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Kelley, Ervin Split on Crime Data Control

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FBI Director Clarence M. Kelley and Sen. Sam J. Ervin Jr. (D-N.C.) disagreed yesterday over who should control the collection and dissemination of crime records.

Kelley, testifying before Ervin's Subcommittee on Constitutional Rights, said that in the interest of law enforcement, "we have to have centralized control." He thus backed a Justice Department bill that would give policy-making authority over crime data to the Attorney General.

Ervin said he favored the provision in his own bill that would create a federal-state board to make policy. The senator quoted the 17th century English philosopher, Thomas Hobbes, who said, "Freedom is political power divided into small fragments."

He added, "I cannot accept the idea that all gathering of criminal information data should be concentrated in our individual."

Kelley argued that computerized criminal histories can best be handled in the FBI's National Crime Information Center here.

He strongly opposed the idea that the center should contain only an index to records of persons who commit crimes in several states and that its power should be limited to directing inquiries to the states where full criminal history records would be on file.

"Unless a single operating agency is given management control and sufficient funding, I would recommend that any FBI participation be terminated," Kelley said. He explained that such centralized management is the best way to achieve "reliability and accountability."

Ervin termed Kelley's comment "a strong statement." Then, in a polite riposte, he

said, "For one man to have control of crime data might be more efficient. But this country wasn't based on the idea of efficiency so much. It was based on the idea that power be diffused. Despite my high respect for you, I can't buy your arguments."

Later, Kelley said he could live with the idea of appointing public members to a board setting policy for the operation of a criminal information system, but he added: "Let us have enough on the board who are police oriented."

Kelley and two FBI colleagues, Assistant Directors Wason Campbell and Fletcher Thompson, argued against an Ervin proposal to forbid dissemination of arrest records that are a year old and have no dispositions.

Ervin asked if the proposal would not be an effective way to force states to include dispositions. "I couldn't disagree with the effectiveness, but it could be quite traumatic," Campbell replied, arguing that police need arrest data, even if incomplete, for investigations.

Campbell also defended the FBI's proposal to take control of day-to-day message exchange among police departments across the country—a system now run by the National Law Enforcement Telecommunications System.

Campbell said the FBI only wants "to provide service to the law enforcement community at the lowest possible cost to the taxpayer."

Sen. Roman L. Hruska (R-Neb.) commented, "They [state and local police] are organized and they're doing pretty well now."

Earlier, former Attorney General Elliot L. Richardson urged that the circulation of arrest records in automated systems be banned.