



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

RUSSELL B. HIGLEY
ACTING CITY SOLICITOR

EDWARD A. CUNNINGHAM
ANDREW T. TRODDEN
CHARLOTTE C. BURRAGE
LEGAL COUNSEL

CHARLES A. WATSON
LEGISLATIVE AGENT

January 13, 1977

Mr. James L. Sullivan
City Manager
City Hall
Cambridge, Massachusetts

Dear Mr. Sullivan:

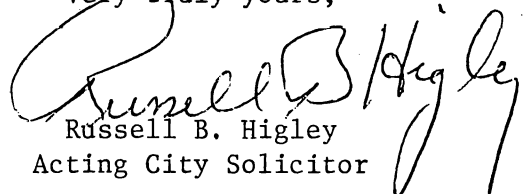
You have asked for my opinion relative to the advantages and disadvantages of regulating recombinant DNA experimentation through either a Health Regulation or a City Ordinance.

It is my opinion that the City Council should pass an ordinance for the use of recombinant DNA molecule technology in the City of Cambridge. If the Council attempted to regulate recombinant DNA molecule technology by a Health Regulation and said regulation was challenged in a Court of Law, the burden would be placed on the City to prove that a health hazard existed. As you are aware, the leading experts in the field disagree as to whether or not this type of experimentation should proceed. This conflict of opinion would make it extremely difficult for the City of Cambridge to prove that an actual health hazard exists.

I, therefore, recommend that the City Council regulate the said experimentation by use of an ordinance. Although such an ordinance would be subject to challenge on constitutional grounds, it is my opinion that said ordinance would present fewer problems with respect to proving its validity than would a Health Department regulation of similar import.

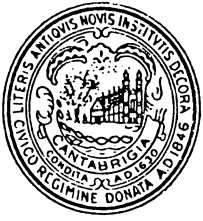
If I may be of further assistance in this matter, please let me know.

Very truly yours,


Russell B. Higley
Acting City Solicitor

RBH:jl

cc: City Council Members



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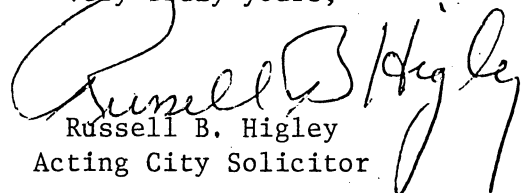
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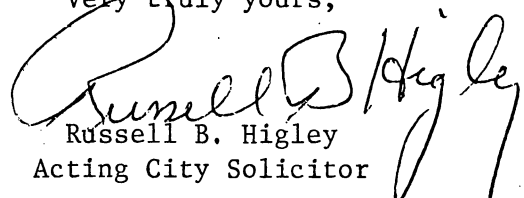
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cc: City Council Members



City of Cambridge

4.

IN CITY COUNCIL

January 17, 1977

COUNCILLOR ACKERMANN
COUNCILLOR CLEM

ORDERED: That the City Manager be requested to instruct the City Solicitor to prepare a memorandum for the Council which lists the comparative advantages and disadvantages of regulating recombinant DNA experiments through either a Health regulation or a City Ordinance, and be it further

ORDERED: That this memorandum be presented to the City Council one week from this date.

In City Council January 17, 1977
Adopted by the affirmative vote of 8 members.
Attest: Paul E. Healy, City Clerk

A true copy,

ATTEST:



City of Cambridge

4.

IN CITY COUNCIL

January 17, 1977

COUNCILLOR ACKERMANN
COUNCILLOR CLEM

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City Council January 17, 1977

Adopted by the affirmative vote

of 8 members

Paul E. Walsh
City Clerk

Order # 4 F-26

C. Ackermann re: Memorandum listing the advantages and disadvantages of regulating the recombinant DNA experiments.

In City Council,
January 17, 1977

1/17/77

Order

Adopted by
unanimous

Mayor of City of

Report to

The Ord. Comm.