

White House Privacy Office Chief Scores FBI Plan on Information

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The acting director of the White House Committee on the Right of Privacy yesterday criticized a Justice Department decision tentatively permitting the FBI to take control of the exchange of some messages between local police departments.

In a letter dated Oct. 22, Douglas W. Metz urged the Justice Department to adopt a "privacy safeguards plan" before giving final approval to the FBI's plan to absorb some information-exchange functions now performed by a state-run cooperative system called the National Law Enforcement Telecommunications System (NLETS).

The committee on privacy was chaired by President Ford while he was Vice President.

Metz became the second White House official to criticize the FBI plan. Yesterday, it was reported that John Eger, acting director of the White House Office of Telecommunications Policy, was also opposed to the plan.

In an Oct. 11 letter to Attorney General William B. Saxbe, Eger warned that Deputy Attorney General Laurence Silberman's Oct. 1 decision to permit the FBI to conduct "limited message switching" for NLETS would result in "an undesirable shift in the delicate balance between federal and non-federal law enforcement" and create "a federal supervisory presence" over routine exchange of messages among police departments.

The FBI first proposed in July, 1973, to handle NLETS messages involving criminal information through its own data bank network, the National Crime Information Center (NCIC). Unlike the state-run NLETS system, NCIC is computerized.

FBI Director Clarence M. Kelley had contended that NCIC operation of message-switching for the states would be more efficient, but that argument was strongly opposed

by the Law Enforcement Assistance Administration, which has given \$1.5 million to NLETS.

Expansion of NCIC was also opposed by Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the Senate Subcommittee on Constitutional Rights, and by ranking subcommittee Republican Roman Hruska (R-Neb.) In May, Saxbe promised Ervin and Hruska that Congress would be informed of any decision to expand NCIC.

In his letter to Saxbe, Eger said he was "surprised and dismayed" that Silberman approved the FBI takeover without consulting either Congress or the Office of Telecommunications Policy.

The Silberman memo to Kelley, saying "it is deemed appropriate for the FBI to engage in limited message-switching," also required the FBI to submit a plan returning to the states some criminal histories now held by the FBI.

A Justice Department spokesman said yesterday that since Silberman's approval was conditioned on the FBI's submitting a plan meeting certain conditions, it was not really a "final decision."

Kelley must submit the plan by Oct. 31. "The department will look it over and discuss it further," said the spokesman, John Wilson.

Under the proposed new system, routine administrative

communications would still be sent via the state-operated NLETS. But any requests for such information as stolen property, missing persons and criminal records would go through the FBI's data system.

That approach, Eger wrote, would "weaken the ability of other levels of government" and "raises concerns about the protection of individual rights."

Metz, of the privacy office, yesterday said, "I share OTP's concerns about the potential impact of this decision on individual rights—particularly the right of privacy."