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Hoover Sues to Retain Records Of Those Cleared After Arrest

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WASHINGTON, Nov. 25 - remove the lest case from the J Edgar Hoover, director of jurisdiction of Judge Harry T. the Federal Bureau of Investi Alexander of General Sessions gation, brought a court action Court, who had issued what today to maintain the F.B.I.'s is believed to be the first court authority to keep and circulate order limiting the F.B.I.'s use arrest records of persons who of its arrest files. were not: convicted following The arrest record at issue

their arrests. concerns Roland Penney, a 20-Mr. Hoover's action was a year-old part-time motel em surprise move in a case in Gen-ploye, who was arrested Oct. eral Sessions Court in Washing-31 and charged with assaulting ton that has developed into a a policeman. When the case test of the authority of courts came before Judge Alexander to make the F.B.I. destroy arrest for a preliminary hearing on records that have been sent to Nov. 10, the prosecutor conthem by local police depart-ceded that the arrest was a misments. take and dropped the charges.

The United States Attorney's Mr. Penney's lawyer, from office here, acting in Mr. the Public Defender's office, Hoover's name, filed a petition in Federal District Court to Continued on Page 48, Column 5

udiced in his efforts to get a day's action by Mr. Hoover, the

When it was pointed out that the case. copies had already been forwarded to the F.B.I., Judge Alexander ordered the F.B.I. not to communicate the arrest information to anyone until he could hold a further hearing and decide whether to make the F.B.I. destroy the records. The success of Mr. Hoover's efforts to transfer the case could have an important impact upon the effectiveness of a new type of statute that has recently been adopted by several states

been adopted by several states to protect persons from un-deserved arrest records. New York is among the states that have adopted the law, which gives judges the power to make the local police departments de-stroy such records. However, local police forces often routinely send copies of such arrest records and finger-prints to the Federal Bureau of Investigation. Earlier this year, Attorney General John N. Mit-chell issued an order reaffirm-ing the F.B.I.'s authority to exchange such information with other agencies, including bankother agencies, including bank-ing institutions and insurance companies.

The removal procedure employed today by Mr. Hoover is one that is frequently used by Federal officials who have been sued in state courts and who want the case transferred to the more congenial Federal courts. The same procedure might be used if state judges attempt to use their new laws to force the F.B.I., as well as local police forces, to erase

Continued From Page I, Col. 7 asked Judge Alexander to ex-punge the arrest record so that Mr. Penney would not be prej-udiced in his efforts to ext. job. The judge ordered the Dis-trict of Columbia Police Depart-ment to destroy the arrest rec-ord, fingerprints and mug shots. Alexander may proceed with When it was pointed out that the case