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**Collection:** Hauser, Richard A.: Files  
**Folder Title:** Draft Registration/Use of Social  
Security and IRS Data  
**Box:** OA 09976

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*Last Updated: 12/12/2023*

THE WHITE HOUSE  
WASHINGTON


3 June 1982

MEMORANDUM FOR THE HONORABLE RICHARD S. SCHWEIKER  
SECRETARY OF HEALTH AND HUMAN SERVICES

This memorandum will confirm our earlier telephone conversation in which I communicated to you the President's request, made pursuant to Section 12 of the Military Selective Service Act (50 U.S.C. App. 462, as amended by Section 916 of Pub. L. 97-86) ("the Act"), that you furnish to the Director of the Selective Service System, from records available to you as Secretary, the name, date of birth, social security account number, and address of individuals who are members of any group of individuals required to present themselves for and submit to registration under Section 3 of the Act.

Thank you for your assistance.

FOR THE PRESIDENT:



EDWIN MEESE III  
Counsellor to the President

File — Draft Registration/  
Use of Soc. Sec and DRS  
info data

JUN 3 \_ 1982

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

3 June 1982

FOR: DICK HAUSER

FROM: KENNETH CRIBB, JR. *Ken*

- 1) This is the famous letter, which just came in.
- 2) Meese did pass on the President's requirements to Schweiker two months ago.
- 3) Svahn is being so advised and will go ahead and release the data tomorrow as planned.
- 4) Please prepare two letters -- one for RR to Schweiker; and one from RR to Regan. EM will sign both "for the President."

Attachment

3 JUN 1982

AMERICAN CIVIL LIBERTIES UNION

WASHINGTON OFFICE

June 2, 1982

Hon. Richard S. Schweiker, Secretary  
Health and Human Services  
200 Independence Ave. S.W. Room 615F  
Washington, D.C. 20201

Dear Mr. Secretary:

According to a notice filed in 47 Federal Register 19468, Wednesday May 5, 1982, the Social Security Administration is prepared to furnish the Director of the Selective Service System with the name, social security account number, date of birth and address of individuals required to register for the draft when and if the President so authorizes. The authority for the exchange of this information is cited as Section 12 of the Military Selective Service Act (50 U.S.C. App. 462, as amended by Section 916 of Pub. L. 97-86). That statute provides, in part,

"the President may require the Secretary of Health and Human Services to furnish to the Director, from records available to the Secretary, the following information with respect to individuals who are members of any group of individuals required by a proclamation of the President under Section 3 to present themselves for and submit to registration under such section: name, date of birth, social security account number, and address." 50 U.S.C. App. 462(e)(I).

It is our understanding that this exchange of information will occur on Friday June 4, 1982. As correctly stated by the Social Security Administration in the Federal Register notice, under the express language of the statute the information disclosure may occur only at the request of the President. The attached letter from the Selective Service System indicates that no such formal request has been made by the President as required by the statute. The assertion by the Director of the Selective Service System that he was authorized "personally" to proceed is not sufficient to

600 Pennsylvania Ave. SE  
Suite 301  
Washington, DC 20003  
(202) 544 1681

John Shattuck  
DIRECTOR

Jerry J. Berman  
David E. Landau  
Wade J. Henderson  
LEGISLATIVE COUNSEL

Laura Murphy  
LEGISLATIVE  
REPRESENTATIVE

Hilda Thomson  
ADMINISTRATIVE DIRECTOR

National Headquarters  
132 West 43 Street  
New York, NY 10036  
(212) 944 9800

Norman Dorsen  
PRESIDENT

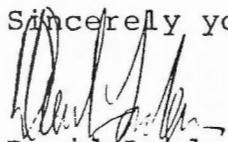
Ira Glasser  
EXECUTIVE DIRECTOR

meet the requirements of Pub. L. 97-86, which states that the President must request the Secretary of Health and Human services to furnish the information.

We would like to know whether you are in possession of a formal written request by the President for this information exchange. Should this document not exist, it is our judgment that the information exchange scheduled to occur on June 4 will violate the Privacy Act of 1974 (5 U.S.C. 552a), which prohibits government agencies from disclosing records to other government agencies without the consent of the subjects of those records and provides for substantial civil penalties for improper disclosure of information. (5 U.S.C. 552a (3)(g)).

Thank you in advance for your immediate attention to this matter.

Sincerely yours,



David Landau  
Counsel

cc: John A. Svahn, Commissioner, Social Security Administration  
Thomas K. Turnage, Director, Selective Service System





# Selective Service System

National Headquarters / Washington, D.C. 20435

May 18, 1982

Mr. Thomas P. Alder  
Dupont Circle Building, Suite 610  
1346 Connecticut Avenue, N. W.  
Washington, D.C. 20036

Dear Mr. Alder:

We have received your FOIA request dated May 12, 1982 requesting "copies of all documents granting, describing, or recording this express authority" (i.e., to implement the registration enforcement program).

There is no document in which express authority was given to implement the registration enforcement program. Authority was given to the Director, personally.

In the circumstances, the request cannot be fulfilled.

Sincerely,

A handwritten signature in cursive script that reads "Clarence E. Boston".

Clarence E. Boston  
Records Division

# elective Service System

ational Headquarters / Washington, D.C. 20435

icial Business Penalty for Private Use, \$300

Postage and Fees Paid  
Selective Service System

JUN 132

D.C.



Mr. Thomas P. Alder  
Dupont Circle Building, Suite 610  
1346 Connecticut Avenue, N.W.  
Washington, D.C. 20036

# Military Law Reporter

Dupont Circle Building, Suite 610  
1346 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 296-7590

A Project of the Public Law Education Institute

May 12, 1982

Mr. Clarence E. Boston  
Records Manager  
Selective Service System  
Washington, DC 20435

## Freedom of Information Act Request

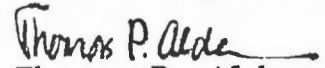
Dear Mr. Boston:

I want to thank you for your prompt reply to my request of April 30, and to restate one item of that request.

In the first paragraph of the Director's March 31, 1982, "Memorandum for the Commissioner, SSA," and again in the April 1, 1982, "Memorandum for the Commissioner, IRS," the Director states that "[o]n March 26, 1982, this agency was given express authority to proceed with the implementation of a registration enforcement program...." By this letter, I am writing to request, pursuant to 5 U.S.C. §552, copies of all documents granting, describing, or recording this express authority.

As MLR is a public-service not-for-profit undertaking of a §501(c)(3) public foundation, I would like to further request that search and copying fees be waived as provided in 5 U.S.C. §552(a)(4). In view of the time value now associated with this follow-up request, I would also ask to receive a reply within 10 days.

Sincerely yours,

  
Thomas P. Alder,  
President  
PLEI

TPA:wjs



R  
6/3/82

## Walshin

initial conclusion - not lawful to provide  
names, but

IRS could mail notice to individuals  
of requirement to register

can not inform Sel. Service <sup>notice</sup> whom, not.

sp. IRS has notified  
if they haven't reg.

the Sel. Service will so notify IRS

then IRS will furnish addresses - can  
and have done so in past.  
\$1000 judgment for each person

limited  
# of names  
400-500

DoJ - (Crim Div.)  
Selective Service GC  
IRS

Will lose but won't be worse.

to Amend § 6103

request for legal auth. weakens  
basis for releasing info.

Not a good idea. If used, will lose...  
bad for IRS; deter witness willingness to volunteer  
info. to IRS; DoJ for law enforcement interest. [names  
and  
addresses]

-2-

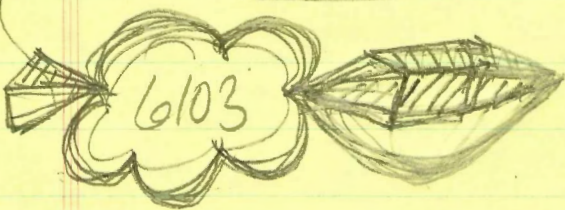
Drift laws. - are they sufficiently important -  
yes.

if not generalized disrespect for law.

=

Amend auth. IRS was dropped from  
bill that allowed furnishing of data.

not free from doubt  
arguable enough.



John Kelcher.