



STANFORD UNIVERSITY MEDICAL CENTER

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STANFORD UNIVERSITY SCHOOL OF MEDICINE
Department of Genetics

April 8, 1977

Honorable Edward M. Kennedy
United States Senate
Washington, D.C. 20510

Dear Senator Kennedy,

I understand that the current version of the bill to regulate the safe conduct of research on 'recombinant DNA' has been amended in some respects from the InterAgency recommendations. In particular, I am told that the provision for federal preemption over local law in this arena has been removed or drastically curtailed.

From a practical standpoint, the renewal of the debate in every locality means that the question of reasonable standards of safety remains indeterminate, and that investigators will have no way of knowing what they must do to continue their research in compliance with the law. We have also seen many circumstances in which issues having nothing to do with the legitimate public concern for its safety from infection with novel agents have been injected into these discussions. These matters deserve careful scrutiny and debate, but as with other matters of public controversy, there must be some time at which they are resolved and we can all proceed with our proper business.

On the other hand, the police powers of states and communities are jealously valued prerogatives that, I agree, should not be overridden by the federal authority without compelling cause. This is a general problem of state-federal relationships. The present situation embraces some of the same considerations as the unique federal interest in protecting national security, on the one hand, and the local interest in the amenities of its own environment on the other.

May I suggest a compromise that I hope you can accept as best meeting both of these kinds of concern. The federal law should be preemptive with respect to hazards that might be argued to fall upon the nation at large; local law could still bear on circumstances that are justified as placing a special burden on the citizens of that jurisdiction.

Yours respectfully,

Joshua Lederberg
Professor of Genetics

cc: Dr. L. Horowitz/ Stanford

Kennedy