

Ervin Panel to Begin Drafting

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WASHINGTON, March 21—The rambling testimony about spies and computerized dossiers and the right to privacy is over. Now begins the task of drafting legislation seeking to govern what a college president calls "the information revolution."

Beyond that lies a potential controversy over the enactment of proposals intended to maintain—in the words of the college president, Jerome T. Wiesner of the Massachusetts Institute of Technology—"that subtle balance achieved in the Constitution between the people and the state which avoids anarchy on the one hand and tyranny on the other."

The staff of the Senate Subcommittee on Constitutional Rights will start this week to sift through the volumes of testimony taken in the last four weeks of hearings on the Government's geometrically increasing collection of information, the information's computerized storage and the exchange of data about American citizens.

Lawrence M. Baskir, who has been the subcommittee's counsel since 1965, and his colleagues will be culling ideas that can be translated into legislative language that they hope will be politically realistic.

Threefold Threat Perceived

The threat they see is threefold. Inaccurate information about individuals, they say, can lead to inequities such as the denial of a job or the refusal of a bank loan; derogatory information in unscrupulous hands can mean blackmail; and the thought that a citizen is being watched can have a "chilling effect" that makes him reluctant to take part in political activity, especially if it is dissent.

Once the drafting has been

done, the proposals will go to Senator Sam J. Ervin Jr., the Democrat from North Carolina who is the subcommittee chairman. He is expected to introduce them in the Senate, probably next fall.

Then the fight will start. Senator Ervin is committed to a legislative remedy for what he considers a serious challenge to fundamental constitutional rights. In the hearings it became evident that he can count on support from Senators Birch Bayh of Indiana, Edward M. Kennedy of Massachusetts and John V. Tunney of California, 11 Democrats, and Charles McC. Mathias of Maryland, a Republican.

But the opposition will be vocal and probably strong. Senator Roman L. Hruska of Nebraska, the senior Republican on the subcommittee, repeatedly asserted during the hearings that he thought the laws on the books were sufficient. Senator Strom Thurmond, Republican of South Carolina, consistently expressed the fear that new laws would hamper law enforcement agencies.

Administration Divided

Moreover, the Nixon Administration is divided on the issue. Elliot L. Richardson, the Secretary of Health, Education and Welfare, whose department has perhaps more information on individuals than any other has, testified in favor of legislated restraints.

But William H. Rehnquist, an Assistant Attorney General speaking for Attorney General John N. Mitchell, said the Department of Justice would vigorously oppose any legislation that would impair the efficiency of Federal investigative agencies.

An initial assessment of the testimony of scholars, law enforcement officers, executives of computer manufacturing companies and legislators from the United States, Britain and

West Germany shows three broad categories of legislative proposals.

One is to give the citizen the right to know what the Government knows about him. A second envisions controls over collection of the information. The third would establish a regulatory agency to enforce laws relating to the first two.

Representative Edward I. Koch, Democrat of Manhattan, has introduced a bill that would require each Government agency having a file on a citizen to tell him so. It would give the person the right to see the file, to make factual corrections and to rebut derogatory allegations.

Mr. Koch's bill, which has 45 co-sponsors, would also require the Government to tell the individual just who has access to his file and to obtain permission from the individual before transmitting any information about him to another agency.

A similar bill has been introduced in the Senate by Mr. Bayh. Besides allowing the individual to have some control over data about himself, the measure is intended to make Government officials more zealous in ascertaining the accuracy of information and in guarding its confidentiality.

Both bills, however, would allow the Government to except cases of national security. That, according to critics of surveillance, has been a tent under which information with only the most remote connection with national security has been hidden.

The bills would also exempt investigations plainly preparatory to prosecution in court, an exception that most lawyers would agree is in accord with due process.

The second set of legislative

Curbs on Surveillance

proposals would establish restrictions over what information would be collected, by which agencies and in what manner.

They would require standards for accuracy and for pertinence to the Government's need to know. They would insist that information be complete — an arrest record, for instance, would have to show the disposition of the case.

Many of the proposals include the "forgiveness principle," which would require the expunging of the information after it has served its immediate purpose or is no longer relevant or has become outdated.

Lastly, there were several recommendations that a new regulatory agency responsible to Congress be set up to inspect

the information systems of the executive branch. A suggested model was the General Accounting Office, the Congressional watchdog that audits the executive branch's management and expenditure of funds appropriated by the Congress.

Unlike the G.A.O., the information inspectors would have authority to seek a court injunction against an executive agency considered to be violating the information statutes.

There were also proposals for a public tribunal composed of lawyers, computer specialists, law enforcement officers, scholars and private citizens. It would enforce the laws governing information systems in both government agencies and private commercial operations such as credit bureaus.
