

# FBI Interest Files' Misused, Tunney Charges

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Sen. John V. Tunney (D-Calif.) charged yesterday that the FBI has used its computers to keep track of certain individuals in whom the bureau was interested.

Saying he received the information from an "unimpeachable source," Tunney said the computers were used on an experimental basis for intelligence gathering involving persons who interested the bureau for a variety of reasons, "including possibly political reasons."

The experiment with the National Crime Information Center (NCIC) may have begun in the early 1970s, a source said. Tunney asserted during a hearing of the Senate Judiciary Subcommittee on Constitutional Rights that the experiment was cut off in March, 1974, because of the Watergate scandals and an imminent hearing on a bill to regulate the disclosure of criminal justice information.

Tunney made the charge after hearing testimony by Deputy Attorney General Harold R. Tyler Jr. on a similar bill.

Tunney asked Tyler a series of questions about the FBI's use of a "flagging" system, which would show for example, that a person was wanted for committing a crime when a local police officer made a routine computer request of the FBI for information on that person.



SEN. JOHN V. TUNNEY  
... cites computer



HAROLD R. TYLER JR.  
... to report back

about the experiment and could not answer the questions. He said he would look into the matter and report back to the subcommittee.

Asked for a reaction to the allegation, an FBI spokesman said the bureau had not received an inquiry from Tyler

and would respond directly to him if it receives one.

A source familiar with government intelligence operations said the FBI uses flags in an "FBI interest file" filled with information about people the FBI has an interest in, not all of whom are criminals.

The FBI has acknowledged that it has files on members of Congress and radical groups, but it has not been understood that the FBI had the computer capacity to monitor the movement of persons listed in the files through the use of flags.

The intelligence source said the experimental system worked this way:

If a local law enforcement official stopped a car for a minor traffic violation, the officer would ask the FBI through the NCIC if the car was stolen or if the person was wanted for a crime. The NCIC has information about items such as stolen securities and cars, wanted persons and criminal histories, according to the FBI.

The officer might receive an answer that the person was not in FBI wanted files, but the information sent in about the person could trigger a "flag" in the "interest file" registering the fact that a person with those characteristics had been stopped.

fit a person on file, the FBI would know his or her whereabouts and could monitor his or her activity.

The "flagging" capacity being sought in the FBI's controversial proposal to increase computerization of NCIC criminal histories. The plan also would send back to the states 70 per cent of the files now in Washington and allow the FBI to monitor information passed between states through an FBI computer.

Critics of the plan say it would increase FBI power while the Justice Department says it would increase states' control over the files.

The legislation before the committee concerns the NCIC proposal as it affects privacy questions. The Privacy Act enacted last year exempts some information from many of its provisions.

Tyler and Tunney agreed that further meetings between the subcommittee staff and the Justice Department should be held to iron out differences over the bill.

In his questions, Tunney sought to determine whether the FBI used the flag system for purposes other than regular law enforcement, for example, to locate "certain persons the [bureau] had an interest in."

Tyler said he knew nothing