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'Concentration of Power' Feared

FBI Data-Exchange Plan Hit

By Stan Crock
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Sen. John V. Tunney (D-Calif.) said yesterday he is not convinced that an FBI plan to control exchanges of information between local law enforcement agencies is necessary.

Tunney and Rep. Don Edwards (D-Calif.) praised the FBI for trying to establish a dialogue with congressional critics of the plan, which would establish in Washington a massive computer index of criminals and set up computerized criminal files in every state.

But he emerged yesterday from a Justice Department briefing on the plan, Edwards said any changes made in the relationship between the federal government and state law enforcement agencies should be done by legislation rather than by order of Attorney General Edward H. Levi.

Tunney, who also attended the briefing, expressed concern over what he called "too much concentration of power in a federal agency in matters that belong to the state.

The FBI currently operates a system called the National Crime Information Center, which includes data on such things as stolen cars and securities and wanted persons.

Another component of the system is the Computerized Criminal History (CCH) files, which contain background information about criminals.

Five states and the District of Columbia now participate in the computerized information system, while information on criminls from other states is contained in millions of manual "rap" sheets at FBI headquarters here. The "rap" sheets, the FBI said, contain much more information than the computerized system and some of the information is extraneous, unevaluated data.

States now can ask for information on criminals from other states directly or from the FBI computer or manual system here.

Under the proposed system, all information on a criminal who has committed offenses in only one state—about 70 per cent of those ho are apprehended—would be kept within that state.

The FBI would maintain an index of all those who are recorded in the state files, along with more complete information about those who commit federal crimes and state crimes in more than one state.

Then when Florida police, for example, seek information about a Californian arrested in Florida, they would ask the FBI if it has an index card on the person. If it does, the FBI would direct Florida to seek the information from Caliornia through the FBI computer.

California could send the information back or refuse to send it if it would violate a state law to so. Files maintained by the FBI are now covered by federal law, even though they basically are state files.

The decentralization has not been the target of the plan's critics although Senate Subcommittee on Constitutional Rights Source said the FBI plan may mean the records would be exempt from the Privacy act of 1974. The act, which goes into effect in September, gives citizens access to their own federal files to make corrections in them.

The Senate subcommittee and the House Subcommittee on Civil and Constitutional Rights are considering legislation that would regulate the distribution of law enforcement information, presumably covering any gap in the privacy act for such information.

Critics say the FBI's proposed control over "message switching," in which information requests would go through the FBI computer, is an unneeded federal intrusion into a state area.

Tunney said he was concerned with the abuses that could flow from a single, powerful police force. A "subtle and complex" dependence on the FBI has been built up over the years, a Tunney aide said, calling it "unhealthy."

SEN. JOHN V. TUNNEY
. . . dubious about plan

"When you combine the FBI with the power of telecommunications . . . it's dynamite," the aide said. "We want to be very certain that power is doled out in small doses."

The Justice Department says FBI power would be diminished under the proposals because the states would control dissemination of the information. The new system also would be more efficient because more state systems would be computerized, a Justice Department spokesman said.

But the Justice Department's arguments have not convinced a number of other agencies, including the Domestic Council's Committee on the Right of Privacy and the White House Office of Telecommunications Policy.

George B. Trubow, general counsel of the privacy committee, said yesterday it is "premature" to consider such a plan. It is not clear that a nationwide computer information system is necessary, he said. He also questioned whether a federal interest in operating such a program is "appropriate."