

Attacks Ervin Measure

Saxbe Defends Crime Data Bill

By Susanna McBee
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Attorney General William B. Saxbe yesterday defended the Justice Department's proposed bill to regulate the use of criminal information and attacked two key provisions of a more restrictive bill introduced by Sen. Sam J. Ervin Jr. (D-N.C.).

In testimony before a House judiciary subcommittee, Saxbe also confirmed newspaper reports that the FBI has objections to the department's bill. FBI Director Clarence M. Kelley is to outline the bureau's concerns when he testifies Thursday before the Civil Rights Subcommittee.

Saxbe objected to the Ervin bill's provisions that would set up a federal-state board to make policy for running crime-data banks and would allow states to expunge old criminal records. He also criticized a bill introduced by Rep. Don Edwards (D-Calif.) that would require states to expunge such files.

"From the standpoint of ad-

ministrative efficiency, there must be one individual directly responsible for the issuance of detailed and technical regulations," the Attorney General said, adding that he already has this authority.

In opposing the purging of old crime records, Saxbe said, "I believe that such a provision goes beyond what is required. There may be times when a record would need to be reopened, as for example when a convicted person seeks collateral review of his conviction. To foreclose the possibility by destroying all traces that an individual ever had a record would seem unwise."

He noted that the department's bill requires sealing old files seven years after a person's release from prison or probation in felony cases and five years after release from custody in misdemeanor cases. Sealed records would be closed and unavailable to anyone either inside or outside the police, court or corrections systems.

The sealing provision is known to be opposed by the

FBI, whose top officials feel it would hinder police investigations and hamper the suitability checks made by the FBI on high government officials.

Saxbe told the subcommittee that sealing could pose difficult problems, and suggested that Congress might want to include a requirement that no criminal record could be sealed before the suspect is 30.

"Criminal careers as a rule last five to seven years," he said, "and the risk of a man being involved in further crime decreases rapidly after age 30."

Asked if President Nixon can gain access to Justice Department criminal files, Saxbe replied that he would consider any White House request in light of whether there was "a need to know," but said he thinks the files should be "jealously guarded." Saxbe also conceded that FBI Director Kelley could give FBI files to Mr. Nixon without consulting Saxbe, but he said he would expect Kelley to refer any presidential request for information to him.