

F.B.I.'S DATA PLAN SCORED BY AGENCY

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Justice Unit Says Expanded Computer System Might Bring Control of Police NYTimes

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WASHINGTON, June 3—An agency within the Justice Department has denounced a plan by the Federal Bureau of Investigation for expanded computerized communications and recordkeeping on the ground that such a system might lead to Federal control of the police.

The blunt criticism of the F.B.I. by a sister agency in the Justice Department was made in a 19-page report of the Law Enforcement Assistance Administration, made available to The New York Times today. It echoed similar complaints from the White House Office of Telecommunications Policy, the Domestic Council's Committee on privacy, and the chairmen of both the House and Senate Constitutional Rights subcommittees.

Despite the wide opposition, the F.B.I. reportedly is still aggressively seeking approval of its plan. At least one White House official has registered a complaint about a recent Justice Department action that he said appeared to push the bureau closer to its goal.

In a second development, the General Accounting Office has recommended that the Agriculture Department be prohibited from going ahead with its \$398-million, eight-year plan to develop a computer information system because the G.A.O. said it did not guard the privacy of millions of farmers and department employees whose names

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are contained in the agency's files.

In a third action, Deputy Defense Secretary David O. Cooke told a House Government Operations subcommittee today that dossiers the Army compiled on Vietnam war protesters and other dissidents might still exist in Federal intelligence agencies that exchanged information with the Defense Department.

Mr. Cooke said the Army files, originally compiled in the late nineteen-sixties, either had been destroyed or awaited orders for destruction but that he was "relatively certain" the information had been exchanged with other agencies such as the F.B.I., the Central Intelligence Agency and the National Security Agency.

A copy of the report criticizing the F.B.I.'s plans to broaden its criminal justice information system—and the bureau's long response—were made available to Representative John E. Moss after the California Democrat had made repeated demands for them over the last four and a half months.

The Law Enforcement Administration report said the present National Crime Information Center of the F.B.I. raised many serious questions when combined with the proposal to permit the bureau to enlarge its capability with a technical improvement known

as "autodated message switching."

The report said the proposal raised concerns over "(a) the development of the 'Big Brother' system; (b) reduced state input and control over security, confidentiality and use of state originated data and (c) increased dangers resulting from use of nonupdated, and hence inaccurate, centrally maintained "rap sheets."

The report said, "It is critical to recognize that decisions in these areas raise basic questions re: Federal/state relations and the concept of federalism."

It added that "in this connection it is significant to note that the importance of preserving state and local control over

law enforcement responsibility has been specifically recognized within the executive branch by Presidents Johnson, Nixon and Ford."

Late last year, in a letter to William B. Saxbe, then the Attorney General, the acting director of the White House Office of Telecommunications Policy said he feared the F.B.I. expansion "could result in the absorption of state and local criminal data system into a potentially abusive, centralized, federally controlled communications and computer information system."

The specific subject of concern is an F.B.I. proposal to acquire equipment that would automatically switch local mes-

sages through the bureau's existing information center. The center now provides law enforcement agencies in one part of the country with such information as charges filed and dates when an individual was arrested in another part of the country.

Critics contend that if the center is given the ability to switch messages automatically it will mean the demise of a long existing arrangement under the control of the 50 states known as the National Law Enforcement Telecommunications System.

Representative Moss said that should the Justice Department give the F.B.I. the message switching equipment it "could

be used to monitor the regular operations of state and local law enforcement authorities, allowing Federal authorities to exert pressure on these agencies."

"Any agency controlling a message switching capacity," he added, "could also engage in surreptitious intelligence gathering. No system capable of central monitoring of state or local operations should be authorized until adequate safeguards are established, and this has not been the case up to now."

The 37-page F.B.I. response to the report said that the criticism suggested "that security and privacy considerations are not of primary con-

cern to the F.B.I. in its development of the computerized criminal history program." "The F.B.I. has long recognized the sensitivity of the computerized criminal history data and the sanctity of the privacy of the individual," it asserted.

On May 16, the head of the White House Office of Telecommunications Policy, Mr. Eger, criticized the Justice Department for publishing in the Federal Register proposed regulations that said the F.B.I. "shall operate" the National Crime Information Center "and any message switching which is authorized by law or regulation."

In a letter to Harold R. Tyler Jr., the Deputy Attorney Gen-

eral, Mr. Eger said he was "dismayed" by the order in the Federal Register.

"I believe that it is premature and inappropriate for the Department of Justice to appear to have disposed unilaterally of these issues by promulgation of the regulations in their present form," he said.

Spokesmen for both the Justice Department and the F.B.I. insisted the language in the proposed regulation merely approved message switching if and when it was authorized.

Concerning the proposed Agriculture Department computer, the General Accounting Office accused the department of moving ahead on the \$398-million project without deter-

mining if it was needed, how much money it would save and whether information stored in the computer would be kept on a confidential basis.

The G.A.O., the investigating agency of Congress, said none of these determinations had been made by the department although they were required by Government regulations.

The G.A.O. recommended that the project be canceled.