



Maryland Activists Classified As Terrorists By State Police

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The Maryland State Police placed over 50 anti-death penalty and anti-war activists under covert surveillance as suspect terrorists, and many are now asking why.

At an October 7th special hearing of the Senate Judicial Proceedings Committee, Maryland State Police (MSP) Superintendent Terrence B. Sheridan admitted that state police spied on [fifty-three activists](#) and entered their information into a criminal database for fourteen months between March 2005 and May 2006.

A few days before the MSP made their announcement to the Senate Committee, the activists received a letter from MSP about its surveillance activities.

The [October 3rd letter](#) stated that the activists had been "suspected of involvement in terrorism," even though MSP "had no evidence whatsoever of [the activists groups'] involvement in violent crime." It also said that the activists would be given the opportunity to review "relevant entries" in their files before MSP "purges" their records.

The MSP revelation and subsequent Senate special hearing appears to have been prompted by the American Civil Liberties Union of Maryland (ACLU-MD). ACLU-MD obtained the surveillance documents as part of their 2008 Maryland Public Information Act lawsuit against the MSP. The documents detailed the MSP's intelligence gathering on local activists and the assigning of labels to the activists. Activists such as the Baltimore Coalition Against the Death Penalty and Maryland United for Peace and Justice were labeled as "security threat groups" and "terrorism - anti-war protesters."

The surveillance of the anti-death penalty and anti-war activists was done by state troopers who were then members of the Maryland Homeland Security and Intelligence Division and at the behest of their division commanders.

The [Review of Maryland State Police Covert Surveillance of Anti-Death Penalty and Anti-War Groups From March 2005 to May 2006](#), a report authorized by Maryland Governor Martin O'Malley and completed by former Maryland Attorney General Stephen H. Sachs, described the state police's covert activities. The surveillance involved the troopers' use of false identities while attending "more than two dozen protests and meetings" in order to "build trust with the subjects." The troopers were also required to report on what they observed and heard at the meetings about the "subject's views and their plans to express those views publicly."

ACLU-MD claims that over forty-three pages of summaries and computer logs were gathered on activist's meetings - "none of which refer to criminal or even potentially criminal acts."

The report also stated that the monitoring of the anti-death penalty and anti-war groups was not "predicated on any information indicating that [these] individuals or groups had committed or planned any criminal misconduct." It concluded that MSP surveillance revealed "no evidence of proposed criminal conduct or of unlawful activity of any kind" and that those under surveillance "repeatedly stated intentions to not violate the law during planned protests."

How the Maryland activists ended up being classified as terrorists is a circuitous route through homeland security bureaucracy.

The covert surveillance began in 2005 with MSP's inquiry into anti-death penalty group protests and public safety issues surrounding several scheduled executions at that time. MSP's concern over potential protest activities led to an undercover state trooper's first of several attendances at 2005 anti-death penalty events. In 2006, state troopers began surveillance on anti-war groups as part of their ongoing monitoring of public safety.

The MSP gathered the information on the activist groups and classified them as terrorists. The information and terrorist description was then added to the MSP Case Explorer database as well as the Washington-Baltimore High Intensity Drug Trafficking Area (HIDTA) program database.

HIDTA is a federally-funded database used by federal, state and local law enforcement agencies to share intelligence information. Federal regulations dictated by the Criminal Intelligence System Operation code state that "only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity" should law enforcement make use of HIDTA.

The MSP, according to the Review of Maryland State Police Report, did not consider "whether it was appropriate to transmit information about peaceful protest groups to a federally-funded criminal intelligence database" which led to the Maryland activists being identified as suspected terrorists.

ACLU-MD Executive Director Susan Goering said MSP's surveillance program against non-violent activists was "un-American" and "similar to those abandoned in the 1970s with the end of FBI Director J. Edgar Hoover." She fears that the released files so far "may be only the tip of the proverbial iceberg."

The ACLU is also protesting the limits that MSP is placing on the activists' ability to access and review their files. Presently, activists "under suspicion" cannot make copies of their files or bring their attorney with them to review their files.

Barry Kissin, a Frederick attorney who received a letter notifying him that he had been under MSP surveillance asked the poignant question: "Why shouldn't I have copies of my file? It's just silly. These people are supposed to work for us."

David Rocah, an ACLU attorney, said that many of the activists involved are reluctant to go to the MSP's offices unaccompanied and that it could be a hassle for those who live outside the state of Maryland. "It is not up to the MSP to decide whether a person has legal representation, who that attorney will be, and whether that attorney may assist persons in determining their legal rights," Rocah added.

MSP Spokesperson Greg Shipley reiterated that the activists will not be questioned and that an attorney is not needed to review the files. Shipley said that once the activists see the information it will then be "purged and no longer exist."

ACLU-MD has asked O'Malley for a meeting with administration staff and representatives from the state police to discuss the concerns "and other issues related to the full accounting of the MSP's activities." O'Malley's office has not responded to the request and referred questions to the state police.

Last month ACLU-MD drafted [proposed legislation](#) to prevent spying on protected first amendment activities. The organization also plans to file additional requests under the Maryland Public Information Act to "to assess other activities and targets of the MSP's Homeland Security and Intelligence Division."

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