

Part
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Raw Files and Raw Deals

VIRTUALLY ALL of the recent reviews of government investigative practices have concluded that raw intelligence reports on individuals should be very carefully controlled. The need for tight restrictions has been underscored by the controversy over the widely-circulated FBI memo which alleged that a militant American Indian group called the "Dog Soldiers" was planning violence in South Dakota over the July Fourth weekend and that Charles Abourezk, the son of Sen. James Abourezk (D-S.D.), was storing weapons for the group in his South Dakota home.

The first question about such serious allegations is how accurate they are. The information came from an FBI informer identified only as a source "with whom insufficient contact has been made to determine reliability but who is in a position to furnish reliable information." In less artful terms, this was the rawest kind of intelligence—unverified information from a single source, whose reliability the FBI is not vouching for. Sen. Abourezk maintains that the memo is full of inaccuracies, even misplacing his son's home by 70 miles, and that it may be part of an effort to smear him because of his criticism of FBI and Bureau of Indian Affairs policies. Besides denying all the allegations, Charles Abourezk has charged that the memo was "fabricated" as part of a government campaign to harass dissidents and increase tensions in the highly volatile Indian communities. The FBI has denied that any Cointel-type provocative effort is under way. According to an FBI spokesman, the bureau has been investigating the "Dog Soldiers" allegations and other reports of possible violence in South Dakota, but has still reached no conclusions.

The next question is why an unverified report of this kind was circulated by the FBI. The bureau regularly sends other law-enforcement agencies all intelligence that might be helpful. Accordingly, the May 28 memo was routinely distributed to three Justice Department offices, the U.S. Marshal's Service, the Secret Service and the Interior Department. In Interior, the memo went to the chief of law enforcement in BIA. From there, the "normal channels" ran in two

directions: up through the BIA hierarchy, and out across the country to about 66 field offices. With so many copies of such politically charged material floating around, it is not surprising that a copy of a copy, bearing the initials of BIA's director of Indian Services, turned up in mid-June at the Colville Indian Agency in Nespelem, Washington—from where it was sent to Sen. Abourezk.

The irregular transmittal to Colville is being investigated by the Justice Department as a possible violation of the Privacy Act. The leak, however, only emphasizes the larger problem, which is whether the normal distribution of such raw intelligence should be sharply curtailed. Last winter the General Accounting Office warned that the FBI should be "especially cautious" in disseminating preliminary reports because the information could turn out to be inaccurate, and because once the material leaves the FBI, the bureau loses control over its use. The "Dog Soldiers" memo bears this out. By now, the allegations may have found their way into dozens of files, law-enforcement networks and unofficial rumor mills, with absolutely no assurance that any eventual FBI clarification or disavowal will catch up with the original report.

Law-enforcement officials tend to argue that such wide traffic in intelligence is cautious in the sense that it alerts agencies to prospective crimes. Aside from the civil liberties issues involved, the trouble is that this approach is open-ended, and encourages agencies to inundate each other with floods of unevaluated and often inaccurate reports—with the result that the most serious and reliable warnings may not be recognized at all. Paper-shuffling, in other words, can become a substitute for the exercise of judgment that is essential to effective law-enforcement. It seems to us, therefore, that it is in the interest of police agencies, as well as of citizens, that an effort be made to separate the sound intelligence from the derogatory junk—and to keep allegations under much tighter control until it is clear which is which.