

Kelley Urges Law to Tighten Controls Over Criminal Data

By Susanna McBee

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FBI Director Clarence M. Kelley said yesterday he would "welcome" legislation to place tight controls on criminal information systems in order to protect individual privacy.

In an interview Kelley, who has been the bureau's leader since July, said federal and state legislation to restrict the use of such systems would be "most acceptable."

He added, "I do not believe that we should have a carelessly administered system whereby there are possible leaks and possible inroads into what we have established as a secure system."

The issue has become important in police and civil liberty circles as more and more police departments are computerizing information about arrests, prosecutions, and sentences for crimes.

The FBI operates, the National Crime Information Center (NCIC) here, which contains computerized information on persons wanted for crimes, stolen vehicles, and criminal history files on individuals.

Civil libertarians contend that the criminal history segment, which now accounts for only about 8 per cent of all NCIC data, has inherent dangers because dispositions of cases are not always included and because unauthorized persons can gain access to the files. So far only six states have joined the national criminal history system.

Kelley conceded that there "could be a situation where the disposition of not guilty is not shown" on a person's criminal history file, and he insisted that the FBI is trying to correct the problem.

He said the FBI wants to build a system "so that dispositions come through immediately." He also agreed with a recent study of the National Advisory Commission on Criminal Standards and Goals, which says credit rating services and the media should not have access to criminal history data.

An FBI spokesman said



By James K. W. Atherton—The Washington Post

FBI Director Clarence M. Kelley ponders an answer during interview in his office.

later, however, that Kelley favors the practice of bank officials checking FBI fingerprint files on prospective employees and that of state licensing agencies checking arrest records through local police departments. But the spokesman said Kelley does not approve of such information going to other private firms.

A 1971 decision in U.S. District Court here said the FBI had no statutory authority to hand out fingerprint files and arrest records to private employers, but since then Congress has passed riders to Justice Department appropriation bills giving the bureau some authority to continue the practice.

Kelley also discussed a Justice Department study of basic issues concerning the FBI—whether its intelligence gathering functions should be separated from its ordinary criminal investigations, how long the director should serve, whether additional guidelines for wiretapping should be es-

tablished, and whether its investigative techniques should be revised.

The study was initiated by former Attorney General Elliot L. Richardson and former Deputy Attorney General William D. Ruckelshaus.

Kelley said the bureau has provided answers to about half the questions raised in the study, which has been slowed but not stopped by the departures of Richardson and Ruckelshaus.

The FBI director said he does not feel the bureau's intelligence gathering functions should be separated from its regular law enforcement work because, he said, "informants in a criminal field can and do turn up information valuable in a security investigation."

He said legislation dealing with intelligence gathering or surveillance would create "difficult" problems, but he disclosed that the bureau is considering changes in its investigative techniques.

Kelley said a task force is studying investigative operations in the bureau's New York office and hopes to apply its findings to other field offices.

He said he is not thinking of changing the FBI's use of informants, but he stressed that they should not become "provocateurs" or "violators of civil rights." As for charges that the FBI has engaged in burglaries in past surveillance activities, Kelley said, "I can assure you it's not going on now."