

The FBI: What Role?

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Abuses Cited By Databanks

By Sanford J. Ungar
Washington Post Staff Writer

Getting stopped for running a red light in Kansas City can be a complicated business these days—especially if you ever participated in a campus demonstration have “a history of mental disturbance,” or at any time “confronted or opposed law-enforcement personnel in the performance of their duty.”

Information of that nature is retrievable within seconds from the Kansas City Police Department computer, and it could be a factor in a policeman's decision on whether to issue a traffic citation, search your car or take you to the station for questioning.

If he does, any of those things, the incident could come back to haunt the driver on later visits to Kansas City, or to other cities hooked into the Federal Bureau of Investigation's National Crime Information Center (NCIC).

Kansas City is a national leader in computerized police activity, and its Automated Law Enforcement Response Team (ALERT) is the pride and joy of police chief Clarence M. Kelley.

Now Kelley is President



CLARENCE M. KELLEY
... computer innovator

Nixon's latest nominee to be permanent director of the FBI, and the accomplishments of his computer—originally touted as one of his best qualifications—could become one of the few stumbling blocks in what is expected to be an otherwise smooth confirmation process.

The Senate Judiciary Committee opens hearings on the Kelley nomination Tuesday morning.

Although they will probably attract far less attention than the Senate Watergate hearings across the street the Kelley hearings may be

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Agency Hurt By Watergate

By Laurence Stern
Washington Post Staff Writer

Once upon a time the FBI had the highest public relations profile in Washington—its exploits celebrated on radio, television, film and the annual appearance on Capitol Hill of the late J. Edgar Hoover.

But the Watergate scandal has brought egg to its face and demoralization to its ranks. The bureau has been accused of leaking like a sieve, relaxing surveillance of domestic subversives and turning its back on the rest of the intelligence community.

Its former acting director L. Patrick Gray III, was a prime casualty of Watergate. He has been heavily discredited for his role in the investigation and the subsequent White House cover-up operation.

The reputation of Hoover who was in his lifetime beyond the reproach of Presidents, has been posthumously muddied by President Nixon and the revelations of the “Dean papers.”

The President's statement of May 22 strongly suggested that Hoover had become a cranky misanthrope

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the first installment in a new push for congressional oversight of the FBI.

And one of the top items on the oversight agenda is the bureau's ambitious and unregulated NCIC operation, which some observers believe has grown into a monster that threatens serious invasions of privacy.

Gov. Francis W. Sargent of Massachusetts served notice last Thursday that his state will refuse to plug its own criminal history files into the computerized federal system until "internal and external safeguards against potential abuse" have been guaranteed.

"To be frank," Sargent wrote U.S. Attorney General Elliot L. Richardson, "recent revelations concerning the Department of Justice, the FBI and top government employees do not inspire confidence. . . . There are serious doubts that internal controls and self-policing by line operating agencies or administrators can guarantee the integrity of something as sensitive and potentially abusive as an interfacing national-state criminal information computer system."

Unlike his ill-fated predecessor as FBI director-designate, L. Patrick Gray III, Kelley is a logical person to quiz about potential abuses, because he has been an innovator in the field.

Information available about his ALERT system indicates that it may be one of the least-policed police computers in the country.

To be sure, its accomplishments are considerable. According to a presentation by Melvin Bockelman, manager of the Kansas City Police Department's Data Systems Division, at a 1970 Law Enforcement Assistance Administration symposium in Dallas, it reduced from 30 minutes to less than 10 seconds the response time from headquarters to a policeman in a patrol car.

As a result, it has become easier to pick up stolen cars, to arrest people for whom there are outstanding warrants and otherwise to solve pending criminal cases.

Sample computer runs produced by Bockelman at the LEAA symposium demonstrated that, among other things, ALERT can trace aliases and nicknames, as well as identify violators of parole.

The computer also can warn a policeman answering a "disturbance call" in a particular neighborhood if anyone living in the vicinity is known to be armed and dangerous or has a history of resisting arrest.

But there are also indications that ALERT is packed with undigested, unconfirmed—and potentially incriminating—information in its "criminal histories."

Bockelman revealed for example, that at the time of his presentation ALERT's data bank included a list of 35 "activists" and 660 "militants," including "all nationally known militants associated with Black Panthers."

It is, of course, no crime to be an "activist" or a "militant," and there was no indication of how a policeman might generally use such information.

More troubling, perhaps, is the question of how people became categorized that way in the first place. Bockelman noted that the police department's intelligence division "is vested with complete responsibility in data collection of information pertaining to organized crime, militants and activist activity."

The report of a National Academy of Sciences "Project on Computer Databases," published as a book last December, traced the origin of typical entries in ALERT's "activist" file.

As the report explained it: "A police officer visited a professor at the University of Missouri at Kansas City to 'get the names of those people the professor thought were activists engaged in violence on the campus.' When asked what he meant by activist, the officer said 'those people who demonstrate.'"

After protests from local civil liberties groups, Kelley agreed to remove from the ALERT files the names of people "not actively considered a potential danger."

The chief acknowledged,

according to the report, that if a more extensive list were included, "some unfairness could result," such as "receiving a ticket from an officer when someone else might only have received a warning."

The Kansas City chapter of Vietnam Veterans Against the War filed federal court suit against the police department in July, 1971, complaining of a pattern in which patrolmen stopped VVAW members—for such actions as selling underground newspapers—

asked for their Social Security numbers, radioed to headquarters and then, after getting information from ALERT, frisked or otherwise harassed the "suspects."

A 1971 hearing of the Senate Constitutional Rights Subcommittee produced a new list of "categories of information" in the ALERT files.

Among them were: "local and national intelligence subjects," "active adult and juvenile arrest records" "persons with a history of mental disturbance," "persons known to have confronted or opposed law enforcement personnel in the performance of their duty," "College students known to have participated in disturbances, primarily on college campus areas," "persons known to assault police" and "persons known to be involved in shoplifting cases."

Some of the computer printouts produced by Bockelman at the LEAA conference showed that hypothetical inquiries produced such ALERT entries as "molestation subject" and "known narcotics user."

The problem, in any such instances, is that the computer does not always indicate by whom such potentially damaging information is reliably "known."

Some abuses of the Kansas City police computer have achieved a good deal of notoriety.

In November, 1970, for example, it was revealed that the police department in Lenexa, Kan., which was brought into ALERT in a metropolitan regional ex-

pansion—offered to use the system to help businessmen and landlords check on persons who had applied for jobs or apartments.

The idea was “to keep an eye on who is coming into town.” and in the process 32 individuals with past “criminal records” were discovered and presumably kept out of Lenaxa, a white middle-class suburb.

After a furor in the press, the Kansas City police ordered that the practice stop. But in this and other unauthorized uses of ALERT data, the offenders were merely reprimanded and continued to be hooked into the main computer.

As it grew, the ALERT system was eventually connected into a statewide computer, the Missouri Uniform Law Enforcement System (MULES) and into NCIC. Such connections expanded the ability of Kelley's department to obtain informa-

tion from elsewhere and to obtain wider dissemination of its own records.

In theory, the law-enforcement computers are efficient enough to update and correct themselves.

But in order for them to do so, someone must be assigned to tell the computer, for example, that someone previously arrested was eventually acquitted of criminal charges. Proceedings in a lawsuit in U.S. District Court here revealed two years ago that such charges are rarely made in the FBI's extensive fingerprint files.

Kelley, if confirmed, would take office at a time when NCIC already has in every state terminals that can provide information on stolen cars, fugitives and weapons within three minutes of a request.

Many states, like Massachusetts, are still weighing whether to make reciprocal arrangements with NCIC on their “criminal history” and fingerprint files.

They will want to know, just as some members of the Senate Judiciary Committee do, what controls and restrictions Kelley might have in mind. Unless he is convincing on the subject, there could be what many consider a long-overdue move by Congress to step in and do the job for him.

FBI, From A1

who cut himself and the bureau off from the rest of the federal intelligence establishment.

This picture of Hoover was reinforced by the recently-published top secret memoranda of former White House internal security adviser Tom Charles Huston. The Huston papers portrayed in unflattering terms the former director's successful obstruction to the controversial "1970 Intelligence Plan" disclosed by the President on May 22.

It was largely because of Hoover's alleged bureaucratic isolationism that the President said he had to set the 1970 plan in motion. And it was Hoover's opposition to the plan's opening up the FBI's zealously-guarded internal security turf to other intelligence agencies that caused President Nixon to shelve it after five days.

The bureau has remained silent in the face of its current adversities. It is bereft of the protection of Hoover, the Compleat Bureaucratic Infighter, and it is undergoing its third leadership transition in 13 months. The bureau is anxiously awaiting confirmation of its new director-designate, Clarence M. Kelley, the Kansas City police chief.

Acting FBI Director William D. Ruckelshaus, the bureau's departing temporary trustee, insists that when Kelley comes aboard the malaise in the bureau will evaporate.

"When Kelley is confirmed we may be in a position to do some talking," said one old bureau hand.

The old boy network of Hoover loyalists both in the bureau and among its alumni has been severely stung by the recent attacks and is thirsting for a chance at rebuttal.

"The charge that we cut off liaison with all other intelligence agencies is just not true," said one high-ranking FBI official. "We did cut out a lot of the messenger boy stuff—having agents stationed in other agencies and serving as high-priced couriers. But we have maintained constant liaison with everyone."

In 1970, when the troubles began in earnest for the bureau, the public relationship between Hoover and President Nixon seemed to be a model of cordiality. Only in recent weeks, with publication of the Huston documents, has it been revealed that a grim struggle was already under way with the Nixon administration over reorganizing and expanding the government's powers of domestic surveillance to the point of illegal entry.

The deeds and rhetoric of such groups as the Black Panthers, Weathermen, Students for a Democratic Society, and the post-Cambodia ferment on the campuses were raising a high state of alarm in the White House and Justice Department.

Hoover himself went to Capitol Hill with shrill denunciations of black activists and student demonstrators and their organizations. At one point he proclaimed the Panthers to be the leading internal security threat to the nation.

But the underlying truth was that it was a new ball game for the bureau, one for which the traditional informants and infiltration tactics did not seem to be working.

The response at high levels of the Justice Department and in the White House was to point an accusing finger at the FBI for failing to keep abreast of the agitated domestic scene.

It was in this climate that President Nixon set in motion the 1970 plan, which was allegedly abandoned in the face of Hoover's objections. Ensnaring steps were taken by the President—establishment of an inter-agency Intelligence Evaluation Committee and creation of the

President's own Special Investigation Unit (the Plumbers)—to operate on the internal security turf that was once Hoover's exclusive preserve.

"The White House was getting people with no experience. My God, that man Liddy was a wild man when he was in the bureau—a super-klutz," groused one of Hoover's most senior aides. "They were amateurs who were bound to get into trouble. And they did."

Relations worsened. Hoover cut off formal liaison with the Central Intelligence Agency in 1970 because of an incident in Denver in which an FBI agent passed information on to an agency operative. Hoover insisted on knowing the identity of the agent. The CIA refused.

The ragged relations between the bureau and the administration surfaced in Hoover's summary dismissal in October, 1971, of William C. Sullivan, the No. 3 man in the bureau and once Hoover's most valued deputy.

Sullivan had insisted, publicly and privately, on tougher surveillance of New Left and Black Panther activities, as well as of foreign nationals. He openly criticized Hoover for preoccupying himself with such nearly defunct groups as the Communist Party, USA, by then a virtual geriatric society, and the Ku Klux Klan.

Sullivan was a minority voice in the bureau. But he was paid serious heed in the Justice Department where he had the ear of then-Attorney General John N. Mitchell and Assistant Attorney General Robert C. Mardian, a principal adviser on national security affairs.

One measure of Sullivan's prior loyalty to the administration was his removal of records of controversial national security wire taps ordered by the White House, from the FBI to Mardian's office in Justice. The former Hoover aide let it be known that he feared the wiretap material would be used by Hoover to embarrass the White House.

And Hoover, in one of his most celebrated "sudden death" reprisals for disloyalty, ordered the locks changed overnight in Sullivan's office and his name removed from the door. Afterward, Sullivan was appointed to a high Justice Department post, chief of narcotics intelligence.

Even after Hoover died the bureau was not wholly passive in its defense. The nomination of Gray and his conduct of the Watergate investigation touched off a form of guerrilla warfare against the administration from within the ranks of the FBI.

One highly placed FBI executive acknowledged that FBI agents may have been instrumental in getting the initial Watergate revelations into public print. Reporters who covered the case acknowledge the role of the agents in opening up the initial peepholes in the cover-up facade some administration officials were trying to erect.

"It wasn't a matter of getting rancorous leaks dumped in your lap," said one Watergate reportorial specialist. "You'd have to go to them and say, what about this or what about that? They'd respond, 'Yes, that's right.' I can think of one guy in the bureau without whom we wouldn't have gotten anywhere."

Acting FBI Director Ruckelshaus acknowledged that "some of our agents were getting nervous about the pace of the Watergate investigation and probably talked to the press. It's against bureau regulations but not against the law."

Former White House domestic counselor John D. Ehrlichman charged in recent congressional testimony that the bureau was "hemorrhaging" with leaks under Gray. The White



—The Washington Post

Temporary successors to J. Edgar Hoover, L. Patrick Gray III, left, and William D.

Ruckelshaus, who feel confirmation of Clarence Kelley will help raise morale.

House, he said, "strongly suspected that Time magazine had a freely running leak at the top of Gray's staff."

In the days immediately

after the Watergate arrests in June, 1972, former White House counsel John W. Dean III was on the phone to Gray with repeated complaints about bureau leaks.

Dean has been pictured in Watergate testimony as a key presidential operative for insulating the White House from the scandal.

"When Gray first arrived

we all wanted him to succeed," said a recently retired senior official with more than a quarter of a century in the bureau. "Then we became aware of those speaking trips, the frequent absences from Washington. That's when he got the nickname, 'Two-Day Gray.' Whatever you say about Hoover, he never missed a day of school."

Now Gray is under investigation by the FBI to determine what role he played in the Watergate cover-up.

One of the major ironies of Watergate's impact on the FBI was the apparent inversion of Hoover's reputation as an obsessive anti-Communist warrior who kicked the door down and asked questions later.

Some of Hoover's long-standing liberal critics have acclaimed him for stopping the 1970 intelligence plan with its burglary, mail-opening, bugging and wiretapping provisions.

But as one of the chief lieutenants of the departed director emphasized in an interview, Hoover had not become a sudden convert to civil libertarianism.

"For Mr. Hoover, jurisdiction was paramount. He felt this plan was whittling away at the essence of the FBI and its responsibilities. He didn't object to clandestine entries. We opened mail but we never talked about it or wrote memos. We cracked safes when we felt it was a case of compelling national security. Hoover's law was that you didn't get caught and bring embarrassment on the bureau," said the veteran Hoover loyalist.

The FBI documents burglarized from a bureau office at Media, Pa., in March, 1971, showed that late into 1970 the FBI was wiretapping Black Panther activities and trying laboriously to infiltrate the ghettos with thousands of informants.

The intensity of FBI surveillance against black organizations with the slightest political overtones suggests that at least one part of the 1970 White House plan may have continued in effect through the year.

But is also a matter of widespread agreement, in and outside the bureau, that as Hoover brooded increas-

ingly on his place in history, he became more fastidious about legal procedure.

Bag jobs — burglaries — were out. So was mail snooping. Phones were tapped only on written authorization of the Attorney General. The same with electronic bugs, concealed microphones.

"I was very confident of Hoover in the wiretap area," says former Attorney General Ramsey Clark. "He knew we'd prosecute if we found anything wrong. Hoover was protecting the bureau."

But even Hoover's staunchest loyalists concede that the bureau was not keeping step with the violent political activism in the campuses and ghettos that swept to its peak in the 1968-1970 period.

"We still haven't solved the Capitol bombing or the Pentagon washroom bombing," admitted one retired senior bureau official loyal to Hoover. "We've still got fugitives from the Weathermen and SDS even though they've been on the 'Ten Most Wanted' list. We did a great job on the Communist Party and the Klan. This was different."