

Communication Aims Of FBI Hit by GAO

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The Federal Bureau of Investigation wants to take control of the day-to-day exchange of messages among police departments across the country, the General Accounting Office has reported.

Moreover, the bureau does not really know how state and local police are using the computerized criminal-history data that it now supplies them from its own message interchange system at the National Crime Information Center (NCIC) here, the GAO says.

These findings, which seem to raise the specter of the FBI's assuming a big-brother role in handling all kinds of police information, are contained in a report sent last Friday by Comptroller General Elmer B. Staats to Sen. Sam Ervin Jr. (D-NC). The FBI declined comment.

Sen. Ervin's Constitutional Rights Subcommittee of the Senate Judiciary Committee will begin a two-week series of hearings on the issue today. The subcommittee had sought a report from GAO, the congressional investigative arm, on Feb. 21.

Involved in the issue are two separate police communications systems.

One is called NLETS, National Law Enforcement Teletype System, which is run by the states. In 1966 NLETS was set up as a nonprofit corporation to handle administrative messages, such as checks of driver records, prisoner transfer and all-points bulletins between state and local police agencies.

For instance, in January, when the body of a young woman was found in north-west Washington, police discovered a nearby car with Vermont tags, queried Vermont state police over the NLETS system and within identification of the woman, Pan American World Airways ticket agent Barbara L. Meyersburg.

The other system is the FBI's NCIC, which began operating in 1967 as a telecommunications network linking the FBI and state and local police for the exchange of information on wanted persons and stolen property.

Since 1971 NCIC has also been receiving and disseminating computerized criminal his-



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 ... message control?

tories, which now make up 450,000 of the 4.8 million records the network holds. In 10 years the bureau expects NCIC to contain 8 million criminal histories among 21.7 million records.

A major difference between NLETS and NCIC is that the state-operated system does not maintain records of its communications in a data bank, and the FBI's system does.

Because of the proliferation of criminal information storage and the potential for its misuse, the Justice Department has passed legislation to regulate its use and some members of Congress, including Sen. Ervin, have introduced bills to that end.

Last July 11, FBI Director Clarence M. Kelley asked then-Attorney General Elliot L. Richardson for funds in the fiscal 1975 budget to upgrade NCIC's message-switching capability. In that memo, according to the GAO report, Kelley asked for Richardson's concurrence that the bureau has the legal authority to expand NCIC Jurisdiction to the state systems.

On Aug. 6 the department's Office of Legal Counsel said it was arguable whether such authority exists. On Jan. 15 of this year Kelley renewed his request to Attorney General William B. Saxbe and controlled that NCIC operation of the central message-switching unit for the states would save the taxpayers money.

On Feb. 1 the Law Enforcement Assistance Administration, a Division of the Justice Department which aids states and cites in improving their

criminal-justice systems, wrote Saxbe a memo strongly opposing the FBI proposal. The LEAA argued that states and localities are fully capable of handling their own message systems and that the FBI, as police agency, should not concern itself with other agencies that use NLETS, such as courts and correctional units.

The LEAA-FBI fight goes back to 1969, when the LEAA funded a state-run project with \$4 million to develop the prototype of what is now the computerized criminal-history part of NCIC. The LEAA wanted the central computer here to contain only summary data, not complete files, on state offenders, and it wanted to set up a policy board consisting of the FBI, the LEAA and the states.

The GAO report said that the Office of Management and Budget had agreed with the LEAA position in a September 1970 letter to then-Attorney General John N. Mitchell. But Mitchell never passed the OMB recommendations on to either to the FBI or the LEAA, and he decided that December to let the FBI take control of the computerized criminal histories, the GAO said.

"Data is not available to indicate how computerized criminal-history information has been used," Staats said in his covering letter to Ervin.

He also noted that with the upgrading of NCIC by the FBI and an LEAA plan to build a satellite telecommunications system for NLETS, the two systems "could result in duplication and unnecessary expenditure of federal funds."

According to a well-placed source, the issues raised by the legislation to regulate use of criminal information and the FBI's bid for preeminence over all criminal information are these:

- Who will regulate and control federal, state and local criminal information, intelligence and statistics?

- If NLETS is merged into NCIC, what kinds of information will be in it, what kinds of records will be kept and who will receive it?

- Should the FBI have a dominant role in operating and regulating for the states key portions of criminal-information systems, including data on the routine operations of police, courts and corrections agencies?