

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SECRETARY'S ADVISORY COMMITTEE

on

AUTOMATED PERSONAL DATA SYSTEMS

Saturday, September 30, 1972
Conference Room 10, Wing C
Building 31
National Institutes of Health
Bethesda, Maryland

P R O C E E D I N G S

MR. MARTIN: Could we bring the meeting to order.

From the standpoint of your staff, there are two things which I hope may come out of this morning's meeting at a minimum. One is a clear enough sense of the committee's pleasure with respect to the content, style and form, but most importantly, content. Style and form are infinitely revisable in a report.

Tomorrow is the 1st of October and if we're aiming, as I think we are, for a draft report pretty well finished by the end or middle or latter part of November, the staff is beginning to feel the heat and pressure of the shortened time to function for you. So that's one thing that I think staff feels urgently the need for.

Secondly, an identification of any additional evidence, information, which the committee lacks or feels it lacks that it wishes to have developed in whatever form or by whatever process, because I assume that that will have implications for staff.

Now, there may be things on the committee's mind that it wishes also to accomplish in this meeting, but those two, from our standpoint, are at a minimum what we should try to come out with.

MR. DOBBS: To the latter point, when we had our little session the other day which resulted in that little

1 piece of paper which had some recommendations on it, one of
2 the things that the people in that room agreed on was that
3 there was no requirement for us to collect additional evi-
4 dence in terms of examining more systems beyond those that
5 we might come in contact with at the proposed regional
6 meeting. That was the sense of the people in the room at
7 that point in time.

8 I don't know if that helps you in terms of the
9 additional evidence problem at all.

10 MR. MARTIN: Well, the view of five members of the
11 committee appears to be then -- and maybe at some point
12 during the morning that needs to get generalized -- that
13 there is no further evidence that the committee feels it needs.
14 Those five members say that and if enough more agree --

15 MR. DOBBS: Even more implicitly than that, that
16 in fact we should plan on devoting the rest of our meetings
17 to working on the content body of the report and to the
18 degree that's necessary dip back in and exploit evidence that
19 we already have out of the transcript.

20 DR. GALLATI: Or possibly some new evidence that
21 we need because there may be some gaps.

22 MRS. HARDAWAY: Where do we stand on these
23 regional hearings? That was in discussion when I left last
24 month. Was that decided against or what happened to that
25 committee -- famous or infamous committee?

1 MR. MARTIN: You were not here perhaps when I
2 said something briefly the other day. Frances Glommers
3 selected Guy Dobbs, Don Muchmore and Florence Gaynor to be
4 the subcommittee referred to at the last meeting, and she had
5 conversations with them, the precise character and content of
6 which I have only her account of, and Guy being one of the
7 persons she talked to and Florence, they can supplement this
8 as they see fit. Don, unfortunately, isn't here.

9 But the gist of it was to discuss with them the
10 possibility of the subcommittee reporting to this meeting a
11 sort of fait accompli decision for a meeting on the West
12 Coast in San Francisco, the certain characteristics of which
13 would be kept open for discussion and determination at this
14 meeting but the date for which and so on would be decided by
15 the subcommittee in order to get staff going to implement
16 the decision.

17 This was based in part on a trip I made to
18 California, not for that purpose alone, in which it became
19 clear that a meeting in October was feasible in terms of
20 reliance on regional office resources, and the access to
21 certain kinds of presentations and witnesses which various
22 members had indicated their interest in having come to such
23 a meeting was feasible.

24 Subsequently, it has proved to be infeasible to
25 do that in October and so we are in the situation now of

1 having Guy Dobbs as chairman of the subcommittee and Florence
2 at work thinking, and perhaps talking to people, to be able
3 to address the issue as a subcommittee today.

4 MRS. HARDAWAY: Let me go on record as saying they
5 haven't spoken to me, but I can come to San Francisco just
6 any old time.

7 MR. WARE: I agree generally with Guy's observa-
8 tions, but it does cross my mind that there may be one corner
9 of evidence that we might wish to check back and get more
10 depth on. It has to do with what we listened to yesterday,
11 the reaction of the financial institutions. I haven't kept
12 box score on whom we listened to but for the most part we
13 have not listened to the outside world of business and what
14 their intentions or fears or expectations are from this whole
15 technology bit. It may turn out that their perspective is
16 somewhat different than all of the state, local, municipal
17 and federal agencies, and their intentions and expectations
18 and fears.

19 So that's one corner we might need to do a little
20 checking with.

21 MRS. HARDAWAY: I think we saw that with Mr. Adams
22 because no matter what -- some of you on this side of the
23 room when Mr. Adams happened to be seated could not see his
24 expression, but when some of you hit it hard, his eyes went
25 up and his head went back and it made no impression. One or

1 two of us made the soft side of complimenting him and we got
2 the same reaction. He basically didn't get what we said and
3 I thought he was the most obvious person, by expression.

4 MR. WARE: In some sense, it becomes a little more
5 important to get to these guys.

6 MRS. HARDAWAY: I agree. That's what I was trying
7 to say.

8 MR. SIEMILLER: We haven't had the first bit of
9 evidence, at least when I have been present, regarding a
10 single individual that has been harmed as a result of
11 information kept in a computer and disseminated. We have had
12 a lot of questions as to possibilities of that kind of a
13 thing and outside of a few items that we may have read in the
14 paper or something it has not been in as evidence. We haven't
15 had the first real evidence that the situation has harmed
16 anybody.

17 MR. DOBBS: I don't believe we solicited such
18 evidence.

19 MR. WARE: We didn't solicit it. It is easily
20 available. It's documented. I could give you two or three
21 names off the top of my head and have them in and have
22 personal firsthand experiences.

23 MR. SIEMILLER: The first thing is, you'd sure
24 better have that in your record if you're going to take any
25 action in connection with it at all. You've got to have a

1 reason for it.

2 MR. DOBBS: I absolutely agree. I think the
3 difficulty is that -- it may well be that the only opportunity
4 that we have to do that in any open sense, other than to make
5 references to existing material, is in the regional meeting
6 in San Francisco simply because it seems to me that there's
7 not going to be enough time to have more open meetings to
8 gather that kind of evidence specifically and then produce a
9 report.

10 MR. SIEMILLER: Regardless of how you get it, if
11 you're going to make a recommendation on the subject matter,
12 my judgment tells me you'd better have some basic material to
13 refer back to and not just somebody else's evidence that
14 didn't appear and become part of the transcript here.

15 MISS SMYTHE: Three things are on my mind. I am
16 under the impression, as has been mentioned, that one can
17 find examples of the individual concern for this problem in
18 several places, and I would like to suggest before we go out
19 and hold more hearings on this point that perhaps staff
20 search the literature for some of these presentations which
21 could be entered into the record and which could be in a
22 written presentation from the past experiences reviewed in
23 this manner.

24 I am deeply concerned also about the time frame
25 in which we have to operate, and I wonder if we do not need to

1 concentrate initially more on the subject of what it is our
2 report should contain and then possibly when we have a better
3 frame of reference, after at least a first or second draft
4 of the report is ready and we have some consensus that that
5 is what we want to say, then one could then use a regional
6 meeting approach as an educational device for both the public
7 and for ourselves.

8 My last quick point on this subject is I'm not
9 sure that San Francisco, from a wisdom standpoint, is the
10 place to begin, if we're going to at any point in time be
11 limited to regional meetings, much as I may personally like
12 San Francisco.

13 MR. DOBBS: Why is that?

14 MISS SMYTHE: It has overtones of a junket and
15 it's not the only major city in the United States and --

16 MR. DOBBS: It's one of HEW's major regional
17 headquarters.

18 MISS SMYTHE: Sure, but HEW has other headquarters
19 and the population of the United States is satisfactorily
20 distributed across the United States so that I think we might
21 try to obviate any reflections on the work of this committee
22 which might be detrimental to us and to the report that we may
23 ultimately write.

24 MR. DOBBS: What are the other regions, in your
25 opinion, that would not appear to be a junket?

1 MISS SMYTHE: Chicago, Atlanta, Boston or
2 Philadelphia. I'm sure Kansas City, St. Louis -- San
3 Francisco, for years, has had this overtone. Why look for
4 trouble?

5 MRS. GAYNOR: What overtones? I don't understand
6 the significance of this. I don't understand the overtones.
7 Suppose we selected New York City. Is that an overtone?

8 MISS SMYTHE: No. I think places such as Puerto
9 Rico or Florida or California could be considered as being
10 more beneficial to the committee than to the work of the
11 committee. Let me phrase it that way.

12 MR. DOBBS: If I recollect, there are about five
13 people in the committee that have based in California and
14 there may be a greater concentration in terms of people who
15 actually live there as far as it is constituted than any
16 other place. From my point of view, Atlanta would be a
17 tremendous junket.

18 MISS SMYTHE: To get back, I think, to the more
19 important point, and that is really -- and not my side
20 comments -- the purpose of the meetings and really the time
21 constraint in which Dave keeps reminding us that we must
22 operate and whether or not our first need is not quite simply
23 to try the discipline of getting down on paper some of what
24 we think needs to be done from what we know right now.

25 MR. TATE: Could I say one thing? I think a lot of

1 us feel we can't begin to write a report until we have talked
2 to the people whom you only have an opportunity to talk to
3 through a kind of an open public hearing, and as far as San
4 Francisco goes, it seems to me that the only reason we
5 decided on this was because Dave was out there and had done
6 some ground work, but I don't think that makes any difference
7 at all and I don't understand your point about the time
8 reference. When it seems to me that we have already pushed
9 the hearing back to its furthest extremities and I can't
10 see talking about how time -- how postponing it further is
11 going to serve our interest when time is running out as you
12 say.

13 MISS SMYTHE: Well, my only point is that -- one of
14 my points is that if a report has to be delivered in December
15 and if we're talking about a report to be prepared before
16 Thanksgiving, I defer to staff and to others who have done
17 some work on this, but I would strongly suspect that the
18 time needed to organize a hearing and everything else and then
19 try to write a piece of a report just isn't there. It is
20 October 1st and that is my concern.

21 MR. GENTILE: David, I think that with the time
22 remaining, that the best efforts of this committee should be
23 spent on preparing a report in the next two meetings in full
24 committee, and I think that we are overlooking the fact that
25 we have a chairman or an executive director who would be quite

1 capable of deciding what city and a subcommittee could meet
2 and hold hearings. I think if the general committee or full
3 committee feels that subcommittee hearings are desirable, that
4 we should just leave that to the executive director or
5 chairman to appoint these people, go into the different cities
6 wherever they are, and I'm sure David could be sensitive to
7 issues of junkets or political overtones, and I think we
8 should just get on with writing the report and have any addi-
9 tional finding be done by a subcommittee appointed by the
10 chairman.

11 MR. WARE: By writing the report, you mean deciding
12 what recommendations will be included, as opposed to com-
13 posing words?

14 MR. GENTILE: Yes. Setting the policy guidance
15 for the staff.

16 MR. WEIZENBAUM: I take it that what we're talking
17 about now is basically trying to estimate where we are and
18 whether we need more evidence and how to get that more evidence
19 if we decide and so on. The comment was made that we haven't
20 heard very much from the business community. We heard from
21 the bankers yesterday, the financial community, to some
22 extent yesterday.

23 Now, it seems to me that the largest single body
24 of people that the kinds of systems that we're talking about
25 will affect are the welfare people and other dependent people

1 who depend on the output of the systems -- who depend on HEW,
2 to be exact, and we haven't heard from any of those.

3 I wonder whether it would be possible to get at
4 least one spokesman from that community to come and tell us
5 whatever the feeling is in that community with respect to all
6 the things that we're talking about, including technology and
7 health delivery systems and welfare systems and so on. I was
8 thinking of -- I don't know that group particularly well. I
9 just read the New York Times. I was thinking of people like
10 Abernathy, Chavez, Herb Hill of the NAACP, people like that
11 who represent that kind of constituency.

12 I think we need that intellectually, but quite
13 apart from that, I think it would be at the very least a
14 political error to have the whole record reveal that we have
15 heard all but the ultimate consumers, the main body of the
16 ultimate consumers of the systems that we're talking about.

17 MR. DOBBS: I guess since it might be appropriate
18 for me to give a report on whatever I can of what the sub-
19 committee had thought that it would recommend, now that we
20 have sort of bandied it about, in terms of the small amount
21 of time that we have, we did feel consistent with some of the
22 comments that Joe just made and other have made that one of
23 the purposes that could be served by regional meetings was
24 that there could be representation from a class of people, as
25 he put it, that we have not yet heard from, and that indeed

1 it might be important not only from the viewpoint of the
2 input they provide but from a true political necessity in
3 terms of the impact that the report potentially will have of
4 the committee.

5 So that was number one, that we thought that it
6 would be appropriate to invite representatives of other kinds
7 of organized groups, the kind that he's described.

8 Now, part of that was fortuitous in the sense that
9 it had been my understanding that your trip to the San
10 Francisco area had revealed that one of the things that we
11 could look at there would be the State of California welfare
12 system which then would provide quite an appropriate context
13 from our point of view of getting some response from other
14 people and groups who come in contact with that particular
15 class of system.

16 The second recommendation we had was that, again
17 consistent with some of the thoughts we have heard expressed
18 by the committee, that it would in fact be a shame to take the
19 full committee's time for such a meeting in view of the
20 amount of work that we have to do, and we did not see such a
21 meeting in any sense displacing the necessary working meetings
22 which we must have but saw it as being augmentative to them.

23 We felt that in that spirit, that at least a
24 third of the subcommittee should in fact be present or repre-
25 sented at such a regional hearing and that the composition of

1 that particular set of people ought to be one that Frances
2 ought to determine.

3 Fourthly, because a part of the time problem is a
4 function of circumstances beyond the committee's control --
5 namely, the elections -- that as soon after November 7th as
6 possible, which would more than likely be the Thursday and
7 Friday of that week, would be an appropriate date to schedule
8 such hearings.

9 I guess we felt that, fifthly, again granted that
10 time is short, that we saw no operational difficulty in
11 getting the appropriate kind of representation either in terms
12 of organized groups of people, be they organizations like
13 Welfare Rights Organizations or American Civil Liberties
14 Union and/or individuals, depending upon the specific people
15 that we'd like to invite, but we saw no operational problem
16 in terms of getting that kind of person aware of the fact
17 that such a meeting was to be held and getting them there.

18 There was a final point, which I guess was a bigger
19 point than just the set of recommendations that I have made,
20 that has to do with the fact that no matter how one views the
21 value of the regional meeting of this kind at this point in
22 time -- that is, whether one thinks the emphasis should be
23 educational, public relations or whether one feels it should
24 in fact be fact-finding, but the fact of the matter is that
25 as a committee in the popular press and publications we have

1 to date received very little exposure. There have been some
2 references confined to fairly limited segments of the computer
3 trade press. It is sort of surprising to me, considering the
4 fact that at least in my area there appear in the newspaper
5 at least three or four important -- important certainly in
6 terms of length of article and content -- articles relative
7 to the issue that we are discussing every week.

8 Therefore, I guess what I'm saying, in order to
9 make this meeting effective, we would finally recommend that
10 we need a higher publicity profile, not only from the view-
11 point of attracting attention to that session in its educa-
12 tional role, but from the viewpoint of setting some sort of
13 framework for providing a better public impact for the report
14 when it's delivered.

15 Florence, did I leave out anything of those things
16 that we talked about?

17 MRS. GAYNOR: No. I think that was it.

18 MR. DOBBS: I realize that's not very tight, but
19 that's the best of two days' worth of very limited access
20 could provide.

21 MRS. GAYNOR: Did you say November?

22 MR. DOBBS: November 10th, which I believe is the
23 Thursday following the election.

24 MRS. GAYNOR: I think, too, David, the other thing
25 is that we sit and examine systems, and I think one of our

1 questions has been this awareness and so forth, and yet we
2 really have never addressed ourselves to the people, as Guy
3 said and I think other people have said, who are really
4 affected by this. We don't know if they are affected or not.

5 In many instances, like with the Bank Secrecy Act,
6 somebody asked if it was publicized, and since it was the
7 Bank Secrecy Act people just thought it only related to banks;
8 and if you have a committee for personal data systems, you
9 know, all they're thinking about is computers. This is the
10 way people react to these kinds of things.

11 So I think if the real purpose of the committee is
12 in the sense publicized, I think we would get people who would
13 come to maybe our open meetings and I think it would really
14 be a discredit to the committee itself if it didn't listen
15 to these people because that's what we're all about.

16 MR. ARANOFF: Actually, this meeting sounds a
17 little like last week's, and in a very real sense you are
18 representing at least a point of view that was brought up by
19 Phil Burgess and I think that the time has taken care of
20 whatever difference of opinion there was between Burgess and
21 the Dobbs/Smythe position, in that if we're waiting until
22 November to have the regional meeting, then theoretically,
23 the process of thinking of what is going to go into our
24 report will have been substantially completed, even if the
25 report itself is not actually written.

1 So you'll be going out there at a time when you
2 already have focused pretty well on the conclusions that you
3 are going to reach. I hesitate to speak for Burgess because
4 I'll get a ten-page letter back, but I think what he was
5 saying is, if you go out, you can create more harm than good
6 if you don't know where you're going, and you can create all
7 kinds of fears in people that weren't afraid before, or
8 awareness; and if you don't propose some kinds of solutions
9 to people who you are going to frighten to death, then you
10 may have performed a disservice.

11 Well, if we're waiting until just about the time
12 when we're writing the report, I don't think you're performing
13 a disservice because the mere act of writing your report
14 either has an impact or it doesn't have an impact, and if it's
15 the people such as Joe mentioned that are going to be the
16 most affected, then certainly you have to collect evidence
17 some way.

18 So I guess what I'm saying is whatever difference
19 of opinion there was last week I think has been resolved by
20 the fact that our public hearing comes at a time when the
21 report is virtually almost done.

22 MRS. HARDAWAY: Just one addition to that. At
23 some point in our report, I feel we will make the statement
24 that either the public is not aware of the dangers or we will
25 say the public is aware, and then if I were passing a law or

1 if I were the Secretary and had to implement an administrative
2 decision, my first question would be how does the committee
3 know that the public is not aware or how does the committee
4 know that the public is upset?

5 At some point we are going to have to answer that.
6 I think we must hear from some consumer-type constituency.

7 MR. MARTIN: Can I make just one observation,
8 which is not to disagree or agree with anybody. I don't think
9 there's any way that this committee can learn the extent or
10 lack of public awareness by any process that has been open
11 to it since it came into being, given that it has to report
12 by the end of the year, and certainly not by any process that
13 is open to it now. So I think it is illusory to suggest that
14 you're going to learn how people feel, and I take it that the
15 guts of the suggestion about having some kind of interface
16 or interaction with a new constituency is, as I think John
17 and I don't know who put it -- but it is essentially political.
18 It would be very inappropriate for the record of this
19 committee not to have included an interface with that con-
20 stituency.

21 Joe Weizenbaum has suggested a number of people
22 who, in these terms, stand for that community, and I would
23 suggest that from the standpoint of staff resources it would
24 be much more economical of a very limited and very hard-
25 pressed staff for that interface to be established right here

1 in Washington than to go on the road.

2 This is not to say that we can't go on the road,
3 but if the highest priority goal which Guy Dobbs has laid on
4 us in his other capacity as chairman of the work group is to
5 get on with the production of the report, every minute that
6 staff devotes to anything else is a minute not spent on that,
7 which is, I gather, the sense of the group the highest
8 priority thing we can do.

9 So, from our standpoint, I would suggest -- I
10 would urge for your consideration that you opt for the most
11 economical way of getting the further evidence or interface
12 or encounter with people or institutions process that you can
13 achieve the most economical, because I cannot infinitely
14 expand. I can't expand at all the time and resources of our
15 staff and work capability to produce the report.

16 MRS. HARDAWAY: All right. Now, I think you have
17 just given us some leadership, may I say. That's what we
18 need to know. That says it right there. Now, I think we
19 should decide right here and then bury it -- let's decide
20 we're not going out. You know, we talk about this regional
21 hearing thing until I think we're all -- one day you can vote
22 this way and the next day you can vote that way. Now, you
23 have given us the leadership and described the problem
24 politically, economically and everyother way, so let's make a
25 decision and move on it.

1 DR. GALLATI: I'd like to ask you a question.

2 Aside from the fact that I don't think Bethesda is the most
3 exotic place to meet, nevertheless, all of these types of
4 organizations that we have discussed here are headquartered
5 or at least represented here in Washington. So you could get
6 the appropriate feeling and the appropriate responses without
7 ever leaving this area. You don't have to go to the hinter-
8 lands. It's all here. This is where it's at.

9 MR. MARTIN: In Washington?

10 DR. GALLATI: Is that so? Is my conclusion right?

11 MR. MARTIN: If you're talking the way Joe is
12 talking and the way I hear a number of people saying, that
13 it's essentially an image question -- it's essentially a
14 question of whether the committee can make a record and write
15 a report on the basis of having had no direct contact with a
16 certain constituency as distinct from a derivative contact
17 from literature -- the staff has had plenty of contact from
18 these organizations you're talking about but that doesn't
19 show in the record. If the committee wants to have that kind
20 of interaction, whether by a subcommittee or full committee,
21 all I'm saying is that that can be most efficiently and most
22 economically of the resources we have right here, without
23 going to Atlanta, Chicago, San Francisco, Seattle or Hawaii
24 or New York or anywhere else.

25 We can import people as we have imported people to

1 from Cincinnati, Ohio, and he came.

2 DR. GALLATI: It wouldn't be necessary to import
3 in many cases. The American Civil Liberties Union is based
4 here.

5 MR. MARTIN: Most of them are based in Washington.

6 MISS SMYTHE: I think there's a great deal of
7 virtue in Joe's suggestion, especially in terms of what we
8 have heard from Dave as to the constraints of staff time and
9 work to still accomplish what both groups want to accomplish
10 here: (A) getting the report written; and (B) having the
11 additional input.

12 MR. DAVEY: It seems to me that there's been
13 expressed earlier that there's a tremendous flaw in everything
14 we're doing until we do have some kind of public hearing, and
15 I also feel this would be a good opportunity to kind of let
16 the word out of the committee's existence which I think in the
17 process you may be able to get two birds with one stone:
18 essentially, the publicity; and also, the fact that we're
19 holding hearings; and as far as I'm concerned, I think it
20 would be appropriate to hold them here in Washington, but I
21 think that it is a real fatal flaw and if we don't get about
22 it we're never going to get our report done, and I would put
23 this on a much higher priority than I would the writing of a
24 report right at the present time because I think politically
25 it's got to stand or the whole exercise would have been wasted.

1 That's just my comment.

2 MRS. GAYNOR: I don't want to get anyone to get
3 the impression that I think it's only a political move,
4 because I think there is lots to be gained from a public
5 hearing and I really want to go on record for that. I don't
6 think it's just a completely political kind of move. But I
7 think, too, for the very thing that HEW stands for, which is
8 giving service to people -- and you know, we keep talking
9 about we have to have citizens or somebody else on committees
10 and things, and we sit and argue with people in systems
11 because we say they're not sensitive, and yet we're acting in
12 the same kinds of ways and it's really very disappointing to
13 me.

14 I don't see how we, in good conscience, can sit
15 here and argue about ~~some~~ something like this which has been
16 decided three or four times. You set up a subcommittee. We
17 were to report to the chairman, who, of course, is not here.
18 But I want to know what is the role of the subcommittee? Do
19 you want a report? Is it accepted? And let's move on. We
20 spent all the last time we were here, all Saturday morning,
21 on this thing. I don't understand what the -- I can't really
22 get the truth out of what's going on here and, unfortunately,
23 I'm a simpleminded woman and I would like to put issues on the
24 table and let's stop all this gobbledygook. Let's get on
25 with this thing.

1 MR. MARTIN: Can I respond to that?

2 MRS. HARDAWAY: May I go on record as saying she's
3 not a simpleminded woman. I want to clear the record on that
4 right now.

5 MR. MARTIN: I think what we're seeing is not
6 everyone approaches the issue the same way. There is a
7 difference of feeling about it and the objective I think that
8 is sought is identical and perhaps it comes down to what is
9 the most effective way to achieve the objective. The
10 committee has discovered and rediscovered and rediscovered
11 and, in fact, has taxed witnesses over and over and over with
12 the proposition that people don't know what's going on. That's
13 why they don't complain and this and that. You already know
14 that.

15 So I submit that it's not a bad word to say
16 political. It's vital to be skillful politically because you
17 don't accomplish anything if you're not. I'm suggesting that
18 you really don't think you're going to learn something you
19 don't already know by talking to anybody you choose or any
20 50 or 100 people that you choose about their understanding,
21 their knowledge of the system. You have all been saying
22 over and over and over that people don't know. So if you go
23 out and talk to a lot of people, that's what you'll learn.
24 People don't know. You don't have to ask lots of people to
25 discover that.

1 But since you haven't had any encounter, you
2 sense -- a number of people have put it this way -- the
3 feeling that as a matter of public relations or skillful
4 relationship to forces in the society, to use a word that
5 isn't loaded one way or another, there's something further
6 that needs to be done and all I'm observing is that you can
7 do that most economically of the resources you have, which
8 are finite, without leaving Washington, D. C., and minimizing
9 the burden of doing that additional thing by doing it right
10 here -- not in this room necessarily.

11 MR. WEIZENBAUM: I'm perfectly willing to do
12 whatever we have to do right here. I'm not addressing myself
13 at the moment to going out or staying here. However, when
14 I opened this topic -- and I think I did this morning -- I
15 said that it would be intellectually important to us to hear
16 these people, and then I said, "and even politically." I
17 think the way it's been characterized, the political aspect
18 of it has taken vast precedence over the other.

19 I recognize the political importance of it cer-
20 tainly, and most particularly that the credibility of the
21 report could be discarded if we didn't do these things, and
22 that's what you're speaking to. But I think I disagree with
23 you possibly for the first time in the six or seven months
24 that we have been meeting. I think I disagree with you, at
25 least personally. I'm not at all convinced that I won't

1 learn something that I didn't know, and possibly even that
2 we all might learn something that we didn't know by listening
3 to these people. That was my primary objective in asking to
4 hear these people.

5 Again, I think it's politically important, but I
6 certainly want the record to show that I at least believe
7 that the primary objective of listening to these people is
8 to actually listen to them as opposed to going through the
9 formal exercise of having listened to them.

10 MR. IMPERA: Is a motion in order? Are we going
11 to go that route today?

12 MR. MARTIN: You know, I'm presiding and I have
13 no difficulty with motions if we don't get all caught up in
14 all the Roberts Rules of Orders technique of handling motions.
15 Any useful way of crystallizing is what I want. I think it's
16 important that people come together at this meeting and not
17 be divided by parliamentary procedures.

18 MR. IMPERA: I have heard everybody saying that we
19 really ought to hear from these people or their representatives
20 for whatever the reason, intellectually and politically, and
21 I agree with Joe that it's for both reasons. I hear you and
22 others saying that it can be held in Washington and it would
23 be more efficient from the staff point of view to hold it
24 here but it would be all right to hold it outside from some
25 of the committee members' point of view, and as a point of

1 fact, it doesn't matter where we hear from them. I'd like
2 to say that we have a consensus that we really need to hear
3 from some of the people that have been harmed as a result of
4 automated personal data systems and let's get on to another
5 topic.

6 MR. TATE: The whole discussion here today really
7 disturbs me because it's the same thing you have gone over
8 week after week and month after month. I think I'm going to
9 have to put the cards on the table. I think we are naive if
10 we think for a minute that the roadability of this committee
11 wasn't a decision, and the fact that we haven't gone on the
12 road yet represents a decision we have made as a group and I
13 firmly believe that. I don't think it's any secret that the
14 members of the subcommittee didn't know that they were on the
15 subcommittee until yesterday, but the motion was that they
16 were to have their report done and presented so we could meet
17 in October. It's no secret that we're not going on the road
18 until after the November 7th election and maybe that's a wise
19 political move, but why don't we put the cards on the table
20 and why doesn't the staff level with us on what's going on?

21 The staff was asked to put together this public
22 hearing thing in July and now they come back to us and say
23 that time restraints don't permit it in November, and it's
24 just naive for us to think that these decisions are not being
25 consciously made and not by the members of this committee. So

1 all these motions don't have any meaning at all and it really
2 upsets me.

3 MR. MARTIN: Inasmuch as I think by those remarks
4 you have perhaps unintentionally sought to impugn my honesty
5 and truthfulness, let me say that I'm not saying now that the
6 committee cannot go on the road. I'm saying that the most
7 economical way to accomplish what has apparently emerged as
8 a high priority sense of need for the committee to do is to do
9 it in a certain way, and I think at this point in time, I --
10 the committee, including you -- the best estimate I can give
11 you of the feasibility of what you want to do. You're free
12 to disregard what I tell you for whatever reasons, but please
13 don't suggest that at any point in the life of this committee
14 I have done anything other than be very candid. It has been
15 a reflection of undecisiveness, if you will, rather than
16 decisiveness that has resulted in this committee's being a
17 relatively unknown entity. There seemed at no time to be a
18 good reason to make a big effort to make it known publicly.
19 For a lack of a good reason to do that, it hasn't been done.
20 You have to work to get publicity and it has not, in the mind
21 of the committee as a whole I think -- and certainly not in
22 my mind -- been clear why the committee should go and seek
23 an enormous amount of visibility.

24 So there is no scheme or plot to remain unknown.
25 It's just that an action has not been taken for want of any

1 clear reason or mandate from the committee to do so. I said
2 the other day and I can't tell you how sincerely I mean it,
3 and perhaps you know years from now, as you look back on it
4 with more experience you will perhaps recognize that this is
5 a very unusual enterprise that you have been engaged in, and
6 that's part of its difficulty, because there hasn't been an
7 agenda; there hasn't been a plot to make the committee be
8 something. The Secretary nor I nor anybody else knows what
9 the end of the road is. We don't know. We are venturing.
10 We are exploring and I can't -- I have just got to implore
11 you to believe that. I think most of the committee believes
12 that.

13 MR. TATE: I didn't mean that there was an actual
14 plot. I think that's a very Machiavellian word to use. I'm
15 just saying that the staff of this committee has worked in
16 this area longer than anybody on this panel and I believe
17 that a decision was made at the staff level, not necessarily
18 formally, but that this committee would operate out of
19 relatively low visibility.

20 MR. MARTIN: And I have just finished telling you,
21 Tate, that that is not true and you're now saying "I don't
22 believe you, Dave Martin. You're lying to me," and I'm not
23 lying to you and you can ask any member of this staff whether
24 there's ever been any decision one way or the other on that.
25 There has been no decision.

1 MR. GENTILE: David, I don't think any of the --
2 well, let me speak for myself. I do not share Tate's opinion
3 on withholding the truth or trying to deceive the group, and
4 I object to Tate's comment on that, as I objected to his
5 comment yesterday calling a witness a liar. I have a three-
6 point program to propose.

7 Number one, that the chair exercise leadership by
8 sending our subcommittee out in the Washington, D. C. area to
9 gather additional facts and testimony from the special
10 interest groups we have previously noted.

11 Number two, that in recognition of other work done
12 in this area, we take advantage of attitudinal polls. You
13 remember at an earlier meeting, Don Muchmore said that by
14 making 15 phone calls he could have access to many polls that
15 have been taken on attitudes of people.

16 And, number three, that the full committee get on
17 with deciding upon policy issues which must be recorded in
18 our final report and have feedback from our subcommittees.

19 MR. WARE: In that order, and fast.

20 MR. WEIZENBAUM: I take it from what you said
21 earlier -- and I agree with it -- that you are operating in
22 consensus rules rather than Roberts Rules, so I take it you
23 didn't mean this to be a formal motion.

24 MR. GENTILE: No. It wasn't a formal motion, but
25 this is just a three-point program that will hopefully get us

1 on with the business.

2 MR. WEIZENBAUM: Okay. In that spirit of trying
3 to achieve a consensus as opposed to winning a majority vote
4 or something of that kind, I think we can now debate what you
5 have proposed.

6 I think it's possible to achieve consensus in the
7 committee on the question of recognizing the limitation on our
8 resources in time and energy, our time and our energy and
9 staff time and energy. I think it's possible to achieve
10 consensus that we should hold the kind of hearing at which we
11 hear the kind of people I mentioned earlier in Washington,
12 in part for the reasons that Dr. Gallati mentioned. I think
13 that's possible and I think we should try to do that.

14 I think it's important, again, intellectually and
15 politically, that the whole committee hear those people, not
16 a subcommittee. If that's a modification of your proposal,
17 then I would ask you to carefully consider that modification.

18 MR. ARANOFF: Could I just add this one thing.
19 I'm glad you amended it that way , Joe, because irrespective
20 of where it is, I think one of the earliest questions from
21 the people that were naive on the subject going on, as dis-
22 tinguished from hopefully their reaction and education now --
23 and I consider myself as one of the naive -- is right from
24 the beginning, I think one of the first questions I asked to
25 the technologists was, "Give me some evidence. Scare me."

1 I have now been brainwashed to the point of view
2 of saying that this is a potentially dangerous thing that is
3 about to happen some time unless somebody does something, but
4 the actual examples I really haven't heard and I'm just
5 repeating what other people have said, even David. If we find
6 that there isn't the actual awareness of it, I'm not as
7 frightened as some are that we even make the people who are
8 going to be most affected by the kind of programs that you're
9 talking about in computer technology -- make them aware of the
10 problem. I don't think we have accomplished anything that's
11 horrible in that sense.

12 Now, from an intellectual point of view, if you
13 were calling in the spokesmen from those groups, why is it
14 that that kind of group warrants only a subcommittee and the
15 banks and the insurance companies warrant the attention of
16 the full committee?

17 MR. DOBBS: Only from the viewpoint of time. The
18 only reason that that ever got that way was because we clearly
19 did not want to impede the progress of the full committee,
20 and since there were those on the full committee that felt it
21 was not going to be of value -- that's why I said it looked
22 like we could make that augmentative to other things, because
23 it is the fact -- I happen to agree with Tate to the extent
24 that the issue has been on the floor since day one, and
25 whatever the process, it disturbs me that we find ourselves

1 here at zero hour minus one without having gotten to the
2 problem of the open hearing and without having dealt with
3 that particular kind of constituency.

4 So that's how we got the business of the sub-
5 committee. It was only a matter again of efficiency in terms
6 of using the committee.

7 MR. ARANOFF: What you're doing is fine and I think
8 originally the open hearing had all kinds of other connotations
9 to it. There's no difference with calling these people in to
10 react around the table in Washington than any other hearing
11 that we've had. It's just a different constituency. Fine,
12 let's bury it and do that. All the other things about the
13 open hearing, all the other reasons become unimportant because
14 of time and economic resources and all the other things you're
15 talking about. The regional hearing had implications beyond
16 just the ordinary hearing, but had visibility and political
17 overtones to it, and hopefully the committee, not knowing in
18 advance what it was going to get, I really thought they might
19 go out in the field and learn something.

20 Here, when you're having a meeting in Washington
21 which may be just fine, what you're doing is calling in
22 representatives of another constituency and if you're talking
23 about the group, for example that Joe has been talking about,
24 and you call in people such as Abernathy, Chavez and so forth,
25 you're also really not calling that group. You're calling a

1 sophisticated spokesman who may be far more knowledgeable in
2 this kind of thing than the average "Joe" who's affected by
3 computer technology, and I think that ought to be recognized,
4 too, that you're still not getting your poor welfare person
5 by getting the spokesman for them.

6 MR. DAVEY: I think part of the frustration we
7 experienced yesterday with the financial community was the
8 fact that we had people in groups representing them, like the
9 American Bankers Association and the Savings and Loan League,
10 and they tend to be very careful about how they represent
11 that whole community. It's hard to get any kind of tough
12 answers out of them.

13 At least on the part of the First National City
14 Bank fellow, you may not agree with him, but at least he did
15 the kind of things we're talking about, and the others were
16 a couple steps removed; and I would certainly agree with
17 Stan that let's not just hear the representative of this
18 group but let's go down to the working level or the level
19 that's actually been harmed rather than just people who can
20 summarize for us the kinds of harm which has been done or
21 whatever. It's just one step removed that makes me nervous.

22 MR. IMPERA: I'd like to suggest that we take John
23 Gentile's suggestion modified as Joe modified it, but limit
24 the amount of testimony to a day and a half out of a three-day
25 meeting so we still don't mess up our time schedule.

1 MR. GENTILE: I would gladly accept that and put a
2 time limit on it, and that might help us move on.

3 MR. MARTIN: Well, (A), are you happy trying to
4 crystallize a consensus rather than having motions and so on?

5 MR. WEIZENBAUM: Absolutely.

6 MR. DAVEY: Yes.

7 MR. MARTIN: What I would construe you're charging
8 your executive director and staff with out of this discussion
9 is that we organize for you in the Washington area a forum
10 in which this constituency to which reference has been made
11 in various terms and various purposes be brought into contact
12 with as many of the committee as choose to be there. I don't
13 suppose you can be mandated to come, but you will be given
14 notice and travel and the usual things.

15 MR. DAVEY: Why don't we just make that our next
16 meeting?

17 MR. MARTIN: And that not be more than half or
18 possibly a minor fraction of the time invested at your next
19 meeting in Washington, the balance of the time to be devoted
20 to work on the report.

21 MR. GENTILE: And the balance of the November
22 meeting would be devoted to the report?

23 MR. WEIZENBAUM: All of the November meeting.

24 MR. MARTIN: Yes. If that's agreeable, then can
25 we --

1 MR. DAVEY: You raised the question of priorities
2 and from my standpoint I think staff's time would be better
3 spent in preparing for that meeting than trying to gather
4 material together for the report or anything else, if there's
5 any kind of question with regard to the priority. I would
6 certainly feel that getting a good public meeting set up,
7 getting the appropriate people or whatever else, is far more
8 important than --

9 MR. MARTIN: Jerry, I think you're posing a
10 dilemma of false alternatives. The staff does not have to
11 choose between. I think this is a case of both/and.

12 MR. DAVEY: I just say, if there is a question as
13 to whether they should do one or the other, what I'm suggesting
14 is that the public meeting where we bring in this certain
15 constituency has a higher priority than anything else that
16 I can think of. That's my personal opinion.

17 MR. MARTIN: Well, I don't think we're driven to
18 face that. I don't think it's going to take all of our staff
19 resources to organize such a meeting. We have been able
20 right along to have two veins of activities going on: (1)
21 the organization and preparation and followup for meetings;
22 and (B) substantive work going on simultaneously.

23 MR. DAVEY: But if there's any kind of a question
24 as to priorities, then it should be decided in favor of the
25 public meeting.

1 MR. MARTIN: Okay.

2 MR. SIEMILLER: I may be naive, but I don't think
3 that any additional witnesses or any evidence that we collect
4 is going to change anybody's mind that's on this committee
5 as to what the report should contain. I think it pretty well
6 crystallized today and it's just a situation of mechanics.
7 You're going to adopt a report that's going to say certain
8 things. You need to have enough evidence to support your
9 decisions in connection with that so it's palatable to whoever
10 takes it to show that you did go out and gather the evidence.
11 I doubt very much if anybody's mind has been changed one bit
12 since they sat down and became part of the committee.

13 MR. ARANOFF: I disagree on that.

14 MR. MARTIN: I'm going to construe that as an
15 invitation to start discovering what the consensus is on the
16 content of the report.

17 MR. SIEMILLER: I think you first have to go back
18 to your charter and see what the Secretary asked you for. We
19 have been all over the lot on that and many, many things that I
20 don't think we dreamed of when the charter was written.
21 I think it boils down to just very few subjects that you were
22 to have that your report would be directed to, David. For
23 instance, I've said it before and I repeat it again, I think
24 we have to decide should we recommend to the Secretary that
25 every individual has a universal unique identifying number;

1 and if we do, should that unique identifying number be the
2 social security number; and if that was the recommendation,
3 when would it be issued; at school age, at birth, or when they
4 get their first job? Should we further recommend a law that
5 would make it illegal to use a social security number by any
6 segment of our society unless authorized by the Congress or
7 in compliance with an existing federal law? Should a law be
8 recommended that requires any segment of our society which
9 stores, exchanges or transmits information on individuals to
10 make that information available to those individuals, giving
11 them the right to correct any inaccurate portion thereof
12 before the information is made available to anyone else; or
13 should we recommend a law that would protect an individual
14 from dissemination of derogatory information about him without
15 his consent; and what penalty should be recommended for the
16 violation of the privacy of an individual or for the wrongly
17 dissemination of information?

18 To me, that's the basics, really the guts of the
19 whole situation. When we arrive at those answers, we need to
20 substantiate that kind of a position.

21 MR. MARTIN: Thank you for introducing the subject.
22 Does anybody want to address the process of what the answers
23 should be?

24 MR. WARE: When are you going to have coffee?
25 Then I'll answer you.

1 MR. MARTIN: There's time for you to start if you
2 choose to.

3 MRS. HARDAWAY: David, I want to say one thing
4 before we get on a new subject, that I feel I simply must say.
5 I do not believe that this committee was constituted to have
6 any interest or effect, either one way or the other, on the
7 November election, and I would urge the staff to be very
8 cautious as they work with this type of thing that we're
9 talking about for our next meeting that we do not create a
10 forum for certain groups to publicize that they are appearing
11 before or to allow them a platform from which to discuss many
12 other issues than the issue that this committee is concerned
13 with.

14 Now, that sort of thing can get out of hand very
15 quickly and we all love the press, but we are familiar with
16 their ability to make things bigger than what they are or to
17 get them from one subject to the other, and if this committee
18 would take the posture, as we would have to do, that you're
19 off of the subject of what this committee is here to consider,
20 it could get into the fact that we attempted to censure, and
21 it could be very far-reaching.

22 I would urge you, in your wisdom, to guide the
23 staff in being very cautious as to the makeup of this type of
24 situation in that close time proximity to the November
25 election.

1 MR. MARTIN: Well, yes, I think that's a realistic
2 observation and it's more a question of timing, and I think
3 we will be mindful of that. I don't feel constrained time-
4 wise by the consensus that emerged to do anything that would
5 offend what you have just suggested.

6 MR. ARANOFF: Could you give us a hint when you're
7 thinking about for the next meeting?

8 MR. SIEMILLER: If the press can't get the Watergate
9 bugging off the ground floor, they're not going to get any-
10 thing in this committee off the ground floor.

11 MRS. HARDAWAY: But I'm not interested in this
12 committee discussing the Watergate affair or anybody coming
13 before it discussing it.

14 MR. MARTIN: My feeling about the next meeting is
15 that it should occur as soon as there is something for the
16 committee to chew on relative to the report, and I think that
17 the more clearly you can define what you want the report to
18 contain, as distinct from -- although that's important, too,
19 and I think we have a good sense of what form you want it to
20 be, what size you want it to be and what tone you want the
21 language to be -- the sooner the staff can start generating
22 that thing which you will chew on and the sooner you can have
23 the next meeting to start chewing. So that's why I would
24 hope that you could respond to Roy Siemiller's challenge that
25 you start now addressing the content of the report.

1 MR. DOBBS: It seems to me, David, we had a process
2 started the other night which was effectively doing that.

3 MR. MARTIN: What I'm suggesting is let's resume
4 that.

5 MR. DAVEY: May I come back to the point that I was
6 trying to make a minute ago, that is, I think the public
7 meeting has priority and that the timing of the next meeting
8 would be more geared to how soon we can get a public meeting
9 set up than the report discussion.

10 MR. MARTIN: Jerry, I've got to be very open and
11 candid, as I have tried, notwithstanding some interpretations
12 of my behavior to be. I do not perceive your point of view
13 as part of the consensus. I do not feel constrained as to
14 time or priority. I think what I've got is two equally
15 important jobs to do. One is to get our resources invested
16 in the production of the report and the other is to produce a
17 kind of meeting and interface that you have asked for, and
18 the kind of meeting and interface you have asked for is not
19 going to occur before November 7.

20 MR. DAVEY: All right.

21 MR. MARTIN: But it will not take from now until
22 November 7th or 8th or 9th to organize that. In the meantime,
23 the time is going to be invested fully in the production of
24 the report in accordance with the expectations that will
25 emerge from your consensus here.

1 MR. DAVEY: I just wanted to have it clearly
2 stated. I don't care what it is that we're deciding, but
3 I'd just like to know exactly what we're doing.

4 MRS. HARDAWAY: It's important that it not be,
5 because as most of us know, both political platforms carry a
6 plank that discusses data storage and their opposition to it.

7 MR. MARTIN: What I hear our commissioner from
8 Tennessee saying is that this is not a political issue. The
9 two major political parties of America are not divided sub-
10 stantively on policy issues with which this committee is
11 wrestling.

12 MR. DOBBS: I would argue with that. If you look
13 at the platforms of the two major parties in terms of this
14 particular issue, it seems to me there's a wide divergence.

15 MRS. HARDAWAY: But at least they both address
16 their platform to it.

17 MR. SIEMILLER: They both say there should be no
18 national data banks.

19 MR. MARTIN: Let me put it another way. This
20 committee does not feel that it is wise for Americans to
21 divide on political grounds on the issues with which it is
22 dealing.

23 DR. GALLATI: On partisan political grounds.

24 MRS. HARDAWAY: That's what I'm saying.

25 MR. MARTIN: And that the risks of allowing that

1 to occur is great if one provides a forum in which given the
2 motivations that operate on public figures today it were held
3 between now and November 7. That would risk creating a
4 political party issue or somebody's effort to make it a
5 partisan issue. For that reason, as I say, in the exercise
6 of my judgment based on what I understand you to be saying,
7 we will not have the kind of meeting you're talking about
8 until after November 7.

9 MR. DAVEY: All right. I just wanted to have it
10 clearly stated.

11 MISS SMYTHE: I strongly support that view.

12 MR. MARTIN: Can we turn to the matter of content?

13 MR. TATE: I gave my consent, I thought, to sort
14 of a combined proposal and it was my firm understanding up
15 until two minutes ago that an hour and a half of the next
16 meeting was going to be -- a day and a half of the next
17 meeting was going to be devoted to this subject. I don't
18 really care whether it's before or after the election, but I'm
19 just glad now I won't come to the next meeting thinking we're
20 going to talk about these issues only to learn that it's
21 going to be another month.

22 MR. WARE: It's just that the next meeting is
23 after November 7. That's the only logical conclusion.

24 MR. TATE: I really had the impression up until
25 two minutes ago that this was definitely going to take place

1 at the next meeting.

2 MR. MARTIN: Tate, I don't think the committee
3 has foreclosed and I don't want to be foreclosing about when
4 you hold that kind of meeting and how much time it takes,
5 that the committee cannot meet again until then if there's
6 something fruitful for it to meet about on the report.

7 MR. TATE: I understand that.

8 MR. MARTIN: I don't understand that the committee
9 is saying that we don't want to meet again until we can do
10 that public meeting for that constituency. I assume the
11 committee would want to meet sooner than that if there were
12 progress makable on the report sooner. There may not be.

13 MR. TATE: All I'm saying is in my mind I thought
14 we had decided to have this public contact at the October
15 meeting, up until two minutes ago that was my firm under-
16 standing, and I'm glad it's been clarified to make it clear
17 that because of the election there will be no public hearing
18 until after the election. I'm glad we decided that.

19 MR. SIEMILLER: I think we need a chairman that
20 will exercise authority similar to Sam Rayburn's type, and
21 then we'll get on with a little progress. I delegate to you
22 that authority as far as I'm concerned.

23 MR. WARE: I'd like to hold forth for five or ten
24 minutes. If we're going to break for coffee, let's do that
25 first.

1 MR. MARTIN: Go ahead.

2 MR. WARE: I'm kind of in the mood to generate some
3 more words in the next couple weeks. I'll try to assemble
4 thoughts in the sidewalk and in the bar. I got thinking over
5 the exercise we started the other evening in going down all
6 those rights and taking straw votes, and while I was sympa-
7 thetic to the exercise, it did occur to me that that would be
8 a very difficult thing to get implemented because in some
9 sense you're trying to create a newness and anything that's
10 new always has harder sledding than if you can get a free
11 ride on something that exists, if you can take advantage of
12 existing institutions, existing procedures and so forth.

13 So I would like to throw out on the table for
14 consideration another way to get to the same end but, so to
15 speak, from the other side of the fence. This notion really
16 is a culmination of miscellaneous discussions that I have had
17 with miscellaneous people over some time.

18 The idea is to create or to recommend that legisla-
19 tion be instituted that would define penalties for unreasonable
20 use of information. You could say unwarranted use of
21 information or say abuse of information. I'd like to not get
22 into diddling about words for the moment, nor would I like to
23 get into debates about the details of what I'm going to
24 suggest. I would like just your reaction to the general
25 format and structure of this approach.

1 The idea would be to create legislation which
2 would include both criminal and civil penalties and probably
3 one would be wise to make it a class actionable offense, if
4 institutions were to do certain things that we would define
5 as unreasonable use of information.

6 Here's some examples that occurred to me of what
7 this might be. It would be an unreasonable use of information
8 to maintain a data system containing personal information
9 about individuals without notification to the individuals
10 concerned that such records are being kept. It would be an
11 unreasonable use of information to maintain a data system --
12 again, the words "containing personal information about
13 individuals" -- without providing, unless otherwise prohibited
14 by law, access by the individual to his record for the
15 purpose of assuring the accuracy and completeness of the
16 record.

17 It would be an unreasonable use of information to
18 exchange information between data systems containing personal
19 information about individuals unless specifically provided by
20 law, without specific consent of the individual, or an
21 appropriate regulatory body.

22 It would be unreasonable use of information to
23 maintain a data system containing personal information about
24 individuals in which data elements that may be incomplete
25 are not specifically so indicated. Now, I'm worrying about

1 the legal one there where you get one side of the story and
2 not the other. It would be unreasonable to operate a data
3 system --

4 MR. ARANOFF: Could you give me the last one again?

5 MR. WARE: It would be unreasonable use of information
6 to maintain a record that might be incomplete without so
7 indicating that it might be incomplete. I'm worried about the
8 situation that has one side in and not the other.

9 Another unreasonable use, to operate a data system
10 containing personal information about individuals not designed,
11 operated and managed according to the best principles extant
12 at the time. What I'm after there is to try to force on
13 designers and operators of data systems good operational and
14 design practices.

15 It would be unreasonable use of information to mainp-
16 tain records in a data system containing personal information
17 about individuals in such a way that aggregation, distillation,
18 or manipulation of the information or the form in which it is
19 encoded can lead subsequently to a misinterpretation of the
20 data, and I'm after Joe Weizenbaum's scenario of coding
21 information in three bits and decoding it and arriving at the
22 wrong outcome. We want to avoid imposing what we might call
23 information filter.

24 It would be unreasonable use to fraudulently obtain
25 information from a system containing personal information

1 about individuals. That takes care of Joe and Tate calling up
2 on the phone.

3 To maintain or operate a system containing personal
4 information about individuals in such a way or to collect data
5 for it in such a way that it will act to discriminate or to
6 encourage discrimination against an individual. I had in mind
7 here Jane's story about the personnel officer who didn't
8 bother to check the detail of the arrest record.

9 It would be unreasonable use of information to sell
10 as part of a company's assets during bankruptcy proceedings
11 information about individuals for a purpose other than for
12 which originally collected. I'm worrying there about the
13 credit reviewer that goes into the bankruptcy and the data
14 base is peddled to a mailing company or something.

15 It would be unreasonable use to maintain or operate
16 a system containing personal information about individuals
17 or collect data for it in such a way that the activities of
18 the system or the dissemination of information from it will be
19 inimical to the interest or welfare of the individual or to
20 abridge his right of personal privacy. That was an effort to
21 think of a way to talk about a catchall that could pick up
22 any of the odds and ends that we couldn't think about and to
23 get this thing into the discussion.

24 Let me argue the attributes of this approach. First
25 of all, it has novelty. As far as I know, trying to get at it

1 from this side hasn't been suggested before. I would note
2 that the notion of the Bill of Information Rights doesn't have
3 novelty. At least in the computing world it's been around for
4 a long time and it pops up every once in a while, and I think
5 some of the ACM types and others have even tried to promote it.

6 It seems to me this kind of approach has appeal in
7 some sense -- who can be against things that are unreasonable?
8 So it has the God, motherhood and country flavor. Importantly,
9 it throws the burden of policing the whole operation on to the
10 established legal procedures institutions of the country. It's
11 a court matter to see that these things are adjudicated and
12 damages awarded and so forth.

13 Importantly, it creates no new bureaucratic entities,
14 so, in that sense, it ought to be among the cheaper things that
15 we could think of to recommend. It puts the burden of com-
16 pliance with such legislation on the legal entities of private
17 industry, namely their office of general counsel. It would
18 be the general counsel that would have to worry about what a
19 company did with personal records in any was running afoul of
20 this collection of things.

21 It would provide penalties against misbehavior of
22 people who ran data systems and therefore it would discourage
23 undesirable action. I noted that I think it would probably be
24 cheap. It has the attribute that it tries to get at the pro-
25 blem in broad general principles that can be subsequently

1 developed and interpreted, adapted to the situation by the
2 courts as time goes by, because I think one needs a kind of a
3 living and applicable solution to this problem instead of an
4 immediate and rigid one; and importantly, it circumvents the
5 personal identifier issue completely. That question never
6 comes up. I would think, then, if one were to go this way,
7 you could, say, throw the social security number in the public
8 domain and do whatever you please with it. It doesn't matter.

9 MR. DOBBS: As long as its use is reasonable.

10 MR. WARE: Right. Now, I would visualize framing
11 this thing as the outside action, so to speak, for Mr.
12 Richardson. This is the kind of legislation that he would
13 strive for in Congress. I think I would concurrently suggest
14 that his inside action would be to act as though this legisla-
15 tion existed and to whip HEW into conformance with these
16 definitions of unreasonable use.

17 I would observe that it has significant advantages
18 for him to behave in that way. First of all, he would be
19 living proof that the system could be made to work and he
20 would therefore be a powerful player on the scene as he tried
21 to seek legislation. He would be doing inside what he's
22 advocating on the outside so he has a consistency posture, and
23 if the legislation passed he'd have a model agency on his
24 hands that he could hold up to public view and say, "Look. I
25 did it." So, in that sense, he would enhance the prestige of

1 HEW and I think that would be to his interest. Even if he
2 failed, he would have HEW in a heck of a lot better shape
3 having prescribed these things.

4 Let me develop the theme a little bit. How might
5 institutions respond to the first prohibition that says it's
6 unreasonable not to inform people? Well, we could print lines
7 on forms, as we suggested to the bankers and the savings and
8 loan people yesterday. We might specifically inform people
9 in unusual instances, like psychiatric data and so on, where
10 they are informed to get written consent. We might maintain
11 a roster of data banks. I had in mind NBS might engage in
12 that.

13 The third item, the linkage one, some of those
14 linkages I would note are already prescribed by law, namely
15 the IRS talking to the state tax agencies. That's already
16 taken care of so it would have to be honored. Again, one
17 could, if it were in the interest of -- one could notify
18 people specifically, people in the data banks, of a linkage
19 to be created. In principle, one could get at it by holding
20 public hearings and debate prior to considering the establish-
21 ment of the linkage, and go through all that mechanism; and
22 again, one could maintain a publicly acceptable roster of all
23 the linkages among data systems.

24 These are just options I'm throwing out. I would
25 make the important observation that this scheme permits the

1 that one could make a very good case for the existence of that.
2 If there is a personal unique identifier, then an individual
3 can identify all of his personal property with it and so one
4 can maintain a national file of stolen goods and presumably
5 do something for the crime situation in that regard. As files
6 of stolen goods are now maintained, the identification numbers
7 are different everywhere. In California it's the driver's
8 license numbers.

9 Another argument in favor of a unique personal
10 identifier is that when it's in the interest of an individual
11 to transfer data from one system to another the unique identi-
12 fier assures that it will be done accurately, and that's to
13 his best interest. It provides the potential capability to
14 make information on an individual available in another data
15 bank under emergency situations, and the thing I had in mind
16 there was the accident away from home when access is needed to
17 the individual's records back yonder somewhere, so the unique
18 identifier would facilitate that kind of behavior.

19 That's a collection of ideas now and it's an
20 alternate way to get to the end of the providing a bill of
21 personal information rights. In fact, it kind of does create
22 a de facto bill, but without getting to it by insisting that
23 it exist as a bill.

24 MR. DOBBS: In terms of what we talked about the
25 other day, what you have really done is you have taken one set

1 of solutions, if you will, or possible ways we might frame the
2 recommendations, and you have sort of tried to enumerate the
3 exhaustive list of legislative actions that one might take.

4 Now, are you suggesting that that would be the only
5 set of recommendations that we would make to the Secretary?

6 MR. WARE: No, not necessarily. I think especially
7 the inside recommendations, what Secretary Richardson wishes
8 to do with HEW, there are probably supplementary ones to be
9 made. I was trying to get at what I think are the principal
10 issue that we have on our hands, and the number one secondary
11 issue. The principal issue, as I see it, is how are we going
12 to go about protecting the privacy of the individual; and the
13 secondary issue is this question of the unique personal
14 identifier. But I would call your attention to the fact that
15 I put them in that order.

16 MR. DOBBS: I understand.

17 MR. WARE: There are undoubtedly others.

18 MR. ARANOFF: The antithesis of the Freedom of
19 Information Act.

20 MR. WARE: Exactly. That's kind of how I got
21 there.

22 MR. TATE: It's a very well thought out proposal
23 and the only problem I have with relying on judicial remedies
24 is the fact that, as Arthur Miller point out yesterday, the
25 courts are very, very slow. As he pointed out yesterday, it

1 takes five years to try civil actions, for example, in Cook
2 County. When you think of a person, all he wants to do is
3 get access to his data and he requests it and is denied, and
4 at that point he's got to retain counsel and get involved in
5 this very complex legal process that may drag on four or five
6 years, and in the end he doesn't have any remedy because it's
7 very difficult to prove you have been damaged monetarily and
8 the courts only measure these damaged in monetary terms, unless
9 you set up a punitive damage scheme.

10 MR. WARE: One of the problems is the response
11 time from the point of view of the individual might be too
12 long.

13 MR. DOBBS: That's right. That was one of my
14 reactions. I agree with Tate that the legislative action and
15 remedy might be too long. The other problem is that for many
16 of the things that you have described, the recourse that the
17 individual may have may be too late in the sense that the
18 effect of what has been done in the system is, in a sense,
19 irrecoverable.

20 MR. WARE: That's a response time problem again.

21 MR. DOBBS: Partially, but not quite. It's a
22 different one in the sense that nothing that you have said
23 prevents me from, in fact, designing and operating a system
24 which is contrary to all the principles that you have laid
25 down. In other words, I can design, build and put in operation

1 a completely unreasonable system according to these criteria,
2 and I can run it very successfully as long as I can fool people
3 into thinking that that's a reasonable thing. I'm saying that
4 loophole is bad.

5 MR. WARE: But it seems to me the sense of control
6 always is that you put the things on the books to use them when
7 they're needed. Your remarks apply to murder or anything else
8 that's prohibited by law, as long as you can get away with it.

9 DR. GALLATI: I think Willis has come up with a
10 very fine framework and indeed it parallels pretty much what
11 we exercise in limits of research. We first stated the
12 general principles in text two and immediately recognized the
13 fact that we had to have a state act because we were dealing
14 with the state level at that time, and in the state act we did
15 to some extent exactly what you're proposing to do with perhaps
16 the one exception that you're talking about general reasonable
17 criteria without getting into the specific. However, it is
18 possible that we would have the time and the expertise and the
19 ability to better define the reasonableness that you suggest.

20 I'd like to make one other point. That is, that we
21 in our small meeting determined that there were four areas,
22 and I think this is what Guy was addressing. One was legisla-
23 tion. One was policy determinations or rights; and a third was
24 education; and the fourth was technological safeguards. You
25 have framed it out in terms of "A" only, and perhaps also in

1 terms of "B" since you suggest that this same type of framework
2 would apply to regulations that could be used by the Secretary
3 within his own department. So you have actually addressed
4 both "A" and "B".

5 I would think that "C" and "D", the education and
6 technological safeguards, could be built right into this
7 framework. I don't think we have to consider them as separate
8 frames of reference within the context of this, and I would
9 like to state that I find this very comfortable to me to operate
10 in this area because I have already gone down this road and
11 found it effective.

12 MR. WARE: As it turns out, Bob, I didn't track the
13 search literature.

14 MR. WEIZENBAUM: Before we get too awfully
15 enthusiastic about this, I'd like to put in the hopper the
16 idea that there are many things that are very, very plausible
17 that we do for the very, very best purposes that turn out to be
18 directly counter-productive to what we're trying to achieve;
19 and I think what you have cited here is an excellent example
20 of that.

21 If one follows these things that you have recommended
22 even a little bit down the way, then one sees that what we're
23 doing here is passing legislation or recommending legislation
24 to control not only the use of information, which is to say the
25 dispersal and diffusal and so on, but the storage and use of

1 information by private and public agencies and so on; and we
2 are then well underway to government supervision of information,
3 government supervision of writing, and then we get into
4 freedom of speech areas and freedom of press areas here. This
5 is all very, very close to what you're saying.

6 For examples, newspapers maintain data banks. Now,
7 are they to be covered by this? In which case, I would imagine
8 this would be unconstitutional.

9 MR. WARE: I don't speak to the legal completeness
10 of this.

11 MR. WEIZENBAUM: I'm suggesting that while this
12 sounds superficially plausible and desirable, and as you said,
13 motherhood, goodness and God and country and all that sort of
14 thing, I think it has extremely dangerous implications, and I
15 just caution the group that before we get too enthusiastic
16 about this let's look at some of these implications.

17 MR. DOBBS: Is that because it's legislative or
18 because of the nature of the things that Willis said?

19 MR. WEIZENBAUM: It's largely because it's legisla-
20 tive. That's one thing. The other thing that I think deserves
21 the most careful attention -- let's be very careful -- is the
22 confusion or mixing up of ideas of diffusion of information of
23 that sort of thing, the motion, the movement of information
24 from one agency to another, getting that confused with what
25 can be recorded in the first place. For example, I have no

1 objection whatever to anybody recording any lies about me that
2 they please. What I object to is for that information to be
3 made accessible and to be moved into other people's heads, for
4 example. Anyway, I think there's a very, very dangerous area
5 here.

6 One more point just on the legal point of view,
7 legislation have to give criteria -- I appeal to our lawyer
8 friends here -- has to give criteria to people so they can
9 tell whether they are in danger of violating the law or not.
10 Now, what you have said is a bare sketch and outline, I under-
11 stand that, of course; but it may be very, very hard to put
12 criteria on what you have said to make these laws that you're
13 talking about pass that test. It may be that the exercise of
14 trying to put those criteria is equivalent to going back
15 across the fence, to use your own metaphor, and trying to do
16 it the other way. Let's be careful is my message.

17 MR. MARTIN: Willis, do you have that in writing?

18 MR. WARE: More or less.

19 MR. MARTIN: Would it be Xeroxable?

20 MR. WARE: It's blue on blue.

21 MR. MARTIN: Maybe it would be useful if we could.

22 MR. WARE: Could I make another point before you
23 break. I am sympathetic to the list that Roy read. My
24 intuition kind of tells me that the Secretary can't go after
25 a half-dozen items in this, so if we could be clever and try

1 to sweep a lot of things into one we would probably get
2 something more useful.

3 Secondly, I have steered an awful lot or tried to
4 steer a lot of committee recommendations through D.O.D.
5 channels and it's a tough job. So one needs to exert a
6 great deal of caution about how he frames what he's asking
7 the recipient to do so it's of maximal utility to him. I
8 just want to note for the committee that we ought to keep that
9 one in mind as we try to zero in on whatever we're going to
10 say. We might have the most esoteric conclusion in the world
11 but of zero utility.

12 MISS SMYTHE: I like some of the innovation of
13 Willis' approach, but I share some of Joe's concern. We are
14 emphasizing very much here legislation and I'm not sure what
15 the technique is -- I'm groping -- but I'd like to see us find
16 a way to emphasize more the educational aspects of it because
17 I think from that, legislation to the extent it is needed will
18 flow.

19 I suppose as a management person, one of my
20 feelings very strongly is that management doesn't understand
21 the technology they have on their hands. They are, to a
22 certain extent, frightened of it. In any management organiza-
23 tion you can call a board together of almost anything and you
24 can talk to them about -- or they can discuss the technical
25 aspects of building a new ship or doing almost anything like

1 their PR, their finances, their policies, their corporate
2 needs, etc., but when it comes down to the area of ADP they're
3 not always as sure of themselves as we and they would like to
4 be.

5 I'm searching for a way -- I'm worried about
6 legislation that can do as much damage as it does good at this
7 stage of the game. We know more today than we did five years
8 ago about this area and we will know more, please God, five
9 years from now, and I hate to see legislation take place now
10 that can, five years from now -- somebody can look at it and
11 say "Why did they go that route? If only"-- and it's diffi-
12 cult to undo that kind of thing. I think management needs to
13 see their role in a global concept of the thing and really I
14 could conceive of one of the outcomes of the work of this
15 group as being a statesmanlike document that really draws the
16 attention of the people who have the control of the systems,
17 to motivate them and to help them understand what the concerns
18 are, why do we feel that we need various of these things,
19 how can it be done, etc., etc.

20 From this, at the end, as part of some of the
21 recommendations, could be the concept of down the road these
22 are varying kinds of controls or legislation that might be
23 needed; but I think we underestimate the power of our fellow
24 man to learn very quickly if we give him some of the tools to
25 work with. We tend to concentrate a little bit here -- and

1 it's been said a few times in the past couple months and I
2 reiterate it -- on almost the criminality aspect of it, and I
3 really think that putting forth to people and giving them the
4 opportunity to understand better what it is they should be
5 doing and, in essence, almost putting the stick out there and
6 saying in nice words, "If you don't do something about it,
7 something is going to be done to you" type of thing; but in
8 reality that will drive us in the direction that we want
9 society to go and we're placing great emphasis on a very, I
10 think, small piece and really putting constraints on the
11 totality that we really may not want to do.

12 I realize that's sort of a rambling statement but
13 I am concerned about the way in which the focus -- I like
14 Willis' attack to it as being a little different, but I share
15 Joe's concern on the heavy emphasis on the legislative aspect.

16 DR. GALLATI: I'd like to respond to her statement
17 and I would like to point out that pious statements, beautiful
18 white papers and so on may or may not attract the attention
19 of people to whom you would like to have this glorious concept
20 communicated. I would suggest that proposed legislation, with
21 all the types of things that happen when you have proposed
22 legislation -- congressional hearings, discussion in the
23 newspapers and so on -- will have an educational effect far
24 beyond that of any publication. We already have the publica-
25 tion basically. We have all these various studies that have

1 been done. Who reads them? Who knows about them? We are
2 a very small group here in the total context of this nation
3 and you go out and scratch anybody in the street, the average
4 citizen, and ask him about privacy and he will say, "Huh?"

5 We have to get this into the public forum. It's
6 got to be into the context in which you can argue one way or
7 the other, and I don't think by suggesting legislation and
8 giving our ideas of legislation that we are predetermining
9 what the future of privacy in the society will be. We are
10 going to have pros and cons brought out, not at the expense
11 of HEW, but at the expense of the Congress and all the
12 resources that the Congress can muster, and you're going to
13 have some pretty important people thinking about it and, for
14 the first time, people are going to realize that this is some-
15 thing real, something you have to be concerned with, and I
16 just deplore this idea of putting out beautiful reports that
17 gather dust and white papers that are noble and so on, or
18 referred to in academic footnotes but never get into the con-
19 sciousness of the people who are making decisions.

20 MISS SMYTHE: I agree with you on that point and
21 perhaps I should have included the thought that somehow in
22 this needs to be a mechanism for, if you will, educating the
23 people that you want to use your document. I suppose that is
24 why I do think that possibly regional meetings, etc., after
25 the report, to discuss it, to generate the thought in a

1 non-legislative atmosphere maybe out of this committee, using
2 it to say, "All right. Here's a concept. Now, does this make
3 sense? Now, what are you going to do about it?" I agree that
4 the report alone does not accomplish it. You are very right.
5 And that, built into the report, needs to be a mechanism for
6 drawing the attention to it and not just an accident that maybe
7 somebody will do it, but an actual mechanism built in there that
8 you have some kind of confidence that it will be accomplished,
9 and for lack of anything else, I say regional meetings, but
10 maybe there's a better way.

11 MR. WARE: Let me just add to Bob's point, that
12 one well-known parliamentary way to get debate is to state an
13 action and it creates debate which is, of course, educational
14 in itself. The other point I want to make, Sheila, you're
15 saying to wait because we will know more in five years.

16 MISS SMYTHE: No, I'm not saying that.

17 MR. WARE: What's going on, though, is kind of
18 a race. The problem is getting worse and we are learning more
19 and the question is: When is that subtle moment at which you
20 should decide to take action?

21 MISS SMYTHE: We are learning more but it's a
22 small group of people who are learning more, and I'm searching
23 for a way to calmly and intelligently get out to the people
24 and use a mechanism to educate them to get some action. Then,
25 if they don't take the action, then I think we have to.

1 MR. SIEMILLER: We don't have that amount of time.
2 This committee would not have been in existence if Senator
3 Ervin hadn't been moving on it, and there's a tentative kind
4 of agreement between the Secretary and the Senator to see what
5 this committee comes up with before he introduces legislation.

6 MR. MARTIN: I wish that were true. I think the
7 Senator is going to introduce legislation before this committee
8 has advice to the Secretary. There is no agreement between
9 them really.

10 MR. SIEMILLER: He would not introduce legislation
11 this term.

12 MR. WEIZENBAUM: I thought you gave control of this
13 meeting over to the chairman.

14 MR. MARTIN: We don't know. His staff is working
15 on it. We don't have any clue about when he's going to
16 introduce it.

17 MR. SIEMILLER: I know they're working on it, but
18 I will predict and give you odds.

19 MR. MARTIN: Can I say that this has been a
20 fascinating discussion, but I don't see any necessity, since
21 what you're doing is not talking about whether you're going to
22 introduce legislation or whether you're going to issue regula-
23 tions or whether you're going to educate -- you're not going
24 to do anything. Basically, what you are doing is you are
25 telling the Secretary what you want him to do. And it seems

1 to me there's no necessity of forcing yourselves to choose any
2 one thing.

3 I thought that was really the advice that Guy &
4 company brought in yesterday, that there's a range of ways in
5 which whatever you recommend can be implemented and, as I heard
6 Willis, he was saying these things or this approach to what
7 you would recommend to the Secretary could be implemented in
8 all of the ways that we have talked about; and the realities
9 of the situation that the Secretary has to deal with will
10 tend to govern which works out to be the most effective.

11 Willis' comment I think is essentially right. I
12 don't think there's much in what I heard him say -- and I'd
13 like to see a copy of it -- that the Secretary could not, to a
14 large extent, execute within his own political action on the
15 systems within the Department. It would take a little work
16 in the counsel's office, and we can get it done, to see what
17 problems there would be in the Secretary's doing that through
18 the authority he has through programs of the second category
19 that were defined by you yesterday, Guy; namely, the systems
20 to which HEW relates through money or through contracts or
21 whatever, and as to the ones that are only linked to the
22 Department by reason of their use of the social security
23 number I think clearly the Secretary couldn't do anything
24 about that that was legally imperative out of authority that
25 he has, but he could certainly education. He could certainly,

1 by running his own Department in that way, create a model; and
2 if he could enlist consensus within his colleagues in the
3 Cabinet or whatever might well be able to stimulate legislation,
4 and I don't think you have to choose between the two.

5 MR. SIEMILLER: You have got two roads.

6 MR. MARTIN: You can think of it as a piano. This
7 part of the piano is legislation and this part is regulations.
8 The tune that Willis has written can be played on any part of
9 the keyboard. The question of what part of the keyboard is
10 something that you don't have to decide about you can just
11 point that out; that it has this flexibility; and you could
12 in the restatement mode that Arthur was talking about make
13 the kinds of qualifications and caveats that Joe Weizenbaum
14 said, that if you were going to do it by legislation, you want
15 to be very careful that you were not urging something premature
16 and so on.

17 (Recess)

18 MR. MARTIN: Let us resume our discussion. Willis,
19 were you indicating that you wished to inaugurate something?

20 MR. WARE: No. I was just trying to inspire
21 action.

22 MR. MARTIN: Well, to crystallize the next wave of
23 attention to this, let me say what I think I see. I think I
24 see -- and it's being Xerox'd and I assume we will have it
25 soon -- a restatement of the issues and a response to the
issues by Willis which is a satisfactory specification of

1 substantive policy content on the basis of which the staff
2 could proceed to prepare a new document for the committee to
3 consider which would accommodate both the form suggestions and
4 implementing suggestions which were produced by the Guy
5 Dobbs' committee Thursday.

6 MR. DOBBS: Are you sure you want the wording to
7 go that far, to take that step yet? When you got to the point
8 where you said the staff was ready to prepare a new document,
9 I sort of hung up on that one because I don't think we need
10 a new document yet. You understand what I'm saying? We have
11 got a conceptual vision of what we want the final product to
12 look like, and Willis has provided an alternate scheme in
13 terms of content which we are going to begin to try to struggle
14 with and we've got a lot of struggling like that to do. Maybe
15 I misunderstood what that new document was going to be.

16 MR. MARTIN: I haven't seen what Willis has pro-
17 duced, but just the notes I made and in listening to what he
18 said in his document coupled with your document of yesterday,
19 I can perceive as -- if the committee buys them -- we don't
20 know if the committee buys what your group brought in and
21 whether there's a consensus for what Willis was saying as
22 amplified by the discussion that followed it, Joe's concern
23 responded to by Sheila and so on -- but if the committee
24 accepts those documents or those approaches, in effect, specs
25 for the production of a document which the committee would

1 chew on at a meeting held as quickly as the staff can produce
2 that document, to get on with the production of the report.
3 In other words, we raised some questions in the document we
4 sent you which you have. For my money, if the committee buys
5 what you said and buys what Willis has suggested, you have
6 answered a lot of the questions that we raised in that staff
7 draft.

8 You have defined the scope which needed to be
9 done. You have defined what you mean by automated personal
10 data systems. You have indicated that you want to have
11 recommendations that are implementable in four different ways.
12 You have indicated the range of systems that you want to
13 address. You have indicated that you do not want, unless we
14 have time to product it and we put it in some kind of
15 compendium, a lot of esoteric production about Mesopotamia or
16 Babylon or historic record keeping, and you want a document
17 short and pithy and will communicate to leadership people
18 effectively, that will attract their attention, get them into
19 it and make them want to read it, something that's disseminated
20 to a wide audience so lots of people can read it, and you
21 don't mind within the limits of the staff's capabilities to
22 produce it if we give you a thicker and thicker and thicker
23 platform in terms of evidence and history to stand on to wave
24 this and flourish -- or for the Secretary to flourish this
25 document, whose specs we didn't have until you finished your

1 work yesterday.

2 If the committee buys those things, I think we can
3 go usefully to work. What I ask out of this meeting is please
4 tell us what you want so I can put myself and the staff to
5 work to produce something according to your specs and the
6 discussion which I like to think was triggered by the document
7 which we sent out to you has resulted in some significant
8 modifications of that, some new specs, and I think we can now
9 draft something that's more responsive to what the committee
10 feels, but it depends on what the consensus is.

11 MR. DAVEY: I'd like to continue on with what we
12 started the other day, as far as the actual group is concerned,
13 with the idea of carrying out maybe two or three different
14 formats just to kind of compare and see what they look like.
15 The one we're kind of going on was the restatement type of
16 situation where we are at least going down some of the same
17 issues on this kind of thing, and I don't view Willis' efforts
18 as trying to replace what Guy was attempting to do nor do I
19 see what this group was trying to do as trying to replace
20 Willis', but I see them as parallel paths and looking at them
21 together to see what is going to be the best format -- many
22 times you don'd know until you look at them and sleep on it
23 for a few days or so -- and then come back and see whether it
24 does it or not.

25 MR. MARTIN: Yes, and what I'm saying is I think we

1 can produce that for you to look at and come back to it so
2 you're not coming to it cold.

3 MR. WEIZENBAUM: I agree with what Davey said. I
4 think the consensus that has emerged -- this is subject to
5 checking, of course -- but the consensus that has emerged,
6 stimulated and triggered by the document that you produced, is
7 mainly on pages 16 and 17 that we discussed the other evening.
8 I think that just as a general principle we have consensus
9 that fundamentally this committee takes what I would characterize
10 as a civil libertarian attitude and I want to emphasize the
11 word "attitude" which doesn't really have anything to do with
12 implementation as such towards these issues; that the contri-
13 bution that Guy's little subcommittee made was to point out that
14 various ideas may be implemented. It calls attention to the
15 fact that there are a number of ways. There isn't just one
16 way, and I think there is very likely consensus by the group
17 on that as well.

18 I think that Willis's positive contribution -- I
19 have already voiced some disagreement with what he said, but
20 his positive contribution on which I think we can also get
21 consensus is the introduction of the word "unreasonable" with
22 respect to information, and I suggest as a new idea that I'd
23 like to interject -- on which we might also achieve consensus--
24 I wish Arthur Miller were here but he isn't -- that we may be
25 able to latch onto the constitutional prohibition against

1 in these meetings -- I have forgotten just which meeting it
2 was -- that one view of this whole thing is to view this thing
3 as property which, in fact, belongs to the individual about
4 whom the information concerns itself, and that it may be that
5 the doctrine of unreasonable search and seizure can be
6 extended by some legislative mechanism in a very general way
7 to information stored about individuals in data banks, such
8 that if law is made which recognizes that that information is
9 at least in part the property of the individual whom it con-
10 cerns that the searching of that information and the seizure
11 in the sense that some other agency seizes it without the
12 permission of the individual concerned and so on, under certain
13 circumstances, then, constitutes an unreasonable act within
14 the meaning of that clause in the Constitution.

15 I think around this sort of mechanism we might very
16 well be able to formulate some legislative recommendations
17 which then require the kind of various kinds of implementations
18 that Guy's document suggests. I suggest -- and again, it's
19 subject to test -- that in broad generality, the committee has
20 achieved a consensus on that sufficient to permit the staff to
21 do another innovation of its document.

22 MR. DOBBS: Just to elaborate a little more, because
23 it was a question that did come up at the recess and I think
24 it's one that we ought to see if we do have consensus on --
25 some of us in reviewing the staff's draft felt comfortable

1 enough with the spirit and the philosophy and the ground work
2 that is laid down in the first four chapters from a conceptual
3 point of view, although I think there may have been arguments
4 about phrases and words and so forth; that we wanted to leap
5 immediately to the problem of the specifics that are dealt
6 with in chapter five.

7 Now, it may well be that we, as a committee, have
8 not made it precise that we have consensus on that ground work
9 and I thought that that's something we might want to do in
10 the spirit of Joe's endorsement of what's been done. In
11 other words, I guess what I'm really saying is that if there
12 is somebody that has some strong philosophical disagreement
13 with the statements of the problem and the background as
14 currently expressed in the first four chapters, it seems to
15 me that ought to be laid out and debated before we go any
16 farther.

17 Now, it had been my assumption that we all agreed,
18 but again, I think we ought to make that explicit.

19 MR. WEIZENBAUM: At this time, silence implies
20 consent.

21 DR. GALLATI: Speak now or forever hold your peace.

22 MR. WEIZENBAUM: Well, not forever.

23 MR. MARTIN: Could I ask you for some help? Well,
24 first, you have asked for a reaction to something and I
25 shouldn't foreclose that. Do you want to be silent and consent

1 to what Guy has said or do you want to dissent?

2 MR. DOBBS: I would have assumed that if somebody
3 saw something in here that they were violently uncomfortable
4 with that we would have heard about it or the staff would have
5 heard about it.

6 MR. DAVEY: I think we skipped over it because the
7 issues were not of tremendous importance on this kind of thing.
8 For example, on page 3, where it talks about the international
9 aspects of the issue is essential, I think that's too strongly
10 worded.

11 MR. DOBBS: Strong wording and words-smith I'm
12 willing to forget. Is there something that fundamentally you
13 just don't agree with in terms of the formulation of the
14 problem?

15 MR. DAVEY: I could possibly consider some of the
16 things --

17 MR. WARE: Let me suggest one. I don't know whether
18 it's something I disagree with or not. You tell me. Joe
19 expressed the attitude of the committee as civil libertarian.
20 I am mindful of Bill Bagley's observation of a day or so ago
21 that it was the statement, incorrect or not, of the MVD that
22 killed the privacy action that he tried to get through the
23 California legislature. My conclusion is --

24 MR. DOBBS: The statement of who?

25 MR. WARE: The Motor Vehicle Department. They said

1 it would be too expensive and the whole thing collapsed.

2 Now, any recommendations we hope to have implemented
3 could be equally readily killed if it seemed by operators of
4 data banks as expensive or, in some sense, inappropriate.

5 MR. DOBBS: I agree with you, but isn't that a
6 fundamentally different problem than the one which says this
7 is what I believe in? I understand from a pragmatic point of
8 view as I recommend that there are costs implications which
9 prevent me from realizing that.

10 MR. WARE: No, because if you go on one step
11 further, then you say part of what you believe in is the
12 present structure of capitalism in this country and the
13 pluralism of industry, as the guy said yesterday. You ought
14 to recognize that, too, in the recommendations that are
15 framed.

16 I don't know whether that's a point in response
17 to the question you raised or not.

18 MR. DAVEY: I think that's very appropriate on
19 this type of thing.

20 MRS. GAYNOR: Where do you want this? Do you want
21 this in the first four chapters? That's what we're discussing
22 now.

23 MR. DOBBS: Is there anything that's stated in
24 that philosophy in those first four chapters that is incon-
25 sisten with that notion?

1 MR. DAVEY: That's why I'm just hurriedly going
2 through this, because I have a feeling that we're about ready
3 to accept this thing.

4 MR. DOBBS: All right. Hurry.

5 MR. DAVEY: For example, in chapter three, I think
6 that we ought to have something on cost and the fact that we're
7 looking at some cost implications or we are at least aware of
8 the cost implications. I have already made my comments on
9 chapter four. I think that the remark that you made after I
10 did this about looking at -- if you look at each system, I
11 think there may be less data gathered and stored in an
12 information system, but I think the number of systems is
13 increasing and increasing dynamically, and maybe the distinction
14 ought to be made that way. Otherwise, I felt it was not
15 quite factual.

16 MR. DOBBS: That's a question of fact, a debatable
17 fact, and I think the staff can research that one and find out
18 one way or the other. Again, that doesn't address the issue
19 of philosophy, which it seems to me is what we're struggling
20 with now.

21 MR. DAVEY: I think it all kind of figures in the
22 philosophy along the way. Here in chapter five, "A growing
23 impersonality, incomprehensibility, and rigidity of operations
24 and" -- "the receptivity of institutions to modifications in
25 their established operating procedures and in their perception

1 of what constitutes an appropriate definition of their respon-
2 sibilities is directly related to the extent to which their
3 operations are computerized."

4 I disagree with that. I think there are a number
5 of companies in their formulation of this kind of thing that
6 were aware of these problems from the very beginning and took
7 action at the very beginning. I think that's too flat a
8 statement.

9 MR. MARTIN: That's what I was going to ask for
10 help with. If you read the charter, the charter lays out the
11 committee's task in a kind of logical order. It first says,
12 "identify and analyze the potential harmful consequences from
13 these systems; and having done that, identify and analyze
14 safeguards that could be introduced to protect against those
15 harmful consequences;" and three, it says, "suggest recommenda-
16 tions or ways in which the safeguards you have identified
17 could be implemented."

18 Now, I think that most of the discussion that we
19 have had about the report on Thursday and today has addressed
20 the recommendations and the safeguards, and chapter four, about
21 which Jerry is expressing concern, is in a way the start, the
22 definition of the problem, the definition of the nature of the
23 threat; and I think that this is the most difficult thing to
24 state well and we have had two or three disagreements with it
25 on an individual basis -- is the amount of information stored

1 increased or not by computers? Jerry's point is does it tend,
2 on page 13, to make institutions less receptive to modifica-
3 tion; and Jerry has also provided -- did anyone else have any
4 written comments? Jerry, as far as I know is the only member
5 who has given us back his second copy of the draft with a lot
6 of comments on it, which was very helpful.

7 MR. DOBBS: I had one, most of which was incom-
8 prehensible to me.

9 MR. MARTIN: This is where the committee has the
10 greatest collective wisdom, because you live in dozens of
11 different places -- I don't mean literally geographically,
12 but your experience is very varied and I think the more sharply
13 and clearly you can state: (A) from your own perceptions and
14 largely by the experiences you have been having what you think
15 the potential harmful consequences are and in terms that will
16 impact meaningfully on the minds of the readers to whom you
17 are appealing who are essentially the leaders of the institu-
18 tions who manage these systems, the more likely it is that
19 the reader will go through that part with interest and want
20 to find out what you want him to do.

21 Yesterday, for example, I heard two things -- maybe
22 three things during the courst of the meeting that I hadn't
23 heard before as clearly or sharply as I heard them then, which
24 I'm not sure are covered by any of these ten social impli-
25 cations that we're concerned about or potential harmful

1 consequences. One was Judge Greene's presentation. There's
2 the head of a bureaucracy, the head of an institution, who
3 was expressing concern about aspects of the onset of the
4 technology for institutional reasons, not to say he isn't
5 concerned about civil liberties and people, but in a way, Joe,
6 he was responding to the kinds of things -- you have two wave
7 lengths that you transmit on. One is the civil libertarian
8 and something I have to concede I don't always follow but a
9 lot of times I do, where you're talking about gross institu-
10 tional effects. It seems to me Judge Greene was a very
11 concrete illustration of a guy who was worried about these
12 systems because of the implications for his system, the
13 judiciary, and the savings and loan fellow was concerned
14 about the impact of this technology as applied by his compe-
15 titors, the banks, who were going to shrink significantly his
16 margin of opportunity for growth or the growth of his
17 industry because they wouldn't possibly be able to offer the
18 kind of services and do the kinds of things that the guy from
19 the A.B.A. indicated might be the way of the future for the
20 banks.

21 So he was talking as an institutional leader, as
22 the boss of a business, and saying "I see a reason to be
23 concerned. It menaces my industrial or my institutional
24 mode of functioning."

25 Now, I think Bob Gallati, on the shared versus the

1 dedicated and the relationship to the F.B.I. and the states
2 versus the federal, has expressed a kind of institutional
3 concern.

4 What I'm wondering is if we're trying to communi-
5 cate through this document (A) first, to the Secretary who is
6 an institutional leader and through him to the society, or at
7 least a particular segment of the society, the leaders of
8 institutions who really have got to want to go along with the
9 recommendations, with the diagnosis of the problem and the
10 recommendations, how do we surely communicate the diagnosis
11 in ways that appeals to their self-interest, not just as
12 civil libertarians and not just as people who might suffer
13 consequences from the technology, but as leaders of organiza-
14 tions and institutions? Are there other ways that we can
15 focus that?

16 MR. DOBBS: I think the staff has properly sensed
17 that concern already in some of the content. They stated
18 very specifically that the receptivity of institutions to
19 modifications in their established operating procedures and the
20 perception of what constitutes an appropriate definition of
21 their responsibilities is directly related to the extent to
22 which their operations are computerized.

23 MR. MARTIN: The staff said that and Jerry dissents
24 from that very strongly and I would dissent from that now
25 myself, having had the exposure of the banks, because of this

1 technology. The A.B.A. said yesterday, "We are going to be
2 able to be infinitely adaptive and responsive in developing
3 new ways of business. We are not limited by the goose quill
4 pen and all that. In spite of the fact that that's the way
5 it's been organized, we have gone to computers and we are
6 going to have an infinite capacity for doing all sorts of
7 "now" things thanks to this new technology." If we showed
8 him that sentence, the banker, he'd say "You're out of your
9 tree. Computers give us the ability to adapt and be
10 different and responsive and do a whole bunch of new good
11 things.

12 So that may not be a good formulation of it.

13 MR. DOBBS: What you mean by responsive -- I didn't
14 hear those guys. As far as I was concerned, I didn't hear them
15 say anything about being adaptive and responsive.

16 MR. WARE: Maybe we can get off this hangup by
17 leaving the issue essentially unsettled and agreeing to accept
18 the early chapters that deal with the personal side of the
19 question. We will come back and privately debate and give you
20 information to revise on the institutional side.

21 MR. MARTIN: Let me just say, whether you go on
22 with it now or bring it to the next meeting, I don't feel we
23 have served you very well in this document. We didn't serve
24 you as well as Judge Greene did yesterday in identifying an
25 important adverse implication that institutional leaders,

1 through Secretary Richardson, you want to communicate are
2 going to respond to, Whether it's institutional pluralism or
3 institutional autonomy, I don't know.

4 MR. WEIZENBAUM: David, I was very sympathetic to
5 what Judge Greene said and I was much less sympathetic -- in
6 fact, unsympathetic to much of what the savings and loan
7 fellow said, although I'm correct in characterizing both of
8 their pleas as pleas in support of the institutional roles
9 that they believe they and their institutions play; and the
10 reason for the difference in my attitude toward what they
11 said is that I value the institution that Judge Greene repre-
12 sents; namely, the judiciary; very much more than I value the
13 institution that the savings and loan fellow represents.

14 Now, I use the word "value," and I mean exactly
15 that word. I think ~~the~~ distinction that you blurred, and
16 ought not to be blurred, is that government has an obliga-
17 tion to protect those institutions that we have, as a people,
18 agreed are valuable to our way of life. For example,
19 separation of powers, which is what Judge Greene was talking
20 about, and other institutionalizations of values that we have
21 endorsed as a people over 200 years.

22 There are other people, like the bankers -- and I
23 don't mean to be pejorative or nasty to them -- but there are
24 other people, like the bankers, who quite naturally want to
25 protect their institutions and the institutional role they

1 play; where, however, government has much less of an obligation,
2 if it has any obligation at all, to support them in their
3 quest for this protection. I think that this distinction has
4 to be made very, very clearly.

5 MR. MARTIN: Yes. I didn't mean to blur it that
6 way. All I was saying was this: Insofar as the committee
7 emphasizes unique or predominantly civil libertarian concerns,
8 its appeal to the institutional manager appears -- and I have
9 seen this over and over in our encounters with people who run
10 systems -- to be inferentially critical of the manager who is
11 doing something. You're challenging him with the possibility
12 that something he's doing is bad, and I'm only raising the
13 question -- I'm not saying that you don't have to do that at
14 some point -- you have to talk about the civil libertarian
15 things -- but we also, it seems to me, want to appeal to him
16 on grounds that make him want to hear what you have to say.

17 Judge Greene would not have come in -- he happens
18 to be chief judge of the Superior Court of the District of
19 Columbia. If he had been head of NIH or from some other
20 setting in life, he would not have come in and told us that
21 he was worried about separation of powers. Judge Greene came
22 in and told us because that's his institutional self-interest
23 and his concern arises out of institutional self-interest.
24 That's not bad, you know. It just happens to be that it coin-
25 cides that we also believe in separation of powers.

1 What I'm looking for is other grounds of institu-
2 tional self-interest on ~~which~~ we can raise the question of the
3 social implications of the technology so that when this hits
4 the desk, through Secretary Richardson, of the president of
5 Monsanto or the president of G.E. or you name it, that he's
6 going to read it and see a reason why, as president of G.E. or
7 as Senator so-and-so, or whatever leadership role he's in,
8 why he should be concerned about that. That is not to say he
9 won't be concerned because you talk about privacy and civil
10 liberties and so on, but when he's wearing his hat as head of
11 a big institution and it's his behavior with relation to the
12 systems he builds and implements that you've got to impact
13 on, he will be particularly receptive if you can tell him a
14 reason to be so in terms of his institution's interest, and
15 I'm asking for more examples. Not right now maybe, but I
16 think we ought to try and search the record for more, and
17 maybe we ought to search our minds and imagination and
18 acquaintances for what's in it for institutions to be concerned
19 about this, because then the leadership of institutions will
20 take an interest.

21 MR. WEIZENBAUM: David, I'm glad you perceived
22 that I operate on at least two different wave lengths.

23 MR. MARTIN: I didn't mean only two, Joe. At least
24 two, which are very widely apart.

25 MR. WEIZENBAUM: One of the things with respect to

1 a president of a bank or G.E. or people of that kind that we
2 should -- one way we should appeal to them, it seems to me --
3 and I think we should appeal to them as such, as president of
4 G.E. and so on -- is in the way that I tried yesterday. That
5 is, to tell the banker or to get the banker to recognize that
6 his institution is not an isolated or isolatable subsystem
7 of the society; that it has impacts on other institutions in
8 the society that we, again -- not as Republicans or Democrats,
9 but simply as people -- value and recognize and have incor-
10 porated into our whole way of life.

11 I think that we ought not to try to tell the
12 president of G.E. what's in it for him as president of G.E.
13 where that institution is perceived as an isolated subsystem.
14 Rather, we should try to further embed the impression he
15 undoubtedly has already, that the things he does and does not
16 do impact on other institutions in the society badly sometimes,
17 and well sometimes.

18 This isn't necessarily a civil liberties issue.
19 It's a much broader issue than that in many instances, but
20 that we should try to talk to them in terms of their own
21 languages and in terms of their own institutions, I certainly
22 agree. It's hard, but we should certainly try.

23 MR. WARE: And the ones you have mentioned, talk
24 to him in terms of his motivations and drives very strongly
25 at least. The thing that's on top of his mind is that

1 stockholder who wants to know why the profit isn't bigger.

2 MR. DOBBS: It's back to the problem Sheila was
3 trying to articulate before. We have been trying to reach
4 that class of person, whoever that guy is, that thinks he's
5 in control of the system, be he the top manager or whatever,
6 in terms of these kinds of arguments; and Sheila has
7 articulated before the difficulty.

8 MR. WARE: But I think there are things you could
9 say to him where you could kind of get his hand in his pocket-
10 book.

11 MISS SMYTHE: And I'd like to see this report say
12 that.

13 MR. WARE: One is the threat of government control.
14 That will get their attention. One is the threat of govern-
15 ment control of industry. In this day and age you might get
16 attention by talking about poor public image in the sense of
17 the pollution question. You might tickle him a little on that.

18 MR. DAVEY: That aspect, and you also have the aspect
19 that you don't want to turn him off before he's read the first
20 two or three pages.

21 MRS. HARDAWAY: I think some of us have proof of
22 this in our own situations. For instance, Mr. Newcomb, who
23 oversees for the State of Tennessee our privacy issue, and
24 we were discussing, for heaven's sake, let's do it now before
25 someone tells us it has to be done, and if we don't do it and

1 everyone else doesn't do it, then they're going to tell us to
2 do it; and if we haven't done it it's going to be costly at
3 that point to do it. So let's go ahead now and do it on our
4 own. And this is what Sheila is talking about.

5 MR. MARTIN: In this connection, I suppose one
6 relevant thing would be -- it would be tricky how you did it
7 maybe, but it could be done as the response that's already
8 occurring or occurred to the onset of this technology, to
9 point to the Fair Credit Reporting Act. The Fair Credit
10 Reporting Act is a thing that has happened and if we could
11 suggest to leaders of institutions that there's likely to be
12 more of this unless they start doing certain things -- is that
13 what you were talking about?

14 MRS. HARDAWAY: Indeed it is.

15 MISS SMYTHE: We need to appeal to their intelli-
16 gence. We need to set forth for them the problems and give
17 them a total framework and attempt to help them understand
18 their place in the total society, if you will, of what they
19 must do. Set forth the problems for them, give them some
20 choices, and, in essence, make them aware of the stick that
21 will occur if -- of what will happen if they don't do some-
22 thing, and I think that is essential to the content of this
23 report. Otherwise, I don't think we have really met our obli-
24 gations.

25 MR. DOBBS: Okay. I guess on the specific issue, in

1 that context of setting forth the problem, part of what is
2 said here relative to institutions attempts to do that, which
3 Jerry disagrees with. He says that's not true.

4 MR. DAVEY: It's not true in all cases. That's
5 what I'm saying. I'm not saying it isn't true in some cases.
6 I'm saying it isn't true in all cases. I think there's a
7 distinction in that kind of situation.

8 MR. DOBBS: Is it true in enough cases that we want
9 to make a strong statement about it as a problem of serious
10 social implications?

11 MR. DAVEY: I think it is a problem of serious
12 social implications but I don't think we can damn all business
13 or institutions because of what we perceive to be the case.

14 Now, let me give you a case in point on this thing,
15 and that is in the Fair Credit Reporting Act. I don't think
16 that the Fair Credit Reporting Act would have had anywhere
17 near the influence if Credit Data Corporation hadn't been
18 pushing for even a stronger bill. I think that it's just that
19 kind of a situation that I think in the development of the
20 New York State Information and Intelligence Service that that
21 was done with full knowledge of what was being done, and I
22 think they have served as an example to a number of other
23 communities in law enforcement agencies on this kind of thing.

24 There are several other examples of businesses
25 that have done things and I think it would be a travesty not

1 to recognize that, or at least imply that it can be done.

2 That's what I'm talking about.

3 MR. DOBBS: Okay. Then, you're saying that there
4 exists some models, some few models, in some different segments
5 of our society as institutions that in fact have taken steps
6 which help them avoid this problem.

7 MR. DAVEY: And have let out and done things in
8 this sense.

9 MR. DOBBS: I don't have any problem with that.

10 MR. DAVEY: I'm just objecting to the finality of
11 the statement which is being made. That's what I'm objecting
12 to. I agree with it in the majority of cases. I think that is
13 correct, but there is a significant minority where they do
14 just the opposite.

15 MR. DOBBS: Well, a way to deal with that, of course,
16 is to leave the strong statement just as it stands and --

17 MR. DAVEY: But that's what I'm against. Because
18 if you do that you come across a few leaders in the community
19 who might be willing to do this and they are turned off
20 immediately and you don't get any cooperation.

21 MRS. HARDAWAY: Offended is the word.

22 MR. MARTIN: Can I suggest something? I don't move
23 in top leadership of industry or any other kind of institution
24 circles. I don't function in that area. I have functioned
25 as a staff guy most of my life, at a fine-grained, analytical,

1 intellectual, if you will, kind of level; and, for the most
2 part, the staff that we have got doesn't function there either.
3 They are young people with relatively little encounter with
4 the world with whom we have to communicate. We have a young
5 man with us who has just come from spending two years operating
6 in that world and is terribly concerned with effectiveness of
7 communication in that world, and he's going to be a great asset
8 in helping to write this report. In many ways, he will con-
9 tribute more than any other member of our staff to writing
10 this report because most of us have never had to write for that
11 world.

12 Jerry Davey, you have been president of companies;
13 Bob Gallati, Guy Dobbs, Sheila, and the commissioner here, and
14 there is the chief executive of her second hospital. You
15 function in this world, a number of you, and I think what we
16 need is for each of you to really do some homework for the
17 next meeting on this business of the statement of the problem.

18 How would you describe it to your peers, you who are
19 up in this decision-making strata of our society? How would
20 you describe it? Jim Impara doesn't work in that world. He
21 will, but he hasn't got there yet. Tate hasn't gotten there
22 and Jane Noreen hasn't gotten there, and they can't help us
23 much in communicating with that strata. But there are some of
24 you who can, and it's the formulation and the statement of the
25 problem in terms of its impact on that strata of society that

1 we need help on in this. Joe can help us less. Arthur Miller
2 can help us less. He's a clientless lawyer, but Arthur's bag
3 is truth or analysis. If we had a good corporation lawyer,
4 he could help us more than any lawyer we have had around the
5 table, including me, because I have never been a corporate
6 lawyer.

7 I think those of you who function in this world, in
8 the real world where the decisions of our society are made,
9 you will have an enormous amount to contribute to how we state
10 this problem to that category of person that we have got to
11 reach, and if you could do it on your way home on planes and
12 when you get back send it back to us -- how would you explain
13 this problem to your fellow commissioners at a meeting of
14 state personnel commissioners all over the country; or if you
15 had to go to the National Governors Conference and give a
16 talk to the governors, because they knew you had been on this
17 committee, how would you explain it to them? How would you
18 tell them that they need to be concerned about this? I doubt
19 if you'd start off by telling them things that would turn them
20 off. You certainly wouldn't turn them off.

21 MRS. HARDAWAY: Well, I'm going to leave right now.
22 That's the nicest compliment I've had.

23 MR. MARTIN: And Roy Siemiller, he's got 25 or 30
24 Senators that he knows on a first-name basis, and I think
25 there's a way of stating the problem that the academicians

1 and the intellectuals and the analysts cannot do as well as
2 you denizens of the real world of leadership, and I really
3 challenge you and implore you to put yourselves to work at
4 drafting that statement.

5 It doesn't have to be long. It shouldn't be long.
6 You don't want it to be long. That was certainly the consensus
7 of the reaction to what the scope and size of the document
8 should be. I can't tell you how seriously I think this is
9 something that the committee can do. I think it would be
10 foolish for the committee as a whole or for many of it to
11 say, "We'll write a 500 page report or an 80 page report," but
12 I think you can write a three or four or five or six page
13 statement of the problem in terms that you think will communi-
14 cate to your peers who are the leaders of our society in
15 various areas who have got to be interested and motivated to
16 get into this document and get to the point of whatever else
17 we have to say.

18 MR. ANGLERO: I agree so much with that statement.
19 I am in it in some way. I am responsible for the whole
20 system of the social service in Puerto Rico but I am not
21 really involved with the mechanics and the cybernetics of
22 all the system, although I'm held responsible to the govern-
23 ment of Puerto Rico and the United States for the whole system
24 that we operate on that. On the coffee break I tried to tell
25 you -- and I think I did partly -- that that's the first thing

1 we have to do really, is to put one, two, three, and a con-
2 sensus about the problem. We were told the other day the
3 restatement of really the issues on the problems. Further,
4 to add, I say that we, all of us, or our selective people,
5 really can do it better. Well, having this problem, what is
6 it we want to do? These are the issues. What is it that we
7 want to do? What are our objectives really, and goals? What
8 do we look to in the future; not only now, but ten years,
9 twenty years; or in terms of social commenting, if that's a
10 good term.

11 Then, a strategy. We have got objectives. We
12 have got the goals. If they're the same, and the term means
13 the same, but how do we do it? We have got some targets. We
14 have got some things to aim at directly. What I think we
15 have been dealing with is the means and the strategies but
16 that is a later point that I think we have not yet determined.
17 We have not determined the first two or three, and we will
18 never be able to get a consensus on the means or the strategies
19 unless we do. So I really agree wholeheartedly in terms of any
20 way we can do it, to put the issues clearly and the problem.
21 After all, we are supposed to have gathered the facts in all
22 these hearings.

23 MR. DOBBS: Going back to the statement, as to
24 the extent that we have stated the problem, are there problems
25 with other than the institutional ones, as implied by the list

1 that the staff has generated for us, excepting the fact that
2 there may be additional social implications which are not
3 included in the list which we may want to add to what we have
4 done? Are there -- other than Jerry's problem with the way
5 one of them is stated, are there some other fundamental dis-
6 agreements about what the problem is?

7 MR. WEIZENBAUM: I don't understand your question.

8 MR. DOBBS: The staff has laid out and described
9 the background and they have described the problem in terms
10 of the social implications of these kinds of systems as they
11 see it today, having tried to grasp the sense of what they
12 thought they have been hearing us say, and they stated it; and
13 I'm trying to find out whether we, in fact, agree that their
14 words in the main represent what we think the problem is.

15 DR. GALLATI: The concepts, rather than the words,
16 I assume you're saying.

17 MR. DOBBS: Yes, the concepts, their set of concepts
18 that they have laid out which I thought that we agreed on; and,
19 again, trying to see whether there are other people like Jerry
20 who have a difficulty with the problem the way it's described.
21 If not, we then ought to be able to move on to look again at
22 some of the specific kinds of things we want to do to solve the
23 problems.

24 MR. MARTIN: You're talking about items one through
25 ten on page 14?

1 MR. SIEMILLER: On the affirmative side, I would
2 say that I'm in tentative agreement with what has been pro-
3 duced. I think it is very good overall. There's maybe a few
4 little word changes, if I was writing it, I would do; but
5 overall, I think it's good and I'm in agreement.

6 MR. WEIZENBAUM: You should be a happy man.

7 MRS. HARDAWAY: Those are very good words.

8 MR. MARTIN: I attach a lot more significance to
9 what Roy said than even I think he does, maybe a few word
10 changes, etc., etc. I think that's crucial and I do not have
11 any confidence in my ability to communicate to the persons who
12 most crucially have to be successfully communicated to in this
13 document. I just don't have any confidence that I can do that.

14 MRS. HARDAWAY: I promise you I will do my homework.

15 MR. WARE: In some sense, that's just editorial
16 polishing. Let's get the facts down.

17 MR. DAVEY: I don't understand what point four is on
18 page 13.

19 MR. SIEMILLER: Before you answer that, I would
20 say my word change would be to use a four-letter word in place
21 of a 20-letter word. I would reduce it to a simple word.

22 MR. MARTIN: Well, four was reaching for what --
23 this is because I can't always understand Joe. Joe has talked
24 about a quality in systems which he has sometimes referred to
25 as the fragility of systems. He has suggested that in some

1 way or other there's a risk, particularly of large-scale
2 computer systems that because they are not well understood
3 once they are built or because they depend on some very
4 subtle and highly technical and detailed operations and so on,
5 that there's an actual risk of some kind of discontinuity.
6 Now, that's -- by discontinuity, I mean it won't work. It will
7 break down. It won't do what it's supposed to do.

8 MR. DAVEY: I can appreciate that, but the examples
9 that are there, the mechanical failures is one, and other
10 things -- I'm hazy on what the point is you were trying to get
11 across. I understand Joe's point, but if we were trying to
12 get that point across I'm just asking for clarification of
13 what the point is.

14 MR. WEIZENBAUM: I think maybe the way this could
15 be done would be by using what Arthur Miller called our
16 attention to the other day, this business of restatement, that
17 there is a sentence like this; and I saw that you were trying
18 to say what I tried to say in that when I read it -- there is
19 an attempt at restatement where it says, for example,
20 mechanical failure.

21 Well, there needs to be more. It creates an
22 impression as if this is the only example or that example
23 represents the only class of example of this.

24 MRS. HARDAWAY: And your one yesterday was much
25 better, where the clerk makes the decision.

1 MR. WEIZENBAUM: That's not exactly the same kind
2 of thing.

3 MRS. HARDAWAY: I know.

4 MR. WARE: What Joe is saying is the following:
5 between 1940 and 1970, say, society has become enormously more
6 dependent on certain kinds of technology, so much so that
7 should that technology fail society will find itself in a dire
8 situation. Example: a telephone exchange gets bombed, a big
9 problem; or an alternator burns up in New York, a major
10 problem. Twenty years ago, that couldn't have happened and
11 society wouldn't have been hurt had those events taken place
12 20 years ago.

13 That's what he means by qualitative increase in
14 risk. The situation really is much more serious today because
15 of that increasing concentration of dependence on certain
16 technologies.

17 MR. WEIZENBAUM: Right.

18 DR. GALLATI: Vulnerable to sabotage, also.

19 MR. WEIZENBAUM: I don't really want to emphasize
20 sabotage. I'm not saying anything about ill-will on anyone's
21 part. In fact, let's even exclude that. But there's a subtle
22 bug in a deeply buried subpart in some little computer some-
23 where, not even a big computer, but which little computer,
24 however, is part of a big network of computer systems. This
25 bug doesn't show up for years and suddenly some event triggers

1 that subpart in the way that that particular bug shows up with
2 enormous consequences as a result. Whether they are disastrous
3 or not is another question, but of enormous consequences.

4 An example that happens to be the kind of thing
5 I'm talking about, which may not have terribly important
6 significance, is the story about the French-American effort
7 to send up 107 weather balloons to be monitored by a satellite
8 and this is all controlled -- the data acquisition from these
9 balloons is all controlled by a computer which has a computer
10 program in it. There was a tiny, little bug somewhere, God
11 knows where, in that program, and it destroyed all the balloons.

12 Now, that cost the American taxpayer, and I suppose
13 the French taxpayer, something on the order of \$40 to \$50 million.
14 It didn't disturb anyone's life except perhaps the people who
15 are running the system, but the analogous event in an airline
16 reservation system, for example, could be very inconvenient to
17 a lot of people. That's just inconvenient. An analogous
18 difficulty in a medical care delivery system could perhaps
19 become fatal to some people, and so on. We can escalate that.

20 An analogous bug in a traffic control system, say
21 in an air traffic control system in the air space over Los
22 Angeles, could cost many people their lives, and so on. One
23 could cook up examples of this kind.

24 These examples illustrate the increasing complexity,
25 as Willis said, of our society and the increasing dependency

1 on very, very complex technology which ultimately means that
2 we are dependent on the most fragile little tiny component of
3 that technology.

4 MR. SIEMILLER: What's the answer? What do we do
5 about it?

6 MR. WEIZENBAUM: Everything has to work in order
7 for anything to work.

8 MR. DAVEY: I'm in complete agreement with that but
9 I just didn't understand what point four meant. Now I do.

10 MR. WEIZENBAUM: I think we were told by a witness
11 early on in one of the early meetings, it may have been that
12 you were the witness, Dave, that occasionally -- like maybe
13 it's 20 percent of the time -- the machinery that issues pay
14 checks in some branches of the Federal Government -- perhaps
15 HEW for all I know -- breaks down, and emergency action has to
16 be taken to get out the paychecks quick because the people are
17 terribly dependent on them.

18 Suppose a bug shows up in this way in the machinery
19 that issues social security checks in the Alabama region. That
20 may very well have a very serious impact on social security
21 recipients who are relatively unsophisticated and helpless.
22 I'm talking about aged people who month after month depend on
23 their social security check, for example.

24 Now, this is an incidence of the fragility of our
25 system.

1 MR. MARTIN: All right. Can I ask Joe whether in
2 this connection you're talking about a fragility that results
3 from -- or do you mean to address both the fragility as you use
4 the term which results from hardware or machinery or from human
5 translated, I suppose, into programs and so on?

6 MR. DOBBS: All of them.

7 MR. MARTIN: The reason I ask the question is
8 because I think there's nothing in the record -- maybe there's
9 yards of it in books, but I don't think there's anything in
10 the record on the basis that the committee can say anything
11 about the hardware, the mechanical -- that side of the risk
12 of fragility.

13 MR. WEIZENBAUM: That's why I think the particular
14 example chosen, for example mechanical failure, is poorly
15 chosen. As a technical matter, computer scientists and
16 systems scientists, so-called, understand that there is really
17 in a very useful sense no difference between the hardware
18 computer and the programs which transform that computer into
19 some other machine and the programs, if you will, that run that
20 system in terms of management programs and procedures and so
21 on and so forth. It's really a continuum.

22 The kind of difficulty that I'm talking about may
23 very well be a failure anywhere along the line, and it's most
24 likely to be a failure in some of the softer aspects that is
25 not the actual hardway, not in the actual electronics, but in

1 the programs and in the procedures of the place that's
2 operating these machines and so on and so forth. When we're
3 talking about a machine here, we're really talking about the
4 whole system, including the administrative system, the admini-
5 strative rules and so on and so forth, and the whole thing is
6 fragile like that.

7 MR. DOBBS: And from two sources, just to make
8 sure we all understand it, the one source which arises from
9 the notion of complexity which says that just multiplying the
10 number of things that are involved in this whole set that Joe
11 has described as a system increases the probability of failure.
12 Number two, the fact that we do not -- is that source of error
13 which is introduced by virtue of the fact that we do not really
14 understand what it is that we thought we understood. Under-
15 stand what I'm saying? The first case is where you thought
16 that you had solved the problem and, in fact, what you have
17 put together indeed solves the problem when it works, but
18 there's a failure in some component of some kind.

19 The second source is where we thought we had solved
20 the problem but through a failure of understanding what the
21 problem was and its solution you introduce something.

22 MR. MARTIN: Well, as many as will, please formulate
23 in a few well-chosen sentences, your description of the social
24 implications or the problem with a view towards its making itself
25 understood by and responded to leaders of institutions whose
institutions depend in significant

1 automated personal data systems.

2 MR. DOBBS: Do we have any problem with circulating
3 this list in draft form for reaction?

4 MR. MARTIN: To whom?

5 MR. DOBBS: To the kind of person that you have
6 described, we, as individuals.

7 MR. MARTIN: No. I don't see any problem with that.

8 MR. WEIZENBAUM: I think it has to be marked "draft
9 only, not for distribution or not for publication" and so on.

10 MR. MARTIN: Right. Individuals can do anything
11 they want with this.

12 I have been looking at the calendar and note that
13 we would only lose, if the prediction of availability for the
14 month of October of committee members hold up, three members,
15 if we were to meet on October 26, 27 and 28 or 27 and 28.
16 Willis, do we really lose you every day of next month?

17 MR. WARE: Well, I've got a military advisory group
18 and a board of trustees on my hands the first week of November
19 and my guess is, yes, you do. I'd better be ready.

20 MR. MARTIN: Mrs. Hardaway has left. We lose her
21 on the 26th. Joe Weizenbaum, I thought you had a commitment
22 on the 26th.

23 MR. WEIZENBAUM: That got shifted to the 24th. I'm
24 okay on the 26th.

25 MR. MARTIN: On Friday, the 27th, we lose two and

1 on Saturday we lose one. All the previous days of the month
2 of October we lose a minimum of five people. I think it would
3 be valuable for the staff, starting with me, to have a deadline
4 to be working toward and not to be sent off from this meeting
5 with the feeling that we'll get back to you as soon as we can.
6 I think there's some value in having something to shoot at for
7 a date for us at least, and I would therefore suggest that we
8 plan to meet on Thursday or Friday and Saturday. In other
9 words, either I think it seems hard for people to commit
10 themselves to three days of meeting and maybe it would be even
11 harder if it was this kind of session for the whole time, but
12 maybe Friday and Saturday, and let's say anybody who wants to
13 come in -- like you, Joe, if you don't want to go back to
14 California after your meeting on the 24th, we could create
15 a forum in which you could be working any time the end of that
16 week.

17 We would undertake to get something out to you by
18 the weekend of the 21st to have for sure over the weekend, and
19 all the following week. I'd say sooner but I'm not sure how
20 realistic it is. What we could do, if you don't object, is to
21 send it to you in bites as quickly as we have it rather than
22 waiting for a full document.

23 MR. WEIZENBAUM: My impression is -- and I am
24 quite convinced of it -- that the last day of our meetings,
25 whether it's on a week day or Saturday or Sunday, the last day

1 people begin to drift away about halfway through, no matter
2 what you do, witness the assembled absentees -- the non-assembled
3 absentees. Fo if you really thought of a two-day meeting,
4 you're mistaken. You can't have a two-day meeting. You can
5 have a one and a half day meeting or a two and a half day
6 meeting or a half day meeting, but it is not going to come
7 out an integral number. So I would suggest Thursday, Friday
8 and Saturday or Friday and Saturday, as you please.

9 MR. MARTIN: Are you saying that if we work Friday
10 and Saturday we will lose people mid-day Saturday?

11 MR. WEIZENBAUM: Yes, and I think we might as well
12 program it that way.

13 MR. SIEMILLER: Why Saturday?

14 MR. WEIZENBAUM: I don't know.

15 MR. SIEMILLER: I just don't like Saturday for a
16 meeting day. I believe in a five-day week and I don't believe
17 in this day and time it's necessary to work on Saturday.

18 DR. GALLATI: This is work?

19 MISS SMYTHE: It is also very, very difficult for
20 many of us to take two consecutive days out of our offices.
21 Let's face it, we want to contribute something here and toward
22 that end I think many of us are willing to split up and take
23 some of our business time and some of our personal time. I
24 certainly don't like to be away from home on the weekends. It
25 creates all sort of habit-forming; but at the same time, I

1 realize I can give up some of that. It's very hard for me to
2 commit a Thursday and a Friday to this as well as everything
3 else. Also, if we're going to concentrate on writing the
4 report, I'm not sure that after two and a half days we're
5 not really -- we don't need some break. I would strongly
6 urge a Friday and even a Friday evening session and a
7 Saturday that ends at 1:00. You could even start earlier on
8 Saturday morning. We could begin at 8:00 instead of 9:00.
9 But the Thursday, Friday and Saturday, for what we want to
10 accomplish, may be just a little too much. Maybe I'm being
11 selfish in saying that I would prefer a Friday and Saturday
12 meeting, but it is awfully difficult to take two days
13 consecutively away from work, especially at the consistency
14 with which we have to do it for this committee.

15 MR. DAVEY: And it's extremely difficult for those
16 of us who have to travel because then it isn't just two days,
17 it turns out to be three or four days.

18 MR. SIEMILLER: But I have another situation that
19 does not have the same work week. You take the trade union
20 movement. People work the five-day weeks and our meetings
21 have to be conducted on Saturday and Sunday and therefore we
22 have a different responsibility than those who go to the
23 office five days a week. There's different problems that just
24 about every one of us has to face in order to do the very best
25 we can to take care of those problems and also to be here as

1 much as we can. So every one of us doesn't have the same kind
2 of a situation.

3 MR. WEIZENBAUM: I'd just like to make an editorial
4 comment off the record.

5 (Discussion off the record)

6 MR. MARTIN: I would suggest that we meet on Friday
7 and Saturday, October 27 and 28, or if there's a preference,
8 Thursday, Friday and into Saturday. I take it we're not going
9 to have full attendance for those three days for reasons that
10 Sheila and others have suggested, and it really is a question
11 of whether you want to come in on the 26th and dribble away
12 starting Friday night or whether you want to commit yourselves
13 to being here all day Friday and as much of Saturday as you
14 can and really no fussing around. Let's get started first
15 thing Friday morning and we'll work as late as our patience
16 will allow and we'll get started on Saturday and we'll work
17 as long as people are willing to work and nothing else.

18 DR. GALLATI: So moved.

19 MR. SIEMILLER: Sounds reasonable.

20 MR. IMPARA: That's good. I would like to ask also,
21 since there's going to be a meeting very shortly after that, I
22 would presume, if we're going to gather any other information --

23 MR. MARTIN: The planning for that will go forward
24 simultaneously and do you want to set a date for it?

25 MR. IMPARA: I would like for you at least to look

1 at the calendar and consider what would be the earliest possible
2 time after November 7.

3 DR. GALLATI: We're settled on October 27 and 28?

4 MR. MARTIN: Right. Now, incidentally, my inclina-
5 tion would be to strip this down to bone and muscle and you
6 get hotels on your own wherever you choose, or if you want we
7 can take care of making your hotel reservations in D.C. and
8 we'll meet in an HEW conference room in a building downtown
9 which will greatly simplify logistics and so on, and it's just
10 coming in for a work session. That increases your temptation
11 to go off and play games around Washington during the day. One
12 of the reasons for getting this committee out into the
13 country a little bit is it's pretty hard, although many manage
14 to overcome this -- the majority can rule on this. It's not
15 hard for us to come out and meet here. I assume we can get a
16 conference room somewhere out here in Bethesda and we can put
17 you up at the hotel or leave you on your own to go to hotels
18 of your choice.

19 MR. DAVEY: What kind of rates do we get on
20 meeting in Washington? Does it cover a hotel?

21 MR. MARTIN: Probably not.

22 DR. GALLATI: That's the answer then.

23 MR. MARTIN: If we decide that it's better to get
24 you downtown we can get you downtown, but you can leave that
25 to us. But it's going to be a lean, tight meeting. We're

1 not going to have buffet lunches. We're not going to be at
2 Stone House. We're not going to have the press. This is
3 strictly work.

4 MR. ANGLERO: I'm not completely sure, although I
5 agree with Joe that if we tried to work on Saturday the whole
6 day with that understanding and the session as such would end
7 on Sunday morning after breakfast -- some people I have noticed
8 stay overnight anyway because of problems of transportation.
9 Who would be covered by HEW for that?

10 MR. DAVEY: But there are lots of us that want to
11 get home.

12 MR. MARTIN: Let me say that anybody who wants to
13 stay after we adjourn today that has the desire to roll up his
14 sleeves and start working with the staff, some of whom will be
15 working right after this meeting and on and on, are welcome to
16 stay and we can cover you as working as members of the
17 committee with us if you choose to do that, and we can do that
18 that weekend, too. What I'm trying to do is set some minimum
19 expectations, the failure to adhere to which should cause
20 personal discomfort and embarrassment and a sense of letting
21 down colleagues who are members of this committee.

22 DR. GALLATI: Could we resume Jim's point and get
23 some handle on the November meeting?

24 MR. MARTIN: The election is on the 7th. I think
25 there's a Monday holiday which doesn't show on this -- no,

1 that's in October.

2 MR. SIEMILLER: The 7th and 23rd of November are
3 the only two marked on my calendar.

4 MR. MARTIN: I suppose the best time would be the
5 middle of the week. I'm sure Thanksgiving would not be
6 everybody's favorite week. In terms of people's predicted
7 availability, the best time would be the 9th and 10th of
8 November. We would only lose two people on the 9th and one
9 person on the 10th. We could aim for that. We're not
10 entirely able to determine this by ourselves because we are
11 talking about getting certain specific people or types of
12 people in and we're going to have to be constrained by their
13 availability. But we could shoot for a day and a half there,
14 if that's agreeable.

15 MR. IMPARA: Why don't we shoot for ~~two~~ and a half
16 days, the Thursday, Friday and Saturday, and have a day and a
17 half of hearings and one day of meeting?

18 MR. MARTIN: I'm not sure how much more -- if we
19 meet on the 27th and 28, I'm not sure how much further along
20 we will be on drafting the report then.

21 MISS SMYTHE: You might leave it as an option, that
22 on the 28th we'll have a better feel for that.

23 MR. MARTIN: Okay. Does November 9 and 10 sound
24 like something to shoot for? Based on this availability
25 schedule, it looks good.

1 MRS. GAYNOR: What about the end of the month?

2 MR. MARTIN: You mean the end and try to schedule
3 a third one? The week after Thanksgiving is good in terms of
4 losses. We only lose one person then and we only lose two
5 people the following week, the 8th and 9th, and we lose no
6 people December 15-16.

7 MR. IMPARA: In essence, what we're saying is that
8 we're going to break up our next meeting into two meetings.
9 One is a day and a half testimony session and the other is
10 for the report.

11 MR. MARTIN: Okay. The other one is a work session.
12 Now, as quickly as anyone can address this problem definition
13 in the right terms and get it in to us, the more likely that
14 we can reflect it in what we send out for this next meeting.

15 MISS SMYTHE: Could you maybe hit on some tentative
16 dates in December?

17 MR. MARTIN: Why don't you hold the first three
18 Fridays and Saturdays in December? Nobody is going to want to
19 do it the 22nd and 23rd, just before Christmas. If you can
20 hold those Fridays and Saturdays in December as best you can--

21 MR. WARE: Before Jane left, she asked me to ask
22 you to please notify the absentees at the earliest possible
23 moment of the next meeting dates.

24 MR. MARTIN: Yes, I will.

25 Is there anything else that anybody would like to

1 bring up or suggest? I'm grateful for the clarifying of what
2 we must now do and I think we can get right to it. Is there
3 anything further?

4 MR. GENTILE: As a result of that meeting Thursday
5 night where we went over some of those responsibilities and
6 we seemed to be making some progress, is it possible to put
7 some of those items into the restatement? I know it's kind of
8 a big assignment. Do you follow me? You remember we were
9 just kind of all sitting around the table around 9:30 on
10 Thursday going over those persons who have the right to have
11 access to the record, etc., and we added some in our dis-
12 cussion. An alternative to the staff doing it is perhaps some
13 volunteers on the committee doing it at home, each taking one
14 or two and seeing what we can come up with so we can have
15 something to work from.

16 MR. MARTIN: We certainly don't want to discourage
17 that.

18 MR. IMPARA: It might be a little difficult to do
19 because you'd almost have to have a transcript.

20 MR. GENTILE: If we could get that evening session
21 of the transcript there might be some people that might want
22 to take a crack at it.

23 MISS SMYTHE: That's a good idea.

24 MR. ANGLERO: Even though I indicated that I have
25 appointments on that day, I would like to be here if I can

1 manage and get notification.

2 MR. MARTIN: Yes. We notify everybody. Everybody
3 gets everything whether they're planning to come or not,
4 information and materials. We don't assume you will stick to
5 this. It may turn out that you may be able to come.

6 Okay. It's on the button of 1:00, so we have to
7 adjourn, but we can keep talking if anyone wants to stick
8 around.

9 (Whereupon, at 1:00 p.m., the meeting was
10 adjourned.)