

Maryland Police Put Activists' Names On Terror Lists

Surveillance's Reach Revealed

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By Lisa Rein Washington Post Staff Writer Wednesday, October 8, 2008; A01

The Maryland State Police classified 53 nonviolent activists as terrorists and entered their names and personal information into state and federal databases that track terrorism suspects, the state police chief acknowledged yesterday.

Police Superintendent Terrence B. Sheridan revealed at a legislative hearing that the surveillance operation, which targeted opponents of the death penalty and the Iraq war, was far more extensive than was known when its existence was disclosed in July.

The department started sending letters of notification Saturday to the activists, inviting them to review their files before they are purged from the databases, Sheridan said.

"The names don't belong in there," he told the Senate Judicial Proceedings Committee. "It's as simple as that."

The surveillance took place over 14 months in 2005 and 2006, under the administration of former governor Robert L. Ehrlich Jr. (R). The former state police superintendent who authorized the operation, Thomas E. Hutchins, defended the program in testimony yesterday. Hutchins said the program was a bulwark against potential violence and called the activists "fringe people."

Sheridan said protest groups were also entered as terrorist organizations in the databases, but his staff has not identified which ones.

Stunned senators pressed Sheridan to apologize to the activists for the spying, assailed in an independent review last week as "overreaching" by law enforcement officials who were oblivious to their violation of the activists' rights of free expression and association. The letter, obtained by The Washington Post, does not apologize but admits that the state police have "no evidence whatsoever of any involvement in violent crime" by those classified as terrorists.

Hutchins told the committee it was not accurate to describe the program as spying. "I doubt anyone who has used that term has ever met a spy," he told the committee.

"What John Walker did is spying," Hutchins said, referring to John Walker Jr., a communications specialist for the U.S. Navy convicted of selling secrets to the Soviet Union. Hutchins said the intelligence agents, whose logs were obtained by the American Civil

Liberties Union of Maryland as part of a lawsuit, were monitoring “open public meetings.” His officers sought a “situational awareness” of the potential for disruption as death penalty opponents prepared to protest the executions of two men on death row, Hutchins said.

“I don’t believe the First Amendment is any guarantee to those who wish to disrupt the government,” he said. Hutchins said he did not notify Ehrlich about the surveillance. Ehrlich spokesman Henry Fawell said the governor had no comment.

Hutchins did not name the commander in the Division of Homeland Security and Intelligence who informed him in March 2005 that the surveillance had begun. More than a year later, after “they said, ‘We’re not getting much here,’ ” Hutchins said he cut off what he called a “low-level operation.”

But Sen. James Brochin (D-Baltimore County) noted that undercover troopers used aliases to infiltrate organizational meetings, rallies and group e-mail lists. He called the spying a “deliberate infiltration to find out every piece of information necessary” on groups such as the Maryland Campaign to End the Death Penalty and the Baltimore Pledge of Resistance. When Hutchins called their members “fringe people,” the audience of activists who filled the seats in the hearing room in Annapolis sighed.

Some activists said yesterday that they have received letters; others said they were waiting with anticipation to see whether they were on the state police watch list.

Laura Lising of Catonsville, a member of the Baltimore Coalition Against the Death Penalty, received her notification yesterday. She said she wants a hard copy of her file, because she does not trust the police to purge it. “We need as much protection as possible,” she said.

Both Hutchins and Sheridan said the activists’ names were entered into the state police database as terrorists partly because the software offered limited options for classifying entries.

The police also entered the activists’ names into the federal Washington-Baltimore High Intensity Drug Trafficking Area database, which tracks suspected terrorists. One well-known antiwar activist from Baltimore, Max Obuszewski, was singled out in the intelligence logs released by the ACLU, which described a “primary crime” of “terrorism-anti-government” and a “secondary crime” of “terrorism-anti-war protesters.”

Sheridan said that he did not think the names were circulated to other agencies in the federal system and that they are not on the federal government’s terrorist watch list. Hutchins said some names might have been shared with the National Security Agency.

Although the independent report on the surveillance released last week said that it was part of a broad effort by the state police to gather information on protest groups across the state, Sheridan said the department is not aware of any surveillance as “intrusive” as the spying on death penalty and war opponents.

The police notified the protesters at the recommendation of former U.S. attorney and state attorney general Stephen H. Sachs, who was appointed by Gov. Martin O’Malley (D) to review the covert monitoring. In a report last week, Sachs also recommended regulations that forbid such spying on protest groups unless the state police chief believes it is justified.

“I can’t imagine getting a letter that says, ‘You’ve been classified as a terrorist; come in and

we'll tell about it,'" said Sen. Bryan W. Simonaire (R-Anne Arundel). Two senators noted that they had been arrested years ago for civil disobedience. Sen. Jennie Forehand (D-Montgomery) asked Sheridan, "Do you have any legislators on your list?" The answer was no.

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