

From: Susan Burgess  
Sent: Tuesday, November 06, 2007 9:58 AM  
To: Clay T. Whitehead  
Subject: RE: OTP & privacy.  
Attachments: Note from Doug to Henry Goldberg attaching Memo to Sen. Muskie re OTP's membership in Domestic Council Committee on the Right of Privacy.pdf

Attached is the 4th document - for some reason, I couldn't attach it to my previous email.

-----Original Message-----

From: Clay T. Whitehead  
Sent: Mon 11/5/2007 2:20 PM  
To: Susan Burgess  
Subject: FW: OTP & privacy.

On second thought, since this is a draft of a PhD diss, the author may go final soon. So a quick survey of our docs would be in order. I would hate to have something like this out there without reflecting OTP's seminal role. If you can find anything, maybe you or I should contact the author.

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From: Clay T. Whitehead  
Sent: Monday, November 05, 2007 1:52 PM  
To: jeger@mail.sdsu.edu  
Cc: Susan Burgess  
Subject: OTP & privacy.

John,

I have only skimmed this, but thought you would find it interesting. Dale Hatfield sent the link to me. It is apparently a draft of the author's PhD dissertation. Maybe you know this guy.

Regards,

Tom

<http://web.si.umich.edu/tprc/papers/2007/672/Listening%20in%20on%20DC.pdf>

Susan, do we have any memos in the OTP files on the privacy initiative?

From: Susan Burgess  
Sent: Tuesday, November 06, 2007 9:58 AM  
To: Clay T. Whitehead  
Subject: RE: OTP & privacy.  
Attachments: 1970.02.23\_-\_Broadcasting\_-\_Computer\_Privacy\_Issue\_Raised\_on\_Nixon\_Plan.pdf; 1974.02.14 - Privacy Meeting - Proposed Agenda.pdf; 1974.08.13 - Letter to The President from Philip W. Buchen - Privacy Related Legislative Matters - Meeting Today with the Attorney General.pdf

Tom,

I checked both your and Henry's files, and we only have four documents related to the privacy initiative. They certainly demonstrate that by 1974 OTP was involved in considering privacy issues, but because there are so few files, they don't provide a complete picture of OTP's role on privacy initiatives in relation to other executive agencies and committees. Below, I identify the documents. I also attach them for your review.

These documents may interest Laprise, whose thesis explains the circumstances that led Pres. Ford's administration to articulate federal policy on electronic privacy for the first time. Laprise largely credits Ford's development of electronic privacy policies to his role while Vice President as head of the Domestic Council Committee on the Right to Privacy. The four documents in your files don't undermine Laprise's thesis, but support what Laprise already acknowledges on page 6, which is that OTP was one of the most active departments on the Domestic Council Committee.

I'd be happy to forward any or all of these documents to Mr. Laprise, though he may have already come across these documents from his other research sources. For instance, he may have already seen the Aug. 13, 1974 Buchen memo to Ford since his bibliography indicates that he has reviewed Phil Buchen's files among others. Please let me know how to proceed - I'll wait to hear

from you before contacting the author.

(1) a proposed agenda for a privacy meeting involving OTP staff  
(2/2/74)

(2) a note from Doug \_\_\_\_ to Hank attaching a memo Doug \_\_\_\_ provided  
Senator  
Muskie's office re OTP's involvement on the Domestic Council Committee  
on the  
Right to Privacy (undated)

(3) a memo from Phil Buchen to President Ford re three privacy related  
legislative issues to be discussed with the attorney general (8/13/74)

(4) a Broadcasting article explaining that N.J. Rep. Cornelius  
Gallagher filed  
a disapproval resolution re: Nixon's plan to reorganize telecom,  
saying that  
he wanted reassurance that the new office would deal with the issue of  
privacy. "[U]nless [the new telecom office] includes the issue of  
privacy, it  
will probably be outmoded before it is established." (2/23/70)

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Tom

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Susan, do we have any memos in the OTP files on the privacy initiative?

**From:** Susan Burgess  
**Sent:** Wednesday, November 14, 2007 11:55 AM  
**To:** Clay T. Whitehead  
**Subject:** RE: Fwd: RE: OTP & privacy.  
**Attachments:** 1972.08.11\_-\_Charles\_Joyce\_Memo\_to\_CTW\_re\_APCO\_conference\_attaching\_Bill\_McMahon\_memo\_re\_OTP\_Role\_in\_Law\_Enforcement\_Telecommunications.pdf; CTW Statement on Federal Information Systems before the Subcommittee on Foreign Operations and Government Information - July 31, 1973.pdf

Tom,

David Burnham's The Computer State mentions a few new names and terms surrounding OTP's involvement in the privacy initiative that I wasn't aware of before – Bill McMahon and the National Law Enforcement Telecommunications System. I searched your and Henry's files for these terms in case I could find more relevant records, but I only found one document and it also is not a smoking gun in helping to show OTP's role on the privacy issue. (For your reference, I'm attaching it.)

BUT, this inspired me to search our files more broadly than before, and I found a 1973 speech that you made about Federal Information Systems before the House Subcommittee on Foreign Operations and Government Information. In your speech, you discuss AT LENGTH privacy and OTP's views on safeguards to protect against misuses of Federal information systems. I think this is exactly the type of memo that would be useful to the dissertation author. I've attached this speech for your review and will continue looking for other related documents.

Susan

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**From:** Clay T. Whitehead  
**Sent:** Thursday, November 08, 2007 6:46 AM  
**To:** Susan Burgess  
**Subject:** FW: Fwd: RE: OTP & privacy.

I have ordered.

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**From:** john eger [mailto:jejer@mail.sdsu.edu]  
**Sent:** Wednesday, November 07, 2007 8:19 PM  
**To:** Clay T. Whitehead  
**Subject:** Re: Fwd: RE: OTP & privacy.

I did not keep much Tom but David Burnham who then was NYTimes Bureau chief did a book called The Computer State that really lays it all out. john

John,

You are right about Brian & Vicky. Too bad Brian is so modest.

Do you have any of our old OTP files on the work we did to set up the privacy initiative?

Any chance you will get to DC some time?

Tom

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**From:** John Eger [mailto:jejer@mail.sdsu.edu]  
**Sent:** Wednesday, November 07, 2007 2:54 PM  
**To:** Clay T. Whitehead  
**Subject:** Re: OTP & privacy.

Hi Tom.thx for sharing....interesting how someone who wasn't there sees history.

Brian and Vicky sure made us proud.....i told him he even made George look good.

Hope all is well

kind regards,

john

John,

I have only skimmed this, but thought you would find it interesting. Dale Hatfield sent the link to me. It is apparently a draft of the author's PhD dissertation. Maybe you know this guy.

Regards,

Tom

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Susan, do we have any memos in the OTP files on the privacy initiative?

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