The FBI: What Role?

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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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 "distrubance call" in a particular nieghborhood 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 Databanks," 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 policemen" and "persons known to be involved in shoplifting cases."

Some of the computer prinotuts 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."

KELLY, From A1

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."

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 Lenaxa, Kan., which was brought into ALERT in a metropolitan regional expansion—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 suburd.

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 fiiles.

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.