13 Which is also a function of the law -- setting a
14 norm.

15 Now the other parts which are encountered are
16 basically attitudes which differ from the United States. One
17 which has less distrust for the government and more confidence
18 that the government would not abuse information, and this
19 is I think a better way for the United Kingdom, but also
20 true for several other European countries.

21 If you want, it is a kind of a police state, a
22 natural type of attitude that the sovereign has the power
23 and that he can be trusted not to abuse it.

24 In that case, when you have this type of situation,
25 you would not hesitate -- well, you always hesitate of course

1 to give information to anybody of such vital things as your
2 income, your marital history -- but if you have to, you would
3 give it to the state because the state has the police power to
4 enforce it and you trust the state not to divulge it.

5 And, therefore, you will find that in many European
6 -- Central European countries, in this case -- there is
7 considerable information available in various files, in various
8 social security systems, but this information, more or less
9 freely given, is maintained by the state as a closed book
10 vis-a-vis the public.

11 Remember that in one case in a Central European
12 country there exists a central law which covers all the
13 administrative procedures, which says the administrative
14 organization has to divulge, can divulge, should divulge
15 information to all the inquiring public, but it can also with-
16 hold such information without appeal. That means you have no
17 appeal if the administrative organization says, we are not
18 going to divulge the information. No reason has to be given.

19 This is one attitude which you will find quite
20 interesting because it is not the attitude which we find
21 in the United States.

22 And finally, I should say just a little word about
23 the international compact. Now in the Common Market, where you
24 have the question of migratory workers who move from one
25 country to another country, there exists a compact of a not

1 a common but at least a joint social security system.

2 And here the question has been raised by the Common
3 Market organization of an exchange of tapes. That means tapes
4 available in one system would be simply sent to another system
5 if the person migrating from one country to another country
6 has a claim against this first country, and you have here,
7 therefore, information which is made available by one system
8 in one country to one or more systems in the common market.

9 Now on all of the work on international agreements,
10 we also have been asked by various countries to enter a
11 bilateral agreement for the totalisation of claims. I will
12 explain this in a minute.

13 The question of confidentiality was one of the
14 easiest to solve because each system has simply said, we main-
15 tain a degree of confidentiality which our law or internal
16 regulation provides.

17 We are not going to make information available to the
18 other country, and the other is not going to make information
19 available to us.

20 So that was an easy solution.

21 Totalization, just to give an idea, is that a
22 migratory worker who might move from Country A -- Italy -- to
23 Country B -- United States -- settled here, would be
24 protected against the loss of his rights by combining the
25 qualifying periods.

1 In other words, Italy has a fifteen year qualifying
2 period. We will have very soon -- isn't that right? -- a
3 ten year qualifying period.

4 Now if you think of the American who worked in Italy
5 for eight years and in the United States for eight years,
6 he would finally end up his life by having no claim whatsoever.
7 Neither with Italy nor with the United States.

8 But adding the two periods of eight years to make
9 sixteen years, he qualifies for both -- for the Italian and for
10 the American system -- and the pension to which he would be
11 entitled would then be pro rata pension paid under each system,
12 so each would pay one-half of the pension to which he would be
13 entitled.

14 Now this type of international agreements are
15 therefore at the present time not raising problems about
16 confidentiality.

17 I might say that as far as the Social Security
18 system is concerned, the real problems did not evolve vis-a-vis
19 the public. The problems which arise, arise actually vis-a-vis
20 various government agencies.

21 The general rule, in the Western European country,
22 is that the information available to one administrative agency
23 should be available to any other administrative agency.

24 The general rule in the United States is different.
25 I mentioned to Dave once the case where the agency came to me

1 and said, "Our staff has to be cut abroad, we would like to
2 recruit local talent with a certain allegiance or at least
3 interest in the United States. Your Social Security benefici -
4 aries in the foreign countries would be ideal because that
5 is where they make their living from."

6 And we had to refuse to give them this list of
7 beneficiaries because none of our provisions permit the di-
8 vulgence of this information of who is a Social Security
9 beneficiary in, let's say, Timbuktu or Athens or Rome, to this
10 particular agency.

11 In Europe it's quite different. One agency gives
12 complete information to any other agency. Sometimes it is
13 a general administrative law, sometimes it is only custom,
14 sometimes it is set in different laws regulating the rights
15 of the various agencies.

16 The problem of more interest to you, perhaps, is
17 the relationship of the Social Security records to the courts
18 system, particularly when the courts act in the fiduciary
19 situation.

20 I am referring here to a particular example which
21 came to my mind where the court is In Loco Parentis of orphans,
22 or the orphan becomes a ward of the country, where the divorced
23 or separated woman becomes a ward of the court.

24 In that case, the subpoena power, the court order
25 can be used to penetrate the secrecy of the individual system

1 to the advantage of a private person, namely, the orphan or
2 the wife, the divorced or separated wife.

3 In sum, I would feel that the problem of confi-
4 dentiality has not risen in Europe to the same extent it has
5 risen here. That doesn't mean that it will not arise, because
6 there is a National Center for Registration in England, for
7 instance, a National Center for Social Security Information.

8 There is, of course, a national identification number
9 in the making in Germany. There is one in the making in
10 Switzerland. And the problem which we face, which you face
11 here, is undoubtedly to arise there.

12 But let me just end my discussion by saying that the
13 most surprising answer I got was from my colleague in Japan,
14 who told me, when I asked him about confidentiality over the
15 phone after you talked to me, he said, "But this problem
16 hasn't arisen in Japan. We don't have any laws which prevent
17 the divulging of information, but nobody asks us, either."

18 Maybe that is the pre-industrial or pre-computeri-
19 zation of many other countries as well. Thank you very much.

20 MRS. GROMMERS: Thank you very much, Mr. Fisher.

21 If there are any questions, what we will do is after we have had
22 these questions that are specific to Mr. Fisher, we will go
23 into executive session, so that we will just be working as a
24 committee of members on some of these issues.

25 Mr. Burgess?

1 MR. BURGESS: I think the cross cultural views
2 that you have brought before us are very valuable. I'd like
3 to make one observation and ask one question.

4 The observation is that, though I can't speak with
5 any great authority or special knowledge with respect to
6 Continental European countries, it seems to me that we could be
7 very easily misled by the Scandinavian example, and that is
8 that while it is true in the Scandinavian countries one knows
9 a great deal about a person as a matter of common knowledge,
10 that one doesn't know in this country--for example, one knows
11 one can very easily find out a person's gross salary and how
12 much taxes he paid the previous year and the phone books
13 typically list his occupation -- but the important thing I
14 think is that beyond that kind of basic information, which
15 goes beyond the common knowledge available to most people in
16 this country about fellow citizens, one can't get very much
17 information.

18 That in fact, if one has to sign an identification
19 card when he goes into a hotel, that identification says what
20 is your name, where were you yesterday, where are you going
21 tomorrow.

22 Now given everything we have seen in this committee,
23 if that kind of procedure were adopted in this country, you'd
24 have in every hotel, "what is your name, where were you
25 yesterday, where will you be tomorrow, and what is your

1 attitude towards corn flakes, sex and a number of other items."

2 And the form would take a half hour to fill out, and
3 not three minutes.

4 And in traveling through other countries, I get the
5 feeling also that that is probably not unlike what one finds
6 in those places.

7 So I think there is a fundamentally important issue
8 here with respect to the kind of information that is
9 collected by governmental authorities and is diffused.

10 And if all we are talking about is basic information,
11 name, in the case of travel data, where you were yesterday
12 and will be tomorrow, and that's it, its wide diffusion, wide
13 availability doesn't become a critical issue to most people.

14 It is when lots of other information gets bootlegged
15 onto that that it does.

16 I think one of the valuable things for us to be
17 able to find out, since you have alerted us to these differences,
18 would be the extent to which a great deal of what most of us
19 would consentually agree is sensitive information is in fact
20 collected by agencies in other societies, because my hunch
21 is that a lot of that sensitive information isn't collected.

22 So that is kind of my observation.

23 The question I have is, is it true that in the
24 Common Market countries there is an equalization of employee
25 benefits among the six countries, or nine, or whatever?

1 MR. FISHER: No.

2 MR. BURGESS: It is not?

3 MR. FISHER: no.

4 MR. BURGESS: Italian workers going to Germany, who
5 earn retirement benefits, are paid those benefits from a German
6 firm or from the German state back into Italy at a later time?

7 MR. FISHER: Well, on the first point you are quite
8 right, the information is limited. But some of the information
9 is essential.

10 If you have ever tried to serve a court order to
11 somebody you would like to know where his residence is. And
12 if this information is readily available to the police, then
13 you are better off than if you have to hire a detective agency
14 to find out where he is moving to.

15 If you have a record of change of name in the police,
16 and it is easier than to find when a change of name has occurred
17 in any of the court systems, which has not occurred outside
18 the court system.

19 But you are right, it is limited information.
20 I was directing myself only to those cases where I guessed that
21 the social security information which we collect can be of
22 some value to private interests. And I didn't go into all the
23 ramifications, because you know much more than I about it.

24 On your second question, the Treaty of Rome, which
25 is the legal basis for the European Common Market, does have

1 a vague provision called harmonization. And the harmonization
2 supposedly means that the social security systems of the six
3 or of the ten are supposed to be -- the difference is
4 supposed to be diminished.

5 This has not happened. But the second part of the
6 question, which has nothing to do with harmonization, but
7 has to do with the payment, yes, that is the case.

8 It means if the Italian worker in Germany returns
9 to Italy, and is entitled to a German pension, yes it will
10 be paid in marks to the Italian, yes.

11 MR. BURGESS: But if he worked in Germany one summer
12 and in Belgium the next, he would have different numbers in
13 each case?

14 MR. FISHER: Yes, but there would be a kind of a
15 totalization, as I explained, within the Common Market and at
16 least he should qualify somewhere.

17 There are a number of very interesting problems
18 for the family allowances. You know, the French have very high
19 family allowances. The Germans have low ones. The Italians
20 leave their family back in Sicily or Naples, would like very
21 much to get the high family allowance of France for people who
22 work in Germany.

23 MR. BURGESS: Well, I guess -- let me ask the question
24 another way. If this committee could learn some things from
25 the example of the Scandinavians about how to limit your

1 information requests in order for an individual to invoke
2 rights to the bare essentials of information, which I think
3 we could learn a lot about, can we learn something from
4 fifteen years of experience in the Common Market about the
5 problems of exchanging information among agencies and
6 nationalities and even languages that we ought to pay some
7 attention to in this committee?

8 MR. FISHER: Yes. The real thing which I think you
9 people may be interested in is if there is an exchange of
10 computerized information between the ten or between the six,
11 then the question of confidentiality becomes -- it has not
12 a national but a multi-national dimension, and you have to have,
13 therefore, safeguards which are not limited to the sovereign
14 country but are limited to the whole group of countries.

15 And this is, I think, what I was driving at.

16 MRS. GROMMERS: Are there other questions? Specific
17 questions for Mr. Fisher?

18 MR. MILLER: Has there been any movement within
19 the Market to go to a common identifier for Market purposes?

20 MR. FISHER: No.

21 MR. MILLER: Is there any reason for that?

22 MR. FISHER: Yes, because the identifiers which
23 exist at the present time -- remember, in the British case,
24 the basic identifier happens to be the National Health Service,
25 not social security. In Germany, as I explained before, it

1 is just starting to come into being.

2 At the present time, the computerized information is
3 held by the major funds -- for the white collar employees, the
4 computer is in Berlin; there's another for the manual workers
5 perhaps in existence in another part of Germany perhaps, but
6 I suspect really exists in the major provinces of Germany.

7 The French are starting to use the numbers, but I
8 am not sure how far it has gone because of the unification,
9 the decree of DeGaulle in 1968, has not yet matured.

10 MR. MILLER: An observation -- I learned Monday --
11 and I am accepting it at face value -- that in the State of
12 Wisconsin, for approximately a thirty year period from the
13 1920's to the 1950's, state tax returns were a matter of
14 public record.

15 MR. SIEMILLER: For a dollar and a half.

16 MR. MILLER: Whatever the price, they were a matter
17 of public record. That may reflect the socio-economic back-
18 ground of the population that formed the backbone of the State
19 of Wisconsin.

20 I throw that out to illustrate two things. First,
21 that there are comparative judgments and things we can learn
22 about the United States qua United States, that would also
23 mirror some of the differences between Continental, Scandinavian,
24 and Anglo-Saxon systems you referred to.

25 Secondly, it must be remembered that when you have

1 a system of complete public record openness, that is quite
2 different from a situation in which the information disclosure
3 is one way, that is, between the individual and his government.

4 Because there are a wide range of cultural and
5 social and corrective mechanisms built into a system in which
6 everybody is on a totally equal information plane.

7 I can look at Mr. Fisher's record, but he can also
8 look at mine. And I know he can look at mine.

9 As opposed to a situation in which the government
10 can look at me, but I can't look at the government. And not
11 only can't I look at the government, but I can't look at what
12 the government's got on me.

13 So these differences should be kept in mind, in think-
14 ing about different types of information disclosure and
15 confidentiality patterns.

16 I think it would be helpful to know a little bit
17 more than we do about some of the discrete information policies
18 in the United States.

19 For example, in the State of Ohio, Phil, as you well
20 know, all governmental employee salary information is public
21 record. And we had that marvelous instance in 1950-something
22 in which the Ohio University faculty voted not to accept a bid
23 to the Rose Bowl, at which point the Columbus paper proceeded
24 to public the name, address and salary of every member of the
25 Ohio University faculty that had voted against going to the

1 Rose Bowl.

2 MR. BURGESS: We have gone every year since.

3 MR. MILLER: There is a subtle coercion there, right.
4 The proof may be in the pudding.

5 Mr. Fisher, I am sure you are aware of the fact that
6 one of the difficulties in implementing the French regulation
7 for converting the tax records into public record information
8 may be the well-documented history that the average Frenchman
9 only pays tax on approximately -- only reports approximately
10 one-third of the income he makes, for tax purposes.

11 MR. FISHER: Well, that was the basic reason for the
12 decree. The decree was to give the public the right -- from
13 the government's viewpoint -- to go to the tax office and
14 say, "Mr. X has admitted that he has an income of X, and in
15 reality, I know I can prove that he has three times X."

16 Which would help, of course, the tax authorities
17 in increasing the revenue.

18 Now this is precisely what the X's don't want. They
19 do not want to -- you see, you have to make a distinction
20 between those people who pay taxes on wages, which after all are
21 recorded by their employers, and those which are self-employed.
22 And it is the self-employed largely which are famous for
23 what you alluded to -- the double bookkeeping and triple book-
24 keeping or multiple bookkeeping you have.

25 The French -- and not only the French, but all of the

1 Continent -- you have a situation where the tax authorities
2 assume immediately if you are self-employed that your income
3 is only a definite fraction. And you have a system of
4 expenditures -- you know all about that.

5 But the same with the social security, because you
6 see in many cases, -- particularly because social security
7 taxes are high -- payable taxes are high -- you have collusion,
8 or possible collusion, between employer and employee not to
9 report total wages.

10 And this is very difficult to penetrate unless there
11 is a certain degree of supervision or information services,
12 whatever you want to call it.

13 MRS. GROMMERS: Mr. Dobbs?

14 MR. DOBBS: Mr. Fisher, I was interested in your
15 comment that most of the systems in in Europe or Latin
16 America, the burden of proof was on the individual to prove
17 his claim, his payment histories, as contrasted to our way
18 of business.

19 Do you have any feel for what sort of inconvenience
20 that places on the individual?

21 MR. FISHER: Tremendous. Particularly if the
22 person moved between jobs, between employers, and between
23 locations within the same country.

24 I may give you one piece of little off-side
25 remark which you may find amusing. In Africa, particularly

1 the part of Africa I know best, which is part of the Sahara,
2 after the colonial power disappeared, a number of social
3 security systems were introduced.

4 A totally new profession has come into existence.
5 The social security intermediary, who is the one who collects
6 information for you and goes to the bureaucracy there and
7 becomes, so to speak, your non-trained legal representative
8 for social security purposes.

9 You have, in the more advanced countries in Europe,
10 so much difficulty to understand, to get the information,
11 that to understand the social security law you have a new sub-
12 profession, the social security lawyer.

13 That means the person who is actually so much
14 versed in the social security law, the decisions on the
15 subject, that he can represent you.

16 Which is precisely the opposite of what we are
17 striving in the United States for, which was described for you
18 for the United Kingdom and for France, to have a system which
19 each individual understands so clearly that he can estimate
20 how much he gets and can actually go to the authorities and
21 say, "This is what I get, you show me why I shouldn't get it."

22 MR. DOBBS: That is very interesting, the role you
23 describe for that kind of person is interesting to the extent
24 that, if you look beyond the scope of the social security
25 insurance program and its implications for the individual,

1 and look at what appears to be a pervasive use of information
2 in other contexts, we may well get to the point where we require
3 that kind of specialist to interpret to the individual citizen
4 where and what the nature is of the information that is being
5 held.

6 Do you understand what I am saying? The situation
7 is in fact reversed, but the requirement for the role is
8 exactly the same.

9 MR. SIEMILLER: Do you have any information on the
10 salaries these specialists are getting from the individual
11 to pursue, present the evidence and be sure he gets his
12 pension?

13 MR. FISHER: I don't.

14 MR. SIEMILLER: Have you heard of any? As much
15 as ten percent?

16 MR. FISHER: Yes. Sometimes twenty percent, and
17 I heard sometimes -- which I found particularly obnoxious --
18 when you have a basically illiterate population which gets
19 not only family allowances under the French part of Africa
20 which comes from the French tradition, and you need therefore
21 an interpreter because he can speak French, or he can write
22 and read, and then to have to give him fifty percent of what
23 I can collect -- that I think is really not in the purpose
24 of any social security system.

25 MR. SIEMILLER: This particular subject is up in the

1 100 at the present time.

2 MRS. GROMMERS: Are there any other questions
3 specifically for Mr. Fisher?

4 We perhaps will have some other questions to ask
5 him at a later date, and perhaps he would be kind enough to
6 come back. It was most interesting. That you so much.

7 MR. FISHER: You are very kind. I apologize for
8 boring you so long.

9 MR. SIEMILLER: It was most interesting. It wasn't
10 boring.

11 MRS. GROMMERS: We can pursue this among ourselves
12 also, and possibly if there are other questions we can probably
13 get Mr. Fisher back to talk to us.

14 You may have new ideas by the time you think about
15 this a little bit.

16 While Mr. Taylor and Mr. Kocourek are still here,
17 are there any questions that one might specifically want
18 to ask of them?

19 While we go into executive session, Joe I think
20 would have available for us kinds of information that they
21 might present to us, but if you have some questions specifi-
22 cally for them now, and then we will have a box lunch brought
23 in.

24 Also for Sheila. Or any comments about the
25 identifier issue. They will not be here during the executive

1 session, that is the point.

2 MR. WEIZENBAUM: Did you say I have some information?

3 MRS. GROMMERS: Well, they made a solution to the
4 identifier problem similar to the proposal you mentioned the
5 other day. That was my only connection.

6 Would someone like to ask a question?

7 MR. BURGESS: I don't have any question in that
8 regard, but could I make another comment?

9 MRS. GROMMERS: Yes.

10 MR. BURGESS: I restrained myself from saying
11 anything yesterday, but Mr. Fisher's comments this morning
12 have led me to want to just put this in the record.

13 That is, that I think some of the examples he gave
14 this morning are very important, because of reasons I tried
15 to suggest earlier, namely, that in many countries, although
16 there is broad and routine exchange of information, the kind
17 of information they exchange is very limited, that is, the
18 quality and the depth into one's personal life and habits.

19 And this is related to the testimony yesterday of the
20 woman from Illinois on the student loan issue. And because
21 the issue itself is so trivial, it seems to me it is a very
22 important way to make the point, and that is, she talked about
23 the fact that they collected grade information on students,
24 and then in the course of her presentation said, "Of course,
25 the grades were not reliable."

1 Well, then in the process of asking questions, it
2 was quite clear she had no basis on which to say the grades
3 were not reliable, either that they were unreliable upward or
4 downward. She simply had no basis, because they had not
5 evaluated the grades, or investigated on a personal basis, and
6 the population she was comparing her grade distribution with
7 was different from the population of the student loan appli-
8 cants.

9 And I think this raises a class of issues that we
10 have talked about before, and I think after three or four
11 meetings, it is worth bringing attention to again.

12 And that is that apart from computers and apart from
13 all the issues that we have discussed, one of the basic under-
14 lying issues is what information ought agencies of government
15 collect about people.

16 And I think we have had display after display here
17 of agencies coming in and showing us forms that are designed
18 ostensibly to determine eligibility of citizens to invoke
19 rights that have been given by the Congress or by state
20 legislatures. Yet those forms include item after item and
21 class after class of information that is totally unrelated
22 to the determination of eligibility.

23 And that one of the basic options that is available
24 in the protection of privacy is not only to examine ways of
preventing information from being exchanged among different

1 or electronic systems for filing data, but also to prevent
2 certain classes of information from being collected at all.
3 Or at least from being collected on a mandatory basis.

4 And so I would like for the record, as well as in
5 terms of our own thinking, to encourage that we give attention
6 to the mechanisms and other kinds of inventions that might be
7 given to speak to statutory requirements or other kinds of
8 administrative guidelines that would clearly differentiate
9 between information required to establish eligibility, which
10 might be mandatory, and information required for program evalu-
11 ation or other kinds of exercises that bureaucrats and social
12 scientists and others like to engage in -- program evaluation
13 and these kinds of things -- that clearly ought to be labeled
14 as optional and not mandatory.

15 I think both of these presentations in two different
16 days have raised these issues of range of information, the
17 quality of information, in different but dramatic ways.

18 MRS. GROMMERS: Thank you.

19 MR. DOBBS: Could I footnote Phil's comments?
20 Because it was a comment I made to Sheila during the break which
21 might be worth sharing.

22 One of the unfortunate things that has happened as
23 a result of suggestions of standard for universal identifier
24 in the context of data interchange is the apparent notion that,
by virtue of using it as an identifier, that in fact there is

1 something to exchange. That the very act of using the identi-
2 er makes the entire set of information in the record a
3 meaningful set of exchangeable information, and I think that is
4 part of what Phil is addressing.

5 And it is sort of part of what I was trying to
6 ask Sheila about in the prelude in terms of the users really
7 asking themselves, or identifying a particular set or particular
8 class of information which is required in the system for valid
9 kinds of uses.

10 So I just wanted to add my support to the suggestion
11 he made that we may want to look more closely at that.

12 MR. ALLEN: Following the same line, in terms of
13 valuing the competing things of a value that we are balancing,
14 and that is leading to a question to Sheila, because your
15 committee has just been through in a sense that valuating
16 process --

17 The monetary price associated with the collecting
18 of information is a relatively low price now. The price of
19 privacy can't be evaluated in the same coin.

20 Somehow, your committee did arrive at a decision
21 in comparing the differing values there, and came out leaning
22 in the direction of the benefits to be derived through increas-
23 ing the exchangeability of the information collected as out-
24 weighing whatever sacrifice to individual privacy is being made
25 by making the exchange possible.

1 And I wonder if you would share with us the way you
2 went at the weighing of that.

3 MISS SMYTHE: I have to back track and say that I am
4 not really sure that the weighing, as you express it, is
5 relevant quite to what we did.

6 Because you see, really, we didn't say that privacy
7 should not be considered. We are deeply concerned about that.

8 However, what we are saying is that there are times
9 and circumstances when two systems must communicate, and
10 what we were desirous of setting up was a mechanism for those
11 two systems to communicate when they needed to, effectively,
12 efficiently, economically, and administratively.

13 We did not in any way wish to imply, nor does the
14 standard -- in fact, the standard is quite clear on this
15 point -- that we were prescribing even on a voluntary basis
16 the system, the content of a system.

17 We were only concerned with the overlay of informa-
18 tion the two systems would need to maintain if they wanted
19 to communicate with one another voluntarily in a standard
20 fashion.

21 If a system did not feel it had any need to
22 communicate with another, or that its demands would take it
23 in that direction, then it really didn't need to pay any atten-
24 tion to the standard whatsoever.

25 I believe it was Dave who raised it with me, and I

1 will use it as an example. The Florida situation is an
2 example.

3 Supposing that Florida wants to communicate with
4 another state. Should there be a mechanism for them not to
5 have to maintain this identifier, whatever it may be? Is
6 there another accommodation?

7 And I said, if you were starting over again in the
8 sense of starting from scratch, I think you could make all
9 sorts of accommodations if you wanted to.

10 But from the purely pragmatic point of view of
11 having to deal efficiently with what you have right now, this
12 did not seem to me too conceivable.

13 There is another concern. Supposing a system
14 decides, well, for our needs -- I will stick to numerical
15 examples for the moment -- we only need a four digit number.
16 So that is all we will maintain. And they are going to
17 communicate into a system that is maintaining an eight digit
18 number, and the eight digit number system says, all right, I
19 can accept your four digit number because the other four are
20 sitting over there. I will put some special code in there
21 that signifies to me it is Florida or Minnesota, and I can
22 accommodate you.

23 But what if the four digit needs to be able to
24 accept the eight digit? Or more importantly, because this
25 is where the system comes into being, one has to look within

1 the system and say, what do you have to communicate to other
2 authorities for anything else?

3 If you -- and again, I am only using Social Security
4 number as an example here -- have to maintain a Social Security
5 number for student loans and you have a fair proportion of your
6 student body getting student loans of some sort, requiring
7 a Social Security Number, or if a fair amount of your students
8 work on campus for some reason and you must maintain this for
9 secondary purposes within your system, then perhaps you should
10 not go to two different systems.

11 That is a very elaboration on the question you
12 raised, but what I am trying to say is, we really didn't try
13 to balance the two. Because we weren't dealing within a system.
14 We were merely saying the real world tells us that people
15 are going to communicate. We are at a stage that we have
16 to communicate, and all we want to do is provide a mechanism
17 for it.

18 MR. ALLEN: To the extent, then, were you pre-
19 suming that the systems were secure ones, as opposed to ones
20 that are either leaky or very open to penetration?

21 MISS SMYTHE: The best we could do in the environ-
22 ment in which we have to operate was to issue a caution that
23 this was a concern.

24 MR. BURGESS: But you also decided it was worth
25 facilitating the process of communication?

1 MISS SMYTHE: Yes.

2 MR. BURGESS: I don't understand how you can decide
3 that, if in the real world they want to communicate, that one
4 ought to serve the value of facilitating the communication
5 without asking first what it is they want to communicate about
6 whom for what purposes with what consequences.

7 MRS. GROMMERS: Could I just do one thing? Could
8 I just ask you -- Mr. Taylor and Mr. Kocourek will not be here
9 during our executive session, whereas Sheila will be.

10 Are there any other question you'd like to direct
11 specifically to them?

12 MR. WARE: May I make an observation relevant to
13 both of them. You are backing them into an unfair corner.
14 That wasn't their job. They operate under the premise that
15 communication has to take place, and that is the ground rule
16 of their action.

17 The questions you are raising are for some quite
18 different group.

19 However, if you want to say to them, as professional
20 people, you have a social responsibility to raise these ques-
21 tions, that is another thing. And fine. But not under the
22 auspices of ANSI.

23 MRS. GROMMERS: I'd like to hold the hot issue for
24 about two minutes, because we will come back to it. If there
25 are no more specific questions for Mr. Taylor and Mr. Kocourek,

1 MR. BURGESS: I think they are addressed to them.
2 I think Will's point is an important one because one of the
3 problems we have in this committee is that every time we ask
4 a question of somebody, they say that is somebody up the line's
5 responsibility, and these people say, well, all we do is
6 make it possible. It's somebody else's decision to decide
7 whether it should be possible or not.

8 And we get into a can of worms with no end.

9 MR. WARE: Somebody made the point earlier that
10 was mildly critical of you two, that you at the moment have
11 taken a technical position, not a social one.

12 You may be working up to taking a social one, but
13 so far you have just observed a technical feasibility.

14 MRS. GROMMERS: Mr. Taylor, would you like to
15 respond?

16 MR. TAYLOR: We will be delighted. We do not feel
17 that, as data processors, we have the right to initiate that
18 request to take a social responsibility. We are so small
19 a group. We will be absolutely delighted if anyone initiated
20 it.

21 I regret to say that our professional society so far
22 has not initiated this request. We will put it to our personal
23 grass roots and ask them. We will be delighted if you gave any
24 comments or suggestions.

25 MR. MILLER: I am sure everyone in the room has heard

1 the Tom Lehr record, "That Was The Year That Was," and the
2 song about Werner Von Braun.

3 And he says, I send the rockets up; where they come
4 down is somebody else's department."

5 I couldn't agree with Phil more on this. We hear
6 this time and time again. Some of us were flagellating the
7 SRS people yesterday for, I think, in my view, an absolutely
8 disgraceful manifestation of buck passing, or "I assume the
9 next guy is handling that."

10 "I have my orders," as Adolph Eichmann also said.
11 And so on and so forth.

12 Well, Willis, I must say I don't think we should
13 let these people get off the hook the same way. Maybe the
14 ANSI people are only in business to create a technical standard
15 to facilitate something. But I must confess I get no sense
16 from the ANSI presentation -- and I think Miss Smythe just
17 admitted it -- that they look at any of the secondary or remote
18 implications of establishing communications between systems
19 when, even admitting that there are times when systems must
20 communicate, there are also times when systems should not
21 communicate.

22 And I am not thinking simply about confidentiality
23 or privacy. I am thinking about the kinds of things that Phil
24 was addressing himself to.

25 Namely, the going to another system through a

1 universal identifier aided by ANSI, or God knows who, when the
2 system they are going to is not relevant to the decision-making
3 process that the first system is making, or as Phil suggests,
4 the risks you run of going to another system and propogating
5 a conclusion that may or may not be justified but which is
6 etched in gold because you are making it like the grade infor-
7 mation on that guaranteed loan form is inaccurate. That is
8 a group label.

9 Indeed, if you stop and think about it, it's a group
10 label against a certain socio-economic group that is not
11 based on any hard data, that may be completely false, that
12 may not reflect such things as changing patterns in the grading
13 curves because you are comparing apples and oranges, between
14 the data on that new program form and the old data for Illinois
15 forms.

16 Having -- forgive me -- castigated ANSI, let me say
17 to Mr. Taylor, look, sir, if you think your group is entitled
18 to the degraded notion of professional status, don't tell me
19 that these problems are beyond your compass or beyond the inter-
20 est of your membership, because that sounds a little more like
21 a licensing or unionization notion.

22 One of the marks of a professional is that the
23 profession undertakes a complete supervision and investigation
24 of all of the social implications of the practice of that
profession. And it is up to you to initiate these investiga-

1 tions.

2 And it is just a fortuity that this group is here
3 suggesting that you do it.

4 MR. WADE: It's a nice speech, but let's make sure
5 we pin the tail on the right donkey. So far, we haven't found
6 it.

7 MR. MILLER: I figure if it's moving, pin something.

8 (Laughter.)

9 MR. WADE: You're an old Navy man, aren't you?

10 MR. DAVEY: I'd like to kind of take a hypothetical
11 situation and have both of them -- both Sheila and Mr. Taylor --
12 comment on this.

13 Say that I have a particular company that I am
14 interested in maintaining the files for in some particular
15 fashion. And within this file structure, I have identification
16 data which I need to have. And I have any other secondary
17 identifiers and whatever.

18 I am free to put that in any format which I please.
19 There is no -- you are not -- none of you are pushing to get
20 it in any kind of a format, as far as my own individual business
21 is concerned.

22 All right. Now, there are certain requirements that
23 the Government has with respect to reporting income tax
24 information, reporting Social Security Administration informa-
25 tion, and if I want to provide that information to them on a

1 tape, then I need to talk with the Government to find out that
2 my format is essentially in conformance with their own
3 standards.

4 Now what it is that we are essentially talking
5 about here is that, while we are doing this, we might as well
6 make this a standard so that we not only can communicate
7 with the government, but with anyone else who may have a need
8 to know, or whatever, on this kind of thing.

9 And I am brushing very lightly over the sociological
10 questions as to whether it should go there or shouldn't go
11 there.

12 Now assuming that there is some kind of a situation
13 which I can responsibly communicate with another organization
14 for its records or exchange of my record, then there is nothing
15 to stop me from going through a program to format it in that
16 particular forum, and then to communicate or get communications
17 back.

18 And I think that when you talk about some kind of a
19 standard, you are talking about that procedure.

20 So far I haven't said anything which is contrary to
21 your thinking, or contrary to your thinking, have I?

22 MISS SMYTHE: No. You are correct.

23 MR. DAVEY: As far as I understand what it is you
24 are talking about.

Now as we get into the question of the technicalities

1 of how you do this, then the Social Security number enters,
2 or some other number enters, or something of this nature,
3 and are the differences that we are talking about primarily
4 in that area as to how we transmit, what the number form is,
5 what the actual mechanism is through which we do this?

6 Is that what you are addressing yourselves to? On
7 this kind of a thing, is that what you are addressing your-
8 selves to?

9 MISS SMYTHE: We are concerned with the formats of
10 that interchange and what it is that will be interchanged.

11 MR. TAYLOR: By contrast, I think we are concerned
12 with the results of using a format in the capability of restric-
13 ting information at a later date or at any point.

14 What are the implications, and I would say directly
15 concerned with the question as to what are the social impli-
16 cations involved in the use of a unique identifier, in the
17 practical result of loss of privacy.

18 MR. DAVEY: Here is the difference. You are saying
19 we need to be more concerned with the privacy issue. And
20 Sheila's position, if I can state that, is that that position
21 is going to be handled maybe by somebody else, maybe not,
22 but we are looking at --

23 MISS SMYTHE: No. We are saying it should be handled
24 by someone, and we make this I think fairly clear in both
25 our expository remarks and the intent of our thinking, that it

1 was not in our power to do it.

2 But we are concerned about it, yes, and we think
3 something should be done. I would place that nuance of
4 difference.

5 MR. DAVEY: Yes.

6 MRS. GROMMERS: I am going to -- some of us have
7 got to leave.

8 Mr. Taylor, and Mr. Kocourek will be able to stay
9 and will be able to come back and talk with you all about these
10 further issues if you would like to.

11 What we are going to do is go into executive
12 session for about an hour to plan future business and rap.

13 MR. WADE: I'd be satisfied just to hear their pro-
14 posal in writing when it is available, and not put them on the
15 hook to hang around.

16 MRS. GROMMERS: Well, would someone like to
17 make a motion?

18 MR. DAVEY: So move.

19 MR. ALLEN: Second.

20 MRS. GROMMERS: I has been moved and seconded that
21 we ask the gentlemen to make their proposal available to us
22 at such time as they would be able to do so, and of course
23 as soon as possible. Any discussion?

24 Is there a call for the question?

25 VOICE: Question.

1 MRS. GROMMERS: The question has been called for.
2 All in favor, say aye.

3 (Ayes in favor.)

4 MRS. GROMMERS: Opposed, like sign?

5 MR. SIEMILLER: No, just to be contrary.

6 MRS. GROMMERS: The ayes have it. It has been
7 moved and seconded that we ask the gentlemen to send us a
8 copy of the proposal. All in favor say aye.

9 (Ayes in favor.)

10 MRS. GROMMERS: Opposed, like sign.

11 (No response.)

12 MRS. GROMMERS: The motion is carried. We want
13 to thank you very much for coming down and speaking with us.
14 We will be looking forward to hearing from you.

15 MR. WADE: May I just inform you that I asked Sheila
16 at the break to please provide to the staff an ABA study
17 that they had access to, which attempts to summarize as of
18 1967 or so all the uses that Social Security numbers were
19 then being put to.

20 MRS. GROMMERS: Excellent. I tried to copy down
21 a few things she wrote, but --

22 VOICE: I think Dave has a copy of that material.

23 MISS SMYTHE: I think I gave Dave a copy when he was
24 up to visit me. If not, I will see that he gets one.

MRS. GROMMERS: This is now in executive session.

EXECUTIVE SESSION

1
2 MR. BURGESS: I have one short question to David,
3 really, and that is that this is a line with points that we
4 have just been talking about, and Willis's point about who is
5 responsible.

6 And I think something that would be very interesting
7 to do, perhaps not even to report back to the committee at
8 sometime in the near future, but rather for part of the docu-
9 mentation of the work of this committee, would be to try to find
10 the time to see just how much the Secretary personally knows
11 about the many decisions that have been attributed to him.

12 And for this committee -- I mean this seriously --
13 for this committee to document the level at which some of
14 these fundamental decisions to move ahead on systems have
15 been made.

16 I think that could be one of the most valuable
17 services, that might have implications in a number of areas,
18 that we could make.

19 And I think there is all kinds of reasons why your
20 finding that out might not -- you might not want to report back
21 to us untill our proceedings are further along, but I think
22 it would be very important for us to ask you to try to find
23 that out.

24 MRS. GROMMERS: Would you like to reply to that?

25 MR. MARTIN: Amen.

P R O C E E D I N G S

2 MR. MILLER: For the record, the requests to the
3 staff to provide the members of this committee a very brief,
4 perhaps a page or two, statement of the general history and
5 development of the Social Security number. I got the feeling
6 in responding to Jane's question before the coffee break and
7 during the coffee break that there is still some sense of
8 unease within the committee in terms of knowing how did it
9 come about and how did it get propagated through the government,
10 and what its legal status is.

11 And I think it would be just very helpful if we had
12 that as common information.

13 MR. MUCHMORE: I think that added to that, Arthur,
14 should be a summary, if possible, of some of the attempts
15 to make use of the Social Security number within the federal
16 government itself, which the Social Security Administration
17 can provide us.

18 Because there have been innumerable attempts to
19 make use of the numbers for other purposes, and it seems to
20 me very important that we should know some of those.

21 MR. BURGESS: Can I make another request?

22 MRS. GROMMERS: Jerry was first.

23 MR. DAVEY: Along the same notion of staff memos,
24 I think they are very, very helpful and very useful to go
25 over beforehand in reviewing what a particular group is going

1 to be talking about.

2 Would it also be possible to give that group that
3 is appearing the same kind of information which we have had?
4 Because many times we refer to that document, assuming that
5 they have also had an opportunity to go through it, and like
6 yesterday when Pat was asking questions about particular
7 statements which were made on page 6, I don't think -- it
8 looked like they were not aware of that particular document.

9 MRS. GROMMERS: I asked David that yesterday.
10 I had the same idea that you had. I think it was apparently
11 just an exception.

12 Generally, it is the policy to do so.

13 MR. DAVEY: I don't mean that in any sense of
14 criticism. I think it would be very helpful for them to have
15 the material we have.

16 MR. MARTIN: With reference to the two suggestions
17 that have been made on more information about the Social
18 Security number, with a slightly wry smile, may I ask if the
19 staff's one-page memo might take the form of pointing out
20 the document that you have already received that contains
21 this rather than generating new documents?

22 MR. DE WEESE: That is what I wanted to speak about.
23 I saw on the receptionist's desk as I came in here a list of
24 the people at today's session, and it includes your name,
25 which is standard on most lists of people coming to a meeting,

1 but also the Social Security number of everyone on the
2 committee.

3 I asked about it, and was told it was a federal
4 regulation that anybody coming into a government building
5 who is not a federal employee must give the number, and I was
6 told this was some sort of a security measure, and I wonder
7 how this interreacts with the purposes of the Social Security
8 Administration, or how they follow that up, if the SSA doesn't
9 divulge it, if you walk away with the silverware.

10 MR. MUCHMORE: They deduct it from your Social
11 Security retirement fund.

12 MR. SIEMILLER: Did you have to sign in?

13 MR. DE WEESE: No, but they have your number, though.

14 But the other thing is that some are right. Joe's
15 is completely wrong. I checked it with him. So they are
16 inaccurate besides.

17 MR. WARE: One of Joe's is wrong.

18 MR. MARTIN: Let me explain this. It is a security
19 routine -- of this building, as far as I know, I don't know
20 how much more on the NIH campus -- for access to the building
21 outside of regular working hours to be made available on the
22 basis of the guard's knowing the name and Social Security
23 number of the persons expecting to come.

24 And you pick up the phone outside the door down-
25 stairs and the guard comes on and says, in effect, what is

1 your name and Social Security number, and you give him it, and
2 he buzzes the door and lets you in.

3 The list of names and Social Security numbers we
4 provided the guard's office in order that we could respect
5 or use their security routine to get in here today.

6 Now I don't know whether this is a good system to
7 have. Maybe they should have some other means of identification
8 or some other secondary identifier to get into the building.

9 Last night I didn't have mine, and I just bullied
10 the guy orally over the phone to let me in.

11 MR. MILLER: How many of you were asked your Social
12 Security number?

13 MR. MARTIN: Apparently the guards are not
14 absolutely a hundred percent in their adherence.

15 MRS. CROSS: I wasn't asked.

16 MRS. GROMMERS: Phil?

17 MR. BURGESS: I would also like to ask if an effort
18 will be made by the staff, perhaps to the Department of State,
19 to get the most rapid response, to get the data cards, the
20 actual cards on which the survey reported on page 228 of
21 Appendix E of the younger committee report on privacy.

22 I think I spent over an hour looking through this
23 carefully, and I think that this survey has a number -- even
24 though it is in a different country and all that -- I think
25 there are a number of things in here that are of interest

1 that could, if spelled out in ways that our different
2 analysis would yield -- could result in some lines of inquiry
3 that we might make with respect to the feelings of the public
4 and the attitudes of people toward different dimensions of
5 the problem.

6 But we have to have the raw data cards in order to
7 do that.

8 We are only talking about 1600 cards, and there is
9 no reason why they shouldn't make them available to us.

10 MR. WARE: Unless they had personal data.

11 MRS. GROMMERS: I think the Official Secrets Act
12 controls, but we could ask.

13 MR. BURGESS: Could we do that?

14 MRS. GROMMERS: We could ask. The problem of the
15 Official Secrets Act may make it not possible, which makes
16 practically everything governmental in Great Britain a secret
17 unless otherwise specified. This may preclude them doing that
18 for us. But we certainly can ask.

19 Stan?

20 MR. ARONOFF: Are you ready for comments? I didn't
21 have my hand up. Are we open yet for directions, discussion?

22 MRS. GROMMERS: Yes.

23 MR. ARONOFF: If so, I would like to just throw
24 some thoughts out and maybe other people will throw some
25 thoughts out.

1 This is oversimplified, but I tried to get a few
2 things down. It seems to me that we go through a period of
3 several weeks where the committee wants to run a little bit
4 fast, or faster perhaps than the chairman wants us to go at
5 this stage.

6 But I think that it is time to find out if there
7 is any kind of consensus that the committee has at least
8 in terms of the broad general issues that we were charged to
9 consider.

10 And one way of going about it, I think, might be
11 to have the staff prepare, with the help of David and the
12 Chairman, a list of the issues, and then have us actually vote
13 by secret ballot on the issues, without even having names,
14 just to tabulate, just to have some idea on where we stand on
15 it.

16 It is an oversimplification, but I think it would
17 be useful. It might very well be that the committee, through
18 the process of indoctrination, has a lot more consensus than
19 we originally had when we came in.

20 It may be that no matter what we are doing, we
21 are going to be hopelessly divided, and there is going to be
22 a majority and a minority report, and so forth.

23 But I think it would be useful. I think the idea
24 of a secret ballot has validity, because there is a
25 possibility that whoever talks first could influence even

1 subconsciously the other people, and we have now had enough
2 meetings where we have begun to have our own ideas, and in
3 that way you are going to get some thoughts.

4 Secondary, in terms of the future, I personally
5 feel that we have made great progress in terms of the
6 potential dangers being identified, that many of the presenta-
7 tions have done so, and I think we could all exchange places
8 with other members of the committee and play different roles
9 in terms of our questioning. We have become that sophisticated.

10 But I am a little concerned that, sort of like
11 the feeling of Mr. Quinn from Canada, now that we have
12 identified the potential danger, I would like to find out
13 either through public hearings or some way, who are some people
14 who have really been damaged by a misuse of the system and a
15 misuse of the passing of information. And I don't care whether
16 it be student activist groups, black activist groups, welfare
17 groups, or what have you -- trade union groups, business
18 groups, somebody who has had their Internal Revenue file looked
19 into unauthorized.

20 Some way or other, this committee should try to find
21 and help Arthur for his next book, that type of person, and
22 going beyond Arthur's book also.

23 Should there be some form of questionnaire that
24 this committee prepares and sends out on a sample basis to
25 the public? I wouldn't know how to do it, but I am throwing

1 out a question. Would the questionnaire bring some answers
2 to us, or would the questionnaire itself be a way of creating
3 a public awareness on the issue? I don't know.

4 I throw a question out in terms of directions as
5 to how long future meetings should be. There was a great
6 feeling that we couldn't get our work accomplished unless we
7 were all together for three days, at the earlier stage.

8 Have we reached a stage when two days might be
9 more productive than three days? I don't know. Maybe that
10 is something to consider, though.

11 And another question that I throw out is that we
12 have had a large number of presentations from the government
13 and systems within are reacting to HEW, and I think we should,
14 because that was our major charge relating to the Social
15 Security number in particular.

16 Have we gotten enough from private industry? The
17 potential abuses in private industry and private business or
18 the trade union area or what have you.

19 And then finally, in terms of what this committee
20 is doing in terms of public awareness and so forth, have we
21 abandoned the idea of working with some of the experts in
22 this group -- which I quickly say I am not -- but making use
23 of some that are in terms of some form of public service
24 television program or the like that would run hand in hand
25 with whatever we do in terms of recommendations.

1 These are just ideas off the top of my head for
2 people to react to.

3 MRS. GROMMERS: Thank you very much, Stan. I
4 would like to have some comments on Stan's suggestion, of
5 which I have summarized four of them.

6 A list of the issues to be presented by us or to
7 us at this time, and a secret ballot on them.

8 Two-day meetings, rather than three-day meetings.

9 More presentations from private industry.

10 And public service, public awareness.

11 Have I gotten them all, Stan?

12 MR. DOBBS: I think you missed a very important
13 one, if I heard the list properly. That was some testimony
14 from the set of people that had some indication of damage.

15 MRS. GROMMERS: Okay. I didn't mention those things --
16 these were rather three methodological suggestions he had.

17 One was if we use a questionnaire, might we not
18 design the questionnaire in order to create public awareness
19 as well as receive it, identification of the potential
20 dangers, and isolation of who has been damaged by these dangers.

21 MRS. SILVER: I think it would be helpful to have
22 people who feel they have been damaged, because if you can
23 get a picture of what specifically has happened in a given
24 case, it helps you to wrap your mind around the possibilities
25 of abuse.

1 When you see how specifically it has happened. If
2 we could get several examples from different people -- maybe
3 it's been government, maybe it has been private, maybe it has
4 been whatever, but if we could have real descriptions of what
5 has happened, I think it would be very helpful.

6 MRS. GROMMERS: One of the problems that we have
7 noticed, and that the younger committee reported, was that
8 nobody made any complaints to them. And part of the question
9 that perhaps we have also seen here is people don't know what
10 is happening to them.

11 I wonder if anyone would like to talk to that kind
12 of a problem, too?

13 MR. DE WEESE: Yes, that's the thing. I don't
14 think to go about this we should even consider using a
15 questionnaire type of approach. I think the key to this is
16 to get out and actually talk to people face to face, because
17 that way, let's say there are 20 people sitting in an
18 auditorium somewhere and we come in and talk to them. Maybe
19 one person came with the idea that he particularly had been
20 injured, but as we talk, maybe five or six other people will
21 see how in their lives they may have been injured because they
22 didn't really understand the issue.

23 And, for example, if I was a student and I had
24 been in school, but was out now, and at the time I left school
25 for one reason or another, I hadn't paid my student loan -- I

1 I raised at several different meetings indirectly, and also
2 with the chairman a number of times, and I would take some
3 umbrage with Phil over the idea that the public meeting doesn't
4 really accomplish anything, that we should go out with our
5 own set formula first.

6 Frankly, I am sick and tired of listening to our
7 government agencies telling me what they are doing or going
8 to do, or what they have done, and have us question them at
9 length. We have that sample. It is pretty extensive. It
10 has been well done and we could say in session for 16 more
11 months and not get to all of them to talk to.

12 But I like the emphasis that there is a great mass
13 of people out there that have the same worries that perhaps
14 some people on this committee have, and some opposite opinions
15 to what the committee might have, and we ought to go to the
16 public in sectionalized groups throughout the United States
17 with maybe four to five people in each of the groups and
18 hold hearings. And with the proper kind of enunciation to
19 the newspapers or through the media -- one kind or another --
20 you can draw people who are (one) hurt or injured, (two) who
21 don't believe they are hurt or injured, (three) who believe
22 the government has a right to know or the government does not
23 have a right to know.

24 You can draw these, these people are available,
25 and you simply will make yourself available.

1 had been drafted into the service, and I got the notice from
2 the bank when I was in boot camp, and I said the hell with it,
3 and I never paid the bank.

4 I came back, and I negotiated and paid directly
5 to the Department of Education. At that point in the discus-
6 sion I said, am I listed as a bad credit risk with that bank,
7 and has my name gone to a credit bureau?

8 As we go out and talk to people around the country,
9 I think we will educate them to realize where these problems
10 have come up in their own lives.

11 And second of all, the other important thing is
12 that one of the most important things this committee can
13 do is communicate to the average person the fact that the
14 government, his government, the big government that everybody
15 sort of is focusing on, is really concerned about his personal
16 privacy. And this is a big factor also, because I think there
17 has only been one member of the general public who I have seen
18 wander into these meetings.

19 You have to be out where the people are. And this
20 particular person came up to me, identified herself as a
21 member of the public, yesterday, and said how grateful she
22 was that her government was talking about these issues.

23 So I think we are not interested in just soliciting
24 people who know they have been hurt, but we have other reasons
25 for going at the public-hearing approach, and we shouldn't

1 in this kind of activity without first committing ourselves
2 to some courses of action which are going to solve these
3 problems that people face, or at least are going to start
4 the process of solving these problems.

5 I feel that very strongly.

6 MRS. GROMMERS: Willis?

7 MR. WARE: This issue comes up all the time. Is
8 there a problem or isn't there a problem? And certainly one
9 of the fundamental things this committee can say is that there
10 is no problem, forget it.

11 If so, you better have a credible case to support
12 that.

13 Or you may say there is a problem and here are
14 the consequences, and do something. If so, you better have a
15 credible case to support it.

16 It would be nice to have a dozen or so examples
17 one way or the other, and I don't know how to get them.

18 You aren't going to get them by talking to people,
19 that is too slow. You probably are not going to get them by
20 questionnaires. People being what they are.

21 I really don't know how to get the credibility
22 case to support whatever it is we say.

23 MR. DOBBS: Why do you think that talking is too
24 slow?

25 MR. MUCHMORE: I would like to come back to points

1 perhaps in a sense we are -- I don't know exactly how to say
2 this -- but perhaps we are condemning others about whom we
3 have no right to condemn.

4 And I would like to see us have in one of these
5 discussion sessions a half dozen people who have been in
6 before our group testifying, and I am talking about the
7 governmental people, for instance, the girl from the Mental
8 Hygiene in Virginia, as an example, or the Illinois girl --
9 have a half dozen on an informal basis.

10 I don't mean a closed meeting, because you can't
11 hold a closed meeting, but where you sit down and talk a little
12 bit and exchange a few things, rather than testifying before
13 us where it becomes an exchange more than it becomes an
14 inquiry kind of situation.

15 Those are the only suggestions I can make, but I
16 have the feeling that we have been in session since it seems
17 to me the year one, and we have accomplished certain things,
18 but that we are beginning to be repetitious, to repeat our-
19 selves, and perhaps we should stop this.

20 And I also have a feeling that once in a while we
21 have a tendency to seek out and find a particular group --
22 your group, as an example -- and ask you to appear, and then
23 if we find one other group to appear with you, we are willing
24 to accept that and let it go.

25 I am not quite convinced that the one other group,

1 for instance, is representative of all other groups that you
2 may have dealt with, and I would like to hear what you have
3 to say, Sheila, three months from now or next month about
4 what some other groups said at the time this work was being
5 done. I hope I haven't said too much.

6 MRS. GROMMERS: Could I get some comments on what
7 Don said?

8 MR. SIEMILLER: Yes, I would like to. May I?

9 MRS. GROMMERS: Please.

10 MR. SIEMILLER: First, I would like -- I pretty
11 much am in agreement with Don. But as to approach, I wouldn't
12 differ with it but a little.

13 But commenting first on the lead-off from what
14 Stan pointed out or started with, I think first that would be
15 helpful if we prepared the questionnaire on the major points
16 that we want to have in the final report to see how near we are
17 together or how far apart we are.

18 It will also pinpoint the particular points. We
19 have been all over the lot, all over the world with the
20 things that we have had before us. And it has necessarily
21 all been directed -- although maybe remotely connected -- with
22 the report.

23 I think the questionnaire part to us to vote on
24 how do you feel at this time would be good.

25 I have a different reaction from Stan saying that

1 nobody should talk on it just before voting, because perhaps
2 there would be in this committee those that would be for it
3 and change their mind if I talked on it, or vice versa, so I
4 don't think -- I think it would influence people both ways.

5 Some people I am automatically against if it is
6 something they are for. If it was Barry Goldwater for it, I
7 would be against it.

8 I think that approach is very, very good. I think
9 a questionnaire sent out to the general public would produce
10 what you are looking for. The questionnaire would have to be
11 very expertly prepared, would have to be sent to a group of
12 selected people to get the response that you wanted, and I
13 don't know how you would go about putting together that
14 particular group.

15 I believe that would be an exercise in futility,
16 that aspect of it.

17 I do not know what you are going to be able to get
18 if you start holding hearings all around the country, and I
19 don't think any of us know until we try one and see what kind
20 of a response you get.

21 As busy as everybody is today, my experience
22 lately has been that people have something of more direct
23 interest unless they have actually and recently been damaged,
24 that they would ignore the particular hearing we have unless
25 it was one of the professionals that we have that is a

1 community activist leader and we might get Abby Hoffman or
2 somebody like that who would show up if we were in his
3 vicinity. But I don't know --

4 MR. BURGESS: They are in Miami now.

5 MR. SIEMILLER: Well, who says we are not going
6 to hold it in Miami?

7 But I think that approach would be it. But I do
8 believe we should begin to jell and boil down a little bit
9 as to what we are typically going to be able to do, and I
10 know there are some radical differences of opinions on this
11 particular committee as to what is in the best interest.

12 Take myself, I am torn between two things. I am
13 torn between the desire for privacy and not to get it
14 scattered, and the right for every worker in the United States
15 to have his proper record of his rights for pension, welfare,
16 unemployment insurance, industrial compensation, anything
17 else you have to keep records for that is on there.

18 So there has got to be a compromise of some sort
19 on this somewhere along the line.

20 But I remind you again that we decided at the
21 early stage that the report should take two stages --
22 recommendations to the Secretary on what he could do or what
23 could be done by administrative decision, and the second
24 part of the report where there is need for legislation and
25 recommend that appropriate legislation.

1 But I just don't believe -- in winding up -- I
2 don't believe you are going to get the information you want
3 by a general questionnaire. The percentage you got back just
4 wouldn't tell you much.

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1 MR. ARONOFF: May I just react? I want to be sure
2 that I didn't convey the wrong impression. I certainly
3 did not mean to give the impression, if I did, that it was
4 an either/or situation of public hearings or questionnaire.

5 I happen to be a strong advocate of the public
6 hearing.

7 I commented, secondly, about it with Phil. I
8 just threw out the question of whether or not the questionnaire
9 was feasible. I don't necessarily believe all the items I
10 threw out, but I think they are worth discussing.

11 On the issue of public hearings, I'd like to differ
12 with my good friend from Ohio, because we aren't always on
13 the same side of the coin.

14 The very thing that you fear the most and consider
15 to be a potential disservice, I think is the exact opposite.
16 I think we do a potential disservice if we are afraid to
17 conduct a public hearing and sit here in our own center in
18 a room all the time without having any reactions from the
19 public at all as to what we are doing.

20 I think our reluctance to have a public hearing
21 is the question of whether we can stage a good one or not, if
22 we are being candid, and I think we have to hope that we do,
23 but at least we have experimented with a lot of other things
24 in this committee, and the public hearing ought to be something
25 else that we try.

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1 It may turn out to be far better than we thought.
2 I can think of all kinds of ways -- when I was in New Orleans --
3 if you phrase the question of the right of privacy around
4 Senator Eagleton, you will get a hell of a response, for
5 example.

6 If you phrase it around whether a computer has done
7 great damage to you, you will probably get a blank look.

8 So a lot depends on the format that you use.

9 MR. BURGESS: My position has been misrepresented
10 twice. Could I just react?

11 I'd just like to clarify because it is not my
12 position. I did not say that we should not talk to the public
13 and I did not say I was afraid to hear what the public had
14 to say or to make this a strong issue.

15 I think the record will show -- we will be able
16 to test this in twelve days -- I think the record will show that
17 I said that most people that I have talked to around the table,
18 and Tade's words were not to hold hearings to get information --

19 MR. DE WEESE: I said three things.

20 MR. BURGESS: But the primary reason people want
21 to hold hearings, at least people I talked to, and the people
22 in the audience that urged hearings, has been to increase the
23 salience of the issue among the general public.

24 Now that is an appropriate purpose for holding
25 public hearings. And it is done all the time. But that is

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1 a very different function for public hearings than information
2 gathering.

3 And I agree with the underlying assumption that
4 public hearings should be held to increase the salience on
5 two grounds. Number one, I think this is one of those issues
6 where both the pros and the cons of the issues are fairly well
7 stated out in the record, and that we might enrich our know-
8 ledge tremendously by hearing individual cases. That is not
9 to be denied.

10 But this isn't a case where we need the public hear-
11 ings in order to clarify the issues. I think the issues are
12 fairly clear.

13 The real function of the hearings, as almost everybody
14 has said, is to increase the salience of the issues. And my
15 position is that is an irresponsible thing for a committee
16 like this to do, if we do not have some idea in advance of
17 the range of things that we are going to do in response to the
18 increased public awareness of the issues.

19 I happen to believe that the best way to increase
20 the public awareness of the issues is to make contact with
21 CBS and NBC and get "Judd for the Defense" and "The Bold Ones"
22 and put together a panel for a half hour before and a half
23 hour after and show those programs again.

24 But whether it is that technique, which is one way
25 to increase awareness, or whether it is a public hearing, which

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1 is the traditional way to do it, I don't think it would
2 be responsible to do it if we didn't know what we were prepared
3 to do at the end of that period of increasing awareness.

4 MR. MARTIN: Before anyone leaves, could I ask the
5 question, whether we schedule a two or three day meeting, is
6 there any way in which this Committee can be encouraged to
7 stay for whatever period it agrees to come for?

8 MR. MUCHMORE: If you could arrange my speaking
9 engagements.

10 I'd like to make this point in answer, because I
11 think this is not personal in any way, but I think it is a
12 critical factor.

13 The critical thing to me is, in reality, the planning
14 of the session which had put this kind of discussion at the
15 tag end instead of the opening day.

16 And I once again recommend that the opening day be
17 for discussion among ourselves, so we know why and where we
18 are going.

19 That is what I think is important, and I think that
20 is the most critical factor, whether it is two or three days.

21 MR. SIEMILLER: The only answer to your question is
22 whatever you schedule, two or three days, then really intend
23 to adjourn at Noon on the last day, and your people will
24 stay to that time. But don't tell them that.

25 Tell them they are going all day. They won't make

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1 reservations and leave town before Noon. We found that out
2 from long experience.

3 But if you have public hearings or something, you'd
4 better run a training session to have your chairman really
5 able to run a public hearing and not get in an argument with
6 the witnesses they have come before them in the various cities,
7 or you will have a complete disaster.

8 MRS. HARDAWAY: I wanted to speak to what David
9 said. Madam Chairman, many of us have been talking about the
10 two or three day meeting. I would like to speak from a personal
11 viewpoint.

12 I love the magnificent meals and the wonderful
13 coffee breaks we have been having. As you know, I enjoy them
14 more than anyone.

15 But really, this day has not been at all bad, having
16 a box lunch around the table while we work. And I am wonder-
17 ing if we perhaps could try a two day meeting where in fact
18 we did have our lunch around the table and where perhaps we had
19 our coffee around the table.

20 I am wondering if perhaps the same number of working
21 hours would not be involved in that type of a situation.
22 And maybe we are losing a lot of time in lunch and coffee
23 breaks and et cetera, and maybe we could come for a hard two
24 days, have a box lunch, work right through.

25 And looking at the cost end of it, Jerry, I believe

1 we might get more for our money.

2 MR. SIEMILLER: Jane, I disagree. People just don't
3 work if you hold them to the table all the time.

4 MRS. HARDAWAY: Well, perhaps it could be done not
5 all the time, but I think maybe we might look into that as a
6 variety.

7 MR. DOBBS: I'd like to make some comments on Stan's
8 and Bill's suggestion about public hearings.

9 It seems to me that there are two kinds of people
10 that we haven't heard from. There are some people who are
11 represented by organizations that have common interests, that
12 have their own constituency.

13 For example, the National Association of Social
14 Workers has been concerned, and as long ago as four or five
15 years had discussions in their professional journals regarding
16 the issue of privacy and confidentiality.

17 The American Psychiatric Association. There are
18 a whole bunch of non-governmental special interest groups
19 who, as near as I can tell, have some feelings about this
20 issue and who have not been heard from, who represent a
21 constituency with some common interest.

22 So that is one set of people.

23 I would think that somewhere along the line one
24 would want to hear from them. And I suspect that a public
25 forum is probably the best way to address that set of people.

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1 The other set, of course, is the unrepresented set
2 of people, and part of the difficulty I think is one that
3 Frances has suggested, and I think that Willis is alluding to,
4 and that is the difficulty of how you ask the kinds of
5 questions that you want to ask in order to get at the heart
6 of the issue.

7 It seems to me that part of the difficulty in trying
8 to conduct these hearings is that there is an educational role
9 that has to be played which goes beyond that of just making
10 the issue more salient.

11 And it is the thinking that Frances described, and
12 that is that there is a whole set of people out there who
13 just do not realize that in fact these systems exist, their
14 characteristics and their nature. And there has to be some
15 way, it seems to me, for us to translate in a very short
16 period of time what that situation really is in as objective
17 a fashion as we can, without coloring it with our biases.

18 And I don't know that I have a solution to that, but
19 I think that is in fact part of the difficulty.

20 But having said that it is difficult, I don't really
21 believe that it is impossible. I believe that there are
22 enough people out there who are making contacts with these
23 kinds of systems through welfare agencies, through health
24 facilities, through unemployment, human resources development
25 agencies, that there is a population that can be reached via

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1 those mechanisms.

2 So I think the difficulty of running the hearings,
3 having recognized that we have to do it carefully, should not
4 be one which would prohibit us from so doing.

5 I think in terms of your concern, Phil -- and that
6 is where we want to ask the question if we aren't prepared
7 for the answer, which is what you are really saying -- is that
8 one of the things that's characterized a lot of the presenta-
9 tions that we have heard for better or for worse is that people
10 have made extremely important decisions not only by default
11 in many instances but on the basis of some presumptions, in
12 some sense almost an arrogant presumption, that they understood
13 the problem.

14 And the very act of thinking that you understand
15 the problem and to try to predetermine the alternative responses
16 puts you in a sense in almost the same position that some
17 of the people we have seen were in.

18 There is a sort of a risk situation that is involved
19 in our going out there and exposing ourselves without those
20 alternatives, but that may be something which is in itself
21 useful to illustrate to people in terms of this class of problem,
22 because it says that you don't -- you are not in a position to
23 understand it completely, that you recognize that, that you
24 admit it openly, that you are soliciting information and help
from those people who are more directly affected by it, rather

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1 than those who are operating it and running it, and you admit
2 that honestly, which is the kind of thing we have not heard
3 from many of the civil servants.

4 It is that lack of sensitivity which may be one of
5 the biggest contributions we can make.

6 Thanks.

7 MR. BURGESS: If I can just respond to that position?
8 I appreciate that. I don't think that one has to be black
9 to teach black studies, or to be a Roman to teach latin, or
10 to have experienced the ill effects of a computer information
11 system to understand those ill effects.

12 I think they are well documented by Arthur's book,
13 and a number of other things. If people want to go through
14 that exercise, that is okay.

15 My position is a little different in terms of I'd
16 like not to think that I have come across and said I think
17 I know what all the issues are, without a nuance of always
18 being able to learn more from talking to more people and
19 hearing more testimony.

20 I guess my position is really at the level of
21 what is responsible for groups like this to do. And my
22 position flows from the following considerations, that is,
23 that people in any society only have some things they can worry
24 about. And that one of the impacts, the impact of communica-
25 tion technology and of other technologies in bringing people

1 and governments and the activities of government closer together
2 is to simply bombard people increasingly with statements of
3 problems and issues and these kinds of things that unless peo-
4 ple like us -- who have an ability to put one more item on
5 the agenda of this public -- unless we are willing to do
6 something about this, we simply increase the alienation
7 and frustration and the sense of inefficacy that people have.

8 And I think that in my own view on this thing, it is
9 the job of newspapermen, it is the job of other people, to
10 go out and raise people to the levels of public awareness that
11 they choose, but it seems to me that a group like this has
12 the ability to make a choice, to do something, that is, to
13 commit itself in advance to not all of the issues relating
14 to privacy but to eleven out of twenty-seven that we might
15 identify, and to say, of all of the things that might be done,
16 at least we are willing to go three or four routes:

17 One is legislation -- legislation recommendations.

18 Another is recommendations for administrative
19 control.

20 And I am saying that if there is not commitment
21 to the political will among the people of this group to do
22 these kinds of things, then it is irresponsible to go out
23 and to tell people they have a problem and to put that issue
24 out there on their agenda.

25 Because the long term -- not so long term -- five or

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1 ten year period social effect of us and a number of other
2 people doing that is I think very disruptive.

3 MRS. CROSS: I think one of the real differences
4 here is the assumption of the purpose of the public hearings
5 and I happen to agree with Phil that I think the purpose
6 is to sensitize the public.

7 But then I'd like to build on something else you
8 said, that I am not sure that public hearings are going to
9 reach the person we want to reach necessarily. That is, I am
10 talking about the psychological impact of a certain group of
11 people sitting in front of their television set watching
12 a bunch of very verbal, fluent people talk on the screen, and
13 I'd like to pick up Phil's suggestion that one might, if the
14 purpose -- and I am assuming that the purpose is to sensitize
15 the public -- if that is the purpose, then one might build
16 on the knowledge of the television industry that something
17 like "Judd for the Defense" with a vivid illustration, followed
18 perhaps by a lively discussion, might reach more people in
19 a more sensitive way than a group of academic types. -- and
20 in this category I include all the people around this table --
21 sitting around holding public hearings.

22 I think it would be likely to be ineffective.

23 And the other thing I worry about, suppose you were
24 very successful in getting a highly controversial issue going,
25 which would accomplish the one purpose of getting lots of

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1 people to look at us and watch us and so forth, and you had
2 some thoroughly irresponsible claims made by an individual who
3 sincerely misunderstood what some company had done, but it
4 goes out all over the airwaves, which is ever so much worse
5 than Jack Anderson saying this company or that government
6 agency did this to me, and the government agency is not there
7 to respond.

8 I don't know what the legal issues involved there
9 are, but I worry about that as much as about getting people
10 excited and then having no solution, which doesn't worry me
11 excessively, but --

12 MRS. GROMMERS: I would like to make one point. If
13 my memory serves me, I think we already voted on whether or
14 not to go out and have regional meetings.

15 MR. SIEMILLER: We have.

16 MRS. GROMMERS: Does anyone remember what the out-
17 come was?

18 MR. DAVEY: Yes.

19 MR. SIEMILLER: We are supposed to go do it.

20 MRS. CROSS: I guess I wasn't here.

21 MR. DAVEY: This is part of my question. It was
22 a question discussed the last day of the last meeting, and
23 it was to be turned over to the staff to a certain extent to
24 work out.

Now do we have any report coming back? Or what is

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1 the status as far as that is concerned? Was that discussed
2 at all?

3 It's kind of awkward from my standpoint, when I come
4 two or three days every month, it all of a sudden becomes
5 kind of a continuous stream, as far as I am concerned. The
6 day that I left is picked up by the day I arrive. But there
7 is a lot that goes on between times.

8 What's been going on?

9 MR. MARTIN: Well, we discussed it. And the reason
10 we are discussing it today was to get some contemporaneous,
11 more up-to-date guidance as to what the Committee would hope
12 to accomplish by these hearings.

13 From our perspective, they are hard to organize.
14 They are expensive, and they are going to take a lot of staff
15 time, which we don't have a lot of extra staff time, and
16 therefore, it seems important from my standpoint to be sure
17 that whatever we do with these hearings, they hit whatever
18 target the Committee is trying to hit.

19 And I don't think the discussion at the previous
20 meetings or the notes that (Fred Santag) made of his inter-
21 views with you the first couple of meetings, disclosed
22 any clear pattern.

23 I think this discussion indicates there is a world
24 of disagreement about whether it is useful to do that, (a),
25 and (b) what you would do if you held them.

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1 MR. DAVEY: But even this kind of a preamble would
2 be helpful. And my thinking was that you were coming back
3 with more on this, but all of a sudden we are discussing this
4 topic again without any prelude to it except, "Yes, it would
5 be nice to do, but you have given a lot of thought to it and
6 it is difficult to organize."

7 And I agree with you that all of these things are
8 true, but it would be nice to get some kind of a feedback
9 that you have been thinking about it, like you have right now.

10 It's very helpful from my standpoint to know that
11 the suggestions and discussions we had before didn't just end
12 up in yelling into the wind or crying into the wind.

13 MR. MARTIN: The way we are thinking about the
14 entire enterprise is that we are trying to build some kind of
15 a platform, if you will, on which this Committee, or a majority
16 of this Committee, hopefully all of it, can stand united in
17 some form of advice or recommendations to the Secretary.

18 And the way I think about that, putting myself in
19 your shoes -- and really in a sense I wouldn't feel any different
20 about those shoes -- is what do I want to be standing on as
21 a platform in order to take whatever positions I am going to
22 take?

23 And we have been going through a process, as I see
24 it, of building that platform, of getting an evidentiary base
25 for a report, for bringing a consensus out of a heterogeneous

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1 group of people who, I think, have come together socially
2 and now need to also come together in sort of a poll orienta-
3 tion or outlook on the problem.

4 And the hearings offer one more avenue toward that
5 process, and I can't get inside twenty-five heads to find
6 out what needs more to happen.

7 And it's a world of difference, it seems to me, to
8 go on the road and meet just plain folks, ten or fifteen or
9 twenty people, that come in off the street, as Tade was
10 referring to.

11 It's quite another thing to get community repre-
12 sentatives or citizen participation types of organizations,
13 which is what Guy has been talking about.

14 And the other people who say I am for a hearing
15 don't say anything about what they want to have happen. They
16 say it's sort of a nice idea.

17 And then you have a strong voice saying a hearing
18 would be a bad thing, we shouldn't have a hearing.

19 It doesn't give very clear signals to the staff.

20 MR. DAVEY: I understand.

21 MR. DE WEESE: My position has been misrepresented.
22 May I set the record straight?

23 First of all, I am not talking about having
24 people walk in off the street. I think I am sophisticated
25 in a public relations sense that you have to do advance

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1 planning and get the kind of groups Guy is talking about.

2 Second of all, I agree with Phil that it is very
3 dangerous to arouse people unless you are doing something
4 about it. My only point was that this Committee is attempting
5 to do something about it, and we ought to communicate that
6 fact that we are working on the problem.

7 That is the second thing.

8 The third thing is that there is no conflict between
9 using the media and holding public hearings. If you get out-
10 side of Washington, D. C., where the entire news media is
11 completely numb to any kind of advisory committee at all, and
12 we will get all the television coverage you want. I am sure
13 of that.

14 If we use heads like Stan -- the political mind at
15 work.

16 MR. WARE: Senator Buckley's hearings in California
17 got zero attention.

18 MRS. CROSS: They should have. Some are very
19 boring.

20 MR. DOBBS: I'd like to respond to the issue of
21 saliency versus whether we, as the committee, would get any
22 useful input.

23 I guess one of the things that has concerned me
24 as much about the kind of system problem we have seen described
25 is the notion that the populous is sort of incapable of

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1 understanding, that the populous is in fact sort of directed
2 in a way to some position or some view.

3 And that there is a risk in a sense in sharing with
4 them whatever the available information is on fundamental
5 issues on the grounds that they may misinterpret it, they
6 may not understand, or that in fact we cannot get useful feed-
7 back from that exercise.

8 And I guess that is a notion that I would like to
9 reject strongly. Part of the difficulty is that in fact people
10 are systematically excluded, not only by the kinds of devices
11 and systems we have heard about, but simply by attitude, by
12 the assumption that says that because we are in fact a sophis-
13 ticated group of people and because the subject is a difficult
14 one to grope with, that there is not a contribution that
15 they can make in their own simplistic way which could provide
16 some useful information to us.

17 And I think that is an intellectually indefensible
18 position.

19 MR. BURGESS: Let me defend it.

20 MRS. GROMMERS: After Sheila.

21 MISS SMYTHE: A few quick points, if I may.

22 I agree with Guy's point, yes, I think people can
23 help. On the issue of hearings versus the TV, I am rather
24 intrigued, and I'd like to come back to it.

25 I probably have been personally involved in a signifi-

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1 cant number of hearings over the past ten years, and I am
2 beginning to feel that the attraction of public hearings is
3 wearing thin.

4 The TV made them very attractive for a while. And
5 I am really wondering if the public hasn't gotten a little
6 satiated with them, and whether we accomplish fully what we
7 really want to accomplish with them.

8 MRS. GROMMERS: Excuse me. One word. It would have
9 to be a motion to reconsider. We have voted for the hearings.

10 MR. MARTIN: Excuse me.

11 MR. WARE: We voted for regional meetings.

12 MRS. GROMMERS: You are correct to correct me. That
13 is what I meant to say.

14 MISS SMYTHE: But I was not intending to change it.
15 I was merely using it as an example of another possible
16 approach.

17 I'd like to see if we could explore some concept --
18 maybe the TV, as an example -- something that would be a
19 preliminary perhaps to public hearings, to make the public
20 hearings more useful.

21 Because I don't just think that by calling a public
22 hearing, I think you are going to get either in some areas
23 deadness or a few extreme examples or the kind of seeking of
24 headlines, et cetera, which is not really constructive or
25 beneficial to either the public or to us in our work as a

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1 committee.

2 And I think that some kind of awareness approach
3 is needed prior to regional meetings, public hearings, what-
4 ever you want to call them.

5 I am deeply concerned about just going out like any
6 other organization and calling another meeting or another
7 public hearing, and really wondering about the expense of
8 it, and about all the other aspects of it, and say when we
9 come back, what the heck have we got on our hands, and what
10 have we done out there.

11 MRS. GROMMERS: Just for a point of order, I think,
12 as I reiterate, and someone would have to check the minutes
13 for me, I believe we voted to have regional meetings, that
14 there would be at least four, and perhaps more, cities where
15 there were local welfare agencies, and that --

16 MR. DAVEY: Regional offices.

17 MRS. GROMMERS: HEW Offices. And that we would
18 have at them at least some represents of the people of whom
19 Guy is speaking.

20 Would someone correct me if that is not correct?
21 I agree we already voted on that. The fact that we are now
22 going to talk about how we do that, and whether or not there
23 should be some preliminary training, whether there should be
24 preliminary television, additional television, "Judd for the
25 Defense," et cetera, is prefectly proper.

1 However, to go back and discuss whether or not we
2 should do that, I think, would have to have a motion to
3 reconsider.

4 MR. SIEMILLER: A further point of order.

5 Wasn't there also at the same time the decision made
6 that the regional meetings, or whatever you want to call them,
7 might necessarily be done by subcommittees of this Committee,
8 and not by the total Committee?

9 MRS. GROMMERS: Yes, sir. Mr. Burgess?

10 MR. BURGESS: I think the question we are talking
11 about, the timing of the public hearings -- I am not opposed
12 to public hearings. In fact, in principle, when the question
13 was asked, I asked for the conditions under which the issue
14 was being raised -- the principle, do you think public hearings
15 are good or bad? I think they are good.

16 I really do want to say, though, in reaction to
17 Guy's point, that I am not at all arguing that we don't have
18 a lot to learn from people. And the inference that has been
19 made about my position is not appropriate, and I am not going
20 to take the blame for it.

21 I think a hell of a lot can be learned from listening
22 to people, and I think that a lot can be done to increase
23 the sensitivity of the people to the issues.

24 My main point is -- and let me put it in terms
25 that Guy talked about, because I agree with the spirit and

1 the ideology that was inherent in everything he said -- that
2 is that nothing, that nothing can be more manipulative and
3 more misleading to people than an unstructured, non-directed
4 kind of public hearing.

5 Every day we view situations where people, in the
6 name of openness and in the name of having things unstructured
7 and non-directive, manipulate the hell out of people. In
8 small committees, in public hearings, in the Congress, in
9 Conventions, in every arena in society.

10 We are going to go through two very closed conven-
11 tions, one in the name of openness and one blatantly in the name
12 of the old closedness. They are both very closed kinds of
13 operations from any kind of objective point of view, about
14 access, about agenda making, about participation.

15 And I think that the only way that one can avoid
16 having the manipulation of people and ideas and things that
17 is inherent in that is to structure very clearly in advance
18 the range of issues you want people to address themselves to.

19 And I don't think we should have the hearings until
20 we have gone through that process ourselves.

21 MR. DOBBS: I don't have a problem. But that is
22 different than looking at alternate outcomes.

23 MR. BURGESS: I said the range. In other words,
24 there are twenty-seven issues in the abstract that we might pay
25 attention to. I am saying that it is physically impossible

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1 for us to pay attention to all twenty-seven. Until we know
2 in advance the range of issues we want to give attention to,
3 I don't think we should go out for hearings. I think we should
4 go through that initial process.

5 MRS. GROMMERS: I want to call on Senator Aronoff.
6 I'd like to delay further consideration of this, that is,
7 whether or not we are going to decide on the regional meetings,
8 to go back to the five issues which Stan raised.

9 By the way, we now have three main issues, and
10 Stan has five and Don has five and Jane has one, all of which
11 we have presented to the table and haven't really taken any
12 action on.

13 MR. ARONOFF: May I say, addressing myself to that
14 question, that I don't think any of these positions are irre-
15 vocable at all. If you look at the order in which I raised
16 them, I asked for a consensus, for the issues to be identified
17 and to find out what kind of consensus we were getting at.
18 That is something that has been lost in the shuffle along the
19 line.

20 And just to find out -- I don't care how it is
21 done. I suggested that a secret ballot might produce a more
22 honest result from the Committee in the sense that we would
23 be free from anybody else's influence, but if the Committee
24 would like to do it another way, it just is a matter of
25 interest, we may find out -- for example, I, in preparation

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1 for something else, read the three reports from the sub-
2 committees that this group wrote. They weren't all of equal
3 caliber, but they were all extraordinarily close, in identify-
4 ing questions and in many respects in terms of proposing
5 areas of action.

6 I am going to stay away from public hearings for
7 a second. But we seem to have gotten into a debate as to
8 whether public hearings and public television -- either/or --
9 these weren't brought up as being mutually exclusive at all.

10 It may very well be that if there is a consensus
11 that we find out, or if there is some consensus and we find
12 we are proud of a course of action, that we want to recommend
13 in both areas.

14 In terms of regional hearings, it seems to me that
15 one day, if we decide to go that way, out of the September
16 meeting -- which is not the meeting, as I understand it,
17 which was proposed to be devoted to working out a format for
18 the regional hearings and get the valuable input that the
19 members around the table can give it.

20 It may be that the chairman of each regional meeting,
21 for example, would have a script that would be written in terms
22 of the way you go about it, that would have all of the hearings
23 relatively, going along the same course, so that the
24 Committee itself, and the Secretary, and so forth, would not
25 be embarrassed by it.

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1 It wouldn't bother me at all to have the format of
2 the hearing go all the way up to the top for approval, if
3 we would be interested in going in that direction. That's all.

4 MRS. GROMMERS: Stan, would you be willing to
5 prepare a list of those issues that you have in mind when you
6 are speaking about the issues?

7 MR. SIEMILLER: Wouldn't the issues be those in the
8 charter for this Commission? Don't you take it from that?
9 We don't have a right to broaden that.

10 MRS. GROMMERS: This charter says we can look at
11 anything we want.

12 MR. ARONOFF: I think you take the narrowest first,
13 and then go up. You then expand beyond that point. It may
14 be that, or the narrowest issue.

15 Surely, I will prepare that. But I would rather
16 do it a different way. I would rather have several of us
17 prepare the issues, and submit it to staff, and have staff
18 do it also, so that -- I mean, for me to prepare the issues
19 alone as I see them would be highly unfair to this Committee,
20 because there is some awfully good talent that could go beyond
21 what I see as the issues.

22 MRS. GROMMERS: Would you like to have volunteers
23 and also your selection for people to work with you?

24 MR. ARONOFF: I could just mail them in to you.
25 Anybody that feels they want to prepare that list to vote on

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1 should mail them in to you.

2 I will say that I will prepare a list myself, and
3 hope that twenty members around this Committee will do it.
4 Maybe that is an exercise to show you an extraordinary
5 consensus in identifying the issues. You might consider
6 whether that should be our school boy's assignment between
7 now and ten days from now.

8 MRS. GROMMERS: Would anybody like to comment on
9 that?

10 MR. DAVEY: Yes, I'd like to comment on that.

11 It's a very good idea, and I'd also like to see us
12 do it as quickly as possible, so we can get it in and get it
13 out again, and get it back. So the first day we essentially
14 have the results and spend that day in kind of discussing
15 these issues and what has come out on this thing at the next
16 meeting.

17 MRS. GROMMERS: Would you like to make a motion
18 specifying the time you'd like to see it reach me by?

19 MR. WARE: Why don't we defer to whatever timing
20 you people need to handle it.

21 MR. DAVEY: Let's back off.

22 MRS. GROMMERS: As oon as possible.

23 MR. DAVEY: Let's back off from when it needs to be
24 mailed in order to get a response.

25 MR. MILLER: If I read Stan correctly, on the basis

1 of what he said today and in the cab from the airport, don't
2 you think all the issues are identified and can be converted
3 into interrogatories on the basis of those three subcommittee
4 reports?

5 MR. ARONOFF: Yes, I think so.

6 MR. DAVEY: I think so, too.

7 MR. MILLER: Why can't staff do that? Understanding
8 that what we are really talking about is a straw poll to see
9 where the hell we are, which would be the most valuable way
10 for us to spend the next day working together, rather than
11 when we look at the clock, wondering when the cabs will arrive.

12 MR. DAVEY: I agree. Rather than have a yes-no
13 response, let's have "feel strongly," et cetera. Give a range
14 of responses on the thing.

15 MRS. GROMMERS: Yes, now Stan has made a suggestion
16 that we all do this. Arthur has made a counter suggestion
17 that staff do this.

18 MR. ARONOFF: I originally said staff. And in
19 response to your question would I do it, I said, yes, but I
20 don't care, as long as --

21 MR. ALLEN: Those are not incompatible. We could
22 have staff prepare interrogatories on the basis of the three
23 reports, and anyone has anything additional, send it along for
24 inclusion.

25 MR. DAVEY: Can we make a motion out of that? I

1 make a motion out of that statement.

2 MRS. GROMMERS: You make a motion to accept Mr.
3 Allen's proposal, which as I understand it was to have staff
4 prepare interrogatories based on the three subcommittee reports,
5 and --

6 MR. ALLEN: And individuals of the Committee to
7 submit additional interrogatories that they believe will not
8 be included on that basis to the staff for inclusion.

9 MRS. GROMMERS: Is there a second?

10 MRS. CROSS: Second.

11 MRS. GROMMERS: It has been so moved and seconded.
12 Is there discussion? Willis?

13 MR. WARE: No. When you have your motion carried,
14 I want to ask a question of clarification.'

15 MRS. GROMMERS: Mr. Impara?

16 MR. IMPARA: Not only were there three committee
17 reports, which I believe were a result of the June meeting, is
18 that correct? In the March meeting, several of us got
19 together in small groups and prepared something of the same
20 nature.

21 And at that point, we also suggested a variety of
22 issues we thought were of importance to the group.

23 MR. DAVEY: One of the committees incorporated
24 the March issues in its report.

25 MR. IMPARA: Thank you.

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1 MRS.GROMMERS: We have a motion. If there is no
2 further discussion, we will have a vote on whether or not we
3 will accept Layman Allen's motion.

4 MR. ARONOFF: As I understand, staff will prepare
5 interrogatories and mail them to us prior to the meeting, or
6 not, in which we would make additions or deletions, or, as
7 Layman Allen suggests, that we all just do our thing and
8 staff does its thing, and together it is all put together
9 next time?

10 MRS. GROMMERS: Layman?

11 MR. ALLEN: I haven't really thought through those
12 two alternatives. I think what you are suggesting may be more
13 provocative to us, if that could be done that quickly, by
14 staff.

15 If it could not, maybe those of us who have
16 additional interrogatories that we assume will not be included
17 from the three reports, could send them along.

18 But Dave, how quickly could something like that be
19 done in time for an exchange before September 14?

20 MR. MARTIN: The only context in which I have ever
21 heard the word interrogatories used is in preparing for law
22 cases. I don't know what you mean by interrogatories. I
23 would not know what I had to prepare if you pass that motion.

24 MR. ALLEN: I was picking up Arthur's use of the
25 word interrogatory. Maybe just use the word question.

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1 MR. SIEMILLER: To the uninitiated, you are going
2 to be asking questions, and we would be answering those questions
3 on the report.

4 MRS. HARDAWAY: Not as a yes/no.

5 MR. WARE: How about illustrations?

6 MRS. GROMMERS: As I understand it, it was rather
7 that there be a statement of the important issues that the
8 Committee felt it necessary to take a stand on.

9 That is, a description of the issues would be a
10 first step. And then the second step would be that we would
11 look at those and perhaps modify them a little bit, but we would
12 then, on secret ballot, make our feelings about those clear,
13 whether it is a yes/no or a sentence, or whatever,

14 And that would be a second stage. So what we are
15 talking about now is how do you get a clear statement of what
16 those issues are.

17 And if it is correct for me to say so, I think it
18 would be very useful to everybody if we had both staff and --
19 I don't know if the chairman can make a comment like that --
20 I will stop.

21 MR. DAVEY: May we also put a time limit on this
22 thing? Or could we say have everything in by two weeks from
23 now, so that we can get some kind of a response, some kind of a
24 questionnaire to us which we could respond to and get back to
25 you so we could get the results when they first come in?

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1 MR. MILLER: Inherent in my attitude as I let it
2 fly, and as picked up by Layman, I think it was reflected in Don's
3 statement before he left, was that I think we have to decide
4 as a community where the hell we are. Because we have been
5 receivers, we have been transmitters, at least to each other.
6 That is why I use the word straw vote.

7 That the first thing we do is figure out the size
8 of the elephant. What do we think the elephant looks like.
9 And then we start coloring the elephant pink, brown, green, and
10 so on.

11 Now I would caution staff that a lot of nuances and
12 problems and issues have really been revealed, I think, since we
13 did those three reports, in listening to these presentations.
14 So I think in terms of interrogatories, it should sort of be
15 a set of questions that go, "Do you believe the record should
16 address itself to Aardvarks or Hyenas, or this problem or that
17 problem?"

18 And I really, personally, do not want to get locked
19 in yet. I really regret that I have, other than during the
20 social periods, not heard from all of you.

21 And I think we should get a straw vote, take that
22 the first day in September, and really sit down and talk to each
23 other with the box lunch, Jane, because I think you are dead
24 right.

25 MRS. GROMMERS: Stan was, I think, trying to pose --

1 and it was very well done -- a method for doing this. Was
2 that not your intention?

3 MR. ARONOFF: Yes. I did. But I am so happy that
4 at least we are getting to the mechanics of it.

5 Really I will defer, and I leave it in these terms
6 because my cab is downstairs, but if there is anything personally
7 you want me to do in terms of working on that, I will be happy
8 to.

9 I think that staff really can do this, but perhaps
10 when staff finishes, if they take some of it, either the whole
11 group or some of the key group that feels strongly on this,
12 and clear it with them for some additions --

13 MRS. GROMMERS: I will be talking to you on the
14 telephone.

15 MRS. HARDAWAY: Perhaps it would be best, according
16 to parliamentary procedure, to withdraw the motion in front
17 of us at the moment that no one understands, and come up with
18 a new motion that would be very clear and concise so there
19 would be no misunderstanding.

20 I think you said, "Do you want that in a motion?"
21 and Jerry said "Yes," and someone else said "second," and
22 we really don't know what the motion is.

23 So maybe they could withdraw that and the motion
24 could be rephrased in order to make it clear for staff.

25 MR. SIEMILLER: To be parliamentary correct, you

1 can't withdraw a motion that has been debated.

2 You can vote it down, and make a new one.

3 MRS. HARDAWAY: That's right, because it has been
4 discussed.

5 It has been discussed, and we could vote it down
6 and rephrase it, which I believe in later weeks, as we look
7 back to the minutes, it would make it clearer.

8 MR. SIEMILLER: You need a consensus, not correct
9 parliamentary law.

10 MRS. GROMMERS: Let me ask, could Jerry restate the
11 motion and we can ask the person who seconded if he would
12 accept it?

13 (Recess.)

14 MRS. GROMMERS: Jerry and Layman, did you have a
15 chance to talk? Layman wants to restate what he said,
16 and you can say what you want to make that as a motion again.
17 Is that acceptable?

18 MR. DAVEY: Fine with me.

19 MR. ALLEN: I think what we are groping for is a
20 mechanism whereby we can have feedback from the group about
21 the scope and content, broadly speaking, of the report, without
22 trying to tie that to a tight mechanism.

23 I suggest that we have a first cut at that being
24 made by the staff, and in such a way that individually we
25 can feedback and amend, add to, and indicate our feelings about

1 this first cut at what is to be included, and somehow have an
2 indication of feelings of priority.

3 And I don't feel strongly at all about the exact
4 form that that should take.

5 MRS. GROMMERS: Do you think you could make it into
6 the form of a motion?

7 MR. DAVEY: Let me talk a little also. I think what
8 we are really after is kind of a general consensus of where the
9 group is at the present time, and I think there are a number of
10 us who have been in various subcommittee meetings and the like
11 and have come up with surprisingly similar lists of questions
12 or lists of topics that need to be discussed, and lists of
13 solutions. I use them interchangeably because this has been
14 the various forms they have taken.

15 But as you look at each of these documents by them-
16 selves -- and I am going back to the three subcommittee reports --
17 there is a surprising degree of familiarity and a surprising
18 degree of commonality in feeling.

19 MRS. GROMMERS: Could you first put what Layman said
20 in the form of a motion, and then say what you are going to say?
21 You are leading up to it?

22 MR. DAVEY: I am leading up to that kind of a motion.

23 And according to discussions I had with various
24 people during the break, any way in which this can be
25 accomplished would be reasonable from our standpoint. I think

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1 we all feel this kind of a need to say, okay, fine, on question
2 A or condition A. We all feel pretty much the same, or this
3 is what is separating us, or whatever, on this kind of a thing.

4 I think that is the kind of a thing we would like
5 to look at. And I think that as I grasp what people are saying
6 it is that they would like us to have kind of a straw ballot
7 which is in no way binding on further positions or positions
8 that can be taken as a result of this thing, but -- and I think
9 this was the idea that Stan had with respect to making it se-
10 cret -- is that it would not be binding in any way upon the
11 individual, so he could change his mind, or whatever, based
12 on these other feelings, if it turns out that there is some
13 kind of marked degree of difference.

14 MRS. GROMMERS: Would you like to make an action-
15 stated motion how this could be achieved?

16 MR. DAVEY: Yes. I am prepared to do that now, I
17 think.

18 I would suggest --

19 MRS. GROMMERS: Would you move it?

20 MR. DAVEY: I would move that the staff take the
21 documents which have been prepared by the various subcommittees
22 and from these documents make either statements or questions,
23 whichever the person who is responsible for this drawing together
24 feels most comfortable with, but to draw it together in such
25 a fashion that these statements which concern specific items

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1 could be voted upon in some kind of a scale, something where
2 you have seven degrees on which you can indicate you like it
3 very much, or you hate it -- whatever the ranges are in this
4 kind of thing. I think Phil suggested this.

5 And to elaborate this in a three or four or five
6 page document -- whatever it takes -- to have this prepared
7 and sent out to the members of the Committee within a two week
8 period.

9 Then let us respond back with whatever suggestions,
10 amendments, areas we feel are not adequately covered, and
11 then discuss that at the first meeting in which we appear on
12 September 14.

13 MRS. GROMMERS: Is there a second?

14 MR. ALLEN: Second the motion.

15 MRS. GROMMERS: Tell me if I have all the important
16 things in here as I restate that.

17 You moved that the staff prepare for the Committee
18 really a list of the possible issues, both procedural and
19 substantive, that it be mailed to the members not later than
20 August 25, and returned by September 1.

21 And these issues to be offered by presentation for
22 consideration by the members on the first meeting day of the
23 September meeting.

24 MR. DAVEY: Yes, using the documents which the
25 subcommittees have prepared.

1 MRS. GROMMERS: Based on the documents the sub-
2 committees have prepared, and added to by comments that the
3 Committee sends back to them, having read this first part.

4 MR. DAVEY: Yes.

5 MR. BURGESS: I think there is another dimension to
6 that. It seems to me the tasks can be stated simply, one, the
7 staff should inventory the issues, two, they should develop
8 an instrument that would do two things: (1) allow us to
9 state the priorities that we would attach to each issues, and
10 (2) to respond to a substantive statement of those issues which
11 would yield for all of us to examine a statement that would
12 tell from the aggregate level of the Committee the priority
13 that the Committee attaches and the attitudes we have toward
14 the issues.

15 So there is an inventoring problem. There is an
16 instrument design problem. The instrument should do two things:
17 establish a priority, measure a priority, and measure an
18 attitude or a feeling or a position on the issues.

19 MR. DAVEY: In establishing a priority, I think --
20 that is introducing another element into the thing.

21 MR. BURGESS: One may feel strongly about something,
22 but in the range of forty issues that have emerged in these
23 discussions, he may feel that even though he feels strongly
24 about it, it should have relatively low priority.

25 MRS. GROMMERS: Perhaps we might leave a little bit

1 about how we react to that instrument until we see what it
2 looks like.

3 MR. DAVEY: I think entering a scheme of priorities
4 on the various issues -- that is adding another dimension which
5 I think we can discuss at the first meeting.

6 MRS. GROMMERS: We can do it, but at the meeting,
7 when we see it. Some of the issues may not need a priority;
8 some may. You don't yet know.

9 MR. BURGESS: On one issue we already have the
10 priority. It's in the mandate -- the Social Security number.

11 MRS. GROMMERS: I'd be happy if you want to make
12 an amendment, however, to have you do so.

13 MR. BURGESS: I won't make an amendment. But I
14 just argue that the question of priority is what this meeting
15 is all about. That is the most important question.

16 MR. SIEMILLER: I would entirely differ. We have
17 a total subject we have to come up with, and you have ten
18 possible issues that you have got to find answers to in either
19 recommendations or administrative action or changes in a law.

20 And if you get beyond that, you are getting into
21 an educator's dream, which I don't think we are supposed to do.

22 MRS. GROMMERS: Is there any other discussion on
23 the motion?

24 (No response.)

25 MRS. GROMMERS: If not, let me read it again. It

1 has been moved and seconded that the staff prepare for the
2 Committee a list of possible issues, that is, both procedural
3 type issues, how one should proceed to do something, and sub-
4 stantive type, whether or not something should be dealt with,
5 to be mailed to the members not later than August 25 -- that is,
6 mailed out on --?

7 MR. MARTIN: Two weeks.

8 MR. DAVEY: I said two weeks. That's a little bit --

9 MRS. GROMMERS: -- to be put in the mail to the
10 members within two work weeks from Monday -- is that all right?

11 And the Committee members shall read this and
12 react to it and send back any modification by September 1,
13 back to Washington.

14 MR. DAVEY: There's no way we can send it back
15 by September 1 if that is when it goes out.

16 MISS SMYTHE: Perhaps one week after it is sent out.

17 MR. DAVEY: I think we will be lucky to get it
18 out and back again just before the meeting.

19 MRS. GROMMERS: All right. So it should arrive
20 in Washington --

21 MR. DAVEY: And whatever tabulations can be made
22 by the time of the first meeting, just make them.

23 MRS. GROMMERS: So it will have to be by September 8,
24 then. Two weeks from Monday, and September 8. As near as
25 possible to these days.

1 And that list, then, will be brought for considera-
2 tion and possible priorities establishment, if that is what
3 we choose to do on the first day of the September meeting.

4 All those in favor say aye.

5 (Ayes in favor.)

6 All those opposed, like sign.

7 ((Aye in opposition.))

8 MRS. GROMMERS: The motion was carried.

9 There were six other things that were brought up
10 as issues that I'd like to get a vote on before some of the
11 rest of you do have to leave.

12 MR. BURGESS: In the future, could we have a
13 discussion of the motions before they are passed?

14 MRS. GROMMERS: Yes, we discussed it. That is what
15 we did. Between the two times I stumbled in trying to state
16 the dates, that was all discussion on the motion.

17 Did others not realize that that is what we were
18 doing?

19 (No response.)

20 MRS. GROMMERS: Would you like to move for re-
21 consideration?

22 MR. BURGESS: No.

23 MRS. GROMMERS: All right.

24 The other issues -- just to tell you, to refresh
25 your memory as to what has been brought up -- Stan's five

1 points were the secret ballot on these issues, which we have
2 now taken care of.

3 A two day meeting. More private industry presen-
4 tations as opposed to more government presentations.

5 And the question that Pat was also talking to,
6 the question of public awareness using television. That is four.

7 And Guy had an addition to that. He wanted to make
8 concrete and objective what was going to be discussed, if
9 this was going to be discussed, at regional meetings, in such
10 a way that we could find people who had been harmed by the
11 i-sues, which does bring me to two of Stan's other points.

12 He wanted to have identification of potential
13 dangers recognized, and isolation of who had been damaged, so
14 that they could be heard from.

15 And he wished to have public awareness increased
16 using perhaps public service television.

17 Now I'd like to have some votes on that.

18 The other three issues that we have to talk about
19 are Don's suggestion -- he wanted informal meetings -- Don was
20 suggesting also two day meetings to be considered, that we
21 have more informal discussion among ourselves, and that on the
22 first day, and he added to that having people come back who
23 had been here for giving testimony to have informal discussions
24 with an interchange rather than a simple one-way exchange.

25 And then Jane made the suggestion that we have

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1 box lunches, working sessions at the two day meetings.

2 MRS. HARDAWAY: Madam Chairman, may I interrupt
3 you there? I believe I was trying to answer David's question
4 when he said what can we do to get people to stay, and I merely
5 interjected that as perhaps one way.

6 I am not suggesting that we should not have
7 three day meetings. And I would not want there to be a mis-
8 understanding about that. Just trying something different, to
9 see if it would help.

10 MRS. GROMMERS: Is it the will of the Committee
11 that we decide these issues now? Would you like to vote on
12 these things now?

13 MR. DE WEESE: Some of them.

14 MR. DAVEY: Can we have discussion on some of them?

15 MRS. GROMMERS: On all of them. But if you prefer
16 to not look at any of them, we won't. Do you want to take
17 them up now? May I have a show of hands?

18 MR. SIEMILLER: Were you going to do it anyhow,
19 before you adjourn?

20 MRS. GROMMERS: We will certainly be adjourning
21 by 4:00 o'clock.

22 MR. DEWEESE: I'd like to make a motion that I
23 think will clarify one key issue.

24 I'd like to move that we form a subcommittee of
25 people who have had experience with public hearings, and

1 between now and the next meeting, this group of people -- three
2 or four individuals -- will get together and devise a plan for
3 public hearings which will be presented to the Committee at
4 the next meeting, and we can decide upon it then, and move
5 towards an October date for these public hearings.

6 MRS. GROMMERS: Is there a second to the motion?

7 MR. DOBBS: Second.

8 MRS. GROMMERS: It has been moved and seconded
9 that a subcommittee be formed for the purpose of looking into
10 a devising and presenting a position paper on methodology for
11 regional public hearings.

12 MR. IMPARA: Would the subcommittee look at just the
13 issue of the method of holding a public meeting, or the
14 substantive content?

15 MR. DE WEESE: Every aspect to make an effective
16 public hearing.

17 MR. IMPARA: Would it in turn, by necessity, address
18 some of the issues brought out.

19 MR. DE WEESE: Right. Substantive issues, procedural
20 issues. the matter of participation, getting people involved,
21 every issue.

22 MR. WARE: I simply want to inquire into the
23 mathematics. Do we have four people that know about public
24 hearings and can you get your job done by September? Can you
25 arrange for a meeting in four or five weeks?

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1 MR. DE WEESE: Yes, it's been done before by people
2 like Don Muchmore, with years of political experience.

3 MR. WARE: I'd be interested in Tade's reaction
4 to whether four or five weeks is adequate time.

5 MR. DE WEESE: That is the job of the subcommittee,
6 to discuss all these matters, to consider the timing problems,
7 and everything else.

8 MR. WARE: I just wanted to make sure we weren't
9 passing a vacuous motion.

10 MR. BURGESS: I know there is a reluctance to talk
11 about ends--means relationships here, but let me try once again.

12 Is there, given the fact that this Committee has
13 limited talent, limited resources, and limited time -- could
14 we spend some time talking about what ends are going to be
15 achieved by the public hearings and whether there are other
16 more cost effective ways to achieve those ends?

17 MR. DE WEESE: That is one of the jobs of the sub-
18 committee.

19 MR. BURGESS: No. The subcommittee's job is to
20 consider a hearing.

21 MR. DE WEESE: Well, I will rephrase it to include
22 that.

23 MR. BURGESS: But what is the end to be served?

24 MR. DE WEESE: We discussed for about an hour the
25 various reasons for having public hearings. At least we agreed

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1 that each one has his own reason for it.

2 But there was a motion passed last meeting that
3 we have some type of regional meeting. I am trying to get
4 together a subcommittee to decide on a strategy for those
5 meetings.

6 MR. BURGESS: All I am asking is, would you consider
7 including in the motion the ends ot be served by the public
8 hearings?

9 MR. DE WEESE: That's what they will plan. Hope-
10 fully their plan will reflect the answer they are trying to
11 achieve, what they hope would be achieved.

12 MR. SIEMILLER: I would be opposed and vote against
13 the formation of the committee because you give it too big
14 a chore to do, and I would --

15 MR. DE WEESE: I am sure the committee I have in
16 mind will achieve this end in four weeks.

17 MR. SIEMILLER: I have run many public hearings.

18 MR. WARE: Let them try, Roy.

19 MR. SIEMILLER: Let them, but you give too big a
20 chore.

21 MR. DE WEESE: We are not going to run it in four
22 weeks. We are going to be devising it.

23 MR. SIEMILLER: When you run one, you certainly
24 learn how to run one, and what the obstacles are.

25 How many have you run? Name one. I am going to

1 vote against it unless you limit the committee's chore to setting
2 up the formula.

3 MR. DOBBS: The way to solve that is to make him
4 a committee member.

5 MR. SIEMILLER: No you don't.

6 That's the way I got to be President of the
7 Machinist's Union, with a big mouth. I know that route.

8 MRS. GROMMERS: Jim?

9 MR. IMPARA: May I recommend -- suggest, rather than
10 move -- that it would be possible to amend the motion to add
11 the specific charge in more detail, that is, to delineate --

12 MR. DE WEESE: That's our problem.

13 MR. IMPARA: I agree somewhat with Roy. So far,
14 every time someone has brought up an alternative thing the
15 subcommittee might address, you said, yes, they will do that.

16 And I think -- no, wait -- I know what you are
17 thinking, I believe, and you just want a committee to examine
18 the different possible ways and issues, substantive and
19 procedural, that a public meeting might address.

20 Now what I am saying is that that is a pretty broad
21 charge. You are not going to be organizing a meeting or
22 holding one. You are simply going to be looking at how one
23 would be held and what would be the content of the meeting,
24 which necessarily involves establishing a set of alternative
25 objectives which the public meeting would achieve, and the

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1 various strategies by which these objectives might be achieved.

2 And also by necessity the various combination of
3 objectives that might be simultaneously achieved.

4 And I think Juan, as a man who has had vastly more
5 experience at this than I, can tell you that to sit down and
6 establish the objectives and consider the various issues is
7 not a small task.

8 And I would suggest only that we consider amending
9 the motion to the extent that it be a specific charge, rather
10 than a more general charge.

11 MR. DE WEESE: We will be here for the next eight
12 hours trying to do that.

13 If you pick the right people who have had experience
14 in the area, they will think of these factors as a matter of
15 course.

16 MRS. GROMMERS: What has been moved here essentially
17 is that this discussion of what to talk about at a regional
18 hearing, where to go, how to prepare those members who will
19 be going for their role, how to get participants, and how
20 to decide the issues, will be discussed in a subcommittee
21 rather than in the full meeting. That subcommittee will report
22 back to the full meeting, at which time we can discuss it
23 further.

24 MR. WARE: And Tade offered to organize and chair
25 it, didn't you?

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1 MR. DE WEESE: I didn't offer. I haven't had the
2 experience.

3 MRS. GROMMERS: That is not in the motion. This
4 is simply to set up a subcommittee.

5 MR. WARE: As you correctly pointed out, it is a
6 low risk motion.

7 MR. DE WEESE: That's why I phrased it the way I did.

8 MRS. HARDAWAY: A point of discussion. I would
9 feel uncomfortable with the motion unless it designated how
10 this committee would be put together. Would it be by appointment
11 from the chair? Or election from the committee?

12 I would want to know, or have added to the amendment,
13 how you plan to choose this committee.

14 MRS. GROMMERS: There is no amendment at all. If
15 someone would like to make an amendment --

16 MR. DE WEESE: Would it be proper for me to include
17 my own recommendations in the motion?

18 MRS. GROMMERS: You could do so, but the person who
19 seconded it would have to agree. If he doesn't, you would
20 have to amend.

21 MRS. CROSS: I want to ask for a point of clarifi-
22 cation, though. Because the reason I would be opposed to the
23 motion is because it makes the definite assumption that
24 we should hold open regional meetings.

25 MR. DE WEESE: That has been decided. We voted on

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1 that.

2 MRS. CROSS: Well, at one point you said, yes, you
3 voted to hold regional meetings. But nobody voted to hold
4 open hearings. What is the difference? What are we talking
5 about?

6 He is talking about a committee to plan open
7 hearings, and I am told that is not what the motion was.

8 MR. DE WEESE: All our meetings are open by defini-
9 tion. I am talking about where they are held, whether here
10 or in the several states.

11 MRS. CROSS: You are not talking about open hear-
12 ings?

13 MR. DE WEESE: Well, in a sense, depending on
14 how much you publicize them --

15 MR. BURGESS: You are talking about who is invited,
16 Tade.

17 MRS. GROMMERS: Who seconded his motion?

18 MR. DOBBS: I did.

19 MR. DE WEESE: Are we really going to waste time
20 quibbling over the difference between regional meetings and
21 public hearings?

22 MRS. CROSS: It makes a whale of a lot of difference.

23 MRS. GROMMERS: Just make your --

24 MRS. CROSS: To me, a regional meeting is something
25 like this with fewer people, held in a given region, and this

1 is not an open hearing.

2 MRS. GROMMERS: We can't discuss that now, because
3 the motion on the floor is to set up a committee to decide
4 that.

5 MRS. CROSS: I am asking for clarification. I do
6 not understand the question and I cannot vote until I know what
7 we are talking about.

8 MR. DE WEESE: I am talking about regional public
9 hearings, where we will both specifically attempt to bring in
10 certain people we want, and also advertise it to the extent
11 that people who desire to come know where we are and can find
12 us.

13 MRS. CROSS: Am I correct then, in attempting to
14 clarify, that the Committee has voted to do that?

15 MR. SIEMILLER: Not exactly that.

16 MRS. CROSS: All right. That is the point of my
17 problem.

18 MR. BURGESS: That's what I was looking for, Tade.

19 MR. MILLER: I have exactly the same trouble Pat
20 does. Voting for this motion in effect commits you to
21 holding public hearings. It is asserted that this Committee
22 has voted for public hearings. I was not at the meeting in
23 July at which it is alleged that the Committee voted for
24 public hearings.

25 I am looking at the transcript of that meeting, and

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1 there is no motion. What is said is that you have all said
2 you wanted to go and have regional hearings for particular
3 groups.

4 MRS. GROMMERS: I object very strongly to that.
5 I know there was a motion, and I am sorry that there is
6 nothing in there, and I can only say that there is something
7 wrong with that transcript.

8 MR. DE WEESE: I will clarify one more thing. I
9 don't think voting on this motion means we have to go to
10 public hearings. Quite the contrary. I think we can only
11 make a decision on public hearings once we have seen a reason-
12 able format that intelligent people have put together, so
13 we know what we are talking about and we can vote on the issue
14 later.

15 I want to get the format.

16 MR. DOBBS: Can I have a clarification? Because
17 ever since, it's suddenly become very unclear.

18 Is it not the case, David, that this is in fact
19 an open public meeting? Is it not the case that as a free
20 individual, if I so desired, that I could invite very specifi-
21 cally whomever I chose to invite to attend?

22 MR. BURGESS: But not to speak.

23 MR. DOBBS: Let me get to that. Is it not
24 the case that someone could request to appear and provide
25 testimony before this Committee?

1 MR. MARTIN: Yes.

2 MR. DOBBS: Okay. All those things I have said
3 are true and that we have to consider at least publicly either
4 listening to or formally rejecting such a request.

5 MR. SIEMILLER: Right.

6 MR. DOBBS: Frances is shaking her head.

7 MRS. GROMMERS: Not about what you are saying.
8 Something else.

9 MR. DOBBS: I just want to make sure that from the
10 pragmatic point of view this is a very public hearing. The
11 fact that we have not "gone public" in the sense of advertising
12 broadly, either formally or otherwise, is an accident.

13 But if people are afraid of public exposure, let
14 me tell you we can fill the room.

15 MR. BURGESS: Guy, you mix up a procedural and
16 substantive question, time after time.

17 I happen to be in favor of public hearings, and by
18 hearings I mean inviting in representatives of the public and
19 people we can identify to give testimony on anything that we
20 decide we want to take testimony on, or that they want to give
21 testimony on.

22 But I think that is substantive position which ought
23 not to be pucked up by a procedural question, which is very
24 important. And that is, what is the sense of the Committee
25 with respect to the function or the mission of public hearings?

1 MR. DOBBS: The thing I pointed out is that we have
2 been having public hearings continuously.

3 MR. BURGESS: No, because the people coming in are
4 not representative of the public. They are government agencies
5 and those kinds of things.

6 MR. DOBBS: We have had two sessions, by definition,
7 of public hearings. There were government officials, but they
8 came from industry, foreign governments, all over the place.

9 MR. BURGESS: But don't mix up the procedural
10 position with the substantive one.

11 MRS. GROMMERS: Phil, if you will look in your
12 papers, you will see that all public advisory committee
13 meetings are open.

14 MR. BURGESS: I know that, for God's sake.

15 MRS. GROMMERS: They are public hearings.

16 MR. BURGESS: I don't see why people jump to con-
17 clusions from a procedural discussion to substantive positions.

18 My position, my substantive position, gets continually
19 misrepresented for procedural positions I am taking.

20 MRS. GROMMERS: I don't understand the two words,

21 MR. BURGESS: I think they are very fundamental.

22 MRS. GROMMERS: Could you be very specific?

23 MR. BURGESS: The integrity of human groups depends
24 on procedural agreements.

25 MRS. GROMMERS: I don't understand the procedural --

1 MR. BURGESS: How we relate to each other. The
2 rules by which we live. And I am saying that Tade has asked
3 us to do something which, the spirit of it I am in favor of,
4 but the fact is you don't form a committee to say let's see
5 how to build a bridge. You form a committee to say how do we
6 build a bridge across the Potomac River at 8th Street. That's
7 what you say.

8 And I am saying that if we are going to talk about
9 having a committee on public hearings, that we have got to
10 specify what it is for.

11 MRS. GROMMERS: Tade can make a motion exactly
12 as he pleases. You can vote it down.

13 MR. BURGESS: That has nothing to do with the
14 substantive position.

15 MR. ANGLERO: If we have, as Guy indicated -- we
16 have gone public already. We have many people we think are good,
17 but we have been discussing the whole morning that we are lack-
18 ing some kind of representative here.

19 I will say this is a public hearing -- well, not this
20 exactly, but the ones we had before; this is a committee
21 session -- so I think the way I understand Taylor's motion,
22 he will define a tentative way to ca-ry on this public hearing
23 in the place that we have decided that it should be in the
24 regions, and consider inviting then the other people who have
25 not been represented.

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1 In a tentative way, which we might or might not
2 approve. That is the way I have seen it.

3 MRS. GROMMERS: Is there any further discussion?

4 MR. DAVEY: I would like to call for a vote, because
5 a number of us are leaving in three or four minutes, and I
6 would at least like to give my vote on this.

7 MRS. GROMMERS: The question has been called for.
8 There can be no further questions.

9 MR. DE WEESE: Can't I clarify once more?

10 MRS. GROMMERS: No.

11 MR. DE WEESE: Okay.

12 MRS. GROMMERS: It is my understanding -- I will
13 state the motion -- it is my understanding of the intent
14 of this motion that it is to get this discussion out of full
15 committee and into a subcommittee, and then have it brought
16 back to the full committee for any modification, acceptance,
17 or denial as in its full wisdom the Committee may so desire.

18 It has been moved and seconded that there be formed
19 a subcommittee which will consider the question of the content
20 of the issues, the procedures, and the methods of reaching
21 people whom we would like to have appear or listened to in
22 these meetings, and to also consider what objectives might
23 be achieved by these hearings.

24 I'd like to have a show of hands. All in favor
25 of forming such a subcommittee --

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1 MR. ANGLERO: May I offer an amendment?

2 MRS GROMMERS: There are no amendments. The question
3 has been called for and it must be voted on this way.

4 All in favor, a show of hands please, of forming
5 this committee?

6 (Show of hands in favor.)

7 MRS. GROMMERS: Eight.

8 All opposed, please.

9 (Show of hands in opposition.)

10 MRS. GROMMERS: Five.

11 MR. SIEMILLER: The ayes have it and the nos not.

12 MRS. GROMMERS: The motion is carried.

13 MRS. HARDAWAY: We are leaving. The reason I voted
14 against it was my fear of how that committee will be selected,
15 so I think consideration must be given now as to whether it
16 will be an appointment from the chair or elected by the
17 committee.

18 MRS. GROMMERS: Would you like to make a motion
19 for the method?

20 MRS. HARAWAY: I always prefer the chair, and I
21 would move in that direction.

22 MR. DAVEY: Second.

23 MRS. GROMMERS: It is moved and seconded that the
24 chair appoint this committee. No mention has been made of
25 how many members it should be. Would you like to include that?

1 MR. SIEMILLER: Leave that --

2 MRS. HARDAWAY: I leave it to the discretion and
3 judgment of the chair.

4 MRS. GROMMERS: It has been moved and seconded
5 that the chair appoint this committee. Any discussion?

6 MR. MILLER: Question.

7 MRS. GROMMERS: The question is called for. All in
8 favor?

9 (Ayes in favor.)

10 MRS. GROMMERS: Opposed?

11 (No response.)

12 MRS. GROMMERS: That motion is carried.

13 MR. ANGLERO: I think that we have this whole month
14 coming to decide upon the substantive issues, and I don't
15 know how exactly. I could not vote because of this. How
16 is the committ ee going to deal with this substantive issues?

17 MRS. GROMMERS: That will be dealt with in the com-
18 mittee.

19 MR. ANGLERO: Why they have not been decided?

20 MRS. GROMMERS: Well, they will come up with some
21 suggestions and you can veto them or --

22 Would you all like to continue making some
23 decisions, or would you like to make a motion for adjournment?

24 MR. SIEMILLER: I don't think you have a quorum.

25 MR. DOBBS: If we have a quorum, let's continue.

1 MRS. GROMMERS: We have a quorum -- twelve.

2 MR. SIEMILLER: That is fifty percent, not a majority.

3 That is less than a majority of a twenty-five member committee.

4 You need another one.

5 MRS. GROMMERS: A point of order.

6 MR. SIEMILLER: Madam Chairman, we could continue,
7 but I would suggest that since things have become rather con-
8 troversial, procedure-wise, that it might not be in the best
9 interest of the Committee to continue. I don't personally care.

10 MRS. GROMMERS: Would any of you here like to just
11 bring up some points that we can talk about without making any
12 definite decisions?

13 MRS. SILVER: I would like to make a suggestion.
14 I don't know if it would be feasible, but there have been
15 suggestions, one for instance, like sending out a questionnaire
16 which people pointed out would be no good because questionnaires
17 don't get back.

18 Then we talked about public hearings. I am wonder-
19 ing if it would be possible, after we get our questionnaire
20 back to you, if somehow maybe a questionnaire could be made
21 that we as members of the Committee could take to our areas and
22 maybe interview people private or casually, you know. There
23 is sort of a thing inbetween public hearings and maybe kind
24 of interview people in a cross section in our areas, using the
25 same questionnaire that everybody is using, so when we came

1 back we'd have something to talk about or work with.

2 But talk to people on an interview basis, and get
3 answers to specific questions.

4 Would this be a workable idea?

5 MRS. GROMMERS: Just one little point. As far as
6 drawing conclusions about the answers, it probably wouldn't
7 work. You'd never know if you were in the same situations
8 that made the pollsters nominate and elect President Dewey.
9 Because you don't know what your sample is.

10 But we can certainly look at developing some kinds
11 of questions which people could use to get specific answers
12 without coming to conclusions about the prevalence of the idea.

13 MRS. SILVER: I think maybe my main question is,
14 would there be any value to this kind of think, either in
15 actually getting information from the public or making the
16 public aware of what is going on?

17 MRS. GROMMERS: Phil, I am sure you have an idea.

18 MR. BURGESS: No, I have no ideas.

19 MRS. GROMMERS: Would anyone like to make a comment?

20 MR. ANGLERO: On another aspect.

21 MRS. GROMMERS: On this or not?

22 MR. ANGLERO: No.

23 MR. WARE: I think most of us understand the
24 situation well enough by now to go out and play it by ear.

25 MR. SIEMILLER: I think we do it constantly anyhow.

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1 MRS. LANPHERE: I have been doing it since I have
2 been on the Committee.

3 MR. SIEMILLER: You try out certain points on them
4 to see what they think are issues here that you would have, and
5 it helps you in your thinking, if you need that help on that,
6 or if it broadens your scope.

7 I think that is good. But to take that, to actually
8 make a decision here, I don't think you would help much. It
9 would help you as an individual.

10 And your other question, would it raise awareness.
11 Everybody you talked to and told about the Committee and asked
12 those questions, that would make them aware of the subject
13 matter, and it depends on how broad you got when asking people.

14 MRS. CROSS: It's not very cost effective.

15 MR. SIEMILLER: No, it's a good participation
16 session.

17 MRS. GROMMERS: Juan?

18 MR. ANGLERO: Really, I have my own problems in terms
19 of the public awareness of the basic issues really. And we
20 can quote past events like drug addiction and police and the
21 times they developed and no one was aware, and by the time
22 they came out they are really national issues and have come
23 into priorities in terms of the government as such.

24 So I think in some way if we have an understanding
25 of the problem in some way, we should have developed a way

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1 to create or not create a response from the public. But this
2 is something we can go on.

3 I would like to bring up a couple of things, some
4 of them, I would say, are kind of administrative in terms
5 of the meetings -- two or three day meetings -- in terms of
6 leaving earlier or not leaving earlier, in terms of the rules
7 and procedures that we might adopt.

8 For example, the basic issue we had -- not basic,
9 but an issue we had -- at the beginning of smoking or not
10 smoking. I feel myself that we must -- we are going to too
11 much parliamentary procedures, sophisticated ones. But we
12 must have some gentlemen's agreement as to how we should
13 function. We should respect each other.

14 I hope each one will respect myself in terms of even
15 the turn in which I should speak or not until I finished.

16 But a lot of things -- even I think the matter of
17 leaving early or not leaving early is a matter of respect to
18 each member of this Committee. Because we all come from far
19 away, and come here to work one way or the other.

20 Well, we should try to get this into a gentlemen's
21 agreement, more than really a set of rules to say this is the
22 way that each one has to do.

23 If we can do that, I don't know, I think that we will
24 feel better. And then carry on with the substantive issues
25 and the way they should be. Even this matter of two or three

1 days. I come from a long, long way. And it's not easy for me
2 to justify a couple of days only. I would not be here if it is
3 only for one day. If it were my government who is paying
4 for this, they would not give it to me. They would not allow
5 me to come for one day meeting.

6 On the other side, when we talked before about
7 going to public hearings, I remember what Mr. Fisher brought
8 in, that in some places, perhaps not in America, there is a
9 law of something ideal, and it is there, and perhaps it is
10 never put into effect.

11 And probably what we might face here if we don't go,
12 do not assess public opinion on this at least, is to do some-
13 thing like that.

14 So there are realistic recommendations, but when
15 we try to implement them probably they will never be put into
16 effect.

17 MRS. GROMMERS: Thank you very much, Juan. I certain-
18 ly, as chairman, can set an example anyway and try to avoid
19 excessive parliamentary procedure from here on.

20 Any other suggestions? Guy? And also I want
21 to -- Sheila has asked to put something in the record before
22 adjournment.

23 MR. DOBBS: I guess it was to expand on Juan's first
24 comment. Does the necessity for parliamentary procedures
25 arise from the formality of the hearings themselves? Is there

1 something about the fact that this is this kind of committee
2 that forces us into this procedure? Or is it that you feel,
3 Frances, that that is a better way to control things?

4 MRS. GROMMERS: Well, the parliamentary procedure --
5 we aren't doing parliamentary procedure here now. It has
6 nothing to do with the fact that it is a hearing.

7 Perhaps you are referring to the fact of going
8 around the room. What are you referring to, Juan?

9 MR. SIEMILLER: The making of motions.

10 MR. DOBBS: Like making formal motions and that
11 kind of thing. That's the thing that I classify as parliamen-
12 tary procedure.

13 MRS. GROMMERS: I don't know what is the possibility.
14 All the other committees I am on use it, and it never occurred
15 to me there is any other way.

16 MRS. SILVER: I believe parliamentary procedure
17 was mainly organized to handle large groups, and it makes
18 things easier when you have a great many people to deal with in
19 a committee.

20 And the smaller the group, of course, the less you
21 need formal parliamentary procedure.

22 And I think that parliamentary procedure can lend
23 itself to this committee, and I think there are also times
24 when this committee could do without it.

25 I think in the passing of a formal motion that

1 it is helpful, because then you know what you are accomplishing
2 with it. But I think also there are times when the Committee
3 meets perhaps to discuss things in a more informal way and it
4 can be waived.

5 However, it's helpful when things are sort of, you
6 might say, getting out of hand, to have rules by which to abide.
7 But I think you can kind of play by ear, when it's needed,
8 and when it can be relinquished to make discussion more free
9 in a way.

10 MR. SIEMILLER: I would say that parliamentary
11 procedure in any group, regardless of size, is absolutely
12 essential when you are deciding certain questions, procedural
13 questions in which it shows up that there is a difference of
14 opinion around the table, Juan, or when you are arriving
15 at a decision on substance of any report that you are putting
16 together. It is necessary.

17 There's many other times that the chair could use
18 her discretion or his discretion or its discretion, however
19 we want to put the chair in this, and not use it when there
20 is just -- it depends upon the real nature of the question
21 and the chair has a good consensus as to what is the nature
22 and how important it is.

23 If someone asked for a vote on it, I think the chair
24 should put the question to a formal vote if it is asked for.
25 In other words, you could use your discretion; use it where

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1 you think it is necessary, and unless asked for, eliminate
2 it in other places. In fact, that is usually, as I have sat
3 on various committees, the way it is done.

4 MRS. GROMMERS: May I just get some clarification
5 from somebody? What are you referring to when you are talking
6 about parliamentary procedure?

7 MR. SIEMILLER: Madam Chairman, when I make a motion,
8 then the motion is seconded, then there is discussion -- what
9 do you do with it after that? You have to follow Roberts
10 Rules of Order. It could be amended. The amendment could be
11 amended. You could have a substitute for the whole.

12 At the time the question is called for, actually
13 if there is doubt about it somebody yells about it, let's
14 have a show of hands, see if you want to close debate, it
15 goes through that procedure. That's what we are talking about.

16 It's a concrete way of making a decision where
17 there is more than two people involved in a situation. But
18 you don't need to go through it with every type and kind of
19 decision.

20 I think it was necessary on your last one that you
21 used on the formation of the committee. So I think it's useful.
22 But I think you have the discretion to use it or not use it,
23 whenever it is in the best interest of the committee as a whole.

24 MRS. GROMMERS: I see everybody is kind of --

25 MRS. LANPHERE: Could I say something that has to do

1 with this that I heard during coffee?

2 Occasionally when we are going around the room,
3 asking the questions, occasionally there does get started
4 an opportunity for some good exchange or interaction between
5 members of the group in regard to a specific point that they
6 would like to be able to do.

7 I have heard this expressed, and of course it would
8 be up to your discretion as to when to allow this, but they have
9 a good thing started and maybe someone wants to react and
10 there is very little interplay between the people.

11 I think that's what you are saying about the use
12 of discretion.

13 MR. SIEMILLER: But she has still another problem.
14 You have a large committee. They have a limited amount of
15 time, if two or three big mouths like Siemiller take up the
16 total time, somebody is deprived of the right of asking
17 his question.

18 I think she's done rather marvelously well.

19 MRS. LANPHERE: I do, too, but this is one point I
20 heard expressed, that they wished they had a little more
21 interaction. I don't know the answer, Frances.

22 MRS. GROMMERS: I don't know the answer either, but
23 I wish it, too.

24 MR. SIEMILLER: I think you have been doing real
25 well on that subject. If you ever start chairing a meeting

1 in which you have eighteen, nineteen or twenty international
2 presidents of unions, those who speak any time they are damn
3 good and ready in their own union, and then try to control them
4 to when they have a right to speak, then you have a chore.

5 It's an impossible one. It can't be done.

6 MRS. GROMMERS: I am sure you can tell me stories
7 that would be profitable.

8 Sheila, would you like to make your statement?

9 Then if someone would like to make a motion to
10 adjourn, if anyone is still here.

11 MISS SMYTHE: I recognized your earlier need to
12 go into executive session, but I appreciate the subsequent
13 opportunity to clarify two points in the earlier discussions
14 on the ANSI standards.

15 The first concerns BEMA involvement. The Committee
16 X, or computer information processing committee, is sponsored
17 by the Business Equipment Manufacturers Association.

18 As the sponsor, BEMA acts as secretariate and provides
19 essential administrative reports and is responsible to and
20 for the administration of X-3.

21 The second point I would like to make concerns Mr.
22 Miller's comments about the interest of lack of it on the part
23 of the task force with respect to the social aspects of the
24 standard, and its implications.

25 It was because of the early work of the task force

1 and BEMA's concern that some very informal discussions were held
2 by some people with HEW back four or five years ago, which led
3 to the possibility, presumably based on other criteria and
4 comments as well, that a committee something like this should
5 ultimately be formed.

6 When the proposed standard was completed by the
7 task force and went up through the ranks of the X-3 and ANSI
8 procedures, when it had been determined that it was reasonably
9 applicable from a technical standpoint and application standpoint
10 within the confines of the responsibilities of the X-3 work, it
11 was intentional that opinions were sought from both the
12 Executive Branch of the government and the Legislative Branch
13 of the government, which led to further discussions, and the
14 holding in abeyance of the standard so that this Committee could
15 concern itself with the social aspects.

16 I therefore wish to stress very much that ANSI
17 has had a great concern and a great interest in the outcome
18 of this Committee's work. Thank you, Madam Chairman.

19 MRS. GROMMERS: Thank you very much. Is there a
20 motion for adjournment?

21 MR. SIEMILLER: I move adjournment.

22 MISS SMYTHE: Second.

23 MRS. GROMMERS: Adjourned.

24 (Whereupon, at 3:45 p.m., the meeting was adjourned.)