

(See this file 8 Sep 71.)

# Study Criticizes F.B.I. Crime Statistics

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WASHINGTON, Dec. 10—A study submitted to the President today by the Commission on Federal Statistics urged that responsibility for gathering and issuing data on crime be transferred from the Federal Bureau of Investigation to an independent agency.

The study was one of several submitted to President Nixon along with the official recommendations of the commission in a scholarly, two-volume analysis of Federal statistics-gathering.

The commission took no formal position on the suggestion, but the study's author, Hans Zeisel, professor of law at the University of Chicago, concluded that "the temptation to use the statistics they collect for purposes of arguing the law enforcement positions they hold has proved too strong for the F.B.I."

The F.B.I.'s spokesman, Thomas E. Bishop, who is also the assistant director in charge of crime records, took unusually sharp exception to the Zeisel study.

## 'One Man's Opinion'

"This is one man's opinion," Mr. Bishop said. "These are not F.B.I. statistics. These are police department statistics."

The controversy over the law enforcement section of the commission report, coming at a time when there are reports that Mr. Nixon will seek the retirement of J. Edgar Hoover, the 76-year-old director of the F.B.I., overshadowed other potentially controversial findings in the 822-page report.

One study paper charged that drug surveillance activities of the Food and Drug Administration—including the gathering of reports on adverse reactions of individuals to drugs—were "very weak." The study also warned that the Bureau of Drugs could not meet its legal responsibility to monitor new drug applications because of a shortage of expert statisticians on its staff.

## No White House Comment

The commission chairman, W. Allen Wallis, chancellor of the University of Rochester, said in a cover letter to the President that the basic findings were that Federal statistical agencies—such as the Bureau of the Census—"generally perform creditably" but that most Government statistics are collected by operating agencies and "these statistics generally are poor."

The White House had no



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immediate comment on the report. Ronald L. Ziegler, the White House press secretary, said that Mr. Nixon had only received it today and would have to take the report "under consideration."

In a study of "bureaucratic pathology," the report stated that Federal bureaucrats typically adopted a posture of "autonomy seeking, obfuscation and suspicion." The study said that "fabrication of data is widespread" and a consequence of efforts by bureaucrats, "on a day-to-day basis, to counter the penetration of a bureau's affairs by 'outsiders.'"

In a section on the potential invasion of individuals' privacy by government, the report charged that names of applicants for Federal program assistance had occasionally "been sold for use in mailing lists." The report did not name the offending agencies.

It also described as a "dangerous condition" the lack of legal safeguards to protect the interests of individuals who provide data to the Government. Different agencies use differing definitions of the term "confidential" and nearly all regulatory and administrative agencies that pledge to keep data in confidence "do not have the necessary legal authority to uphold such a promise against a number of possible challenges," the report said.

## Need for Public Support

The report said that there were few instances of breach of confidence by the Government, but added that "particularly now, when people's fears are aroused by rapid changes in society, it is important to take steps to bolster

public support" of Federal statistical programs.

Accordingly, the commission recommended that the Office of Management and Budget be directed to audit statistical activities of all Government agencies and make the findings public "at appropriate intervals."

To bolster confidence in the Government's own watchdog effort, the commission called for creation of a committee of experts from the National Academy of Sciences to conduct regular outside reviews and for the appointment of an independent citizens' advisory board to monitor the protection of individual privacy.

Daniel B. Rathbun, executive director of the commission staff, said that the section dealing with the F.B.I. represented 74 percent of the problems symptomatic of the Government's approach to statistics.

## Need for Exposure Cited

He said that "ventilation, exposure, is the key" to halting the bureaucratic tendency to "present things to the public in the most favorable light."

Mr. Zeisel cited past criticisms of the F.B.I. crime bulletins on technical grounds and said that "the criticized procedures have a common denominator: They tend to increase the reported volume of crime and the F.B.I., for reasons they know best, seems to believe that the nation is best served by this emphasis."

Although the Zeisel study said that the bureau may have a duty to "fight for its convictions," it added that "such partisan spirit is not compatible with the impartiality and objectivity required of an agency responsible for a most crucial part of our statistical system, involving the measurement of our national health."

Mr. Bishop, defending the bureau, countered that its reports on crime statistics were presented "just as received from police departments, with no emphasis and no interpretation." He said he could not understand "what Law Professor Hans Zeisel's qualifications as a statistician consist of."

A footnote to the Zeisel study cited a report in The New York Times in September that Attorney General John N. Mitchell's office had been rewriting the bureau's interpretations of crime statistics to make it appear that rising crime under Democratic Administrations was now tapering off.

Mr. Hoover, who controlled the crime analyses over four decades, had frequently been accused of presenting the figures in such a way as to emphasize crime increases to help justify larger F.B.I. budgets.