NYT 1-3-75

The Nixon Medical

To the Editor:

My respect for Prof. William Curran of Harvard, and his expertise in legal medicine, does not require that I leave unchallenged his recent letter detailing criticism of the medical panel chosen by Judge Sirica and particularly its *modus operandi*.

The potential witness who seeks exemption for medical reasons does not, by virtue of that act automatically strip himself of rights to privacy guaranteed constitutionally. Experts chosen to evaluate must necessarily be privy to unrestricted medical data. There is fallacy, however, in a concept which projects this essential disclosure willy nilly into the public domain.

A medical history, to cite one of many possible examples, might include records of venereal disease early in life. This fact, however, may be totally irrelevant to the pathologic process under present evaluation. No useful purpose can be served, and no juridical process expedited, by exposure of such colorful "discovery" to public view.

With receipt of expert opinion there are options available to the court and contending parties. Upon motion the issues may be argued at bar and thus enter the public arena. Those personal and medical data which are relevant are appropriately examined. All else, assuming strict interpretation by the bench of the equities, will be excluded.

I, too, am concerned with the evolution of viable constructs by which complex problems at the medical-legal interface can be effectively resolved for social usefulness. Success in such endeavor cannot be achieved, in my view, if the demands of one discipline require abnegation of the basic principles of another.

SANFORD M. LEWIS, M.D.
East Orange, N. J., Dec. 15, 1974

The writer is clinical assistant professor of medicine at the N. J. College of Medicine.